

**CRIMES (THREATS AND STALKING) AMENDMENT ACT
1994 No. 83**

NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Commencement
3. Amendment of Crimes Act 1900 No. 40

SCHEDULE 1—AMENDMENTS

**CRIMES (THREATS AND STALKING) AMENDMENT ACT
1994 No. 83**

NEW SOUTH WALES



Act No. 83, 1994

An Act to amend the Crimes Act 1900 in relation to the offences of sending documents threatening death or bodily harm and stalking.
[Assented to 12 December 1994]

Crimes (Threats and Stalking) Amendment Act 1994 No. 83

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes (Threats and Stalking) Amendment Act 1994.

Commencement

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

Amendment of Crimes Act 1900 No. 40

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

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 1 (**Short title and contents of Act**):

(a) From the matter relating to Part 3, omit "*Letters threatening to murder*", insert instead "*Documents containing threats*".

(b) From the matter relating to Part 15A, omit "ORDERS".

(2) Heading before section 31:

Omit the italicised heading, insert instead "*Documents containing threats*".

(3) Section 31:

Omit the section, insert instead:

Documents containing threats

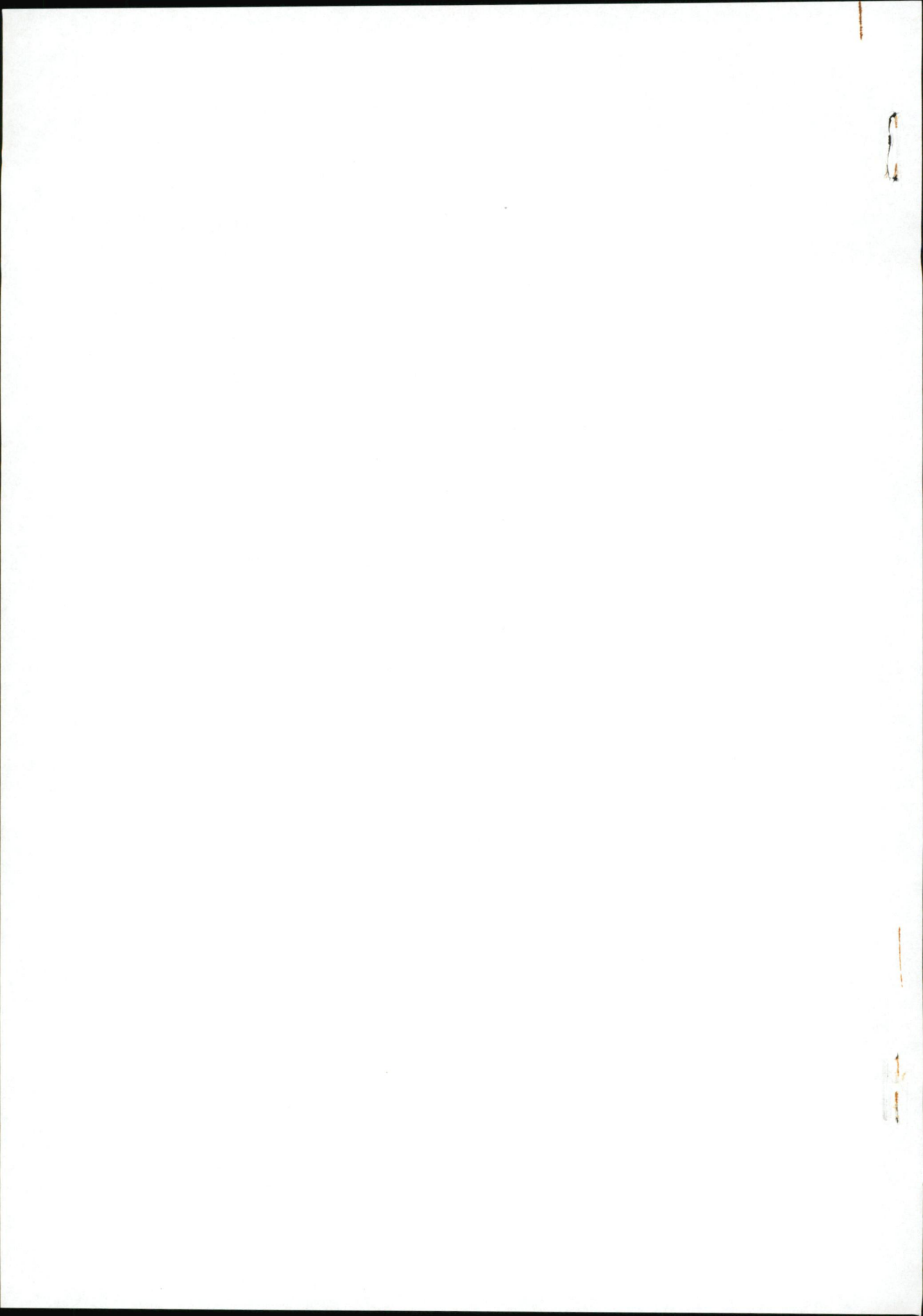
31. (1) A person who maliciously, and knowing its contents, sends or delivers, or directly or indirectly causes to be received, any document threatening to kill or inflict bodily harm on any person is liable to penal servitude for 10 years.

