

2019

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Giulia Jones)

# **Crimes (Offences Against Frontline Community Service Providers) Amendment Bill 2019**

## **Contents**

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Offences against Act—application of Criminal Code etc Section 7A, note 1	2
5 New section 9A	3
6 Manslaughter Section 15 (3), note	4

## Contents

	Page
7 Intentionally inflicting grievous bodily harm Section 19 (2), note	4
8 Recklessly inflicting grievous bodily harm Section 20 (2), note	4
9 Wounding Section 21 (2), note	4
10 Assault with intent to commit other offence New section 22 (2)	5
11 Inflicting actual bodily harm Section 23 (2), note	5
12 Assault occasioning actual bodily harm Section 24 (2), note	5
13 Causing grievous bodily harm New section 25 (2)	6
14 New section 26A	6
15 Acts endangering life etc New section 27 (5)	7
16 Acts endangering health etc New section 28 (3)	7
17 Throwing etc objects at vehicles New section 28A (1A)	8
18 Culpable driving of motor vehicle Section 29 (3), note	8
19 New sections 29A and 29B	8
20 Kidnapping New section 38 (2)	10
21 Aggravated offences—offences against pregnant women Section 48A (1)	10
22 Section 48A (2) and (3)	11
23 Section 48A (4) and (5)	11
24 Alternative verdicts for aggravated offences—offences against pregnant women Table 48B	12
25 Section 48B (2), definition of <i>aggravated offence</i>	17
26 New sections 48C and 48D	17

## Contents

---

	Page
27	Alternative verdicts for certain other offences against the person Table 49, item 6, column 2
28	Dictionary, note 2
29	Dictionary, definition of <i>aggravated offence</i>
30	Dictionary, new definitions
31	Crimes (Sentencing) Act 2005 New section 33 (1) (ga)



2019

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Giulia Jones)

# Crimes (Offences Against Frontline Community Service Providers) Amendment Bill 2019

---

## A Bill for

An Act to amend the *Crimes Act 1900*, and for other purposes

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Crimes (Offences Against Frontline Community Service Providers) Amendment Act 2019*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the [Crimes Act 1900](#).

*Note* This Act also amends the [Crimes \(Sentencing\) Act 2005](#) (see s 31).

**4 Offences against Act—application of Criminal Code etc  
Section 7A, note 1**

*insert*

- s 26A (Assaulting frontline community service provider)
- s 29A (Use motor vehicle to endanger frontline community service provider)
- s 29B (Use motor vehicle to damage frontline community service provider vehicle)

---

**5 New section 9A**

*in part 2, insert*

**9A Definitions—pt 2**

(1) In this part:

***aggravated offence*** means—

- (a) in relation to a pregnant woman—see section 48A; or
- (b) in relation to a frontline community service provider—see section 48C.

***fault element***—see the [Criminal Code](#), section 17.

***frontline community service provider*** means—

- (a) a police officer; or
- (b) a corrections officer; or
- (c) a health practitioner who provides a health service at—
  - (i) a hospital, including a day hospital; or
  - (ii) a correctional centre; or
- (d) an emergency service member.

(2) In this section:

***day hospital***—see the [Health Act 1993](#), dictionary.

***health service***—see the [Health Act 1993](#), section 5.

***member***, of an emergency service—

- (a) see the [Emergencies Act 2004](#), dictionary; and
- (b) includes a person operating in the ACT in accordance with a cooperative arrangement under the [Emergencies Act 2004](#), section 176.

**6      Manslaughter  
Section 15 (3), note**

*substitute*

*Note*      Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**7      Intentionally inflicting grievous bodily harm  
Section 19 (2), note**

*substitute*

*Note*      Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**8      Recklessly inflicting grievous bodily harm  
Section 20 (2), note**

*substitute*

*Note*      Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**9      Wounding  
Section 21 (2), note**

*substitute*

*Note*      Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.



