

DRAFT SECOND READING SPEECH

HON ELISE ARCHER MP

Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019

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Madam Speaker, this Bill fulfils the Government's election commitment to re-introduce legislation to require courts to impose mandatory sentences of imprisonment for serious assault of certain frontline workers.

Offending that results in serious bodily harm to frontline workers is unacceptable.

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

Frontline workers are routinely confronted with dangerous situations from which they cannot walk away. They deal with people who are affected by alcohol and drugs and who are experiencing heightened emotions.

The physical and psychological harms created by violence, to individuals and to the community more broadly, are well-documented. Frontline workers are not immune to the serious harms that result from violence. Physically, serious violence can result in severe pain and temporary or permanent disability. Psychologically, victims of violence are at an increased risk of depression, anxiety, post-traumatic stress disorder and suicidal behaviour. There are also economic costs associated with violence. Victims may be unable to return to their work. There are personal and community costs and consequences associated with such violence as well as the cost of medical treatment of victims of violence and the investigation and prosecution of offences.

Sentencing laws must, as far as they can, serve to denounce violence and provide protection for frontline workers who are routinely placed in dangerous and potentially violent situations.

It is against this background that the Government has tabled the *Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019*.

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 2014 and it has been considered and applied in the Supreme Court of Tasmania.

This Bill extends the existing provisions of section 16A to cover the following further categories of frontline workers:

- ambulance officers;

- correctional services officers; and
- medical or social services officers.

Clause 4 of the Bill inserts new definitions into section 16A of the Act and I will now detail several of those definitions.

The definition of 'ambulance officer' covers both professional and volunteer ambulance officers within the meaning of the *Ambulance Service Act 1982*.

Correctional officers, probation officers, and State Service officers and employees who administer community correction programs and monitor home detention orders are included in the definition of 'correctional services officer'. The definition of correctional services officer in the Bill is broad and encompasses a wide range of people employed and involved in corrections in Tasmania.

The definition of 'medical or social services officer' covers nurses, midwives, medical orderlies, hospital attendants and child safety officers. 'Hospital' has been defined and the definition of hospital covers both private and public hospitals.

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 section 16A in a wide range of circumstances.

Existing provisions of section 16A will continue to apply, meaning that 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 an offence has resulted in serious bodily harm to a frontline worker. Section 16A will not apply when harm caused to a frontline worker by an offence is relatively minor.

Section 16A will also continue to have no application if there are 'exceptional circumstances'. The phrase 'exceptional circumstances' has been interpreted 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.

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.

The Government 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.