

TASMANIA

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**SENTENCING AMENDMENT (ASSAULT OF  
CERTAIN FRONTLINE WORKERS) BILL 2019**

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# **SENTENCING AMENDMENT (ASSAULT OF CERTAIN FRONTLINE WORKERS) BILL 2019**

*(Brought in by the Minister for Justice, the Honourable Elise Nicole Archer)*

## **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 (Assault of Certain Frontline Workers) Act 2019*.

#### **2. Commencement**

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

#### **3. Principal Act**

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

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\*No. 59 of 1997

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**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, within the meaning of that Act;

*child safety officer* means a person who is a State Service officer, or a State

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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 is a State Service officer, or a State Service employee, and who administers or provides all or part of a program that is –
  - (i) a community

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corrections  
program  
referred to  
in section  
88 of that  
Act; or

(ii) provided for  
the purposes  
of this Act  
to persons  
who are  
subject to  
community  
correction  
orders; and

(d) a person who is a  
State Service  
officer, or a State  
Service employee,  
and whose duties  
include –

(i) monitoring  
persons who  
are subject to  
home  
detention  
orders; or

(ii) having  
regular  
contact with  
persons who

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are subject to  
home  
detention  
orders; or

(iii) supervising  
persons who  
have the  
duties  
referred to in  
subparagraph  
(i) or (ii); and

(e) a person who is a  
State Service  
officer, or a State  
Service employee,  
and who, pursuant  
to section 66 of  
the *Corrections  
Act 1997*, is made  
available to, and  
serves, the Parole  
Board established  
under section 62  
of that Act; and

(f) any other person  
who is appointed  
or employed for  
the purposes of the  
*Corrections Act  
1997*;

*frontline worker* means –

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

*hospital* means –

- (a) a private hospital within the meaning of the *Health Service Establishments Act 2006*; and
- (b) a State-funded hospital;

*hospital attendant* means a person employed or engaged by a hospital as an attendant;

*medical or social services officer* means –

- (a) an enrolled nurse; and



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- (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 medical orderly or hospital attendant; and
- (e) a child safety officer;

*medical orderly* means a person employed or engaged by a hospital as a medical orderly.

- (b) by omitting from subsection (1)(a) “police officer while the police officer” and substituting “frontline worker while the frontline worker”;
- (c) by omitting from subsection (1)(b) “police officer” and substituting “frontline worker”;

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- (d) by omitting from subsection (2) “police officer” twice occurring and substituting “frontline worker”;
- (e) by inserting the following subsections after subsection (9):
  - (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

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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*; 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.

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**5. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.