

14 September 2020

By your side



New South Wales Sentencing Council

Only by email: sentencingcouncil@justice.nsw.gov.au

CONTACT: Daniel Papps
REF: 202000826DPA03SYDMET

To whom it may concern,

REVIEW OF PENALTIES FOR ASSAULTS ON POLICE AND EMERGENCY SERVICES WORKERS

The United Services Union represents tens of thousands of workers across the state of New South Wales performing a variety of important and essential roles.

However for the purposes of this submission we write on behalf of our members employed in community-facing compliance roles for local councils such as rangers, parking officers, compliance officers and other similar roles.

We note that the terms of reference for this review focus on the adequacy of sentencing for offences involving assaults on police officers, correctional staff, youth justice officers, emergency services workers, and health workers.

While the focus of your review is not on the members that we represent, we are of the firm view that our members performing these community-facing compliance roles for local councils should be given the same, or similar protections, to those afforded to police officers, correctional staff, youth justice officers, emergency services workers, and health workers.

Our members are required to perform an essential community service which helps to maintain the amenity an order of the communities in which they work, and which often brings them into conflict with those members of the public who are intent on flouting local laws and regulations.

We note that for the purposes of s 60A of the *Crimes Act 1900* (NSW) it is an offence to assault, throw a missile at, stalk, harass or intimidate a Law Enforcement Officer (other than a Police Officer), with such an offence carrying imprisonment of up to seven (7) years where the offending conduct occasions actual bodily harm of the law enforcement officer, and imprisonment of up to five (5) years where there is no actual bodily harm.

Significantly, our members performing community-facing compliance roles for local councils are excluded from the definition of Law Enforcement Officers for the purposes of the *Crimes Act 1900* (NSW).

Accordingly, harassing, threatening and/or violent behaviour towards our members is not deterred to the same degree that such behaviour would be deterred if our members were, for example, officers of an approved charitable organisation, within the meaning of the *Prevention of Cruelty to*

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Animals Act 1979 (NSW), who perform investigation, confiscation or other law enforcement functions, being a role that is defined as a Law Enforcement Officer by the *Crimes Act 1900* (NSW).

In a recent survey of our members performing these community-facing compliance roles for local councils, we have identified that:

- 98% have been threatened or verbally abused while performing their duties;
- 39% have been physically assaulted while performing their duties;
- 44% do not feel safe at work; and
- 91% of respondents thought they would feel safer if laws were changed to provide for tougher penalties to those convicted of assaulting emergency services workers.

It is the clear view of the members that we have surveyed, that tougher penalties are required to deter violent and/or abusive behaviour towards them when they are performing their functions.

While we note that our members are not the focus of this review, we consider there to be sufficient public utility in grouping our members in the same or similar category to other workers who are being considered as part of this review.

We thank you for your time in considering this submission, and should you wish to discuss the matter raised herein in greater detail we invite you to contact Mr Daniel Papps or Mr Bill O’Kell on [REDACTED].

Regards,

[REDACTED]

Graeme Kelly OAM

GENERAL SECRETARY

Per: Daniel Papps, Manager Industrial, Rules, Governance & Compliance

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