**10 Assault with intent to commit other offence**  
**New section 22 (2)**

*insert*

(2) However, for an aggravated offence against this section, the maximum penalty is imprisonment for 7 years.

*Note* Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**11 Inflicting actual bodily harm**  
**Section 23 (2), note**

*substitute*

*Note* Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**12 Assault occasioning actual bodily harm**  
**Section 24 (2), note**

*substitute*

*Note* Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**13      Causing grievous bodily harm**  
**New section 25 (2)**

*insert*

- (2) However, for an aggravated offence against this section, the maximum penalty is imprisonment for 7 years.

*Note*      Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**14      New section 26A**

*insert*

**26A      Assaulting frontline community service provider**

- (1) A person commits an offence if the person assaults a frontline community service provider—

- (a) when the frontline community service provider is exercising their functions as a frontline community service provider; or
- (b) because of anything done by the frontline community service provider or any other frontline community service provider in the exercise of the provider's functions as a frontline community service provider.

Maximum penalty: imprisonment for 5 years.

- (2) In a prosecution for an offence against subsection (1) (b) it is not necessary to prove that a frontline community service provider was on duty when the conduct constituting the offence happened.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant did not know, and could not reasonably have known, that the person was a frontline community service provider.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

## **15 Acts endangering life etc New section 27 (5)**

*insert*

- (5) However, for an aggravated offence against this section, the maximum penalty is imprisonment for 12 years.

*Note* Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

## **16 Acts endangering health etc New section 28 (3)**

*insert*

- (3) However, for an aggravated offence against this section, the maximum penalty is imprisonment for 7 years.

*Note* Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**17      Throwing etc objects at vehicles**  
**New section 28A (1A)**

*insert*

(1A) However, for an aggravated offence against this section, the maximum penalty is imprisonment for 3 years.

*Note*      Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**18      Culpable driving of motor vehicle**  
**Section 29 (3), note**

*substitute*

*Note*      Section 48A (Aggravated offences—offences against pregnant women) and s 48C (Aggravated offences—offences against frontline community service providers) make provision in relation to an aggravated offence against this section.

**19      New sections 29A and 29B**

*insert*

**29A      Use motor vehicle to endanger frontline community service provider**

(1) A person commits an offence if the person—

(a) drives a motor vehicle—

(i) near or at another person who is a frontline community service provider; and

(ii) in a way that results in a risk of injury to the provider; and

- 1 (b) is reckless about—
  - 2 (i) whether the other person is a frontline community service
  - 3 provider; and
  - 4 (ii) whether the person’s driving results in a risk of injury to
  - 5 the provider.

6 Maximum penalty: imprisonment for 15 years.

- 7 (2) In a prosecution for an offence against subsection (1) it is not
- 8 necessary to prove that the frontline community service provider—

- 9 (a) was on duty when the conduct constituting the offence
- 10 happened; or

- 11 (b) feared injury as a result of the conduct.

12 **29B Use motor vehicle to damage frontline community service**  
13 **provider vehicle**

- 14 (1) A person commits an offence if—

- 15 (a) the person drives a motor vehicle; and

- 16 (b) the person’s driving causes damage to a frontline community
- 17 service provider vehicle; and

- 18 (c) the person is reckless about—

- 19 (i) whether the person’s driving would result in damage to a
- 20 vehicle; and

- 21 (ii) whether the vehicle that would be damaged is a frontline
- 22 community service provider vehicle.

23 Maximum penalty: imprisonment for 5 years.

1 (2) In this section:

2 *frontline community service provider vehicle* means a motor vehicle  
3 that is being used, or is ordinarily used, by a frontline community  
4 service provider in the exercise of the provider's functions.

5 **20 Kidnapping**  
6 **New section 38 (2)**

7 *insert*

8 (2) However, for an aggravated offence against subsection (1) (a), the  
9 maximum penalty is imprisonment for 25 years.

