

HOUSE OF ASSEMBLY

TUESDAY 12TH MAY 2015

CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING FOR DISEASES) AMENDMENT BILL

Mr PEDERICK (Hammond) (17:34): I rise to speak to the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill. I note the comments from our deputy leader, the member for Bragg, that the government has not acknowledged the work of the opposition, and I note the good work that has been done on this side.

When this bill was reintroduced this year, there was a vast improvement in who will have the ability to get an offender's blood tested in certain situations in regard to emergency work across the field. The specified offences detailed within this bill include assault, causing harm, causing serious harm, acts endangering life or creating risk of serious harm, riot, affray, assaulting and hindering police, violent disorder and any other serious offence of violence prescribed by regulation.

It is correct to say that the bill tabled last year related only to police officers, which we were seeking to amend. It obviously fell off the table with the proroguing of parliament, but it is a welcome move to include other emergency workers and other people in the field who may come in contact with someone who has the potential to have a communicable disease and who may be spitting on them.

The bill talks about where an offence like this could happen—it could be in the accident or emergency department of a hospital—and the definition in the bill states:

...the part of a hospital dedicated to the hospital's major accident and emergency functions, including those areas of the department used for administrative, waiting, reception, storage, diagnostic, treatment, consultation, triage and resuscitation functions and the access bays for ambulance and police .

Any biological material of a person:

... means the person's blood or bodily fluids or any other biological material of the person that is capable of communicating or transmitting a disease;

The greater spread of people who will be incorporated under this bill appears under the listing of the emergency services providers. It is good to see that the first one listed is the South Australian Country Fire Service, of which I am a member, as is the member for Morphett and many members on this side. Also listed are the South Australian

Metropolitan Fire Service, the South Australian State Emergency Service, the South Australian Ambulance Service, St John Ambulance Australia South Australia Incorporated, Surf Life Saving South Australia Incorporated, a volunteer marine rescue association accredited by the State Marine Rescue Committee to perform search and rescue functions, and the accident or emergency department of a hospital. It certainly is pleasing that the government has seen fit to spread the bill over all these emergency services because it is absolutely vital that people believe they are getting protection in the field.

There has been a bit of concern expressed by some people consulted along the way about guidance around the testing, and it has been indicated that senior police officers will have regard to expert guidance of the risks of the transmission of infectious diseases in deciding if testing is appropriate under the bill. A protocol will have to be developed between SA Health and SAPOL, in close consultation with the Chief Public Health Officer, to ensure that senior police officers are properly informed and that testing under the bill is performed appropriately.

From the speeches I have read when this bill was introduced, and from the briefings we have had on this side of the house, the beauty of this bill is that it spreads to other emergency workers who, as we are well aware, can be assaulted in the course of their occupation. Certainly, in light of what occurs in emergency wards, medical and nursing staff and paramedics are right at the cutting edge of situations out there in the street or in the community. In light of that, I commend the bill and I believe it should have a speedy passage through this place and the other place.