

## **INQUIRY INTO VIOLENCE AGAINST EMERGENCY SERVICES PERSONNEL**

**Organisation:** Australian Nursing and Midwifery Federation (SA Branch)  
**Name:** Mr Rob Bonner  
**Position:** Director, Operations and Strategy  
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6 July 2016

The Chair  
Legislative Assembly Committee on Law and Safety  
Parliament House, 6 Macquarie Street  
Sydney NSW 2000

Dear Mr Provost,

**Re: Inquiry into Violence Against Emergency Services Personnel**

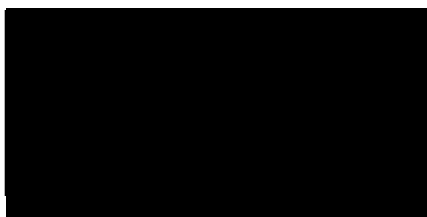
The Australian Nursing and Midwifery Federation (SA Branch) (ANMF SA Branch)) welcomes the opportunity to make submissions to the New South Wales' Legislative Assembly Committee on Law and Safety's Inquiry into Violence Against Emergency Services Personnel.

The ANMF (SA Branch) is the professional and industrial organization representing more than 19,500 nurses, midwives and personal care workers in South Australia. Our members are employed and provide care in a wide range of health and community services, including tertiary education, public and private secondary hospitals, country hospitals and multi-purpose services, district, community, primary and related health services, aged care and disability services, and mental health services.

Please find enclosed our submissions to the inquiry addressing the Terms of Reference.

If you wish to discuss any matter relating to our submissions please contact Industrial officer Jacqui Windsor on [REDACTED]

Yours sincerely,



Rob Bonner  
**Director, Operations and Strategy**

With you at work and in practice

## ***Introduction***

Often forgotten when considering emergency services personnel, nurses and midwives are at particular risk of experiencing violence in the workplace. The ANMF (SA Branch) has consistently advocated for the prevention and action of workplace violence and aggressive and challenging behaviours that our members face on a daily basis. The ANMF (SA Branch) strongly supports a 'zero tolerance' approach to violence in the workplace, in any setting. Nurses, midwives and other health care professionals are entitled to work in an environment in which adequate procedures and policies operate to ensure their safety, and a culture of no tolerance to workplace violence which encourages reporting and prosecution.

Violence against nurses, midwives and personal care workers is widely accepted yet a significantly underreported work health and safety hazard. The ANMF (SA Branch) continues to receive from our members consistent feedback that incidents of violence are increasing and becoming more life threatening, however are not necessarily captured well within the available reporting mechanisms, especially in the acute care, emergency, community and aged care settings

In the South Australian setting, SA Health have introduced more comprehensive reporting mechanisms through the Safety Learning System (SLS) to better understand the extent of the problem and factors that give rise to violence. Recent data indicates that between 1 July 2015 and 31 March 2016 there was a total of 6,225 reported Code Black incidents across South Australia, and 2,946 incidents arising in metropolitan emergency departments. The data also indicates that 2,959 Code Black incidents involved threatened and/ or actual harm against staff. A Code Black incident is an incident where a staff member believed it was necessary to call for security assistance because their safety was compromised.

The ANMF (SA Branch) has consistently lobbied the South Australian Government and SA Health for implementation of appropriate policies and procedures to proactively prevent, manage and respond to violence in the workplace and for legislative reform to increase penalties for those who commit acts of violence against health care professionals. Whilst the ANMF (SA Branch) has secured these key objectives, the ANMF (SA Branch) supports further legislative reform (both in South Australia and interstate), public education and training, enforcement of internal policies and procedures, and improved incident data reporting.

### ***The adequacy of current measures in place to protect emergency services personnel from violence including internal policies and procedures, training, and public education campaigns***

Whilst we cannot comment on the adequacy of the current measures in place in New South Wales, below is a summary of the internal measures that are currently being implemented in South Australia to address the increasing issue of violence in the health care sector.

Part of the ANMF (SA Branch)'s lobbying to the South Australian Government and SA Health involved recommendations relating to the introduction of a comprehensive strategy and campaign to address and deal with violence in the workplace. One of the objectives was to ensure that the Government and SA Health implemented appropriate policies, procedures, training and education to address, prevent and respond to workplace violence.

