



New South Wales

Crimes Legislation Amendment (Assaults on Frontline Emergency and Health Workers) Bill 2022

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to amend the *Crimes Act 1900* to create new offences in relation to assaults on, and other actions in relation to, law enforcement officers and frontline emergency and health workers and persons who come to the aid of law enforcement officers,
- (b) to amend the *Criminal Procedure Act 1986* and certain other Acts as a consequence of the amendments in paragraph (a).

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 to the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1[1] specifies that a *public disorder* includes a riot or civil disturbance at—

- (a) a correctional centre within the meaning of the *Crimes (Administration of Sentences) Act 1999*, and
- (b) a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

Schedule 1[2]–[4] make amendments consequent on the new offences inserted by the proposed Act.

Schedule 1[6] inserts definitions of *frontline emergency worker* and *frontline health worker* for the Act, Part 3, Division 8A. **Schedule 1[5]** makes a consequential amendment.

Schedule 1[7] and [8] extend the definition of *law enforcement officer* for the Act, Part 3, Division 8A to include a person who is employed or otherwise engaged to provide services to—

- (a) an inmate in a correctional centre, within the meaning of the *Crimes (Administration of Sentences) Act 1999*, for the purposes of education, health or rehabilitation, or
- (b) a detainee in a detention centre, within the meaning of the *Children (Detention Centres) Act 1987*, for the purposes of education, health or rehabilitation.

Schedule 1[9] makes it an offence for a person to hinder or resist, or to incite another person to hinder or resist, a police officer in the execution of the officer's duty. **Schedule 1[14]** omits the existing offence of resisting etc police as a consequence.

Schedule 1[10] makes it an offence for a person to hinder or resist, or to incite another person to hinder or resist, a law enforcement officer, other than a police officer, in the execution of the law enforcement officer's duty.

Schedule 1[11]–[13] make it an offence for a person to do the following during a public disorder—

- (a) assault, throw a missile at, stalk, harass or intimidate a law enforcement officer, other than a police officer, in the execution of the officer's duty,
- (b) assault a law enforcement officer, other than a police officer, in the execution of the officer's duty, and by the assault cause actual bodily harm to the officer,
- (c) wound or cause grievous bodily harm to a law enforcement officer, other than a police officer, in the execution of the officer's duty, being reckless as to causing actual bodily harm to the officer or another person.

Schedule 1[14] makes it an offence for a person to do the following to a frontline emergency or health worker—

- (a) hinder or obstruct, or incite another person to hinder or obstruct, the worker in the course of the worker's duty,
- (b) during a public disorder or otherwise, assault, throw a missile at, stalk, harass or intimidate the worker in the course of the worker's duty, even if no actual bodily harm is caused to the worker,
- (c) during a public disorder or otherwise, assault a worker in the course of the worker's duty, and by the assault cause actual bodily harm to the worker,
- (d) during a public disorder or otherwise, wound or cause grievous bodily harm to the worker in the course of the worker's duty, being reckless as to causing actual bodily harm to the worker or another person.

The proposed sections make it clear that an action is taken to be carried out in relation to a frontline emergency or health worker in the course of the worker's duty, even if the worker is not on duty at the time, if it is carried out—

- (a) as a consequence of, or in retaliation for, actions undertaken by the worker in the course of the worker's duty, or
- (b) because the worker is a frontline emergency or health worker.

An offence is also created for a person who assaults, hinders or obstructs a person who comes to the aid of a law enforcement officer.

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209

Schedule 2[1] amends the *Criminal Procedure Act 1986* to provide that the offences created by the *Crimes Act 1900*, proposed sections 60A(2A), 60AD(4) and (5) and 60AE(4) and (5) (inserted by Schedule 1) are triable summarily.

Schedule 2[2] amends the *Criminal Procedure Act 1986* to provide that the offences created by the *Crimes Act 1900*, proposed sections 60A(1A), 60AB, 60AD(2) and (3) and 60AE(2) and (3) (inserted by Schedule 1) are triable summarily unless prosecutor elects otherwise.

Schedule 3 Amendment of other Acts

Schedule 3 removes certain offences from the following Acts as a consequence of the amendments in Schedule 1—

- (a) *Fire and Rescue NSW Act 1989* No 192,
- (b) *Health Services Act 1997* No 154,
- (c) *Rural Fires Act 1997* No 65,
- (d) *State Emergency Service Act 1989* No 164.



