

TASMANIA

**SENTENCING AMENDMENT (ASSAULTS ON
FRONTLINE WORKERS) BILL 2016**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 16A amended (Mandatory imprisonment for offence causing serious bodily harm to certain frontline workers)
5. Repeal of Act

SENTENCING AMENDMENT (ASSAULTS ON FRONTLINE WORKERS) BILL 2016

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
17 November 2016

*(Brought in by the Minister for Health, the Honourable
Michael Darrel Joseph Ferguson)*

A BILL FOR

An Act to amend the *Sentencing Act 1997*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Sentencing Amendment (Assaults on Frontline Workers) Act 2016*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

*Sentencing Amendment (Assaults on Frontline Workers) Act
2016
Act No. of*

s. 3

3. Principal Act

In this Act, the *Sentencing Act 1997** is referred to as the Principal Act.

4. Section 16A amended (Mandatory imprisonment for offence causing serious bodily harm to certain frontline workers)

Section 16A of the Principal Act is amended as follows:

- (a) by inserting the following subsection before subsection (1):

(1AA) In this section –

ambulance officer means –

- (a) an officer of the Ambulance Service, within the meaning of the *Ambulance Service Act 1982*; and
- (b) an authorised officer, within the meaning of that Act; and
- (c) a volunteer ambulance officer,

*No. 59 of 1997

Sentencing Amendment (Assaults on Frontline Workers) Act 2016
Act No. of

s. 4

within the
meaning of that
Act;

child safety officer means a person who is a State Service officer, or a State Service employee, employed or appointed to provide services, related to the protection of children, under the *Children, Young Persons and Their Families Act 1997*;

correctional services officer means –

- (a) a correctional officer, within the meaning of the *Corrections Act 1997*; and
- (b) a probation officer, within the meaning of that Act; and
- (c) a person who administers or provides all or part of a community corrections program referred

*Sentencing Amendment (Assaults on Frontline Workers) Act
2016
Act No. of*

s. 4

to in section 88 of
that Act; and

- (d) a person who is a State Service officer, or a State Service employee, and who, pursuant to section 66 of that Act, is made available to, and serves, the Parole Board established under section 62 of that Act; and
- (e) any other person who is appointed or employed for the purposes of that Act;

frontline worker means –

- (a) a correctional services officer;
and
- (b) an ambulance officer; and
- (c) a police officer;
and
- (d) a medical or social services officer;

*medical or social services
officer* means –

- (a) an enrolled nurse;
and
 - (b) a registered nurse;
and
 - (c) a person who is registered under the *Health Practitioner Regulation National Law (Tasmania)* in the midwifery profession; and
 - (d) a child safety officer.
- (b) by omitting from subsection (1)(a) “police officer” twice occurring and substituting “frontline worker”;
 - (c) by omitting from subsection (1)(b) “police officer” and substituting “frontline worker”;
 - (d) by omitting from subsection (2) “police officer” twice occurring and substituting “frontline worker”;
 - (e) by inserting the following subsections after subsection (9):

*Sentencing Amendment (Assaults on Frontline Workers) Act
2016
Act No. of*

s. 4

(10) For the purposes of this section, a frontline worker –

(a) who is a volunteer ambulance officer is taken to be on duty when he or she is performing, attempting to perform, or supporting the performance of, a function relating to the provision of ambulance services, within the meaning of the *Ambulance Service Act 1982*, pursuant to a direction of the Commissioner of Ambulance Services, within the meaning of that Act; or

(b) who is an ambulance officer by virtue of paragraph (a) or (b) of the definition of *ambulance officer* in subsection (1AA) is taken to be on duty when he or she is performing, attempting to perform, or supporting the performance of, a function relating to the provision of ambulance

Sentencing Amendment (Assaults on Frontline Workers) Act 2016
Act No. of

s. 5

services, within the
meaning of the
Ambulance Service Act
1982; or

(c) who is a medical or social
services officer is taken to
be on duty when he or she
is acting, or at a place, in
the course of his or her
appointment or
employment as such an
officer; or

(d) who is a correctional
services officer is taken to
be on duty when he or she
is acting, or at a place, in
the course of his or her
appointment or
employment as such an
officer.

(11) Nothing in subsection (10) is to
be taken to limit the
circumstances in which a
frontline worker is on duty for the
purposes of this section.

5. Repeal of Act

This Act is repealed on the three hundred and
sixty fifth day from the day on which it
commences.