

Authorised Version
Crimes Amendment (Bullying) Act 2011
No. 20 of 2011

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Authorised Version



Victoria

**Crimes Amendment (Bullying) Act
2011[†]**

No. 20 of 2011

[Assented to 7 June 2011]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are—

- (a) to amend the **Crimes Act 1958** in relation to the offence of stalking; and

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- (b) to make consequential amendments to the **Stalking Intervention Orders Act 2008** and the **Personal Safety Intervention Orders Act 2010**; and
 - (c) to make minor amendments of a statute law revision nature.

2 Commencement

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
 - (2) Section 5(2) is taken to have come into operation on 12 December 2007.
 - (3) Section 8 is taken to have come into operation on 7 December 2008.
 - (4) The remaining provisions of this Act come into operation on the day after the day on which it receives the Royal Assent.
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PART 2—AMENDMENT OF THE CRIMES ACT 1958

3 Stalking

- (1) After section 21A(2)(d) of the **Crimes Act 1958** **insert**—
- "(da) making threats to the victim;
 - (db) using abusive or offensive words to or in the presence of the victim;
 - (dc) performing abusive or offensive acts in the presence of the victim;
 - (dd) directing abusive or offensive acts towards the victim;"
- (2) For section 21A(2)(g) of the **Crimes Act 1958** **substitute**—
- (g) acting in any other way that could reasonably be expected—
 - (i) to cause physical or mental harm to the victim, including self-harm; or
 - (ii) to arouse apprehension or fear in the victim for his or her own safety or that of any other person—".
- (3) In section 21A(2) of the **Crimes Act 1958**, after "with the intention of causing physical or mental harm to the victim" **insert** ", including self-harm,".
- (4) In section 21A(3) of the **Crimes Act 1958**, after "victim" (where first occurring) **insert** ", including self-harm,".

See:
Act No.
6231.
Reprint No. 22
as at
17 March
2010
and
amending
Act Nos
16/2004,
9/2008,
87/2009,
13/2010,
49/2010,
53/2010,
63/2010,
64/2010 and
65/2010.
LawToday:
www.
legislation.
vic.gov.au

(5) After section 21A(7) of the **Crimes Act 1958**
insert—

"(8) In this section—

mental harm includes—

- (a) psychological harm; and
- (b) suicidal thoughts."

4 New section 617 inserted

After section 616 of the **Crimes Act 1958**
insert—

**"617 Transitional provision—Crimes
Amendment (Bullying) Act 2011**

- (1) Section 21A as amended by section 3 of the **Crimes Amendment (Bullying) Act 2011** applies only to offences alleged to have been committed on or after the commencement of section 3 of that Act.
- (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 section 3 of the **Crimes Amendment (Bullying) Act 2011**, the offence is alleged to have been committed before that commencement."

5 Statute law revision and other minor amendments

- (1) In section 464ZFA(1A) of the **Crimes Act 1958**, for "as the case may be,," **substitute** "as the case may be,".
- (2) In item 6 of Schedule 7 to the **Crimes Act 1958**, for "23" **substitute** "24ZQ(3), 24ZR(1), 24ZR(2), 24ZR(3), 24ZS(1), 24ZS(2)".

**PART 3—AMENDMENT OF THE STALKING
INTERVENTION ORDERS ACT 2008**

6 Meaning of stalking

- (1) In section 4(1)(a) of the **Stalking Intervention Orders Act 2008**, after "with the intention of causing physical or mental harm to the second person" **insert** ", including self-harm,".
- (2) After section 4(1)(b)(vii) of the **Stalking Intervention Orders Act 2008 insert**—
 - (viia) making threats to the second person;
 - (viib) using abusive or offensive words to or in the presence of the second person;
 - (viic) performing abusive or offensive acts in the presence of the second person;
 - (viid) directing abusive or offensive acts towards the second person;"
- (3) For section 4(1)(b)(x) of the **Stalking Intervention Orders Act 2008 substitute**—
 - (x) acting in any other way that could reasonably be expected—
 - (A) to cause physical or mental harm to the second person, including self-harm; or
 - (B) to arouse apprehension or fear in the second person for his or her own safety or that of any other person."
- (4) In section 4(2) of the **Stalking Intervention Orders Act 2008**, after "second person" (where first occurring) **insert** ", including self-harm,".

