



New South Wales

Crimes (Domestic and Personal Violence) Amendment Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Crimes Legislation Amendment Bill 2018*.

Overview of Bill

The objects of this Bill are:

- (a) to make it clear that cyberbullying is a form of intimidation, and
- (b) to provide that stalking may include conduct that involves contacting or otherwise approaching another person using the internet or any other technologically assisted means.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80**

Schedule 1 [1] amends the definition of *intimidation* to make it clear that cyberbullying is a form of intimidation. **Schedule 1 [2]** includes an example of cyberbullying, which may involve the bullying of a person by publication or transmission of offensive material over social media or via email.

Schedule 1 [3] extends the definition of *stalking* to include contacting or otherwise approaching a person using the internet or any other technologically assisted means.

Schedule 1 [4] includes savings and transitional provisions.



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Crimes (Domestic and Personal Violence) Amendment Bill 2018

No. , 2018

A Bill for

An Act to amend the *Crimes (Domestic and Personal Violence) Act 2007* to update the definitions of *intimidation* and *stalking* for the purposes of that Act.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Crimes (Domestic and Personal Violence) Amendment Act 2018*.

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2 Commencement

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This Act commences on 1 December 2018, or on the date of assent to this Act, whichever occurs later.

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Schedule 1	Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80	1
		2
[1] Section 7 Meaning of “intimidation”		3
Insert “(including cyberbullying)” after “conduct” in section 7 (1) (a).		4
[2] Section 7 (1) (a), note		5
Insert after section 7 (1) (a):		6
Note. An example of cyberbullying may be the bullying of a person by publication or transmission of offensive material over social media or via email.		7 8
[3] Section 8 Meaning of “stalking”		9
Omit section 8 (1). Insert instead:		10
(1) In this Act, stalking includes the following:		11
(a) the following of a person about,		12
(b) the watching or frequenting of the vicinity of, or an approach to, a person’s place of residence, business or work or any place that a person frequents for the purposes of any social or leisure activity,		13 14 15
(c) contacting or otherwise approaching a person using the internet or any other technologically assisted means.		16 17
[4] Schedule 1 Savings, transitional and other provisions		18
Insert at the end of the Schedule, with appropriate Part and clause numbering:		19
Part	Provisions consequent on enactment of Crimes (Domestic and Personal Violence) Amendment Act 2018	20 21 22
	Operation of amendments to definitions of “intimidation” and “stalking”	23
(1) An application for an apprehended violence order made but not finally determined before the amendment of sections 7 and 8 by the amending Act is to be dealt with as if those sections had not been amended.		24 25 26
(2) Sections 7 and 8, as amended by the amending Act, extend to the consideration by a court of an application, made after those amendments commence, for the variation or revocation of a final apprehended violence order or interim court order that was in force immediately before the commencement of those amendments.		27 28 29 30 31
(3) In this Part:		32
amending Act means the <i>Crimes (Domestic and Personal Violence) Amendment Act 2018</i> .		33 34