



AUSTRALIAN CAPITAL TERRITORY

Crimes (Amendment) Act (No. 2) 1996

No. 36 of 1996

An Act to amend the *Crimes Act 1900*

[Notified in ACT Gazette S160: 10 July 1996]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Crimes (Amendment) Act (No. 2) 1996*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Crimes Act 1900*.¹

Insertion

4. After section 34 of the Principal Act the following section is inserted:

Stalking etc.

“34A. (1) A person shall not stalk another person with intent to cause—

- (a) apprehension or fear of serious harm in the other person or a third person; or

(b) serious harm to the other person or a third person.

Penalty:

(a) where—

(i) the offence involved a contravention of an injunction or other order made by a court; or

(ii) the offender was in possession of an offensive weapon;
imprisonment for 5 years; and

(b) in any other case—imprisonment for 2 years.

“(2) For the purposes of subsection (1), a person shall be taken to stalk another person if, on at least 2 occasions, he or she—

(a) follows or approaches the other person;

(b) loiters near, watches, approaches or enters a place where the other person resides, works or visits;

(c) keeps the other person under surveillance;

(d) interferes with property in the possession of the other person;

(e) gives or sends offensive material to the other person or leaves offensive material where it is likely to be found by, given to or brought to the attention of, the other person;

(f) telephones or otherwise contacts the other person;

(g) acts covertly in a manner that could reasonably be expected to arouse apprehension or fear in the other person; or

(h) engages in conduct amounting to intimidation, harassment or molestation of the other person.

“(3) In a prosecution for an offence under subsection (1), it is not necessary to prove that the person stalked or a third person, as the case may be, apprehended or feared serious harm.

“(4) In this section—

‘harm’ means physical harm, harm to mental health, or disease, whether permanent or temporary;

‘harm to mental health’ includes psychological harm;

‘physical harm’ includes unconsciousness, pain, disfigurement and any physical contact that might reasonably be objected to in the circumstances, whether or not there was an awareness of that contact at the time.”.

NOTE

Principal Act

1. Reprinted as at 31 January 1994. See also Acts Nos. 38, 46, 75, 84, 86, 97, 98, 1994; Nos. 2, 3, 49 and 50, 1995; No. 31, 1996.

[Presentation speech made in Assembly on 27 March 1996]

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