

TASMANIA

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**CRIMINAL CODE AMENDMENT (BULLYING)  
BILL 2019**

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**CRIMINAL CODE AMENDMENT (BULLYING)  
BILL 2019**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*  
6 August 2019

*(Brought in by the Minister for Justice, the Honourable Elise  
Nicole Archer)*

**A BILL FOR**

**An Act to amend the *Criminal Code Act 1924*, the  
*Community Protection (Offender Reporting) Act 2005*, the  
*Family Violence Act 2004* and the *Justices Act 1959***

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Criminal Code  
Amendment (Bullying) Act 2019*.

**2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

s. 3

Part 2 – Criminal Code Act 1924 Amended

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**PART 2 – CRIMINAL CODE ACT 1924 AMENDED**

**3. Principal Act**

In this Part, the *Criminal Code Act 1924*\* is referred to as the Principal Act.

**4. Schedule 1 amended (*Criminal Code*)**

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting in the heading to Chapter XX of Part V “*and Bullying*” after “*Stalking*”;
- (b) by omitting from section 192(1) “harm” and substituting “harm, including self-harm, or extreme humiliation”;
- (c) by inserting the following paragraphs after paragraph (e) in section 192(1):
  - (ea) making threats to the other person or a third person;
  - (eb) directing abusive or offensive acts towards the other person or a third person;
- (d) by inserting in section 192(1)(j) “physical or mental harm, including self-harm, or extreme humiliation or” after “person”;

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\*No. 69 of 1924

*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

Part 2 – Criminal Code Act 1924 Amended

s. 4

- (e) by omitting the charge from section 192(1) and substituting the following :

Charge: Stalking and bullying.

- (f) by omitting from section 192(3) “harm” first occurring and substituting “harm, including self-harm, or extreme humiliation”;

- (g) by omitting from section 192(3) “harm” second occurring and substituting “harm, including self-harm, or extreme humiliation”;

- (h) by inserting the following subsections after subsection (4) in section 192:

(5) A reference in this section to mental harm includes a reference to suicidal thoughts.

(6) A prosecution under this section must not be commenced without the consent of the Director of Public Prosecutions.

- (i) by inserting the following section after section 461:

**462. Application of *Criminal Code Amendment (Bullying) Act 2019***

(1) The amendments to this Act made by the *Criminal Code Amendment (Bullying) Act 2019* do not apply in relation to an

*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

s. 4

Part 2 – Criminal Code Act 1924 Amended

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offence committed before the day on which the amendments commence.

- (2) For the purposes of subsection (1), if an offence is alleged to have been committed between two dates, one before and one after the commencement of the *Criminal Code Amendment (Bullying) Act 2019*, the offence is alleged to have been committed before that commencement.

- (j) by omitting

Stalking.

from Appendix A and substituting the following item:

Stalking and bullying.

*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

Part 3 – Community Protection (Offender Reporting) Act 2005 Amended

s. 5

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**PART 3 – COMMUNITY PROTECTION (OFFENDER REPORTING) ACT 2005 AMENDED**

**5. Principal Act**

In this Part, the *Community Protection (Offender Reporting) Act 2005\** is referred to as the Principal Act.

**6. Schedule 2 amended (Class 2 offences)**

Schedule 2 to the Principal Act is amended by omitting

Section 192(1)	Stalking
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and substituting:

Section 192(1)	Stalking and bullying
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**7. Schedule 3 amended (Class 3 offences)**

Schedule 3 to the Principal Act is amended by omitting

Section 192(1)	Stalking (if the person against whom the offence is committed is a child)
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and substituting:

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\*No. 61 of 2005

*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

s. 7 Part 3 – Community Protection (Offender Reporting) Act 2005 Amended

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Section 192(1)

Stalking and bullying (if the person against whom the offence is committed is a child)



*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

Part 4 – Family Violence Act 2004 Amended

s. 8

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**PART 4 – FAMILY VIOLENCE ACT 2004 AMENDED**

**8. Principal Act**

In this Part, the *Family Violence Act 2004*\* is referred to as the Principal Act.

**9. Section 7 amended (Family violence)**

Section 7 of the Principal Act is amended by inserting “and bullying” after “stalking” in paragraph (a)(iv) of the definition of *family violence*.

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\*No. 67 of 2004

*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

s. 10

Part 5 – Justices Act 1959 Amended

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**PART 5 – JUSTICES ACT 1959 AMENDED**

**10. Principal Act**

In this Part, the *Justices Act 1959*\* is referred to as the Principal Act.

**11. Schedule 3 amended**

Schedule 3 to the Principal Act is amended by omitting “137, 192” from clause 1 of Part I and substituting “137”.

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\*No. 77 of 1959

*Criminal Code Amendment (Bullying) Act 2019*  
*Act No. of 2019*

Part 6 – Repeal of Act

**s. 12**

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**PART 6 – REPEAL OF ACT**

**12. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.