10 *Note* Section 48A (Aggravated offences—offences against pregnant women)  
11 and s 48C (Aggravated offences—offences against frontline community  
12 service providers) make provision in relation to an aggravated offence  
13 against this section.

14 **21 Aggravated offences—offences against pregnant women**  
15 **Section 48A (1)**

16 *substitute*

17 (1) This section applies to an offence against any of the following  
18 provisions:

- 19 (a) section 15 (Manslaughter);  
20 (b) section 19 (Intentionally inflicting grievous bodily harm);  
21 (c) section 20 (Recklessly inflicting grievous bodily harm);  
22 (d) section 21 (Wounding);  
23 (e) section 22 (Assault with intent to commit other offence);  
24 (f) section 23 (Inflicting actual bodily harm);  
25 (g) section 24 (Assault occasioning actual bodily harm);  
26 (h) section 25 (Causing grievous bodily harm);

- 1 (i) section 27 (Acts endangering life etc);
- 2 (j) section 28 (Acts endangering health etc);
- 3 (k) section 28A (Throwing etc objects at vehicles);
- 4 (l) section 29 (2) or (4) (Culpable driving of motor vehicle);
- 5 (m) section 38 (1) (a) (Kidnapping).

## 22 Section 48A (2) and (3)

- 7 *after*
- 8 *aggravated offence*
- 9 *insert*
- 10 , in relation to a pregnant woman,

## 23 Section 48A (4) and (5)

- 12 *after*
- 13 aggravated offence
- 14 *insert*
- 15 in relation to a pregnant woman

**24 Alternative verdicts for aggravated offences—offences against pregnant women**  
**Table 48B**

*substitute*

**Table 48B**

column 1 item	column 2 aggravated offence	column 3 alternative offences
1	section 15 (Manslaughter), aggravated offence	<ul style="list-style-type: none"> <li>• section 15, simple offence</li> <li>• section 17 (1) (Suicide—aiding etc)</li> <li>• section 17 (2)</li> <li>• section 20 (Recklessly inflicting grievous bodily harm), aggravated offence</li> <li>• section 20, simple offence</li> <li>• section 25 (Causing grievous bodily harm)</li> <li>• section 29 (2) (Culpable driving of motor vehicle—causing death), aggravated offence</li> <li>• section 29 (2), simple offence</li> <li>• section 42 (Child destruction)</li> <li>• section 47 (Concealment of birth)</li> </ul>
2	section 19 (Intentionally inflicting grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 19, simple offence</li> <li>• section 20 (Recklessly inflicting grievous bodily harm), aggravated offence</li> <li>• section 20, simple offence</li> <li>• section 21 (Wounding), aggravated offence</li> <li>• section 21, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> <li>• section 43 (Childbirth—grievous bodily harm)</li> </ul>



column 1 item	column 2 aggravated offence	column 3 alternative offences
3	section 20 (Recklessly inflicting grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 20, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> <li>• section 25 (Causing grievous bodily harm), aggravated offence</li> <li>• section 25, simple offence</li> <li>• section 29 (4) (Culpable driving of motor vehicle—causing grievous bodily harm), aggravated offence</li> <li>• section 29 (4), simple offence</li> <li>• section 43 (Childbirth—grievous bodily harm)</li> </ul>
4	section 21 (Wounding), aggravated offence	<ul style="list-style-type: none"> <li>• section 21, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> <li>• section 24 (Assault occasioning actual bodily harm), aggravated offence</li> <li>• section 24, simple offence</li> <li>• section 26 (Common assault)</li> </ul>
5	section 22 (Assault with intent to commit other offence), aggravated offence	<ul style="list-style-type: none"> <li>• section 22, simple offence</li> <li>• section 26 (Common assault)</li> </ul>
6	section 23 (Inflicting actual bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 23, simple offence</li> <li>• section 24 (Assault occasioning actual bodily harm), aggravated offence</li> <li>• section 24, simple offence</li> <li>• section 26 (Common assault)</li> </ul>