SCHEDULE 1—AMENDMENTS—*continued*

(2) It is immaterial for the purposes of an offence under this section whether or not a document sent or delivered is actually received, and whether or not the threat contained in a document sent, delivered or received is actually communicated to the person concerned or to the recipient or intended recipient of the document (as relevant in the circumstances).

- (4) Part 15A, heading:
Omit “ORDERS”.
- (5) Part 15A, Division 1, heading:
After “Definitions”, insert “and offence”.
- (6) Section 562AB (**Stalking, intimidation with intent to cause fear for personal safety**):
- (a) From section 562AB (1), omit “with whom he or she has a domestic relationship”.
 - (b) From section 562AB (1), omit “2 years”, insert instead “5 years”.

[Minister's second reading speech made in—
Legislative Council on 16 November 1994
Legislative Assembly on 23 November 1994]



FIRST PRINT

**CRIMES (THREATS AND STALKING) AMENDMENT BILL
1994**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Crimes Act 1900, so as:

- (a) to make it an offence to send a document containing a threat to inflict bodily harm on any person (in addition to the offence of threatening death); and
- (b) to extend the offence of stalking beyond situations involving domestic relationships; and
- (c) to increase the maximum term of imprisonment that may be imposed for the offence of stalking from 2 years to 5 years.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by the Governor by proclamation published in the Gazette.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

