

House of Assembly—No 84

As laid on the table and read a first time, 5 June 2019

South Australia

**Criminal Law Consolidation (Assaults on
Emergency Workers) Amendment Bill 2019**

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935* and to make related amendments to the *Criminal Law (Forensic Procedures) Act 2007*, the *Sentencing Act 2017* and the *Summary Offences Act 1953*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Criminal Law Consolidation (Assaults on Emergency Workers) Amendment Act 2019*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

10 3—Insertion of section 29B

After section 29A insert:

29B—Causing harm to, or assaulting, certain emergency workers etc

- 15 (1) A person who causes harm to a prescribed emergency worker acting in the course of official duties, intending to cause harm, is guilty of an offence.

Maximum penalty: Imprisonment for 15 years.

- (2) A person who causes harm to a prescribed emergency worker acting in the course of official duties, and is reckless in doing so, is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

- (3) A person who assaults a prescribed emergency worker acting in the course of official duties is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

- (4) A person who hinders or resists a police officer acting in the course of official duties is guilty of an offence.

Maximum penalty:

- (a) if harm is caused to the police officer—imprisonment for 10 years;
- (b) in any other case—imprisonment for 2 years.

- (5) In proceedings for an offence against this section, it is a defence for the defendant to prove that the defendant did not know, and could not reasonably have been expected to know, that the victim was a prescribed emergency worker acting in the course of official duties.

- (6) Without limiting the ways in which a person can cause harm to a prescribed emergency worker, harm can be caused by causing human biological material to come into contact with a prescribed emergency worker.

- (7) For the purposes of this section, a person causes human biological material to come into contact with a victim if the person performs any act (including, without limiting the generality of this subsection, by spitting or throwing human biological material at the victim, or deliberately applying human biological material to their person knowing that the victim is likely to come into physical contact with the person in the course of their duties) intended or likely to cause human biological material to come into contact with the victim.

- (8) This section does not apply to conduct occurring before the commencement of this section.

- (9) In this section—

assault means an assault within the meaning of section 20(1) and includes, to avoid doubt, an act consisting of intentionally causing human biological material to come into contact with a victim, or threatening to do so;

harm has the same meaning as in Division 7A;

human biological material means blood, saliva, semen, faeces or urine;

prescribed emergency worker means—

- (a) a police officer; or
- (b) any other person, or person of a class, declared by the regulations to be included in the ambit of this definition.

Schedule 1—Related amendments

Part 1—Amendment of *Criminal Law (Forensic Procedures) Act 2007*

1—Amendment of section 20A—Interpretation

5 Section 20A, definition of *prescribed serious offence*—after paragraph (a) insert:

- (ab) an offence against section 29B of the *Criminal Law Consolidation Act 1935* where harm is caused to a prescribed emergency worker;

Part 2—Related amendments of *Sentencing Act 2017*

2—Amendment of section 4—Secondary sentencing purposes

10 Section 4(1)—after paragraph (d) insert:

- (da) to deter the defendant and others in the community from harming or assaulting emergency workers (within the meaning of section 29B of the *Criminal Law Consolidation Act 1935*) acting in the course of official duties;

15 3—Amendment of section 96—Suspension of imprisonment on defendant entering into bond

Section 96(9), definition of designated offence—after paragraph (g) insert:

- (ga) an offence against section 29B(1) or (2), or an offence against section 29B(4) where harm is caused to a police officer;

20 Part 3—Related amendments of *Summary Offences Act 1953*

4—Repeal of section 6

Section 6—delete the section