

Serial 11  
Criminal Code Amendment (Assaults on Workers) Bill 2012  
Mr Elferink

A Bill for an Act to amend the Criminal Code and make related and consequential amendments to other Acts

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (ASSAULTS ON WORKERS) ACT 2012

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Act No. [ ] of 2012

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2012

An Act to amend the Criminal Code and make related and consequential amendments to other Acts

[Assented to [ ] 2012]  
[Second reading [ ] 2012]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Criminal Code Amendment (Assaults on Workers) Act 2012*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## Part 2 Amendment of Criminal Code

### 3 Criminal Code amended

This Part amends the Criminal Code.

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**4 Section 188 amended**

Section 188(2)(f) and (fa)

*omit, insert*

- (f) is assisting a public sector employee in carrying out the public sector employee's duties;
- (fa) is assisting a justice of the peace in carrying out the justice's functions;

**5 Section 188A inserted**

After section 188

*insert*

**188A Assaults on workers**

- (1) A person who unlawfully assaults a worker who is working in the performance of his or her duties is guilty of a crime.
- (2) The maximum penalty for the offence is as follows:
  - (a) if the victim suffers harm:
    - (i) if the person is found guilty on indictment – imprisonment for 7 years; or
    - (ii) if the person is found guilty summarily – imprisonment for 3 years;
  - (b) if the victim does not suffer harm:
    - (i) if the person is found guilty on indictment – imprisonment for 5 years; or
    - (ii) if the person is found guilty summarily – imprisonment for 2 years.
- (3) A person is a **worker** for this section if he or she carries out employment related activities (**work**) in any lawful capacity, including work as any of the following:
  - (a) an employee;
  - (b) a contractor or subcontractor;
  - (c) an apprentice or trainee;

- (d) a student gaining work experience;
  - (e) a volunteer;
  - (f) a self-employed person;
  - (g) a person appointed under a law in force in the Territory to carry out functions or to hold an office.
- (4) However, a police officer is not a worker for this section.

*Note for subsection (4)*

*Section 189A applies to assaults on police officers.*

## **Part 3 Other laws amended**

### **6 Other laws amended**

The Schedule amends the laws mentioned in it.

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**Schedule Other laws amended**

section 6

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Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Bail Act</i></b>		
section 8(1)(aa)(ii), after "188"		, 188A, 189A
<b><i>Justices Act</i></b>		
section 131A(1), after "188(2)"		, 188A

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