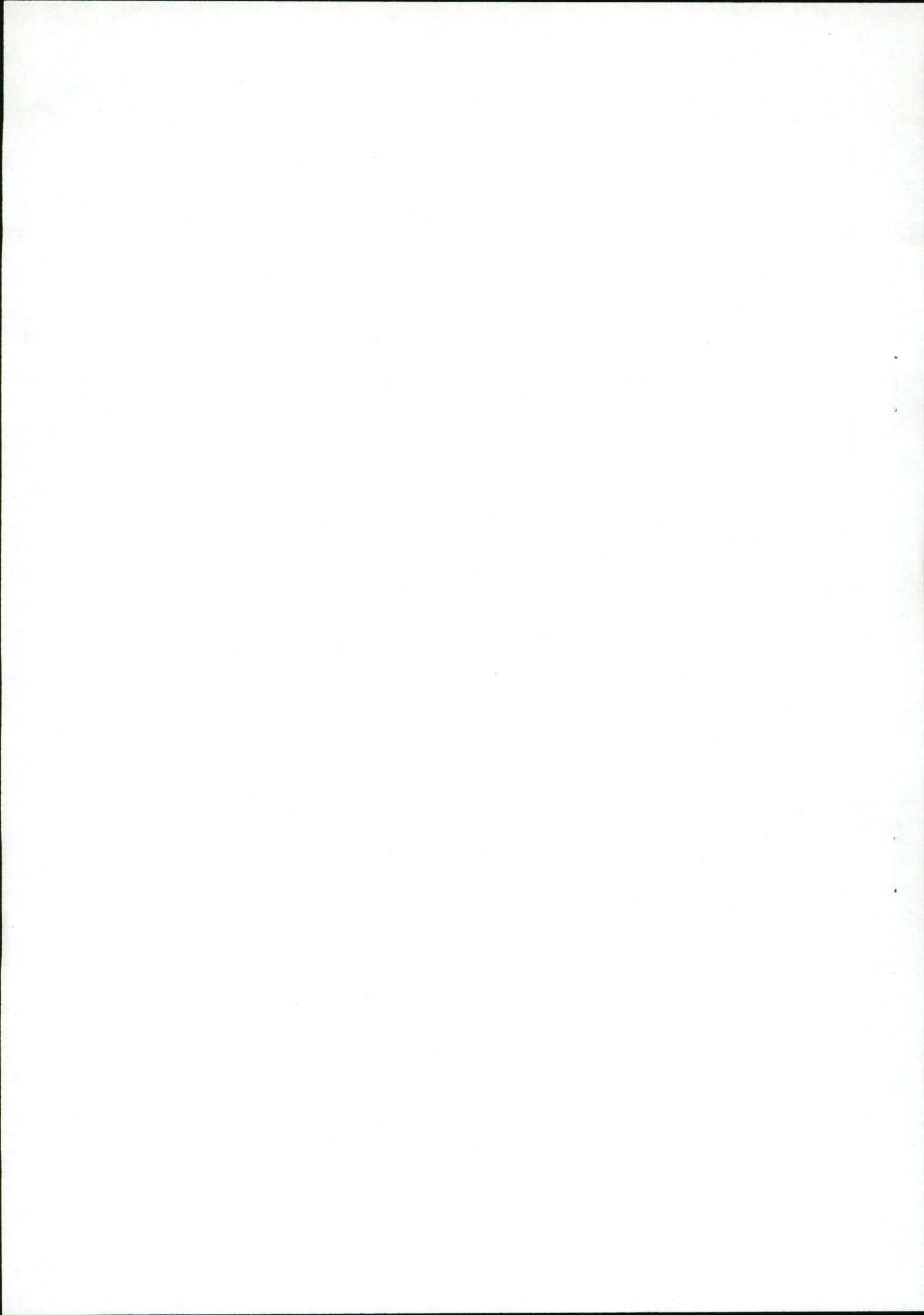
SCHEDULE 1—AMENDMENTS

Schedule 1 (3) makes the amendment described in paragraph (a) above.

Schedule 1 (6) (a) makes the amendment described in paragraph (b) above.

Schedule 1 (6) (b) makes the amendment described in paragraph (c) above.

Schedule 1 (1), (2), (4) and (5) make consequential amendments.



