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**Criminal Law (Forensic Procedures)
(Blood Testing for Diseases) Amendment Bill**

Mr PEDERICK (Hammond) (17:12 :55): I rise, too, to support the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill 2014. As the member for Bragg alluded to, we will be supporting the bill but seeking some amendment to protect other people in the front line of emergency services, who obviously have contact with many hundreds and thousands of people out in the field.

This bill amends the Criminal Law (Forensic Procedures) Act 2008 to require an offender who bites or spits at a police officer to undertake a blood test for infectious diseases. I think this is something that is needed. I note an article that was put out in 2011 by the Australia New Zealand Policing Advisory Agency about police and blood-borne viruses, so people have been onto this for a while and it has certainly been out there in the field for several years. I will make some comments about that document later on in my contribution.

In regard to the threshold of whether or not someone will be tested, it requires a reasonable suspicion that a police officer has been assaulted or that the offender has committed other specified offences of violence. These include assaults, causing harm, serious harm, are likely to cause harm, endanger life, riot, affray and violent disorder—the top end of violent offences.

I think the issue has been where officers in the field, if they think they have copped a spray, literally, and had someone spit at them, have to wait several months to see how the test goes. If you can test the offender almost immediately, it takes away a lot of that worry and angst from those many able police officers who serve us in this state.

I note that the Aboriginal Legal Rights Movement suggests that the sample should only be taken by a medical or nursing practitioner, and they are also concerned about protocols for proper forensic procedures. It is noted that there have been media reports recording the President of the Law Society of South Australia supporting the legislation and inviting extension to other emergency workers.

I think this is apt, and I note that the shadow attorney-general (the member for Bragg) has flagged amendments in regard to emergency services providers, which will include members of the South Australian Country Fire Service, which affects many members on this side of

the house, and I note my interest and that I am one. It also includes the South Australian Metropolitan Fire Service, the South Australian State Emergency Service, the South Australian Ambulance Service, the St John Ambulance (South Australia) Inc., Surf Life Saving South Australia or a body or organisation that is a member of Volunteer Marine Rescue or the accident and emergency department of a hospital. The member for Bragg has given a very authoritative approach to this bill and a very good description of things that can and do happen in the field.

Like the member for Bragg, I think this should be expanded to other people at the front line of our emergency response. I live in a country area and we have CFS crash rescue tenders at Tailem Bend and Coonalpyn. We have CFS units at Ki Ki and Coomandook that work under the Coomandook banner, and they also locally have a 9,000-litre tanker. There are also units throughout the electorate, and at Murray Bridge there is the MFS, SES, and marine rescue—the whole gamut of emergency services.

Right throughout our electorates and the state, there are many thousands of these people; some are paid and, obviously, in the volunteer sections—and I think of the CFS, in particular—many are not paid. So, any little benefits that we can give them to afford them some peace of mind out in the field I think we as a parliament should be doing to our utmost ability.

It is no secret—it is well known—that, with the emergency services levy increases, a lot of our emergency personnel are feeling like they have been kicked in the guts by the present government, and there is talk that they may not turn up to events. I hope they still do—I really and sincerely do.

I have had events at my place, and we had a massive fire about 8½ years ago, just before I got elected, and I know I have mentioned it in this place before. I got up in the morning to find out that a bloke from South-East further down near Avenue Range was in charge of a strike team that had come up. It is heartening to see them assist us in our time of need, as our groups do to help out people in need. They send out strike teams to support them in the field. We saw some terrible fires over the last summer up around Port Pirie, through the Hills and right throughout the state. Let us hope that we do not have too many. There will be some—there always are—and let us hope we can get onto them and that our emergency services personnel all act.

I do feel for them because they have been getting their emergency services levy bills recently and some have not just doubled. I know one of mine tripled, and some have gone up sixfold. It is a huge increase—600 per cent—for people to have to stomach knowing that, when they are called, they will more than likely still get out and work as volunteers, especially in the fire sector with the Country Fire Service.

In regard to what happens currently with the South Australian police, blood testing is offered to any officer who has had contact with an offender's bodily fluids and is therefore at risk of having been exposed to or contracted a communicable disease. There is currently, however, no obligation on an offender to be tested, and that is what this bill seeks to amend. This legislation is the result of a government commitment coming into the election.

As I indicated earlier, the specified offences are assault or resisting a police officer; assault and assault causing harm; causing harm; causing serious harm; doing acts likely to cause harm, serious harm or endanger life; riot; affray; and violent disorder. I note that this bill and the amendments with it allow other specified offences to be added by regulation, so I welcome that.

I note also that, if the bill does come into operation as an act, it provides that an offender can only be required to undertake a blood test upon the authorisation, to be recorded in writing, of a senior police officer, being an officer of or above the rank of inspector. I certainly think this is something that we need.

I will refer to parts of this document, *Police and Blood-Borne Viruses*, which was put together by the Australia New Zealand Policing Advisory Agency. As it states, and is obvious to everyone, police workers can be exposed to people's blood or bodily fluids in the course of their work. There has been a study conducted where police, after healthcare workers, were found to be the second most frequent occupational group affected.

I think that is a significant point that we need to note. Police actually rank just below healthcare workers so, as per the amendments of the member for Bragg, we need to take healthcare workers into account. Too many times we hear about things that happen in emergency departments where people might be having seizures or coming out of some drug situation, and they have a crack at the people who are trying to assist them and potentially save their life. It is obvious from this study alone that they are at the front line and cop more of a percentage of these attacks and the likelihood of infection than police. I am not trying to take away from the good work of the police.

