

DRAFT SECOND READING SPEECH

HON. MICHAEL FERGUSON MP

Sentencing Amendment (Assaults on Frontline Workers) Bill 2016

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Madam Speaker, this Bill incorporates the second stage of the Government's election commitment to impose mandatory minimum sentences of imprisonment for assaults on emergency workers.

Mandatory minimum sentences of six months' imprisonment already apply, because of section 16A of the *Sentencing Act 1997*, to offenders convicted of an offence that results in serious bodily harm to a Police Officer while the Police Officer is on duty, unless there are exceptional circumstances.

Section 16A has been in force since December 2014.

During the debate on the passage of section 16A, the Government committed to a review of the section after 12 months.

I am pleased to say that the review of the operation of section 16A found no record of a Court having applied that section.

Madam Speaker, frontline workers provide essential services to our community and the community as a whole has an interest in ensuring their safety.

Offences resulting in serious bodily harm to frontline workers are unacceptable.

Ambulance Officers, Police Officers, Child Safety Officers, Nurses and Midwives, Correctional Service Members and others perform vital functions in our community.

It is a legitimate and appropriate role for Parliament to ensure that frontline workers are protected and supported by sentencing laws.

Parliaments across Australia have mandatory sentencing provisions that apply for offences committed against various categories of frontline workers.

For example, Western Australia has mandatory sentencing provisions for offences committed against, among others, Ambulance Officers, Police Officers and Prison Officers.

Victoria has mandatory sentences for offences committed against Emergency Workers.

The Northern Territory has mandatory minimum sentences for offences committed against Police Officers, Correctional Services Officers and other Emergency Service Workers.

Frontline workers often carry out their duties in dangerous environments.

They are confronted with situations that they cannot walk away from, and often have to deal with stressful situations, where people may be affected by alcohol and drugs or are experiencing heightened emotions.

The Government is always very concerned to hear about any incidents of violence, threatening or intimidating behaviour towards frontline health workers.

Threatening front line workers with violence, being aggressive, or resorting to violence is totally unacceptable, where the cost could be measured in the loss of someone's life.

Our dedicated health professionals are the powerhouse of our health system and ought to be admired and commended for the work they do.

Most people would agree, but would also be shocked to hear of some of the behaviours which health workers sometimes encounter.

For example, from 30 September 2015 to 30 September 2016, there were 166 incidents of physical aggression or assault on nursing staff within the Tasmanian Health Service.

And during the 2015-2016 financial year, there were 31 recorded incidents of aggression, including assaults and verbal abuse, towards ambulance officers.

For paramedics, the Government has taken other actions including the rollout of more radios and duress alarms, as well as implementing a training program designed to equip ambulance paramedics with greater skills in situational awareness, risk reduction and self protection using Tasmania Police trainers.

Members may have seen that the Government has launched a new public awareness campaign to spread the message that violence or aggression towards paramedics and volunteer ambulance officers is unacceptable, captured in one simple message 'I can't fight for your mate's life if I'm fighting for mine.'

This is part of the Government's broader efforts to drive home the message that we need to care for those who in turn care for the community.

Importantly, this includes those who volunteer their time to serve others, such as volunteer ambulance officers.

It is also unacceptable for any Corrections staff member to be assaulted while undertaking what is a very important role within the community. The management of the Tasmania Prison Service share this view and have the safety of staff and prisoners as their number one priority.

Correctional Officers are trained in negotiation, conflict resolution and the use of verbal communication techniques to de-escalate aggression, however, assaults committed against staff continue to occur, which is completely unacceptable.

The government has taken a range of actions since coming to office to improve safety and security for prisoners and staff, and this Bill is another important step in this regard.

Sentencing laws must, as far as they can, provide protection for frontline workers who are routinely placed in dangerous situations.

Madam Speaker, I now turn to several specific provisions of the Bill.

Clause 4 of the Bill inserts new subsection (1AA) into section 16A.

Clause 4 expands the scope of section 16A of the *Sentencing Act 1997* so that the mandatory minimum sentencing provisions in that section extend to:

- Correctional Services Officers
- Ambulance Officers
- Child Safety Officers and
- Nurses and Midwives

'Correctional Services Officer' is defined in new subsection 16A(1AA) to mean correctional officers, probation officers, those who administer or provide community corrections programs, and others who are appointed or employed for the purposes of the *Corrections Act 1997*.

The definition of Correctional Services Officer in the Bill is broad and it therefore encompasses a wide range of people employed and involved in corrections in Tasmania.

The other new categories of frontline workers are also defined in new section 16A.

New subsections 16A(10) and (11) define the circumstances in which certain frontline workers are taken to be on duty. These new subsections have been inserted to ensure that frontline workers are taken to be on duty for the purposes of subsection 16A(1) in a wide range of circumstances.

Existing provisions of section 16A will continue to apply, meaning that the mandatory minimum sentencing provisions will continue to apply for offences that result in serious bodily harm to Police Officers.

The existing provisions of section 16A will also continue to mean that mandatory minimum sentences will only apply when the offence has resulted in serious bodily harm to the frontline worker. Section 16A will not apply when the bodily harm caused to the frontline worker is relatively minor.

Section 16A will also continue to have no application if there are 'exceptional circumstances'. The phrase 'exceptional circumstances' has been interpreted by Courts to mean circumstances that are out of the ordinary course, unusual, special or uncommon. Where such circumstances are found to exist, there will be no requirement to impose the mandatory minimum sentence of six months' imprisonment.

This Bill is part of ongoing efforts by the Government to ensure the safety of frontline workers in Tasmania. We will consult on further occupational groups to be included in any future amendments to section 16A.

The Government is also considering the introduction of legislation allowing for mandatory testing of a person for infectious diseases when that person commits an offence exposing a victim to bodily fluids.

No one should be spat on or have bodily fluids thrown at them in their workplace.

The potential exposure of victims to infectious diseases through offending, and the long waiting periods required before a person exposed to bodily fluids can know whether he or she is infected with a disease, is highly stressful for victims and their families.

Madam Speaker, the community expects frontline workers to be able to carry out their duties safely. It is in the interests of the entire community that the important functions carried out by frontline workers continue. As the body that is representative of the community as a whole, it is appropriate that Parliament enacts laws to protect frontline workers and reflect the community's view that offences resulting in serious bodily harm to frontline workers are entirely unacceptable.

We will continue to review and monitor these provisions if passed into law, with a view to possibly extending them to further categories of frontline workers in future.

The amendments contained in this Bill are important steps in ensuring that frontline workers can carry out their duties with every protection that the law can offer.

I commend the Bill to the House.