FIRST PRINT

**CRIMES (THREATS AND STALKING) AMENDMENT BILL
1994**

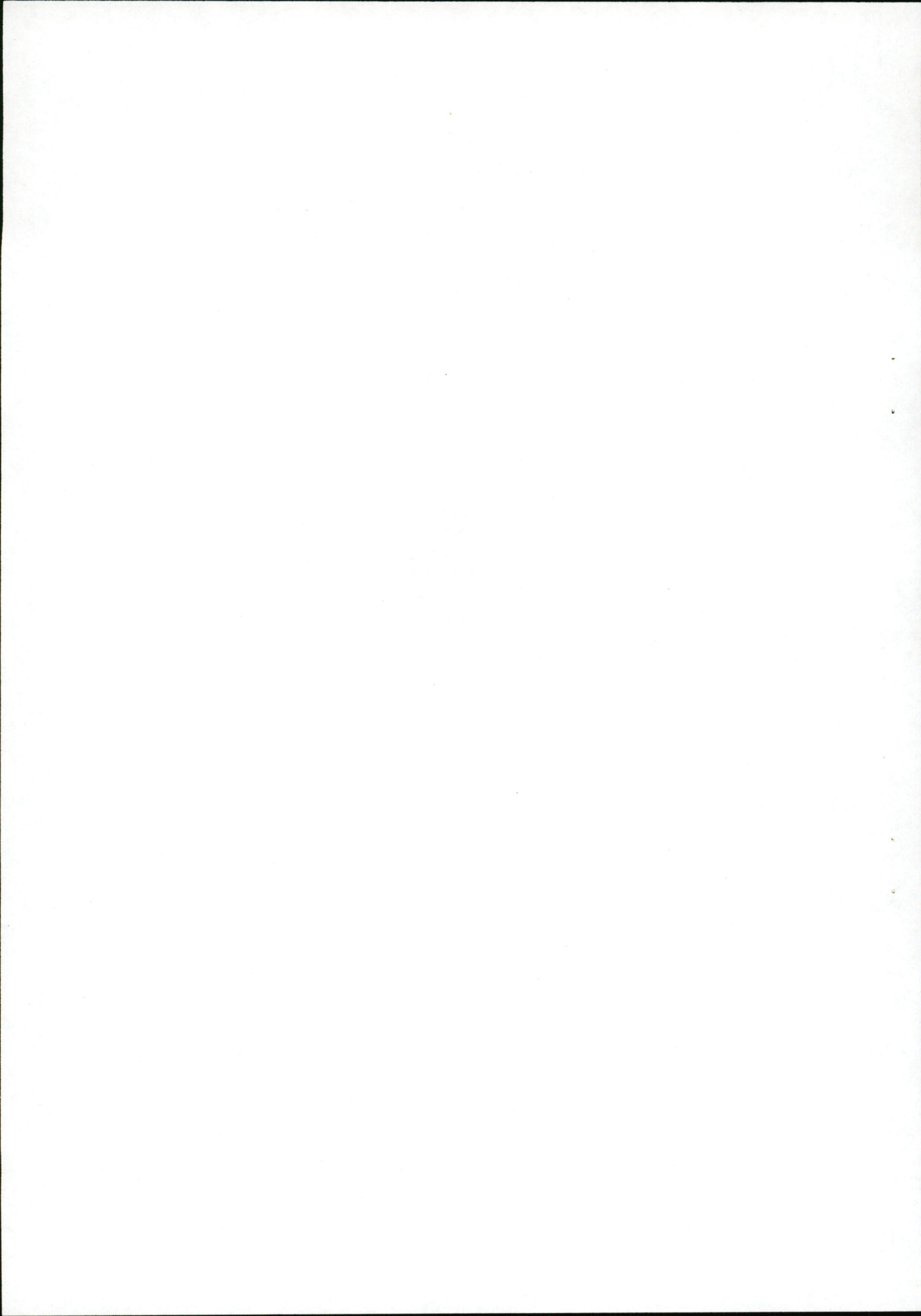
NEW SOUTH WALES



TABLE OF PROVISIONS

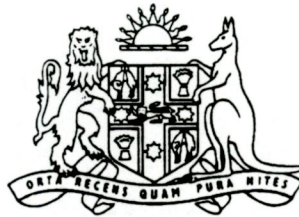
1. Short title
2. Commencement
3. Amendment of Crimes Act 1900 No. 40

SCHEDULE 1—AMENDMENTS



**CRIMES (THREATS AND STALKING) AMENDMENT BILL
1994**

NEW SOUTH WALES



No. , 1994

A BILL FOR

An Act to amend the Crimes Act 1900 in relation to the offences of sending documents threatening death or bodily harm and stalking.

Crimes (Threats and Stalking) Amendment 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes (Threats and Stalking) Amendment Act 1994.

5 **Commencement**

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

Amendment of Crimes Act 1900 No. 40

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

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 1 (**Short title and contents of Act**):

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(a) From the matter relating to Part 3, omit "*Letters threatening to murder*", insert instead "*Documents containing threats*".

(b) From the matter relating to Part 15A, omit "ORDERS".

(2) **Heading before section 31:**

Omit the italicised heading, insert instead "*Documents containing threats*".

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(3) **Section 31:**

Omit the section, insert instead:

Documents containing threats

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31. (1) A person who maliciously, and knowing its contents, sends or delivers, or directly or indirectly causes to be received, any document threatening to kill or inflict bodily harm on any person is liable to penal servitude for 10 years.

Crimes (Threats and Stalking) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

- (2) It is immaterial for the purposes of an offence under this section whether or not a document sent or delivered is actually received, and whether or not the threat contained in a document sent, delivered or received is actually communicated to the person concerned or to the recipient or intended recipient of the document (as relevant in the circumstances). 5
- (4) Part 15A, heading:
Omit “ORDERS”. 10
- (5) Part 15A, Division 1, heading:
After “**Definitions**”, insert “**and offence**”.
- (6) Section 562AB (**Stalking, intimidation with intent to cause fear for personal safety**): 15
- (a) From section 562AB (1), omit “with whom he or she has a domestic relationship”.
- (b) From section 562AB (1), omit “2 years”, insert instead “5 years”.
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