

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

**Organisation:** NSW Government

**Name:** The Honourable David Elliott MP

**Position:** Minister for Correction, Minister for Emergency Services &  
Minister for Veterans Affairs

**Date Received:** 8 August 2016



# The Honourable David Elliott MP

**Minister for Corrections**  
**Minister for Emergency Services**  
**Minister for Veterans Affairs**

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 correspondence regarding the Inquiry into Violence Against Emergency Services Personnel.

Please find enclosed the whole-of-government submission into the inquiry prepared by the Department of Justice. Input into this submission was received from agencies including NSW Police Force, Fire & Rescue NSW, NSW Rural Fire Service, NSW State Emergency Service and NSW Ambulance.

Also incorporated in the submission is data from the NSW Bureau of Crime Statistics and Research regarding offences against NSW emergency services personnel from 2011 to 2015 and information on sentencing options, which I understand has been provided by the Department of Justice.

As the submission indicates, each of the emergency service agencies have had varied experiences involving violence against their personnel. In absolute terms, officers from the NSW Police Force and NSW Ambulance face a greater level of risk in the execution of their duties.

This can be attributed to the nature of their work; officers from these agencies are frequently first responders in fatal and serious injury incidents involving domestic violence, crime and drug and alcohol abuse.

Comparatively, agencies such as Fire & Rescue NSW, NSW Rural Fire Service and the NSW State Emergency Service reported a lower rate of violence against their officers, which may be reflective of their roles as agencies which provide frontline emergency services natural and non-natural disaster.

No incidence of violence or aggression have been reported against members of Marine Rescue NSW.

As you are aware, the current terrorism alert level has been assessed as 'PROBABLE'. The threat of terrorism represents an ongoing element of risk for our police and emergency services whilst performing their duties to care for, and protect, the people of NSW. The terrorist threat adds another layer of complexity and awareness to their role.

Against this backdrop of national security our police and emergency services have introduced various measures to mitigate the risk to their staff as they work each day to protect our communities. This includes issuing advice to staff not to wear uniforms in public whilst off duty and to always travel in pairs or groups. I understand that Police have an ongoing communications strategy to ensure that officers and staff are familiar with Police operating arrangements to enforce the highest standards of personal security.

I am advised that nearly all of the emergency services agencies consulted stated that they would support additional measures to protect their personnel from violence and harassment, including the creation of new and expanded offences against which to prosecute perpetrators.

Thank you for the opportunity to provide a submission to the Inquiry.

Yours sincerely

A black rectangular box redacting the signature of David Elliott MP.

David Elliott MP  
**MINISTER FOR CORRECTIONS**  
**MINISTER FOR EMERGENCY SERVICES**  
**MINISTER FOR VETERANS AFFAIRS**  
Enc.

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Aug 2016



### **NSW Police Force ('NSWPF')**

There are inherent risks associated with the policing profession. In the course of their duties a police officer may experience threats of assault, injuries, communicable disease and homicide at a significantly higher rate than most other workers. Many of these injuries and threats have long term physical and psychological effects.

The potential for violence against police has significantly increased in the current terrorism threat environment. Police officers and staff have been targeted in terrorist activities.

The NSW Police Force faces unique challenges in relation to workplace health and safety when compared to other organisations. For example:

- Police have significant common law and statutory duties which arise from their duty to protect life and property. Police officers are often required to act in, resolve or control violent, dangerous or threatening situations and to protect the community, including other emergency services personnel
- The risks and hazards that police officers face are typically external and often unpredictable
- Police do not have full control over their work environments; their duties can typically take place at any time and in any location. Individual officers are required to make 'split second' decisions in highly challenging situations that can result in injury or fatality
- Police often have to make quick decisions in dynamic situations without the benefit of complete or accurate information
- Even when all reasonable controls have been put in place, there may still remain a substantial residual risk to police while executing their duties.
- There is significant public expectation that police respond decisively, accepting high levels of risk in order to reduce risks to others.

The NSWPF is strongly committed to the health and safety of its officers. This commitment is evident in the substantial and ongoing investment in its human resource capabilities, equipment, training and awareness strategies so that a police officer's safety, and that of the community, is ensured.

The NSWPF Safety Management system and Due Diligence Framework contain strategies, policies and procedures that enable it to comply with legislative requirements in relation to workplace safety. The NSWPF develops and implements strategies for regular formal risk assessments undertaken across all Local Area Commands and different levels within the NSWPF.

Police also employ preventative strategies that use research, data analysis and intelligence to identify and reduce the risk of violence against police. Workplace Health and Safety (WHS) professionals have been appointed to provide specialist advice, and representatives appointed within the NSWPF. WHS training is also provided to staff.



