



THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: GUrgELC:1224515

2 December 2016

Mr Geoff Provest MP
Chair, Committee on Law and Safety
Parliament House
Macquarie Street
Sydney NSW 2000

By email: lawsafety@parliament.nsw.gov.au

Dear Mr Provest,

Inquiry into Violence Against Emergency Services Personnel – Supplementary Question

On Friday 18 November 2016, Ms Penny Musgrave gave evidence to the above inquiry on behalf of the Law Society of NSW.

Following the hearing Ms Musgrave received the following supplementary question:

Other submissions to the inquiry have made reference to the need for employers to provide a safe workplace. They advocate a review of internal policies and training programs for all emergency service agencies.

- Do you have a view about mandating suitable workplace programs for emergency service providers?
- If so, what is an appropriate model?

Our response to the supplementary question is detailed below.

Do you have a view about mandating suitable workplace programs for emergency service providers?

The requirements of the *Work Health and Safety Act 2011* ("WHS Act") on persons conducting a business or undertaking (PCBU) apply to emergency services. Emergency service providers (Ambulance Service of NSW, Fire and Rescue NSW, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the NSW Volunteer Rescue Association Inc, the New South Wales Mines Rescue Brigade among others) are required to comply with the general duties in that legislation. As a result, emergency service providers already implement workplace programs for workers, whether they are employees, contractors or volunteers.

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The WHS Act requires that all emergency services (as PCBU) must ensure, so far as is reasonably practicable, the health and safety of workers engaged in their activities (s 19 of the WHS Act). This general duty is complemented by a series of further duties placed on emergency services (as PCBU), duties on their officers, duties on workers and duties on other persons in the workplace (ss 20 – 29 of the WHS Act). The practical steps that need to be taken by the holders of duties under the WHS Act are set out in the *Work Health and Safety Regulation 2011* ("WHS Regulation"), and require PCBU including Emergency Services to:

1. Identify hazards;
2. Manage risks to health and safety;
3. Maintain control measures, and
4. Review control measures.

The imperative is for hazards to be identified and then eliminated. However, given that it is difficult (if not impossible) to eliminate all risks for emergency services personnel, control measures will always be required. It follows that proper workplace programs:

1. Ensure policies and standard operating procedures identify hazards;
2. Eliminate or control risks;
3. Utilise control measures, and
4. Regularly review risks and control measures.

Emergency services personnel face a variety of risks, and not all of the violence-related risks are the same or managed in the same way; more generally, risks may differ within services according to the specific role or location of the workers.

The Law Society is not in a position to offer an evaluation of the adequacy and suitability of the programs implemented by emergency services providers, however, in its view the current application of WHS legislation to emergency services is appropriate and provides for workplace programs.

If so, what is an appropriate model?

The Law Society does not endorse any specific model. However, as above, any model which is adopted must comply with the requirements of the WHS Act and WHS Regulation and is subject to the oversight by the regulatory authorities under the legislation.

I trust these comments are of assistance.

Yours sincerely,



Gary Ulman
President