



Senate Legal and Constitutional Affairs Legislation Committee

Criminal Code Amendment (Protecting Commonwealth Frontline Workers) Bill 2024 [Provisions]

Services Australia's Submission

June 2024

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Introduction

Services Australia welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Legislation Committee's inquiry into the Criminal Code Amendment (Protecting Commonwealth Frontline Workers) Bill 2024 [Provisions] (the **Bill**). This submission provides further detail to assist this Committee's consideration of the Bill and explains how the Bill will support Services Australia (the **agency**) to provide improved safety and security for its workforce.

Services Australia is the primary service delivery agency of Government. With a footprint right across Australia, the agency plays a key role in Australians' experience of Government. Australians seeking government payments and services often present to the agency experiencing difficult circumstances. Supports are provided based on an individual's needs and presenting circumstances.

The Bill has been introduced following an external review and is complementary to the agency's work to strengthen protections for its workers and customers.

Agency staff play a critical role in providing services and payments to Australians, and most customer interactions occur without incident. However, when serving Australians, our frontline workers are regularly subjected to incidents of customer aggression.

The Bill will act as a general deterrent for customer aggression and will send a strong message to our frontline workers that their safety is valued by the Commonwealth, and the risk associated with their work is recognised in law.

Background

The Security Risk Management Review (the **Review**) undertaken by former Chief Commissioner of Victoria Police, Mr Graham Ashton, AM APM was initiated by the Hon Bill Shorten MP on 24 May 2023. The Review was announced following a serious incident of customer aggression at the agency's Airport West Service Centre in Melbourne, where a staff member was seriously injured by a customer on 23 May 2023.

Finalised in July 2023, the Review outlined 44 recommendations (refer to [the Key Findings and Recommendations at Attachment A](#)) covering agency improvements to: security capabilities; service centre design; managed service plans; and the adequacy of legislation to prevent and respond to incidents of aggression.

On 13 October 2023, Minister Shorten announced that the Government will act on all 44 recommendations, including recommendations to implement legislative change to enhance protections for Commonwealth workers, to reduce workplace risks to staff safety.

The Bill and its associated amendments have been conceptualised to address Recommendation 18 of the Review.

The work of our frontline workers

Over the course of their lives, most Australians will rely on a payment or service delivered by the agency. In 2022-23, Services Australia had 26.7 million Medicare customers, 9.5 million Centrelink customers and 1.1 million Child Support customers.

As at 31 December 2023, there were 31,788 Services Australia staff. Our frontline workers include staff that work in a variety of roles and environments such as service officers in service centres and Smart Centres. Of these, 6,207 staff work within one of the agency's 318 service centres, exclusive of other Government co-located staff. Their work is crucial to support Australians' access to payments and services administered by the agency.

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During the 2022-23 financial year, our frontline workers in service centres supported Australians through 10 million customer contacts. For this financial year as at 31 December 2023, our frontline workers in service centres have helped Australians through 5.3 million contacts.

Our frontline workers are regularly subject to incidents of customer aggression. Service centre staff reported 8,993 customer aggression incidents in the 2022-23 financial year, including 1,246 which were recorded as serious incidents. For this financial year, as at 31 December 2023, there were 6,092 customer aggression incidents, including 852 serious incidents.

Across all service channels in the 2022-23 financial year, the agency's frontline workers reported a total of 20,478 customer aggression incidents. For this financial year as at 31 December 2023, the agency's frontline workers reported experiencing 13,663 customer aggression incidents.

Customer aggression incidents reported by our frontline workers in service centres includes, but is not limited to:

- experiences of physical assault, including with a weapon and spitting
- arson
- objects being thrown at frontline workers
- verbal abuse including serious threats of harm, and
- property damage.

Customer aggression has business impacts, reducing the operational capacity and capability of the agency and partner agencies in delivering services to Australians. Customer aggression also impacts the health and wellbeing of agency staff, contributing to physical and psychological injury claims, absenteeism and reduced productivity.

The agency complies with its obligations under the *Work Health and Safety Act 2011 (Cth)*. The agency's Work Health and Safety Strategy 2021-26 guides continuous improvement in safety while demonstrating a shared commitment to ensuring safe and healthy workplaces.

Strengthening the current controls, including through this Bill, to deter or prevent staff exposure to customer aggression and associated injury will allow the agency to continue to keep our staff healthy and safe while delivering for Australians at their time of need.

The importance of the Bill to help keep our frontline workers and customers safe

The agency has an extensive range of internal measures in place to protect its frontline workers and tailor services for customers. These include:

- Access to specialist referrals, including Social Workers, Multicultural Service Officers, Community Engagement Officers, Financial Information Service Officers, Aged Care Specialist Officers and Indigenous Service Officers. These services can be provided in person, over the phone or in the community.
- Access to services to assist customers manage their payments, for example weekly and advance payments.
- Referrals to external service providers to provide specialised support, such as community welfare organisations.
- Prioritising claim processing and appeals of adverse decisions for customers experiencing vulnerability.
- Flexibility for debt repayments, including suspension of debt recovery for a short period of time.
- Considering a job seeker's vulnerable circumstances when assessing their capacity to meet mutual obligation requirements.

SERVICES AUSTRALIA SUBMISSION

The agency can tailor the way services are delivered to customers by implementing a Managed Service Plan (MSP). MSPs ensure ongoing access to payments and services provided by the agency, while maintaining a safe work environment for staff. An MSP is implemented following an incident of customer aggression or counter-productive behaviour, or to assist a customer who has self-identified vulnerabilities or barriers. MSPs can include support options and full or partial restrictions of the customer's access to one or more service delivery channels.

The most complex or vulnerable customers are referred to the agency's specialised Personalised Services team for management. Personalised Services provides a dedicated point of contact between the customer and the agency, reducing the risk of aggressive behaviours experienced by our face-to-face and Smart Centre staff. This administrative arrangement improves customer and business outcomes by brokering a collaborative approach to complex case management and facilitates internal and external referrals for customers including regular contact with Social Workers.

Sometimes these internal measures are not enough. The Review observed that the current controls to sufficiently deter or prevent staff exposure to customer aggression and associated injury could be enhanced to provide a safer workplace for Services Australia staff, other entities' co-located staff, and customers.

To improve this, Recommendation 18 asks consideration be given to the creation of a national penalty provision and associated state and territory supportive amendments for the assault of a Commonwealth frontline worker. The Review outlines that to address increasing aggression against frontline workers, other jurisdictions have enacted additional penalty provisions for those who assault frontline workers. The Review highlights that, anecdotally, the publication of these provisions have acted as a deterrent on many occasions and, most importantly, sends a strong signal to the community and frontline workers that they are valued, and their safety is prioritised.

The Bill directly addresses Recommendation 18, creating a higher maximum penalty for causing harm and threatening to cause serious harm to Commonwealth frontline workers, aligning the penalties for Commonwealth frontline workers with Commonwealth judicial officers and Commonwealth law enforcement officers.

The proposed new definition of Commonwealth frontline workers will extend beyond the Services Australia workforce and capture many frontline workers who provide crucial support and services to Australians. The impact of the Bill, if passed, will operate to create an additional deterrent for offenders and in turn, establish a message to the agency's frontline workers that their safety is paramount.

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