## Section 24

---

column 1 item	column 2 aggravated offence	column 3 alternative offences
7	section 24 (Assault occasioning actual bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>section 24, simple offence</li> <li>section 26 (Common assault)</li> </ul>
8	section 25 (Causing grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>section 25, simple offence</li> </ul>
9	section 27 (3) (a) (choking etc rendering person unconscious etc), aggravated offence	<ul style="list-style-type: none"> <li>section 27 (3) (a), simple offence</li> <li>section 28 (2) (a) (choking, suffocating or strangling)</li> </ul>
10	section 27 (3) (b) (administering drugs etc endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>section 27 (3) (b), simple offence</li> <li>section 28 (2) (b) (administering poison etc with intent to injure etc)</li> </ul>
11	section 27 (3) (e) (causing explosions etc endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>section 27 (3) (e), simple offence</li> <li>section 28 (2) (c) (causing explosions etc endangering health etc)</li> </ul>
12	section 27 (3) (f) (setting traps endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>section 27 (3) (f), simple offence</li> <li>section 28 (2) (d) (setting traps endangering health etc)</li> </ul>
13	section 27 (3) (g) (interfering with conveyances and endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>section 27 (3) (g), simple offence</li> <li>section 28 (2) (e) (interfering with conveyances and endangering health etc)</li> </ul>
14	section 27 (4) (intending to commit indictable offence/prevent or hinder apprehension/police officer), aggravated offence	<ul style="list-style-type: none"> <li>section 27 (3), aggravated offence</li> <li>section 27 (3), simple offence</li> </ul>

column 1 item	column 2 aggravated offence	column 3 alternative offences
15	section 28 (2) (a) (choking, suffocating or strangling), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (a), simple offence</li> <li>section 26 (Common assault)</li> </ul>
16	section 28 (2) (b) (administering poisons etc with intent to injure etc), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (b), simple offence</li> </ul>
17	section 28 (2) (c) (causing explosions etc endangering health etc), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (c), simple offence</li> </ul>
18	section 28 (2) (d) (setting traps endangering health etc), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (d), simple offence</li> </ul>
19	section 28 (2) (e) (interfering with conveyances and endangering health etc), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (e), simple offence</li> </ul>
20	section 28A (Throwing etc objects at vehicles), aggravated offence	<ul style="list-style-type: none"> <li>section 28A, simple offence</li> </ul>
21	section 29 (2) (Culpable driving of motor vehicle—causing death), aggravated offence	<ul style="list-style-type: none"> <li>section 29 (2), simple offence</li> <li><i>Road Transport (Safety and Traffic Management) Act 1999</i>, section 6 (1) (a) (Negligent driving)—causing death</li> </ul>
22	section 29 (4) (Culpable driving of motor vehicle—causing grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>section 29 (4), simple offence</li> <li><i>Road Transport (Safety and Traffic Management) Act 1999</i>, section 6 (1) (b) (Negligent driving)—causing grievous bodily harm</li> </ul>

column 1 item	column 2 aggravated offence	column 3 alternative offences
23	section 38 (Kidnapping), aggravated offence	<ul style="list-style-type: none"> <li>• section 21 (Wounding), aggravated offence</li> <li>• section 21, simple offence</li> <li>• section 22 (Assault with intent to commit other offence), aggravated offence</li> <li>• section 22, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> <li>• section 24 (Assault occasioning actual bodily harm), aggravated offence</li> <li>• section 24, simple offence</li> <li>• section 25 (Causing grievous bodily harm), aggravated offence</li> <li>• section 25, simple offence</li> <li>• section 26 (Common assault)</li> <li>• section 27 (Acts endangering life etc), aggravated offence</li> <li>• section 27, simple offence</li> <li>• section 38 (Kidnapping), simple offence</li> <li>• section 43 (Childbirth—grievous bodily harm)</li> </ul>