See:
Act No.
68/2008
and
amending
Act Nos
55/2009,
69/2009,
18/2010,
30/2010,
53/2010 and
70/2010.
LawToday:
[www.
legislation.
vic.gov.au](http://www.legislation.vic.gov.au)

(5) After section 4(2) of the **Stalking Intervention Orders Act 2008** insert—

"(3) In this section—

mental harm includes—

- (a) psychological harm; and
- (b) suicidal thoughts."

7 New section 62B inserted

After section 62A of the **Stalking Intervention Orders Act 2008** insert—

"62B Transitional provision—Crimes Amendment (Bullying) Act 2011

Section 4 as amended by section 6 of the **Crimes Amendment (Bullying) Act 2011** applies only to applications for intervention orders made on or after the commencement of section 6 of that Act."

8 Statute law revision amendment

In section 75(5) of the **Stalking Intervention Orders Act 2008**, after "Firearms Act" insert "1996".

**PART 4—AMENDMENT OF THE PERSONAL SAFETY
INTERVENTION ORDERS ACT 2010**

9 Meaning of stalking

- (1) In section 10(1)(a) of the **Personal Safety Intervention Orders Act 2010**, after "with the intention of causing physical or mental harm to the second person" **insert** ", including self-harm,".
- (2) After section 10(1)(b)(vii) of the **Personal Safety Intervention Orders Act 2010 insert**—
 - (viia) making threats to the second person;
 - (viib) using abusive or offensive words to or in the presence of the second person;
 - (viic) performing abusive or offensive acts in the presence of the second person;
 - (viid) directing abusive or offensive acts towards the second person;".
- (3) For section 10(1)(b)(x) of the **Personal Safety Intervention Orders Act 2010 substitute**—
 - (x) acting in any other way that could reasonably be expected—
 - (A) to cause physical or mental harm to the second person, including self-harm; or
 - (B) to arouse apprehension or fear in the second person for his or her own safety or that of any other person."
- (4) In section 10(2) of the **Personal Safety Intervention Orders Act 2010**, after "second person" (where first occurring) **insert** ", including self-harm,".

See:
Act No.
53/2010.
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legislation.
vic.gov.au

(5) After section 10(2) of the **Personal Safety Intervention Orders Act 2010** insert—

"(3) In this section—

mental harm includes—

- (a) psychological harm; and
- (b) suicidal thoughts."

10 Statute law revision amendments

(1) In section 23(2)(b)(i) of the **Personal Safety Intervention Orders Act 2010** omit "special".

(2) In item 8.1 of the Schedule to the **Personal Safety Intervention Orders Act 2010**, in proposed item 3.2A of Part 3 of Schedule 1 to the **Police Regulation Act 1958**, for "2010" substitute "2010".

(3) In item 9.3 of the Schedule to the **Personal Safety Intervention Orders Act 2010**—

- (a) for "a family violence intervention order" substitute "a family violence intervention order"; and
 - (b) for "an intervention order" substitute "an intervention order".
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PART 5—REPEAL

11 Repeal of amending Act

This Act is **repealed** on the first anniversary of the day on which it receives the Royal Assent.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Crimes Amendment (Bullying) Act 2011
No. 20 of 2011

Endnotes

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 6 April 2011

Legislative Council: 5 May 2011

The long title for the Bill for this Act was "A Bill for an Act to amend the **Crimes Act 1958**, the **Stalking Intervention Orders Act 2008** and the **Personal Safety Intervention Orders Act 2010** and for other purposes."