Police officers also undertake training in defensive tactics and emergency management to help them deal with a broad range of violent situations and to protect others, including other emergency services personnel in those situations.

#### Incidence of assaults on emergency services personnel

Over a three year period from 2013 to 2015, an average of 2,236 police officers per year were assaulted during the course of their duties (Table 1).

**Table 1: Assaults on police officers**

|                                 | 2013   | 2014   | 2015   |
|---------------------------------|--------|--------|--------|
| Officers assaulted              | 2,302  | 2,185  | 2,221  |
| Incidents of assault police     | 2,657  | 2,519  | 2,473  |
| Total number of police officers | 16,343 | 16,457 | 16,676 |

**Note:** An officer can be assaulted multiple times during a year, and more than one officer may be assaulted during one incident.

The following table represents the number of police officers who were injured as a result of an assault.

**Table 2: Police officers injured due to physical assault**

|  | 2013   | 2014   | 2015   |
|--|--------|--------|--------|
| Number of officers injured due to physical assault | 1,205  | 1,185  | 1,191  |
| Total number of police officers                    | 16,343 | 16,457 | 16,676 |
| Percentage   | 7.4    | 7.2    | 7.1    |

The majority of physical assaults against police officers occurred while officers were arresting or restraining offenders (Table 3)

**Table 3: Incident broken down to activity during injury**

| Activity                   | 2013 | 2014 | 2015 | Total |
|----------------------------|------|------|------|-------|
| Arresting an offender      | 920  | 921  | 917  | 2,758 |
| Restraining an offender    | 214  | 183  | 203  | 600   |
| General duties             | 86   | 99   | 76   | 261   |
| Mental health intervention | 53   | 63   | 57   | 173   |
| Crowd control              | 25   | 11   | 25   | 61    |
| Search persons             | 20   | 7    | 16   | 43    |
| Foot pursuit               | 10   | 5    | 7    | 22    |
| Other unspecified          | 9    | 15   | 14   | 38    |
| Drug/alcohol related       | 3    | 8    | 8    | 19    |
| Foot patrol                | 3    | 6    | 6    | 15    |

**Note:** Table represents top 10 incidents only



**Table 4: Type of injuries**

| Injury                         | 2013 | 2014 | 2015 | Total |
|--------------------------------|------|------|------|-------|
| Bruises/swelling               | 446  | 423  | 419  | 1,288 |
| Abrasions/superficial injuries | 310  | 292  | 307  | 909   |
| Sprains/strains                | 266  | 303  | 283  | 852   |
| Laceration/open wound          | 111  | 99   | 86   | 296   |
| Other                          | 71   | 60   | 81   | 212   |
| Fracture/dislocation           | 31   | 36   | 27   | 94    |
| Internal injury                | 15   | 23   | 22   | 60    |
| Infections/diseases            | 9    | 14   | 16   | 39    |
| Concussion/cranial             | 7    | 7    | 10   | 24    |
| Foreign bodies                 | 6    | 8    | 6    | 20    |

**Note:** Table represents top 10 injuries only

#### Sentencing patterns for homicides of police officers

In 2011 an amendment to section 19B of the *Crimes Act 1900* was introduced. The amendment imposed mandatory life sentences on persons convicted of the murder of a police officer. Since that time one mandatory sentence has been handed down. This was for the 2012 murder of Senior Constable David Rixon in Tamworth. In a second case, involving the murder of Detective Inspector Bryson Anderson, a 19B sentence was not engaged due to the serious cognitive impairment of one of the accused.

#### Current health and safety legislative structures

The NSWPF has a common law duty to take reasonable care for the health and safety of its employees. This includes a duty to establish and maintain a safety system of work for members of the NSWPF, which takes into account the foreseen risks of violent criminal conduct perpetrated by third parties.

It also has a statutory duty of care to its workers and other persons who may be adversely affected by its work pursuant to sections 19(1) and (19) 2 of the *Work Health and Safety Act 2011* (WHS Act). Senior executives of emergency service agencies also owe 'due diligence' to take reasonable steps to ensure an organisation complies with the Act: section 27. The Act is administered by SafeWork NSW.

The public policy issues arising from occupational violence experienced by emergency service personnel have previously been the focus of review. Recent examples include the *Queensland Ambulance Service Paramedic Safety Taskforce Report* (April 2016) and the Victorian Parliamentary Inquiry into violence and security arrangements in the State's hospitals (Final Report December 2011).

SafeWork NSW plays a key role in assisting emergency service agencies in identifying and minimising key safety risks to their workers as a result of violence. The 'responsive regulatory approach' of the agency emphasises co-operation and collaboration with emergency service agencies to address external safety issues.