1	<b>25</b>	<b>Section 48B (2), definition of <i>aggravated offence</i></b>
2		<i>omit</i>
3		48A (2)
4		<i>substitute</i>
5		48A
6	<b>26</b>	<b>New sections 48C and 48D</b>
7		<i>insert</i>
8	<b>48C</b>	<b>Aggravated offences—offences against frontline</b>
9		<b>community service providers</b>
10	(1)	This section applies to an offence against any of the following
11		provisions:
12	(a)	section 15 (Manslaughter);
13	(b)	section 19 (Intentionally inflicting grievous bodily harm);
14	(c)	section 20 (Recklessly inflicting grievous bodily harm);
15	(d)	section 21 (Wounding);
16	(e)	section 22 (Assault with intent to commit other offence);
17	(f)	section 23 (Inflicting actual bodily harm);
18	(g)	section 24 (Assault occasioning actual bodily harm);
19	(h)	section 25 (Causing grievous bodily harm);
20	(i)	section 27 (Acts endangering life etc);
21	(j)	section 28 (Acts endangering health etc);

- 1 (k) section 28A (Throwing etc objects at vehicles);
- 2 (l) section 29 (2) or (4) (Culpable driving of motor vehicle);
- 3 (m) section 38 (1) (a) (Kidnapping).
- 4 (2) The offence is an ***aggravated offence***, in relation to a frontline
- 5 community service provider, if the offence was committed against a
- 6 frontline community service provider—
- 7 (a) when the frontline community service provider was exercising
- 8 the provider's functions as a frontline community service
- 9 provider; or
- 10 (b) because of anything done by the frontline community service
- 11 provider or any other frontline community service provider in
- 12 the exercise of the provider's functions as a frontline community
- 13 service provider.
- 14 (3) However, the offence is not an ***aggravated offence***, in relation to a
- 15 frontline community service provider, if the defendant proves, on the
- 16 balance of probabilities, that the defendant did not know, and could
- 17 not reasonably have known, that the person was a frontline
- 18 community service provider.
- 19 (4) If the prosecution intends to prove that the offence is an aggravated
- 20 offence in relation to a frontline community service provider, the
- 21 relevant factors of aggravation must be stated in the charge.
- 22 (5) To remove any doubt—
- 23 (a) it is not necessary for the prosecution to prove that the defendant
- 24 had a fault element in relation to any factor of aggravation; and
- 25 (b) the [Criminal Code](#), chapter 2 (other than the applied provisions)
- 26 does not apply to an offence mentioned in subsection (1) (a) to
- 27 (m), whether or not it is an aggravated offence in relation to a
- 28 frontline community service provider.

(6) In this section:

*applied provisions*—see the [Criminal Code](#), section 10 (1).

*factor of aggravation* means a matter mentioned in subsection (2) (a) or (b).

#### **48D Alternative verdicts for aggravated offences—offences against frontline community service providers**

- (1) If, in a prosecution for an aggravated offence mentioned in column 2 of an item in table 48D, the trier of fact is not satisfied that the defendant committed the aggravated offence, but is satisfied beyond reasonable doubt that the defendant committed an offence mentioned in column 3 of the item (the *alternative offence*), the trier of fact may find the defendant guilty of the alternative offence but only if the defendant has been given procedural fairness in relation to that finding of guilt.

**Table 48D**

column 1 item	column 2 aggravated offence	column 3 alternative offences
1	section 15 (Manslaughter), aggravated offence	<ul style="list-style-type: none"> <li>• section 15, simple offence</li> <li>• section 17 (1) (Suicide—aiding etc)</li> <li>• section 17 (2)</li> <li>• section 20 (Recklessly inflicting grievous bodily harm), aggravated offence</li> <li>• section 20, simple offence</li> <li>• section 25 (Causing grievous bodily harm)</li> <li>• section 29 (2) (Culpable driving of motor vehicle—causing death), aggravated offence</li> <li>• section 29 (2), simple offence</li> </ul>