In 2015 SA Health, with significant contribution by the ANMF (SA Branch), released the *Challenging Behavior Strategy* (Strategy) which examines the key issues and priorities relevant to the prevention and responses to challenging behaviors in health care settings. The Strategy aims to minimise the risk and harm to workers and harm and/or self harm to consumers.<sup>1</sup>

The initial phases of the Strategy included the introduction of a comprehensive policy framework, toolkit and interactive education.<sup>2</sup> The framework supports health services to focus on preventing and responding to challenging behaviours in a systematic way.

The next phase of the Strategy, scheduled to be launched in August, will involve a proof of concept focused on emergency departments, including observation visits to emergency departments and interviews with staff and consumers. The proof of concept will aim to properly identify and understand the pressure points in different emergency departments/settings. The predicted reasons include mental health, drugs and alcohol, aged patients suffering from cognitive impairment or dementia, mental deterioration.

The final stages of the strategy will include a public social media campaign, similar to the successful 'Keep Your Hands Off Our Ambos' campaign, with new messaging developed based on the proof of concept outputs. Workforce education and training will be provided to address health literacy and the impacts of different working environments. Emergency Departments are also in the process of gathering baseline hazard identification data and there will also be trialing of different approaches to decongest Emergency Departments including addressing the queuing theory issues and considering alternative options for patients attending Emergency Departments such as nearby General Practitioner services.

SA Health has committed to engage with key stakeholders including staff, consumers and the community. The ANMF (SA Branch) will continue to participate and work in conjunction with SA Health to achieve the objectives of the strategy.

### ***Whether current sentencing options for people who assault or murder emergency services personnel remain effective***

To address what the ANMF (SA Branch) considered to be a lack of adequate sentencing for acts of violence against health care professionals in South Australia, we successfully lobbied the South Australian Government to amend the criminal laws to extend the scope of aggravated offences (offences with higher maximum penalties).<sup>3</sup> In 2013 the South Australian Government extended the scope of 'prescribed occupations' as defined in the *Criminal Law Consolidation (General) Regulations 2006* to include acts of violence against health care professionals working in a hospital setting.<sup>4</sup> Previously, aggravated offence penalties only applied to 'emergency work'.

The ANMF (SA Branch) supports legislative reform including further extending the scope of aggravated offences beyond the hospital setting. Acts of violence can occur in any setting or circumstance in which care is provided, including at a community centre, aged care facility or at home. Nurses, midwives, personal care workers and all other health care professionals are entitled to work in a safe environment, irrespective of where they work.

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<sup>1</sup> Government of South Australia (SA Health), *Challenging Behaviour Strategy*, last modified 15 April 2016, <http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/clinical+resources/clinical+topics/challenging+behaviour+strategy>

<sup>2</sup> As above.

<sup>3</sup> *Criminal Law Consolidation Act 1935* (SA) Section 5AA.

<sup>4</sup> *Criminal Law Consolidation (General) Regulations 2006* (SA) Regulation 3A.

The ANMF (SA Branch) acknowledges the difficulties with seeking a successful prosecution where there has been an act of violence in a health care setting, due to many perpetrators being affected by conditions that alter their behaviour including psychiatric illnesses, alcohol and/ or drug induced behaviours and cognitive impairment. In South Australia, questions of mental competence are appropriately accounted for by section 269 of the *Criminal Law Consolidation Act 1935* (SA) whereby self-induced intoxication cannot be relied upon as a defence of mental impairment. We note that similar provisions exist in Part 11A of the *Crimes Act 1900* (NSW).

The ANMF (SA Branch) is aware of a very recent prosecution and imprisonment of a patient who threatened to harm a nurse in South Australia, however broader information regarding successful prosecutions involving acts of violence against nurses and midwives is often not publicly available. The ANMF (SA Branch) has submitted recommendations to the South Australian Government and SA Health that formal records regarding prosecutions be maintained and published in the public interest. The ANMF (SA Branch) believes that formal records regarding successful prosecutions are vital to understand the adequacy and effectiveness of the current legislative scheme.

### ***Possible options for reform***

We note that the current criminal laws and regulations in New South Wales do not provide specific protection for health care professionals from acts of murder and assault, in the way it protects police and law enforcement officers. The *Crimes Act 1900* (NSW) provides specific protection for police and law enforcement officers from acts of violence, including mandatory life imprisonment for murder of a police officer<sup>5</sup> and higher penalties for assault of police and law enforcement officers.<sup>6</sup>

Possible options for reform in New South Wales include extending the protection offered to police and law enforcement officers to health care professionals working in any healthcare setting.

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<sup>5</sup> *Crimes Act 1900* (NSW) Section 19B.

<sup>6</sup> *Crimes Act 1900* (NSW) Division 8A.