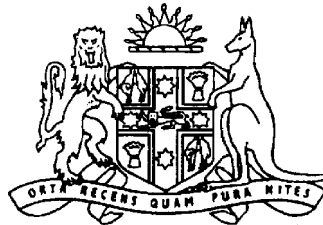


Passed by both Houses



New South Wales

Crimes Amendment (School Protection) Bill 2002

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2002*



New South Wales

Crimes Amendment (School Protection) Bill 2002

Act No , 2002

An Act to amend the *Crimes Act 1900* with respect to certain offences relating to school premises; and to amend the *Criminal Procedure Act 1986* consequentially.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (School Protection) Act 2002*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Crimes Act 1900 No 40

The *Crimes Act 1900* is amended as set out in Schedule 1.

4 Amendment of Criminal Procedure Act 1986 No 209

The *Criminal Procedure Act 1986* is amended as set out in Schedule 2.

Schedule 1 Amendment of Crimes Act 1900

(Section 3)

Part 3 Offences against the person

Insert after Division 8A:

Division 8B Assaults etc at schools

60D Definitions

(1) In this Division:

member of staff of a school includes a person who performs voluntary work for the school.

school means:

- (a) an infants school, primary school or secondary school (however described), and
- (b) a child care facility for children under school age.

school premises includes parks and other community premises that are used by a school (but only while they are being used for the purposes of the school).

school student includes a child attending a child care facility.

(2) For the purposes of this Division, a school student or member of staff of a school is taken to be attending a school:

- (a) while the student or member of staff is on school premises for the purposes of school work or duty (even if not engaged in school work or duty at the time), or
- (b) while the student or member of staff is on school premises for the purposes of before school or after school child care, or
- (c) while entering or leaving school premises in connection with school work or duty or before school or after school care.

60E Assaults etc at schools

- (1) A person who assaults, stalks, harasses or intimidates any school student or member of staff of a school while the student or member of staff is attending a school, although no actual bodily harm is occasioned, is liable to imprisonment for 5 years.
- (2) A person who assaults a school student or member of staff of a school while the student or member of staff is attending a school and by the assault occasions actual bodily harm, is liable to imprisonment for 7 years.
- (3) A person who maliciously by any means:
 - (a) wounds a school student or member of staff of a school, or
 - (b) inflicts grievous bodily harm on a school student or member of staff of a school,while the student or member of staff is attending a school, is liable to imprisonment for 12 years.
- (4) A person who enters school premises with intent to commit an offence under another provision of this section is liable to imprisonment for 5 years.
- (5) Nothing in subsection (1) applies to any reasonable disciplinary action taken by a member of staff of a school against a school student.

Schedule 2 Amendment of Criminal Procedure Act 1986

(Section 4)

[1] Section 28 Maximum penalties for Table 2 offences

Insert “, 60E (1) and (4),” after “60C” in section 28 (2) (a).

[2] Schedule 1 Indictable offences triable summarily

Insert “60E (2),” after “60A (2),” in clause 2 of Part 1 of Table 1.

[3] Schedule 1, Table 2

Insert “, 60E (1) and (4),” after “60C” in clause 1 of Part 1.