

Assaults on Emergency Service Workers – NSW Sentencing Council

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The Australasian College of Paramedicine (the College) welcomes the opportunity to make a submission in relation to penalties for assaults on police officers, correctional staff, youth justice officers, emergency services workers and health workers.

The College is the peak professional association supporting and representing over 10,000 paramedics and student paramedics from across Australia and New Zealand, with a large number of members based in NSW.

1. Are the sentencing patterns for offences involving assaults on police and other essential services personnel adequate? Why / why not?

We do not believe the current sentencing pattern is adequate, nor is it acting as a deterrent. Other jurisdictions (state and territory) have higher sentencing with mandatory prison time (including first time offences) and it is seen as an appropriate measure for assaulting of emergency service personnel.

Based on the statistics presented, it appears offenders are incarcerated at much lower rates when offending against police officers/emergency service workers compared to others; except for 'assault a police officer occasioning actual bodily harm' which has a 30%+ imprisonment rate. It is particularly concerning as it paints a picture that imprisonment would be more likely (or for longer) if that officer/emergency service worker was assaulted when not at work.

The issue is further complicated by long term cultural issues in some sectors, that assault may be 'part of the job' and this mis-held belief will not be redressed with a judicial system that does not support emergency service workers or sends a message that there is no point in reporting an assault as the alleged assailant would be released.

The lack of sentencing may also lead offenders to believe their crimes would go unpunished, perpetuating further instances of violence.

Note: Whilst the College supports mandatory prison time for assaults upon police and emergency workers, we also support consideration of genuine exceptional circumstances with appropriate application of judicial discretion.

2. Are the penalties for offences involving assaults on police and other essential services personnel (including the maximum penalties and any standard non-parole periods) adequate? Why / why not?

The penalties are not adequate. In relation to the violence against ambulance officers (*Health Services Act 1997, No 154, 67J*) the maximum is 5 years equitable to similar offence against police. Yet for those assaulting paramedics there is no option for harsher penalties in relation to actual or grievous bodily harm, unlike those who assault police. As such these penalties appear grossly inadequate.

3. Should other categories of emergency services workers be specified in these or other offences? If so, which categories of emergency services workers and which offences?

Paramedics should be recognised as a separate category/offence with penalties for assaults in line with police officers. In relation to the *Health Services Act 1997, No 154, 67J, section 4*, the definition of ambulance officer, currently only covering those employed by NSW Ambulance, needs to be updated to reflect registration of the profession and diversity of employers.

Health Services Act 1997, No 154, 67J, sections 1 and 2 only refer to violence as it pertains to hinderance of service rather than the broader definitions used in the police related legislation.

Paramedics, now a registered health profession, work in close contact with patients in uncontrolled clinical environments, often in isolated, unsupported situations with vulnerable mental health and drug affected individuals. Recent research not only indicates high levels of violence against paramedics, but an increasing trend in that violence¹.

Omission from the legislation could be perceived as placing a lesser importance on those workers.

Consideration should also be given to protect other services, especially Fire and Rescue/Rural Fire Service and State Emergency Services as these organisations are also exposed to potentially

¹ Maguire B. Violence against ambulance personnel: a retrospective cohort study of national data from Safe Work Australia. Public Health Research & Practice.

aggressive individuals. These groups often include volunteers and especially in rural and remote locations they work cooperatively at scenes and may assist paramedics or police in their duties. Currently legislation would appear to protect them only if they are assisting police.

Offences should cover the following:

- a. Assaults/wounding (all levels of severity). Consideration of the use of bodily fluids as the means of assault should also be considered.
- b. Incite any person to assault.
- c. Obstruct or hinder.
- d. Stalk, harass or intimidate.