

**Submission
No 18**

INQUIRY INTO VIOLENCE AGAINST EMERGENCY SERVICES PERSONNEL

Organisation: The Chief Magistrate of the Local Court
Name: Judge Graeme Henson
Position: Chief Magistrate
Date Received: 21 July 2016



NEW SOUTH WALES

THE CHIEF MAGISTRATE OF THE LOCAL COURT

21 July 2016

The Chair
Legislative Assembly Committee on Law and Safety
Parliament House
6 Macquarie Street
SYDNEY NSW 2000

By email: lawsafety@parliament.nsw.gov.au

Dear Mr Provost

Re: Inquiry into Violence Against Emergency Services Personnel

I am writing in response to your invitation of 19 May 2016 to provide a submission to the above inquiry.

My comments are limited, given that the Committee's terms of reference relate largely to matters outside of the Local Court's operations, nor am I able to assist in providing information in regard to current sentencing patterns.

Apart from offences involving assaults against police officers in sections 58 and 60, the *Crimes Act 1900* does not establish assaults against emergency services personnel as a separate category of offences to other assault offences. Where a victim is an emergency services worker, that fact is to be taken into account by a sentencing court as an aggravating factor under s 21A(2) of the *Crimes (Sentencing Procedure) Act 1999*.

However, as far as I am aware, the various aggravating and mitigating factors that may be relevant to the sentencing process are not recorded for statistical purposes. As a result, assault offences committed against emergency services personnel are not distinguishable from other assault offences.

If the Committee has not already done so, it may be able to seek the assistance of the Bureau of Crime Statistics and Research and/or the Judicial Commission of New South Wales, both of which maintain sentencing information databases, to ascertain what data may be available.

Yours sincerely,


Judge Graeme Henson
Chief Magistrate