column 1 item	column 2 aggravated offence	column 3 alternative offences
2	section 19 (Intentionally inflicting grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 19, simple offence</li> <li>• section 20 (Recklessly inflicting grievous bodily harm), aggravated offence</li> <li>• section 20, simple offence</li> <li>• section 21 (Wounding), aggravated offence</li> <li>• section 21, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> </ul>
3	section 20 (Recklessly inflicting grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 20, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> <li>• section 25 (Causing grievous bodily harm), aggravated offence</li> <li>• section 25, simple offence</li> <li>• section 29 (4) (Culpable driving of motor vehicle—causing grievous bodily harm), aggravated offence</li> <li>• section 29 (4), simple offence</li> </ul>
4	section 21 (Wounding), aggravated offence	<ul style="list-style-type: none"> <li>• section 21, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> <li>• section 24 (Assault occasioning actual bodily harm), aggravated offence</li> <li>• section 24, simple offence</li> <li>• section 26 (Common assault)</li> <li>• section 26A (Assaulting frontline community service provider)</li> </ul>



<b>column 1 item</b>	<b>column 2 aggravated offence</b>	<b>column 3 alternative offences</b>
5	section 22 (Assault with intent to commit other offence), aggravated offence	<ul style="list-style-type: none"> <li>• section 22, simple offence</li> <li>• section 26 (Common assault)</li> <li>• section 26A (Assaulting frontline community service provider)</li> </ul>
6	section 23 (Inflicting actual bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 23, simple offence</li> <li>• section 24 (Assault occasioning actual bodily harm), aggravated offence</li> <li>• section 24, simple offence</li> <li>• section 26 (Common assault)</li> <li>• section 26A (Assaulting frontline community service provider)</li> </ul>
7	section 24 (Assault occasioning actual bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 24, simple offence</li> <li>• section 26 (Common assault)</li> <li>• section 26A (Assaulting frontline community service provider)</li> </ul>
8	section 25 (Causing grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>• section 25, simple offence</li> </ul>
9	section 27 (3) (a) (choking etc rendering person unconscious etc), aggravated offence	<ul style="list-style-type: none"> <li>• section 27 (3) (a), simple offence</li> <li>• section 28 (2) (a) (choking, suffocating or strangling)</li> </ul>
10	section 27 (3) (b) (administering drugs etc endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>• section 27 (3) (b), simple offence</li> <li>• section 28 (2) (b) (administering poison etc with intent to injure etc)</li> </ul>

<b>column 1 item</b>	<b>column 2 aggravated offence</b>	<b>column 3 alternative offences</b>
11	section 27 (3) (e) (causing explosions etc endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>• section 27 (3) (e), simple offence</li> <li>• section 28 (2) (c) (causing explosions etc endangering health etc)</li> </ul>
12	section 27 (3) (f) (setting traps endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>• section 27 (3) (f), simple offence</li> <li>• section 28 (2) (d) (setting traps endangering health etc)</li> </ul>
13	section 27 (3) (g) (interfering with conveyances and endangering life etc), aggravated offence	<ul style="list-style-type: none"> <li>• section 27 (3) (g), simple offence</li> <li>• section 28 (2) (e) (interfering with conveyances and endangering health etc)</li> </ul>
14	section 27 (4) (intending to commit indictable offence/prevent or hinder apprehension/police officer), aggravated offence	<ul style="list-style-type: none"> <li>• section 27 (3), simple offence</li> <li>• section 27 (3), aggravated offence</li> </ul>
15	section 28 (2) (a) (choking, suffocating or strangling), aggravated offence	<ul style="list-style-type: none"> <li>• section 28 (2) (a), simple offence</li> <li>• section 26 (Common assault)</li> <li>• section 26A (Assaulting frontline community service provider)</li> </ul>
16	section 28 (2) (b) (administering poisons etc with intent to injure etc), aggravated offence	<ul style="list-style-type: none"> <li>• section 28 (2) (b), simple offence</li> </ul>

