



Australian Government
Attorney-General's Department

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Senate Legal and Constitutional Affairs Committee

**Criminal Code Amendment (Protecting Commonwealth Frontline
Workers) Bill 2024**

Attorney-General's Department Submission

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Introduction

The Attorney-General's Department welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Committee's inquiry into the Criminal Code Amendment (Protecting Commonwealth Frontline Workers) Bill 2024 (the Bill). This submission provides further detail to assist this Committee's consideration of the Bill and should be read alongside the Bill and its explanatory materials.

The Bill amends existing offences in the *Criminal Code Act 1995* (Cth) (the Criminal Code) to strengthen protections against harm or threats of serious harm for Commonwealth public officials who are also Commonwealth frontline workers.

Commonwealth frontline workers are increasingly subject to acts of violence or aggression from members of the public. The safety and operation of Commonwealth workplaces is impacted by violence and aggression, jeopardising the safety of workers and members of the public and disrupting the delivery of essential government services.

The Bill addresses recommendation 18 of the Services Australia Security Risk Management Review conducted in 2023 by Mr Graham Ashton AM APM (the Ashton Review). Recommendation 18 stated that '*consideration should be given to the creation of a national penalty provision and associated state and territory supportive amendments for the assault of a Commonwealth frontline worker*'.

These amendments respond to the heightened workplace health and safety risks faced by Commonwealth frontline workers by ensuring that relevant penalty provisions more closely reflect the seriousness of the offences and are sufficiently deterrent. Consequently, these amendments will contribute to improving the safety of Commonwealth workplaces for everyone, including vulnerable members of the community and others seeking government support during difficult times. The Bill does this by:

- inserting the term 'Commonwealth frontline worker' at section 146.1 of the Criminal Code, and
- extending the existing higher penalty provisions, outlined in sections 147.1(1)(f) and 147.2(1)(e), to circumstances where the Commonwealth public official is a Commonwealth frontline worker.

Provisions of the Bill

Inserting the term 'Commonwealth frontline worker'

The Bill inserts the term 'Commonwealth frontline worker' at section 146.1 of the Criminal Code. The term 'Commonwealth frontline worker' is defined as a person:

- a) who is a Commonwealth public official; and
- b) who performs work requiring the person to deal directly (whether or not in person) with the public, or a class of the public, as a primary function of their role; and
- c) who is not a Commonwealth judicial officer or a Commonwealth law enforcement officer.

This definition is intended to capture a variety of Commonwealth public officials provided the Commonwealth public official deals directly with the public, or a class of the public, as a primary function of their role. Focusing on the nature of the role being performed ensures the definition is not overly prescriptive and reflects the diversity of Commonwealth frontline worker roles, from service delivery to regulatory

functions. The term is intended to capture, but not be limited to, the following Commonwealth public officials:

- public-facing service centre staff and team leaders (including at face-to-face and virtual service centres)
- security guards
- call centre operators
- inspectors and compliance officers, such as officers exercising monitoring or investigation powers under the *Regulatory Powers (Standard Provisions) Act 2015*
- interpreters
- public-facing staff in electorate offices, and
- service staff providing frontline services in the community, for example, at local community organisations or at relief and emergency response centres.

For the avoidance of doubt, the Bill also adds subsection (3) at the end of section 146.1 of the Criminal Code that enables regulations to prescribe one or more categories of persons who are taken to perform work requiring the person to deal directly with the public, or a class of the public, as a primary function of their role. This subsection ensures that the Bill is responsive to the changing nature of Commonwealth roles and work functions, providing for more effective protection of Commonwealth frontline workers.

Increasing the penalties available for causing harm and threatening to cause serious harm to a Commonwealth frontline worker

These amendments increase the maximum penalty for causing harm to a Commonwealth frontline worker from 10 years' imprisonment to 13 years' imprisonment and increase the maximum penalty for threatening to cause serious harm to a Commonwealth frontline worker from 7 years' imprisonment to 9 years' imprisonment.

These amendments align the penalties for causing harm or threatening to cause serious harm to a Commonwealth frontline worker with the existing higher penalties for the same conduct against Commonwealth judicial officers and Commonwealth law enforcement officers.

In this way, the Bill seeks to address the increasing levels of violence and aggression experienced by Commonwealth frontline workers in the course of performing their work and signals to the community that such violence and aggressions is not acceptable and will be met with serious penalties.