While violence against emergency services personnel, including members of the NSWPF, is often actionable under criminal law, it also raises liability issues within the

context of the WHS Act or its predecessor, the *Occupational Health and Safety Act 2000* (OHS Act).

The NSWPF has been prosecuted under the OHS Act on a number of occasions for safety incidents because of the criminal conduct of third parties. This includes safety incidents where third parties have been convicted of serious criminal offences against NSWPF officers, including manslaughter and intention to inflict grievous bodily harm.

The NSWPF submits that consideration could be given to whether the pursuit and imposition of criminal sanctions for alleged breaches of the WHS Act is an effective means of improving health and safety outcomes for emergency service workers.

Emergency service agencies strive to protect the community as well as providing effective emergency service responses. This introduces new and unique considerations to the regulation of WHS law than might otherwise apply to those in a commercial enterprise.

The NSWPF is willing to work with SafeWork NSW and other agencies through a collaborative approach to address safety issues, and focus on the provision of practical guidance and instruction on minimising safety that could optimise WHS outcomes.

The NSWPF submits that ongoing work with all relevant stakeholders in adopting a 'responsive regulation' model will assist in identifying and mitigating risks resulting from violence against emergency service workers. This will not prevent SafeWork NSW from relying on its prosecutorial powers to respond to WHS risks, reliance on these measures should be judicious and considered.

A similar model has been applied by other WHS regulators, such as Comcare and is exhibiting a more proactive and collaborative regulatory approach which is targeted at increasing health and safety outcomes.

### **NSW Health and NSW Ambulance**

While recognising that paramedics are not categorised as Emergency Services Personnel, from 1 January to 31 December 2015, there were 142 separate incidents of physical or verbal assaults or treats on NSW paramedics reported to NSWPF Police compared to 175 in the same period for 2014. There have been no recorded homicides of NSW paramedics on duty.

Even though paramedics and nurses, doctors and other hospital staff who provide or support emergency treatment are not traditionally categorised as emergency services personnel, the NSW Ministry of Health maintains comprehensive policies on the management of security and violence issues relating to staff. NSW Health organisations are then required to implement strategies consistent with the standards set out in these State wide policies.

The relevant NSW Health policy framework is set out at **Attachment A**.

The strategies to prevent and manage violence need to be balanced against the fact that in the health care setting care still needs to be provided to people who are coping with serious illness and injury, including chemical intoxication and mental illness, which may impact on behaviour, while ensuring that the workplace is safe for staff.

In February 2016, in response to emerging concerns about the incidence of drug fuelled violence in emergency departments, a roundtable meeting was convened by the NSW Ministry of Health involving senior executives, clinical experts and officials from health industrial associations. Key actions to respond to the issue of violence against health workers were universally supported and resulted in the formation of a 12 point action plan for improving security in NSW public hospitals.

This comprehensive 12 point action plan is aimed at continuing to build on the skills of staff, drive a safety culture and identify best practice in the management of aggressive patients and those under the influence of psycho-stimulants. Implementation of these actions, in partnership with health unions is continuing.

NSW Ambulance has implemented a range of key strategies in relation to security of health workers. Strategies and initiatives implemented to date include:

#### Legislative amendments:

Amendments to the *Mental Health Act* which came into effect in November 2007 provided paramedics with the power to detain, search, restrain (including with mechanical restraint devices) and transport patients affected by mental illness where required. As a result, all paramedics completed training on the Mental Health Act. This training is now incorporated into Certificate to Practice scheduled training. In July 2010 amendments to the *Health Services Act 1997* came into effect, creating new offences dealing specifically with the obstruction of and violence against ambulance officers, with penalties including imprisonment.

#### Public campaigns

- "Zero Tolerance" Campaign (November 2008).
- "If You Hurt a Paramedic" public education campaign (December 2013).
- "No Excuse for Call Taker Abuse" public education campaign (May 2016).

#### Training and support for staff

- Implementation of a range of strategies to support staff including anti-violence training which includes the development of skills on environmental/scene risk assessment.
- Increased focus on ensuring incidents are reported, with staff the subject of a violent incident provided with an internal case officer to ensure support and follow-up is provided.

#### Risk management initiatives

- Implementation, through the AmbCAD system, of the capacity to record caution, medical and access notes which alert paramedics responding to an incident of any known potential hazards or risk of violence and/or additional information to aid in the access and treatment of patients. Caution notes record safety information relating to violence at a specific address as well as operational information relative to that address.
- Local Protocol Committees were established as a significant priority for NSW Ambulance. These Committees have high levels of associated engagement and improved inter-agency linkages and cooperation in the mental health field in line with the *Mental Health Emergency Responses Memorandum of Understanding*.
- Introduction of the Mental Health Acute Assessment Team Proof of Concept in Western Sydney Local Health District in 2013, aiming to provide more appropriate care and referral pathways for mental health patients.



