



New South Wales

Crimes Amendment (Police and Other Law Enforcement Officers) Act 2002 No 45

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Crimes Amendment (Police and Other Law Enforcement Officers) Act 2002 No 45

Act No 45, 2002

An Act to amend the *Crimes Act 1900* with respect to offences committed against police officers, other law enforcement officers and persons associated with police officers and other law enforcement officers; to amend consequentially the *Criminal Procedure Act 1986*; and for other purposes. [Assented to 4 July 2002]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Police and Other Law Enforcement Officers) Act 2002*.

2 Commencement

This Act commences on a day or days 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)

[1] Part 3, Division 8

Omit the heading. Insert instead:

Division 8 Assaults

[2] Part 3, Division 8A

Insert before section 60:

Division 8A Assaults and other actions against police and other law enforcement officers

60AA Meaning of “law enforcement officer”

In this Division:

law enforcement officer means:

- (a) a police officer, or
- (b) the Commissioner for the Independent Commission Against Corruption or an Assistant Commissioner for that Commission, or
- (c) an officer of the Independent Commission Against Corruption, within the meaning of the *Independent Commission Against Corruption Act 1988*, who performs investigation functions, or
- (d) the Commissioner for the Police Integrity Commission or an Assistant Commissioner for that Commission, or
- (e) an officer of the Police Integrity Commission, within the meaning of the *Police Integrity Commission Act 1996*, who performs investigation or confiscation functions, or
- (f) the Commissioner for the New South Wales Crime Commission or an Assistant Commissioner for that Commission, or

- (g) a member of staff of the New South Wales Crime Commission, within the meaning of the *New South Wales Crime Commission Act 1985*, who performs investigation or confiscation functions, or
- (h) the Commissioner of Corrective Services, or
- (i) governors of correctional centres, correctional officers and probation and parole officers, within the meaning of the *Crimes (Administration of Sentences) Act 1999*, or
- (j) an officer of the Department of Juvenile Justice who works with children who have, or are alleged to have, committed offences and who is employed at or works from a community centre or children's detention centre, or
- (k) an officer of the Department of Juvenile Justice who is involved in the conduct of youth justice conferences.

[3] Section 60 Assault and other actions against police officers

Omit section 60 (4). Insert instead:

- (4) For the purposes of this section, an action is taken to be carried out in relation to a police officer while in the execution of the officer's duty, even though the police officer is not on duty at the time, if it is carried out:
 - (a) as a consequence of, or in retaliation for, actions undertaken by that police officer in the execution of the officer's duty, or
 - (b) because the officer is a police officer.

[4] Sections 60A, 60B and 60C

Insert after section 60:

60A Assault and other acts against law enforcement officers (other than police officers)

- (1) A person who assaults, stalks, harasses or intimidates a law enforcement officer (other than a police officer) while in the execution of the officer's duty, although no actual bodily harm is occasioned to the officer, is liable to imprisonment for 5 years.

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- (2) A person who assaults a law enforcement officer (other than a police officer) while in the execution of the officer's duty, 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 law enforcement officer (other than a police officer), or
 - (b) inflicts grievous bodily harm on a law enforcement officer (other than a police officer),
- while in the execution of the officer's duty is liable to imprisonment for 12 years.
- (4) For the purposes of this section, an action is taken to be carried out in relation to a law enforcement officer while in the execution of the officer's duty, even though the officer is not on duty at the time, if it is carried out:
- (a) as a consequence of, or in retaliation for, actions undertaken by that officer in the execution of the officer's duty, or
 - (b) because the officer is a law enforcement officer.

60B Actions against third parties connected with law enforcement officers

- (1) A person who assaults, stalks, harasses or intimidates any person with whom a law enforcement officer has a domestic relationship, with the intention of causing the law enforcement officer to fear physical or mental harm:
- (a) as a consequence of, or in retaliation for, actions undertaken by the law enforcement officer in the execution of the officer's duty, or
 - (b) because the law enforcement officer is a law enforcement officer,
- is liable to imprisonment for 5 years.
- (2) A person who obtains personal information about a person with whom a law enforcement officer has a domestic relationship, with the intention of using or permitting the use of the information to cause the officer to fear physical or mental harm:

- (a) as a consequence of, or in retaliation for, actions undertaken by the law enforcement officer in the execution of the officer's duty, or
 - (b) because the law enforcement officer is a law enforcement officer,
- is liable to imprisonment for 2 years.
- (3) For the purposes of this section, causing a law enforcement officer to fear physical or mental harm includes causing the officer to fear physical or mental harm to another person with whom he or she has a domestic relationship.
 - (4) For the purposes of this section, a person intends to cause fear of physical or mental harm if he or she knows that the conduct is likely to cause fear in the other person.
 - (5) For the purposes of this section, the prosecution is not required to prove that the person alleged to have been assaulted, stalked, harassed or intimidated, or the law enforcement officer, actually feared physical or mental harm.
 - (6) In this section, a law enforcement officer has a ***domestic relationship*** with another person if the officer:
 - (a) is or has been married to the other person, or
 - (b) has or has had a de facto relationship, within the meaning of the *Property (Relationships) Act 1984*, with the other person, or
 - (c) has or has had an intimate personal relationship with the other person, whether or not the intimate personal relationship involves or has involved a relationship of a sexual nature, or
 - (d) is living or has lived in the same household or other residential facility as the other person, or
 - (e) has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person, or
 - (f) is or has been a relative (within the meaning of section 4 (6)) of the other person.

60C Obtaining of personal information about law enforcement officers

A person who obtains personal information about a law enforcement officer, with the intention of using or permitting the use of the information for the purpose of assaulting, stalking, harassing, intimidating, or otherwise harming, the officer:

- (a) as a consequence of, or in retaliation for, actions undertaken by the law enforcement officer in the execution of the officer's duty, or
 - (b) because the officer is a law enforcement officer,
- is liable to imprisonment for 2 years.

Schedule 2 Amendment of Criminal Procedure Act 1986

(Section 4)

[1] Section 28 Maximum penalties for Table 2 offences

Insert “60A (1), 60B, 60C” after “60 (1),” in section 28 (2) (a).

[2] Schedule 1 Indictable offences triable summarily

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

[3] Schedule 1, Table 2

Insert “60A (1), 60B, 60C” after “60 (1),” in clause 1 of Part 1.

[Second reading speech made in—
Legislative Council on 18 June 2002
Legislative Assembly on 27 June 2002]