column 1 item	column 2 aggravated offence	column 3 alternative offences
17	section 28 (2) (c) (causing explosions etc endangering health etc), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (c), simple offence</li> </ul>
18	section 28 (2) (d) (setting traps endangering health etc), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (d), simple offence</li> </ul>
19	section 28 (2) (e) (interfering with conveyances and endangering health etc), aggravated offence	<ul style="list-style-type: none"> <li>section 28 (2) (e), simple offence</li> </ul>
20	section 28A (Throwing etc objects at vehicles), aggravated offence	<ul style="list-style-type: none"> <li>section 28A, simple offence</li> </ul>
21	section 29 (2) (Culpable driving of motor vehicle—causing death), aggravated offence	<ul style="list-style-type: none"> <li>section 29 (2), simple offence</li> <li><i>Road Transport (Safety and Traffic Management) Act 1999</i>, section 6 (1) (a) (Negligent driving)—causing death</li> </ul>
22	section 29 (4) (Culpable driving of motor vehicle—causing grievous bodily harm), aggravated offence	<ul style="list-style-type: none"> <li>section 29 (4), simple offence</li> <li><i>Road Transport (Safety and Traffic Management) Act 1999</i>, section 6 (1) (b) (Negligent driving)—causing grievous bodily harm</li> </ul>

column 1 item	column 2 aggravated offence	column 3 alternative offences
23	section 38 (Kidnapping), aggravated offence	<ul style="list-style-type: none"> <li>• section 21 (Wounding), aggravated offence</li> <li>• section 21, simple offence</li> <li>• section 22 (Assault with intent to commit other offence), aggravated offence</li> <li>• section 22, simple offence</li> <li>• section 23 (Inflicting actual bodily harm), aggravated offence</li> <li>• section 23, simple offence</li> <li>• section 24 (Assault occasioning actual bodily harm), aggravated offence</li> <li>• section 24, simple offence</li> <li>• section 25 (Causing grievous bodily harm), aggravated offence</li> <li>• section 25, simple offence</li> <li>• section 26 (Common assault)</li> <li>• section 26A (Assaulting frontline community service provider)</li> <li>• section 27 (Acts endangering life etc), aggravated offence</li> <li>• section 27, simple offence</li> <li>• section 38 (Kidnapping), simple offence</li> </ul>

- 1           (2) In this section:
- 2                 ***aggravated offence***—see section 48C.
- 3                 ***simple offence***, in relation to a provision, means an offence against
- 4                 the provision that is not an aggravated offence against the provision.

**27 Alternative verdicts for certain other offences against the person**  
**Table 49, item 6, column 2**

*omit*

22 (2)

*substitute*

22

**28 Dictionary, note 2**

*insert*

- corrections officer

**29 Dictionary, definition of *aggravated offence***

*substitute*

***aggravated offence*—**

(a) for part 2 (Offences against the person)—see section 9A; and

(b) for part 5 (Sexual servitude)—see section 81.

**30 Dictionary, new definitions**

*insert*

***fault element***, for part 2 (Offences against the person)—see the [Criminal Code](#), section 17.

***frontline community service provider***, for part 2 (Offences against the person)—see section 9A.

**31 Crimes (Sentencing) Act 2005**  
**New section 33 (1) (ga)**

*insert*

(ga) if a victim of the offence was a frontline community service provider under the *Crimes Act 1900*—

(i) whether the offender knew, or ought reasonably to have known, that the victim was a frontline community service provider; and

(ii) whether the offender intended to cause, or was reckless about causing harm to the frontline community service provider in the exercise of the provider's functions as a frontline community service provider; and

(iii) whether the offender intended to cause, or was reckless about causing harm to the frontline community service provider because of anything done by the frontline community service provider or any other frontline community service provider in the exercise of the provider's functions as a frontline community service provider;

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 23 October 2019.

**2 Notification**

Notified under the [Legislation Act](#) on 2019.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---