



Tabled, by leave,

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Clerk of the Parliaments

28 / 6 / 23

CRIMES LEGISLATION AMENDMENT (ASSAULTS ON RETAIL WORKERS) BILL 2023

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Crimes Legislation Amendment (Assaults on Retail Workers) Bill 2023 will implement an election commitment made by NSW Labor to give retail workers greater protection against assaults, threats, and abuse. The Bill does this by amending the *Crimes Act 1900* (**Crimes Act**) to insert new Division 8C into Part 3, which introduces three specific offences for assaults and other actions on retail workers under proposed section 60G. In order to meet community expectations, reflect the risks these workers face and deter offending behaviour, these offences will have higher maximum penalties than equivalent general assault offences in the Crimes Act which apply to all members of the community.

The offences in the Bill are modelled on the existing offences for assaults against frontline emergency workers and frontline health workers under sections 60AD and 60AE of the Crimes Act, which were introduced in 2022, but are tailored as appropriate to retail workers.

The Bill will also make amendments to the *Criminal Procedure Act 1986* to provide that:

- the offence created under proposed section 60G(1) is a Table 2 offence, meaning it will be tried summarily unless the prosecution elects otherwise; and
- the offence created under proposed section 60G(2) is a Table 1 offence, meaning it will be tried summarily unless the prosecution or defendant elects otherwise.

This is consistent with similar existing offences in the Crimes Act, and is intended to ensure efficiency within the criminal justice system.

Retail workers keep the NSW economy running and ensure that the people of NSW can obtain essential goods. Deliberate acts of violence against retail workers in the course of their duties are unacceptable. The NSW Government has heard firsthand accounts from retail workers across NSW who have suffered abuse and violence in their workplace. Such offending is distressing for these workers, their families, and the wider NSW community.

The reforms in the Bill address the significant risk posed by assaults on retail workers, highlight that acts of violence on retail workers are unacceptable and provide strong penalties for those who perpetuate such acts.

Objectives: What is the policy's objective couched in terms of the public interest?

It is in the public interest to ensure that NSW law appropriately criminalises assaults against retail workers, who are essential to the functioning of our economy and society, and that maximum penalties for such acts of violence committed against these workers reflect community expectations.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The reforms implement an election commitment to give retail workers greater protection against assaults, threats, and abuse. Introducing specific offences for

assaults and other actions against retail workers can only be done through legislative amendment.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Every person should be able to feel free and safe in their workplace, including retail workers.

Retail workers face the risk of harm or violence in the course of their duties. It is important that the law recognises that such violence is unacceptable and ensures such violence is met with adequate penalties that reflect community expectations.

The NSW law must appropriately criminalise assaults on retail workers. It is in the public interest that the penalty framework for assault offences provides a stronger deterrent, and that maximum penalties are sufficient and proportionate to the serious risk of harm posed by assaults on retail workers, and meet community standards.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence on assent. This will ensure that the new offences are available to protect retail workers in NSW from assaults and other acts of violence as soon as possible.

The Department of Communities and Justice will be responsible for the general oversight of the implementation of these changes and monitoring the impacts of the reforms.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Attorney General and the Minister for Industrial Relations have consulted with the Shop, Distributive and Allied Employees' Association, who have strongly advocated for a standalone protection of retail workers.