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New South Wales

Crimes Legislation Amendment (Assaults on Frontline Emergency and Health Workers) Bill 2022

No. , 2022

A Bill for

An Act to amend the *Crimes Act 1900* to create new offences in relation to assaults on, and other actions in relation to, law enforcement officers and frontline emergency and health workers and persons who come to the aid of law enforcement officers; to amend the *Criminal Procedure Act 1986* to provide for the new offences in the *Crimes Act 1900* to be triable summarily; and for related purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Crimes Legislation Amendment (Assaults on Frontline Emergency and Health Workers) Act 2022*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Crimes Act 1900 No 40	1
[1] Section 4 Definitions		2
	Omit “different locations.” from the definition of <i>public disorder</i> in section 4(1).	3
	Insert instead—	4
	different locations, and includes a riot or other civil disturbance at the following—	5
	(a) a correctional centre within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i> ,	7
		8
	(b) a detention centre within the meaning of the <i>Children (Detention Centres) Act 1987</i> .	9
		10
[2] Section 58, heading		11
	Omit “on certain officers”.	12
[3] Section 58		13
	Omit “assaults, resists, or wilfully obstructs any officer while in the execution of his or her duty, such officer being a constable, or other peace officer, custom-house officer, prison officer, sheriff’s officer, or bailiff, or any person acting in aid of such officer, or”.	14
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[4] Part 3, Division 8A, heading		17
	Omit the heading. Insert instead—	18
	Division 8A Assaults etc against law enforcement officers and frontline emergency and health workers	19
		20
[5] Section 60AA, heading		21
	Omit the heading. Insert instead—	22
	60AA Definitions	23
[6] Section 60AA		24
	Insert in alphabetical order—	25
	<i>community first responder services</i> means rendering emergency first aid to sick or injured persons.	26
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	<i>community health services</i> means providing medical or other health treatment to patients in the community on behalf of a public health organisation within the meaning of the <i>Health Services Act 1997</i> .	28
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	<i>frontline emergency worker</i> means—	31
	(a) a member of an emergency services organisation, within the meaning of the <i>State Emergency and Rescue Management Act 1989</i> other than the Ambulance Service of NSW and the NSW Police Force, who provides emergency or rescue services, or	32
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	(b) a person employed within either of the following while the person is undertaking firefighting activities—	36
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	(i) the National Parks and Wildlife Service,	38
	(ii) the NSW Forestry Corporation.	39
	<i>frontline health worker</i> means—	40

(a)	a person employed or otherwise engaged to provide medical or other health treatment to patients—	1
	(i) in a hospital, or	2
	(ii) in a health institution under the control of a local health district or statutory health corporation under the <i>Health Services Act 1997</i> , or	3
(b)	a member of the Ambulance Service of NSW,	4
(c)	a person employed or otherwise engaged by the St John Ambulance Australia (NSW) who, in that capacity, provides medical care, or	5
(d)	a member of Hatzolah who, in that capacity, provides medical care, or	6
(e)	a person who is employed or otherwise engaged to provide community first responder services,	7
(f)	a person employed or otherwise engaged to provide community health services,	8
(g)	pharmacy staff,	9
(h)	a person employed or otherwise engaged to provide security services—	10
	(i) in a hospital, or	11
	(ii) in a health institution under the control of a local health district or statutory health corporation under the <i>Health Services Act 1997</i> .	12
	<i>pharmacy staff</i> includes—	13
(a)	a pharmacist, and	14
(b)	a pharmacy assistant or another person employed or otherwise engaged to provide services at a pharmacy.	15
[7]	Section 60AA, definition of “law enforcement officer”	16
	Insert after paragraph (i)—	17
(ia)	a person who is employed or otherwise engaged to provide services to an inmate in a correctional centre, within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i> , for the purposes of education, health or rehabilitation, or	18
	Example— a psychologist who provides services to inmates in a correctional centre	19
[8]	Section 60AA, definition of “law enforcement officer”	20
	Insert after paragraph (k)—	21
(ka)	a person who is employed or otherwise engaged to provide services to a detainee in a detention centre, within the meaning of the <i>Children (Detention Centres) Act 1987</i> , for the purposes of education, health or rehabilitation, or	22
	Example— a teacher who provides services to detainees in a detention centre	23
[9]	Section 60 Assault and other actions against police officers	24
	Insert before section 60(1)—	25
(1AA)	A person who hinders or resists, or incites another person to hinder or resist, a police officer in the execution of the officer’s duty commits an offence.	26
	Maximum penalty— Imprisonment for 12 months or a fine of 20 penalty units or both.	27

