

**CRIMINAL LAW CONSOLIDATION (AGGRAVATED OFFENCES)
AMENDMENT BILL**

29 October 2008

The Hon. D.G.E. HOOD: Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

Today, I want to introduce a simple bill that Family First believes will work to increase the safety of our valued emergency services workers. I first proposed measures to strengthen protections for our ambulance officers and other emergency services workers following reports on 18 August this year in *The Advertiser* that ambulance officers had declared some suburbs as (what the paper called) 'no-go zones' without police escorts; that is, they would not enter those suburbs without a police escort. I find that situation completely ridiculous for a city like Adelaide, and I am sure other members would agree with me. Something must be done to protect these officers who work so tirelessly for our welfare.

The Advertiser also described—and a number of my constituents have verified this—that assaults on ambulance officers have become far too frequent. In 2007, 28 assaults on our ambulance officers were reported, compared with just 13 in 2006, nine in 2005 and nine in 2004. To the end of July this year, 12 assaults have already been reported. So, clearly, it seems that the number of assaults are on the increase.

Phil Palmer, on behalf of the union representing ambulance officers, says that most incidents are not reported and, in fact, assaults are 'almost a daily, shift-on-shift occurrence'. These assaults are usually drug and alcohol fuelled. That is completely unacceptable, and I am sure other members would agree.

The violent behaviour of these individuals does not stop when they arrive at our hospitals. I remind members that so-called 'code black' calls made by staff in our hospitals when they feel that they are in danger increased from 4,427 in the 2005-06 financial year to some 6,056 in the past financial year. Again, unfortunately, these terrible incidents are on the rise. Clearly, something needs to be done.

I propose that ambulance officers and other emergency services workers should be specifically protected under section 5AA of the Criminal Law Consolidation Act. That section already specifically names some types of assault as 'aggravated' and imposes higher penalties for assaults against police officers, prison officers and other law enforcement officers, but it does not specifically name ambulance officers or other emergency services workers—other than police officers, of course, because it does specifically include them.

This amendment will specifically declare any assaults against our health and emergency services workers to be 'aggravated' under section 5AA of the Criminal Law Act. I am aware that certain professions are declared 'prescribed' within the Criminal Law (General) Regulations of 2006 and are therefore protected under section 5AA(1)(k)(ii) of the act. For the record, these professions are: SA Country Fire Service members; SA Metropolitan Fire Service members; SA State Emergency Service members; SA Ambulance Service Inc. members; St John Ambulance Australia (SA) Inc members; Surf Life Saving (SA) Inc members; a body or organisation that is a member of Volunteer Marine Rescue (SA) Inc; and those who work in the accident and emergency department of a hospital.

Whilst clearly it would seem that the people I am trying to protect through this bill are protected under regulation, the question needs to be asked: why are they protected merely by regulation, which can be changed very easily at the stroke of the minister's pen, when other members have that protection enshrined in legislation?

In my view, protections granted to our emergency services workers should appear in a section of the act proper and not in an obscure regulation that can be changed, as I said, on short notice. Clearly, the protection for ambulance officers should be spelled out in section 5AA in the same way as protection for children and police officers is already spelled out—and that is precisely what this bill does.

I question how many cases in which ambulance officers have been assaulted were charged as simple assaults because the aggravated nature of the offence is currently not apparent without resorting to a search through regulations—something I believe is inappropriate. This amendment would make it clear that the maximum penalty for assault against such workers is indeed aggravated under law, going from two to three years for assault and from three to four years for causing harm to ambulance officers or other emergency services workers. We must send the loud message that assault against these very valuable members of our community, who are doing a terrific job, is absolutely and completely unacceptable.

I have written to a variety of emergency services organisations requesting their comments on this bill, and the responses have been overwhelmingly positive. In brief, and as I have outlined, this is a very simple bill. It will preserve, in legislation, protection for ambulance officers—as is currently the case for other professions. For some reason ambulance officers, and the others mentioned in the list I read out, are protected only by regulation. Why should they not have the same level of protection under legislation as their colleagues (for instance, the police and the like)? They work in very dangerous circumstances and, as I have outlined, the incidence of assault is increasing; unfortunately, the assaults are also becoming increasingly violent.

The data bears out that it is becoming more and more frequent. I would not say that these things have reached plague proportions, but they have certainly reached significant numbers, and it is very concerning. To think that we have so-called 'no go zones' in our city, places where ambulance officers either will not go or feel very uncomfortable going into without a police escort, is absolutely unacceptable. People who inflict this sort of violence on

ambulance officers doing their job, attempting to actually help them, should, as far as I am concerned, face very severe punishment indeed. That is what this bill will do.