



Health

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Ms Elspeth Dyer  
Committee Manager  
Committee on Law and Safety  
Legislative Assembly  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

By Email: [lawsafety@parliament.nsw.gov.au](mailto:lawsafety@parliament.nsw.gov.au)

Dear Ms Dyer

**Re: Inquiry into Violence Against Emergency Services Personnel - Additional Question**

I refer to my appearance before the Committee on Law and Safety on Monday 20 February and am writing in response to your further correspondence of 1 March 2017.

In reference to the additional question concerning whether security staff are considered as Health Workers under the relevant section of the *Crimes (Sentencing Procedure) Act 1999*, as stated at page 19 of the draft transcript, the attached response is provided for the information of the Committee.

If you require more information about any of the matters contained in our responses, please do not hesitate to contact Cathy Hill, Director of my Office, on [REDACTED] or via email to [REDACTED]

Yours sincerely

Karen Crawshaw PSM  
Deputy Secretary  
Governance, Workforce and Corporate

2.3.17

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**HEARING: SYDNEY, MONDAY 20 FEBRUARY 2017**

**NSW Ministry of Health – Ms Karen Crawshaw, Ms Annie Owens**

**Question taken on notice during the hearing<sup>1</sup>**

**Ms CRAWSHAW:** .... In addition, there is also a provision – I think it is in the Crimes (Sentencing) Act – that provides, as an aggravating factor in determining sentence, where a person has assaulted a health worker. We have written to the Attorney General to confirm that our security staff are regarded as health workers. We think they are but we want to be clear.

**The CHAIR:** That is a very relevant point. We did look at that closely.

**Ms CRAWSHAW:** We have that in hand.

**The CHAIR:** When did you write to the Attorney General?

**Ms CRAWSHAW:** It would have been not long after the 12-point plan was underway. Again, we think that those people are health workers but we want to be clear that even non-clinical staff are regarded as health workers for that purposes. Obviously an aggravating factor in sentencing is after the event.

**Mr EDMOND ATALLA:** Did you get a response?

**Ms CRAWSHAW:** I think we have had a response.

**Ms OWENS:** It is still a work in progress.

**Ms CRAWSHAW:** I will come back to you on that but I think we have not yet had a final clarification of that.

**Mr DAMIEN TUDEHOPE:** That was a very extensive answer and –

**Ms CRAWSHAW:** Do I think there is any more legislation to be done? No.

**Mr DAMIEN TUDEHOPE:** Except potentially an amendment –

**Ms CRAWSHAW:** Yes, to clarify that if we need to.

**COMMITTEE QUESTION:** Could you please advise whether the Attorney General has provided a response and whether security staff are regarded as Health Workers under the relevant section (s21A(2)(a)) of the *Crimes (Sentencing Procedure) Act 1999*?

**ANSWER:**

In August 2016, the former Minister for Health wrote to the former Attorney General requesting amendments to the *Crimes (Sentencing Procedure) Act 1999* to clarify that all members of NSW Health Service harmed or assaulted on performing their functions at public hospitals should come within the definition of “health worker” as an aggravating factor in sentencing.

In November 2016, the Attorney General responded and agreed there is merit in seeking an amendment to the Act, to ensure that when sentencing an offender, Courts consider the role security and other support staff provide in protecting staff and patients. The Ministry of Health understand that this is under consideration by the Department of Justice.

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<sup>1</sup> Extract from draft transcript on proceedings