[10] Section 60A Assault and other actions against law enforcement officers (other than police officers)	1
Insert before section 60A(1)—	2
(1AA) A person who hinders or resists, or incites another person to hinder or resist, a law enforcement officer, other than a police officer, in the execution of the law enforcement officer's duty commits an offence.	3
Maximum penalty— Imprisonment for 12 months or a fine of 20 penalty units or both.	4
[11] Section 60A(1A)	5
Insert after section 60A(1)—	6
(1A) A person who, during a public disorder, assaults, throws a missile at, stalks, harasses or intimidates a law enforcement officer, other than a police officer, in the execution of the officer's duty commits an offence.	7
Maximum penalty— Imprisonment for 7 years.	8
[12] Section 60A(2A)	9
Insert after section 60A(2)—	10
(2A) A person commits an offence if, during a public disorder, the person—	11
(a) assaults a law enforcement officer, other than a police officer, in the execution of the officer's duty, and	12
(b) by the assault, causes actual bodily harm to the officer.	13
Maximum penalty— Imprisonment for 9 years.	14
[13] Section 60A(3A)	15
Insert after section 60A(3)—	16
(3A) A person commits an offence if, during a public disorder, the person by any means—	17
(a) wounds or causes grievous bodily harm to a law enforcement officer, other than a police officer, in the execution of the officer's duty, and	18
(b) is reckless as to causing actual bodily harm to the officer or another person.	19
Maximum penalty— Imprisonment for 14 years.	20
[14] Sections 60AB—60AE	21
Insert after section 60A—	22
60AB Assault against persons aiding law enforcement officers	23
A person who assaults a person who comes to the aid of a law enforcement officer who is being assaulted in the course of the officer's duty commits an offence.	24
Maximum penalty—Imprisonment for 5 years.	25
60AC Hindering and obstruction of persons aiding law enforcement officers	26
A person who hinders or obstructs a person who comes to the aid of a law enforcement officer who is being hindered or obstructed in the course of the officer's duty, commits an offence.	27
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Maximum penalty—Imprisonment for 12 months or a fine of 20 penalty units, or both.	1 2
60AD Assault and other action against frontline emergency workers	3
(1) A person who hinders or obstructs, or incites another person to hinder or obstruct, a frontline emergency worker in the course of the worker’s duty commits an offence.	4 5 6
Maximum penalty— Imprisonment for 12 months or a fine of 20 penalty units, or both.	7 8
(2) A person who assaults, throws a missile at, stalks, harasses or intimidates a frontline emergency worker in the course of the worker’s duty, although no actual bodily harm is caused to the worker, commits an offence.	9 10 11
Maximum penalty—Imprisonment for 5 years.	12
(3) A person who, during a public disorder, assaults, throws a missile at, stalks, harasses or intimidates a frontline emergency worker in the course of the worker’s duty commits an offence.	13 14 15
Maximum penalty— Imprisonment for 7 years.	16
(4) A person commits an offence if the person—	17
(a) assaults a frontline emergency worker in the course of the worker’s duty, and	18 19
(b) by the assault, causes actual bodily harm to the worker.	20
Maximum penalty— Imprisonment for 7 years.	21
(5) A person commits an offence if, during a public disorder, the person—	22
(a) assaults a frontline emergency worker in the course of the worker’s duty, and	23 24
(b) by the assault, causes actual bodily harm to the worker.	25
Maximum penalty— Imprisonment for 9 years.	26
(6) A person commits an offence if the person by any means—	27
(a) wounds or causes grievous bodily harm to a frontline emergency worker in the course of the worker’s duty, and	28 29
(b) is reckless as to causing actual bodily harm to the frontline emergency worker or another person.	30 31
Maximum penalty— Imprisonment for 12 years.	32
(7) A person commits an offence if, during a public disorder, the person by any means—	33 34
(a) wounds or causes grievous bodily harm to a frontline emergency worker in the course of the worker’s duty, and	35 36
(b) is reckless as to causing actual bodily harm to the frontline emergency worker or another person.	37 38
Maximum penalty— Imprisonment for 14 years.	39
(8) For this section, an action is taken to be carried out in relation to a frontline emergency worker in the course of the worker’s duty, even if the worker is not on duty at the time, if it is carried out—	40 41 42
(a) as a consequence of, or in retaliation for, actions undertaken by the frontline emergency worker in the course of the worker’s duty, or	43 44
(b) because the worker is a frontline emergency worker.	45

