

# FACT SHEET

## *Criminal Code Amendment (Bullying) Bill 2019*

The Criminal Code Amendment (Bullying) Bill 2019 makes amendments to the *Criminal Code Act 1924*, *Community Protection (Offender Reporting) Act 2005*, *Family Violence Act 2004* and the *Justices Act 1959*.

This Bill implements the Government's commitment to amend the *Criminal Code* to make serious cyberbullying a criminal offence.

The Bill amends s192 of the *Criminal Code* to:

- Expand the fault elements to include:
  - an intention to cause another person extreme humiliation;
  - an intention to cause another person to self-harm.
- Expand the list of actions capable of constituting a 'course of conduct' to include:
  - making threats to the other person or a third person;
  - directing abusive or offensive acts towards the other person or a third person;
  - acting in another way that could reasonably be expected to cause the other person physical or mental harm, including self-harm, or extreme humiliation.
- Change the charge in subsection (1) to 'stalking and bullying'.
- Provide that a reference to mental harm in the section includes a reference to suicidal thoughts.
- Provide that the consent of the Director of Public Prosecutions is required to commence a prosecution for the offence of 'stalking and bullying'.
- Specify that the amendments made to s192 of the *Criminal Code* by s7 of the *Criminal Code Amendment (Bullying) Act 2019* apply only to offences alleged to have been committed on or after the commencement of s7 of that Act.
- Provide that Appendix A 'Crimes for which Offender may be Arrested without Warrant' reflect the changes to the offence in s192(1).

The Bill amends Part 1 of Schedule 3 of the *Justices Act 1959* to remove reference to the crime of stalking (s192). This Bill also makes consequential amendments to the *Family Violence Act 2004* and the *Community Protection (Offender Reporting) Act 2005* to align the references to s192 in these Acts with the *Criminal Code*.