



24th March 2020

Hon Michael Gunner MLA
GPO Box 3146
Darwin NT 0801
chief.minister@nt.gov.au

Hon Nicole Manison
GPO Box 3146
Darwin NT 0801
minister.manison@nt.gov.au

Dear Leaders,

I write in response to the Chief Minister's Statement on Tuesday 21st April 2020, where a new offence of spitting on workers was discussed for introduction and passing by the Legislative Assembly this Friday.

NTCOSS supports the protection of all frontline workers, including during this unprecedented public health emergency. However, this type of behaviour is already an offence under the *Criminal Code*, with assaulting a worker and assaulting an emergency worker carrying maximum penalties of imprisonment in the Northern Territory.

NTCOSS is concerned that the proposal to provide police with powers to issue \$5495 on-the-spot fines is unlikely to act as a deterrent for people most likely to engage in this type of behaviour, that it lacks judicial oversight, and will have a disproportionate impact on the most marginalised people in our society. In particular, this proposed offence has the potential to disproportionately affect young Aboriginal people, people experiencing homelessness, people with foetal alcohol spectrum disorder and other cognitive impairments, and people with significant trauma-related issues. As part of the response to COVID-19 new public health directions are necessary and these measures must be balanced to ensure they are reasonable, proportionate and temporary, with independent oversight and safeguards put in place.

If the NT Government determines that the existing measures under the *Criminal Code*, with its judicial oversight, are not sufficient to provide the necessary protection NTCOSS asks you to:

- Establish an independent oversight committee, consisting of the Anti-Discrimination Commissioner; the Aboriginal Peaks of the NT; and NTCOSS. This will enable broader

oversight and facilitate input from services and people with lived experience, who will be impacted by these measures;

- Ensure that any new offence introduced in response to COVID-19 is only for the time period of the COVID-19 emergency, and include a sunset clause to ensure that the indirect consequences do not continue beyond this emergency;
- Ensure that police provide the NT Ombudsman, on a regular basis, de-identified datasets on the locations and circumstances of COVID-19 related stops, fines and enforcement measures taken, in order for the data to be appropriately analysed and cross-referenced with demographic data

It is the sign of any health democracy to ensure there is oversight to increased police powers.

Yours sincerely,

A handwritten signature in blue ink that reads "Deborah Di Natale". The signature is written in a cursive style.

Deborah Di Natale
Chief Executive Officer
NTCOSS