There are three major blood-borne viruses: hepatitis B (HBV), hepatitis C (HCV) and human immunodeficiency virus (HIV). These are different viruses but can all be transmitted by blood. HBV and HIV can also be transmitted by other bodily fluids. Many people with HBV and HCV and some people with HIV are unaware that they have been infected and may unknowingly pass the virus on to others. All these infections can be prevented. They can all be treated but, if left untreated, they can lead to serious health problems.

The prevalence of these diseases is noted: an estimated 162,000 people in Australia are chronically infected with HBV; an estimated 217,000 people in Australia are chronically infected with HCV; and an estimated 20,171 people in Australia are living with HIV infection. All of these can be transmitted with blood to blood contact but it is noted in regard to HBV that saliva in the mouth and eyes, and bites that break the skin can transmit hepatitis B. That is certainly one disease that is relevant to this legislation.

A quote from this report states that all police should consider hepatitis B vaccination as a means of protecting themselves and others, both personally and professionally, and I am sure a lot are doing it. I am also sure that a lot of people who work in emergency departments and other emergency sectors are probably doing that already, but I do not have those numbers.

In discussing further things that can be done after exposure, there is post-exposure prophylaxis or PEP, which is a medication taken after exposure to a BBV to reduce the risk of infection. Obviously a health professional is needed to assess the risk of infection to determine the need for a PEP but it is not available for HCV.

It is noted, though, that, if police officers have been fully vaccinated for hepatitis B, a PEP is not required, and a blood test to confirm immunity may be recommended. So there are things that can be done afterwards, and these are the protocols that have been used in the past. It is certainly interesting to note in this document about blood-borne viruses that people in the field are well aware of the risks to the police force. As I noted earlier in my contribution, even this document states that health workers top the list, and they certainly should be included in the amendments to this legislation so they can have the same protection.

If we are going to afford it to our very vital police force, our emergency services need the same support. I think we should give the same support to all our emergency services, whether it is the Metropolitan Fire Service, State Emergency Service, Country Fire Service or marine fire services, all our ambulance workers and all people in the field of emergency contact who, when they get to a scene, cannot spend very long at all assessing the danger to themselves, which I know for a fact they do, but they also need to treat people and save their lives.

Sometimes they are dealing with people who may be coming out of a drug episode or something and are obviously not in their normal frame of mind, and all sorts of things can happen and things can get a bit out of control. I think the more we can do for these vital people who help society every day of the week, no matter what time of the day or night, the better, and I think we have an obligation, a moral obligation, as a parliament to do so. I commend the bill. I think it is a step in the right direction and I hope the government takes note of our amendments.

Mr TARZIA (Hartley) (17:29 :19): I also rise to support the bill preferably with the amendment which the diligent member for Bragg has proposed. However, I will support the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill 2014, with or without the amendment.

I have a sister who is a nurse who works in an Adelaide hospital and who is on the front line. Seeing what she does, it is quite bizarre that the government would isolate this bill to solely the police. The government has failed to consider other emergency providers in this bill and I am so pleased that the hardworking member for Bragg has taken the step to propose this amendment, because why should we isolate the bill to solely the police? Who are we to say that members of the Country Fire Service, the Metropolitan Fire Service, the State Emergency Service, the SA Ambulance Service, St John Ambulance Service, as well as Surf Life Saving South Australia and such organisations, or parts of those groups, are not to be protected through this kind of law? It is absolutely imperative that in this house we support the amendment of the member for Bragg because it is about protecting those who put themselves at risk for the community. So, I rise to support the bill.

I fully support the thrust of any bill that seeks to protect our emergency services personnel from people who spit or bite at them. I am sure we all have friends who are in this line of work and it is important that we protect them, where possible, as much as we can. The police in this state do a fantastic job to keep our streets safe from violent offenders and it is always important that we protect them as much as possible. I believe that when there is a reasonable suspicion and a police officer has been violently assaulted discretion should allow that a suspect should be tested without his or her consent. It is vital to protect the safety of our officers and we have heard examples of where these officers have to intervene in the course of duty.

The deputy leader has proposed a number of what I would call common-sense amendments to the bill that will protect all emergency services personnel who may come into contact with an offender that engages in biting or spitting behaviour. It is important that especially blood testing of an offender be applicable to these men and women in the course of their duties. The emergency services—particularly the nursing and medical staff—come into contact with violent offenders almost on a daily basis. We have heard examples of where there are other issues that might arise: someone may have a seizure, or someone may be under the influence of alcohol or drugs and perhaps not have control of their movements. It is important that we consider these instances and that we protect our men and women who perform these duties against these sorts of offenders.

It is ridiculous to think that a police officer might have the discretion under the act to compel an alleged offender to undergo a blood test but other emergency services staff do not have this discretion. It is absolutely outrageous. I understand, as we have heard, that the Law Society supports this position and I wholeheartedly support the intent of the government in the bill but it will be much better with the amendments proposed by the deputy leader.

I note that this currently does not apply to any other Australian jurisdiction and it would be a great thing that South Australia should lead the way in this area. I note that in Western Australia legislation is being considered, and I acknowledge the good work that they have commenced over there. I commend the bill to the house. I reiterate that we should not isolate the bill to just the police. Why extend it to emergency workers in one area and not the other? We need to get on board and we need to support the amendments of the member for Bragg. I commend the bill to the house.