



New South Wales

Crimes Legislation Amendment (Assaults on Retail Workers) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to—

- (a) amend the *Crimes Act 1900* to create new offences in relation to assaults on, and other actions in relation to, retail workers, and
- (b) amend the *Criminal Procedure Act 1986* to provide for certain of the new offences to be triable summarily.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1 inserts proposed Part 3, Division 8C relating to assaults, and other actions, in relation to retail workers.

Proposed section 60F inserts 2 definitions for the proposed division. **Retail worker** is defined as a person whose duties primarily involve working in an area of a shop open to the public. **Shop** is defined as the whole or a part of a building, place, stall, structure, tent, vehicle or yard in which goods are sold, or offered or exposed for sale, by retail, including by auction.

Proposed section 60G(1) makes it an offence to assault, throw a missile at, stalk, harass or intimidate a retail worker in the course of the worker's duty, although no actual bodily harm is caused to the worker.

Proposed section 60G(2) makes it an offence to assault a retail worker in the course of the worker's duty and in doing so cause actual bodily harm to the worker.

Proposed section 60G(3) makes it an offence if a person wounds or causes grievous bodily harm to a retail worker in the course of the worker's duty and is reckless as to causing actual bodily harm to the worker or another person.

Proposed section 60G(4) makes it clear that an action is taken to be carried out in relation to a retail worker in the course of the worker's duty, even if the worker is not on duty at the time, if the action is carried out as a consequence of, or in retaliation for, actions undertaken by the retail worker in the course of the worker's duty.

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209

Schedule 2[1] amends the *Criminal Procedure Act 1986* to provide that the offence created under proposed section 60G(2) must be dealt with summarily unless the prosecutor or person charged elects to have the offence dealt with on indictment.

Schedule 2[2] provides that the offence created under proposed section 60G(1) must be dealt with summarily unless the prosecutor elects to have the offence dealt with on indictment.



New South Wales

Crimes Legislation Amendment (Assaults on Retail Workers) Bill 2023

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Crimes Act 1900 No 40	3
Schedule 2	Amendment of Criminal Procedure Act 1986 No 209	4



New South Wales

Crimes Legislation Amendment (Assaults on Retail Workers) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Crimes Act 1900* to create new offences in relation to assaults on, and other actions in relation to, retail workers; and to amend the *Criminal Procedure Act 1986* to provide for certain of the new offences to be triable summarily.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Crimes Legislation Amendment (Assaults on Retail Workers) Act 2023*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

Schedule 1	Amendment of Crimes Act 1900 No 40	1
Part 3	Offences against the person	2
	Insert after section 60E—	3
Division 8C	Assaults etc against retail workers	4
60F	Definitions	5
	In this division—	6
	<i>retail worker</i> means a person whose duties primarily involve working in an area of a shop open to the public.	7 8
	<i>shop</i> means the whole or a part of a building, place, stall, structure, tent, vehicle or yard in which goods are sold, or offered or exposed for sale, by retail, including by auction.	9 10 11
60G	Assault and other action against retail workers	12
(1)	A person who assaults, throws a missile at, stalks, harasses or intimidates a retail worker in the course of the worker’s duty, although no actual bodily harm is caused to the worker, commits an offence. Maximum penalty—imprisonment for 4 years.	13 14 15 16
(2)	A person commits an offence if the person— (a) assaults a retail worker in the course of the worker’s duty, and (b) by the assault, causes actual bodily harm to the worker. Maximum penalty—imprisonment for 6 years.	17 18 19 20
(3)	A person commits an offence if the person by any means— (a) wounds or causes grievous bodily harm to a retail worker in the course of the worker’s duty, and (b) is reckless as to causing actual bodily harm to the retail worker or another person. Maximum penalty—imprisonment for 11 years.	21 22 23 24 25 26
(4)	For this section, an action is taken to be carried out in relation to a retail worker in the course of the worker’s duty, even if the worker is not on duty at the time, if the action is carried out as a consequence of, or in retaliation for, actions undertaken by the retail worker in the course of the worker’s duty.	27 28 29 30

Schedule 2	Amendment of Criminal Procedure Act 1986 No 209	1
		2
[1]	Schedule 1 Indictable offences triable summarily	3
	Insert “, 60G(2)” after “60E(2)” in Table 1, item 2.	4
[2]	Schedule 1, Table 2, item 1	5
	Insert “, 60G(1)” after “60E(1) and (4)”.	6