60AE	Assault and other action against frontline health workers	1
(1)	A person who hinders or obstructs, or incites another person to hinder or obstruct, a frontline health worker in the course of the worker's duty commits an offence.	2
	Maximum penalty— Imprisonment for 12 months or a fine of 20 penalty units, or both.	3 4 5 6
(2)	A person who assaults, throws a missile at, stalks, harasses or intimidates a frontline health worker in the course of the worker's duty, although no actual bodily harm is caused to the worker, commits an offence.	7
	Maximum penalty—Imprisonment for 5 years.	8 9 10
(3)	A person who, during a public disorder, assaults, throws a missile at, stalks, harasses or intimidates a frontline health worker in the course of the worker's duty commits an offence.	11
	Maximum penalty— Imprisonment for 7 years.	12 13 14
(4)	A person commits an offence if the person—	15
	(a) assaults a frontline health worker in the course of the worker's duty, and	16
	(b) by the assault, causes actual bodily harm to the worker.	17
	Maximum penalty— Imprisonment for 7 years.	18
(5)	A person commits an offence if, during a public disorder, the person—	19
	(a) assaults a frontline health worker in the course of the worker's duty, and	20
	(b) by the assault, causes actual bodily harm to the worker.	21
	Maximum penalty— Imprisonment for 9 years.	22
(6)	A person commits an offence if the person by any means—	23
	(a) wounds or causes grievous bodily harm to a frontline health worker in the course of the worker's duty, and	24 25
	(b) is reckless as to causing actual bodily harm to the frontline health worker or another person.	26 27
	Maximum penalty— Imprisonment for 12 years.	28
(7)	A person commits an offence if, during a public disorder, the person by any means—	29
	(a) wounds or causes grievous bodily harm to a frontline health worker in the course of the worker's duty, and	30 31 32
	(b) is reckless as to causing actual bodily harm to the frontline health worker or another person.	33 34
	Maximum penalty— Imprisonment for 14 years.	35
(8)	For this section, an action is taken to be carried out in relation to a frontline health worker in the course of the worker's duty, even if the worker is not on duty at the time, if it is carried out—	36 37 38
	(a) as a consequence of, or in retaliation for, actions undertaken by the frontline health worker in the course of the worker's duty, or	39 40
	(b) because the worker is a frontline health worker.	41
[15]	Section 546C Resisting etc police	42
	Omit the section.	43

**Schedule 2 Amendment of Criminal Procedure Act 1986 No
209**

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[1] Schedule 1 Indictable offences triable summarily

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Insert “60A(2A), 60AD(4) and (5), 60AE(4) and (5),” after “60A (2),” in Table 1, item 2.

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[2] Schedule 1, Table 2, item 1

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Insert “60A(1A), 60AB, 60AD(2) and (3), 60AE(2) and (3),” after “60A (1),”.

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Schedule 3	Amendment of other Acts	1
3.1	Fire and Rescue NSW Act 1989 No 192	2
	Section 35 Obstruction of fire fighters or other personnel	3
	Omit the section.	4
3.2	Health Services Act 1997 No 154	5
	Section 67J Obstruction of and violence against ambulance officers	6
	Omit the section.	7
3.3	Rural Fires Act 1997 No 65	8
	Section 42 Obstruction etc of Commissioner and other members of Service	9
	Omit the section.	10
3.4	State Emergency Service Act 1989 No 164	11
	Section 24 Offence to obstruct Commissioner or emergency officer	12
	Omit the section.	13