

INQUIRY INTO VIOLENCE AGAINST EMERGENCY SERVICES PERSONNEL

Organisation: ACT Government

Name: Mr Simon Corbell MLA

Position: Deputy Chief Minister, Attorney-General, Minister for Health,
Minister for Police and Emergency Services, ACT

Date Received: 21 July 2016



SIMON CORBELL MLA
DEPUTY CHIEF MINISTER

Attorney-General
Minister for Health
Minister for the Environment and Climate Change
Minister for Police and Emergency Services

Member for Molonglo

Mr Geoff Provest MP
Chair
Legislative Assembly Committee on Law and Safety
Parliament House
6 Macquarie Street
SYDNEY NSW 2000

Dear Mr Provest

Thank you for your letter of 18 May 2016 to myself, and the ACT Minister for Corrections, Shane Rattenbury MLA, about the New South Wales (NSW) Inquiry into Violence Against Emergency Services Personnel.

The ACT Government (the Government) has numerous organisations that are charged with providing emergency services to the Canberra community that fall within the scope of the Inquiry. These include ACT Policing (ACTP), the ACT Emergency Services Agency (ESA) and ACT Health staff and volunteers. The ESA comprises the ACT Ambulance Service, ACT Fire & Rescue, the ACT Rural Fire Service, and the ACT State Emergency Service. The Government is committed to ensuring safe and healthy work environments for all of its emergency services personnel.

Emergency services personnel are regularly exposed to a risk of injury as an unfortunate reality of their job. As you would be aware, cases of violence against emergency services personnel can be complex, as in a lot of instances it is difficult to differentiate between those where there is a specific intent to cause harm, and those where the emergency services personnel may be assaulted because the individual has a disordered or abnormal thought process during a highly stressful situation.

ACT LEGISLATIVE ASSEMBLY

Phone (02) 6205 0000 Email corbell@act.gov.au



@SimonCorbell



simon.corbell

The Government relies on the existing assault provisions contained in the *Crimes ACT 1900* (the Act) where there are injuries sustained by emergency services personnel as a result of an assault:

Common Assault – Section 26 of the *ACT Crimes Act 1900*.

Used for all assaults when there is no proof that harm has been caused. This is the same offence provision that relates to all members of the community. There is no specific provision for common assaults on police or other emergency service workers. The offence carries a maximum penalty of two years imprisonment.

Assault Occasioning Actual Bodily Harm – Section 24 of the *Crimes Act 1900*.

This provision is used when actual bodily harm is caused in assaults on all emergency service workers other than police. This is the same offence provision that relates to all members of the community. The offence carries a maximum penalty of seven years imprisonment.

ACT emergency service personnel also rely on ACT legislation for offences relating to obstruction or hindrance:

Obstructing Territory Public Official – Section 361 of the *ACT Criminal Code 2002*.

This provision is used for persons who hinder, resist, intimidate or obstruct any Territory Public Official in the execution of their duty. All ACT and Commonwealth emergency service workers, including police, are covered under this provision. The offence carries a maximum penalty of two years imprisonment, \$30,000 or both.

ACTP previously had an offence provision to charge persons who assaulted a police officer in the execution of their duty under Section 64 (1) of the *Australian Federal Police Act 1979*:

"A person shall not assault, resist, obstruct or hinder, or aid, incite or assist any other person to assault, resist, obstruct or hinder, a member or special member in the execution of his or her duty." Penalty: Maximum penalty of two years imprisonment.

This provision was revoked in 2001 and left ACTP without a specific 'Assault Police' offence provision.

On 7 December 2011 the Government announced moves to close a loophole allowing offenders who assault police to use self-defence as a justification. An amendment was made to Section 42 of the *Criminal Code 2002* (ACT) to incorporate this outcome.

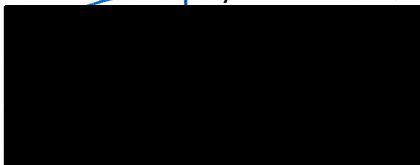
ACT Health adopts a number of strategies, systems and processes to provide a safe and secure environment for all staff, patients, visitors and volunteers in accordance with the ACT Government Protection Security Policy Framework. These include:

- An extensive security CCTV system with over 500 security cameras focused on strategic high risk areas including the Emergency Department, Ambulance bay and car parks;
- An electronic access control system (EACS) to manage access authorisation to zoned areas of its facilities;
- 'HELP Point' intercoms at various locations across the hospital campus;
- ACT Health locks down public entries to the Canberra Hospital after-hours with access controlled by security staff via intercoms;
- A range of duress solutions across its facilities utilising various technologies including fixed and wireless duress and RFI technology;
- Canberra Hospital has 24/7 security guarding services with static, roving and vehicle patrols used as a proactive security presence across the hospital campus;
- Security officers provide off-duty hospital staff with escorts to their cars during shift changeovers at night;
- Security staff maintain a physical presence in the Emergency Department from 21:00 hrs to 06:00 hrs seven days per week in a security room, monitoring CCTV and access control;
- ACT Health conducts security awareness training and online training modules;
- ACT Health has introduced a Personnel Security Policy which outlines procedures for dealing with violence and aggression including Violent Patient Management Plans and Workplace Protection Orders; and
- ACT Health provides training to staff in managing violence and aggression and verbal de-escalation.

Training is providing for all of our emergency services personnel, to assist in identifying and managing potentially high risk situations. However, the Government would be interested in any other possible policies, procedures, and strategies to mitigate this risk. The Government will be monitoring the outcomes of the Inquiry with great interest.

Thank you for the opportunity to contribute to the Inquiry.

Yours sincerely



Simon Corbell MLA
Attorney-General
Minister for Health
Minister for Police and Emergency Services

15.7.16