



New South Wales

Crimes Amendment (Assaults on Officers) Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* in order to:

- (a) extend the provisions of section 58 of that Act to emergency workers, and
- (b) extend the operation of that section to assaults on officers mentioned in that section in circumstances other than while they are acting in the execution of their duty as officers, and
- (c) increase the maximum penalty for an offence under that section from 5 years' imprisonment to 10 years' imprisonment.

The Bill repeals and re-enacts section 58 in order to express its terms in a more modern language style.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendment to the *Crimes Act 1900* set out in Schedule 1.

Schedule 1 Amendment

The Schedule repeals and replaces section 58 of the *Crimes Act 1900* for the purposes described above.

Introduced by Mr A A Tink, MP

First print

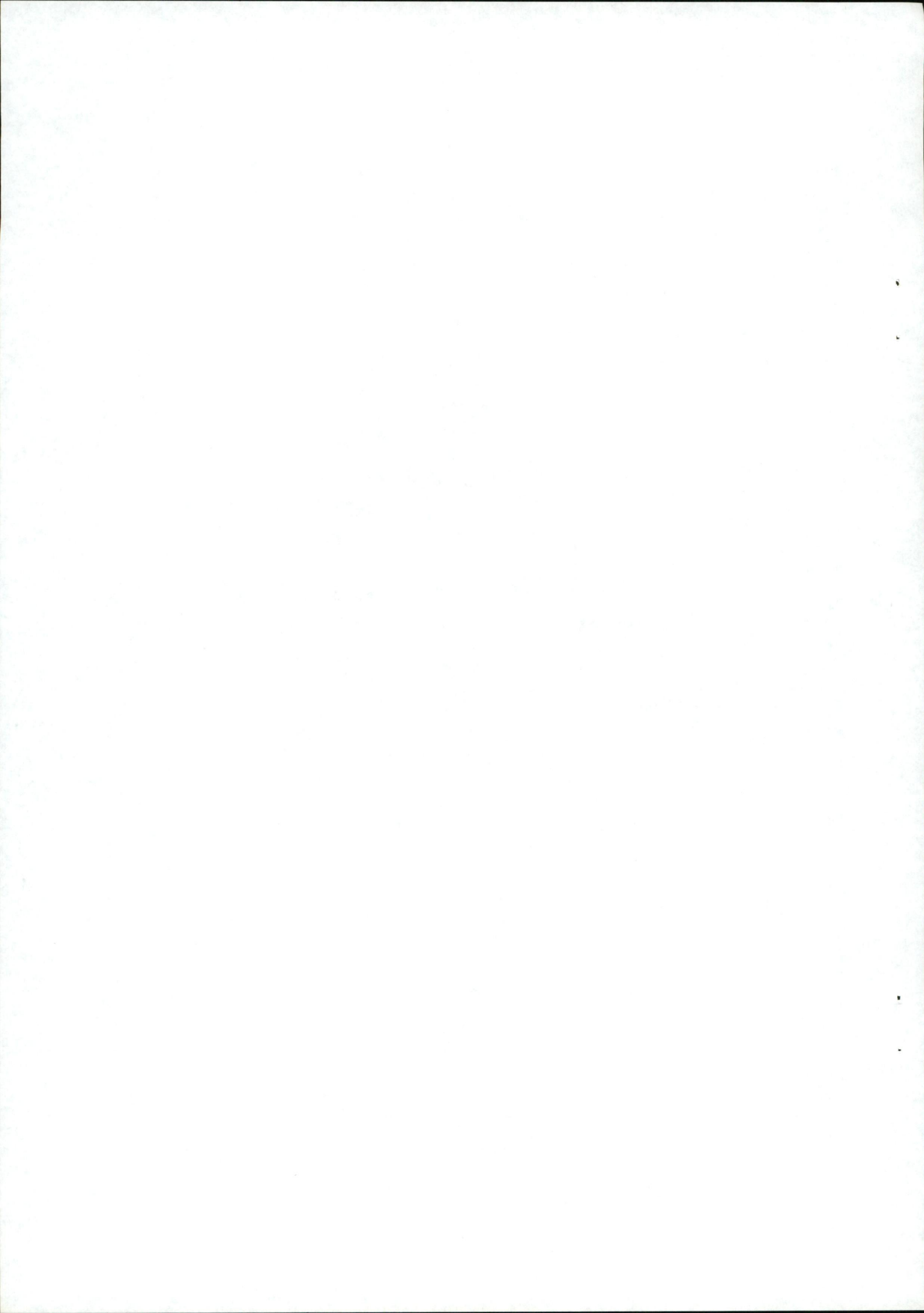


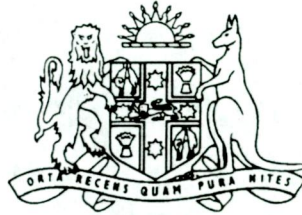
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New South Wales

Crimes Amendment (Assaults on Officers) Bill 1997

No. , 1997

A Bill for

An Act to amend the *Crimes Act 1900* with respect to assaults committed on peace officers and others.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Assaults on Officers) Act 1997*.

2 Commencement

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This Act commences on the date of assent.

3 Amendment of Crimes Act 1900 No 40

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

Schedule 1 Amendment

(Section 3)

Section 58

Omit the section. Insert instead:

58 Assault of certain peace officers and others

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- (1) A person who:
- (a) assaults a person with intent to commit felony, or
 - (b) assaults a person with intent to resist or prevent the lawful apprehension or detention of any person for an offence, or 10
 - (c) assaults, resists or wilfully obstructs any of the following officers in the execution of their duties as such officers, namely:
 - (i) a justice, police officer, special constable or other peace officer, or 15
 - (ii) a prison officer, sheriff's officer or bailiff, or
 - (iii) an emergency worker, or
 - (d) assaults, resists or wilfully obstructs any person acting in aid of an officer mentioned in paragraph (c), or 20
 - (e) assaults a person who is an officer mentioned in paragraph (c) (whether or not the person was, at the time of the assault, on duty as such an officer), where: 25
 - (i) the assailant, at the time of the assault, knew the person to be such an officer, and
 - (ii) the assault was committed from motives of vengeance in connection with the execution by the person of the duties of such an officer or from other causes associated with the person's being such an officer, 30

is liable to imprisonment for 10 years.

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Schedule 1 Amendment

- (2) In this section, *emergency worker* means:
- (a) a member of a permanent or volunteer fire or bush fire brigade, or
 - (b) a salaried or honorary ambulance officer, or
 - (c) an emergency officer within the meaning of the *State Emergency Service Act 1989*, or a member of an S. E. S. unit registered under that Act, or 5
 - (d) a member of a rescue unit accredited under the *State Emergency and Rescue Management Act 1989*, or 10
 - (e) a person of a class prescribed by the regulations.
- (3) The Governor may make regulations prescribing one or more classes of persons for the purposes of subsection (2) (e).