

## **Amendment to the Crimes (Sentencing Procedures) Act 1999**

Dear Member,

As you will remember, following a serious security incident at Nepean Hospital, the HSU demanded action to be taken in improving security in hospitals. As a result, a Ministerial Roundtable was established and from there a 12-point action plan was developed.

Action item 10 of that 12-point action plan involved looking at legislative changes that would assist security officers and staff generally in dealing with security matters.

As part of this process and as a result of strong advocacy from the HSU, the *Crimes (Sentencing Procedures) Act 1999* has now been amended. This amendment now allows a Court to consider a victim's occupation as a worker in a hospital as an aggravating factor in sentencing offenders. The previous definition as a 'health worker' did not necessarily include security staff, while the amended definition does. Please see attached letter from the Ministry of Health.

A copy of the *Justice Legislation Amendment Act (No 2) 2018*, which includes the amendment to the *Crimes (Sentencing Procedures) Act 1999*, can be found at <https://www.parliament.nsw.gov.au/bills>.

In unity,



Gerard Hayes  
Secretary, HSU NSW/ACT/QLD

Mr Gerard Hayes  
General Secretary  
Health Services Union (NSW and ACT)  
Locked Bag 3  
Australia Square NSW .1215

Dear Mr Hayes *Gerard,*

**Re: Amendment to the *Crimes (Sentencing Procedures) Act 1999***

You will recall Action 10 from the 12 Point Action Plan on Hospital Security involved, in part, examining whether legislative changes were required to make it clear that a victim's status as a health worker, which is already an aggravating factor when sentencing an offender convicted of assault, covered hospital security staff.

This matter was examined and I am now pleased to advise that the *Justice Legislation Amendment Act (No 2) 2018* was assented to on 21 June 2018 and includes an amendment to the *Crimes (Sentencing Procedure) Act 1999*. This amendment now allows a Court to consider a victim's occupation as a worker in a hospital, such as a security staff member, as an aggravating factor in sentencing.

A copy of the *Justice Legislation Amendment Act (No 2) 2018* can be found at:  
<https://www.parliament.nsw.gov.au/bills> .

The Ministry contact for this matter is Michelle O'Heffernan, Principal Policy Advisor, Workplace Relations, tel 9424 5881.

Yours sincerely



Trevor Craft  
A/Executive Director  
Workplace Relations Branch

*17 July 2018*