



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.