- There has been significant work on improving and managing frequent callers with mental health issues, strengthening NSW Ambulance response to low risk/low acuity patients with mental health issues, and improving the pathway for inter-facility transport of children with mental health issues in rural areas.
- Chemical restraint (Droperidol), to manage acute behavioural disturbance in patients, was implemented on 31 October 2015 – there is currently an incremental roll out in line with successful completion of pre-requisite training. All training will be complete by December 2016 (through scheduled training).

An Occupational Violence Prevention Strategic Advisory Group was convened by NSW Ambulance in April 2016 to undertake a review to identify and explore further opportunities for training and procedure advancements and allow the organisation to look at improved systems of managing, monitoring and mitigating occupational violence. This review is currently active with plans for a final report to be delivered later in 2016. The need to review current strategies along with the significance of including the entire workforce in any future preventative measures is recognised.

### **NSW Rural Fire Service**

Section 42 of the *Rural Fires Act 1997* makes it an offence for a person to obstruct, hinder, incite or encourage any person to obstruct or hinder the NSW Rural Fire Service Commissioner, fire control officer or an officer of the rural fire brigade/s in the exercise of their functions under the Act. In 2013 the provision was amended to include volunteer rural fire fighters. The offence carries a maximum penalty of 50 penalty units or imprisonment for 2 years, or both.

The NSW Rural Fire Service has advised that between 2010 and 2016 there were 14 reported incidents of violence against its members while undertaking operational activities. The majority of these incidents (13) involved verbal abuse with one incident of an assault occasioning minor injury.

### **NSW State Emergency Services ('NSW SES')**

Section 24 of the *NSW State Emergency Act 1989* provides that a person must not obstruct or hinder the Commissioner, or other emergency officer, or any other person acting with the authority of the Commissioner. Section 40 of Act also prohibits a person from obstructing or hindering any other person acting with the authority of the Minister. However, the current legislative framework does not expressly prohibit the commission of acts of violence against a member of the NSW SES.

Between 2012 and 2016, the NSW SES received a number of reports of members being either injured or threatened by members of the public during the performance of their duties. A summary of these incidents is provided below:

#### Incident 1

NSW SES member was door knocking to advise residents of a pending flood threat. The resident reportedly became abusive and pushed the member causing them to trip and fall. After more words were exchanged the resident then punched the member on the right side of the face. Superficial injuries were sustained by the member.

#### Incident 2

NSW SES member was undertaking traffic control duties. A member of the public reportedly objected to having to park their car nearby whilst work was being undertaken.

The person then threatened the NSW SES member with violence stating *"I am going to slit your throat" "You are going to die" and "I'm going to kill you"*. An Apprehended Violence Order was issued by Police.

The NSW SES has worked to ensure any security risks faced by its members are mitigated to the greatest extent possible. This has included internal education and reminding members to reduce the incidence of wearing their uniform in public alone.

The NSW SES suggests that a holistic approach is required to educate the community about the importance of supporting emergency service workers. The NSW SES understands that SafeWork NSW will review the system of work implemented across the emergency services sector to mitigate the risk of violence.

### **Fire & Rescue NSW ('FRNSW')**

As emergency service workers providing essential assistance to the community at times of need, the experience of FRNSW firefighters has been generally positive. However a number of incidents over the last five years have been reported.

During the period 2011 to 2016 FRNSW recorded 24 incidents on its Notification of Injury, Illness, Exposure and Near Miss System (NIENMS) in relation to violence against firefighters and personnel. These incidents have ranged from physical assaults against firefighters by bystanders and residents, including by intoxicated or drug-affected people, to bottles being thrown at firefighter crews. The violence has occurred at fire scenes and at motor vehicle accidents.

Firefighters on occasion encounter verbal abuse when responding to fires or emergency calls in certain areas. As a recent example, firefighters responding to a grass fire in a rural area were faced with threats and abuse from a group nearby.

When responding to situations and locations where there is a risk of violence to firefighters, there are protocols in place to obtain police assistance before proceeding. These areas may include prisons, detention centres and some known zones of social unrest.

Significant risks to firefighters, police and ambulance officers lie in emergency service responses to clandestine drug laboratories. Unfortunately, at these premises there is an increased risk of concealed traps, armed offenders, chemicals and drug manufacturing equipment. Police and ambulance officers work closely with firefighters to deal with criminal, security, emergency and fire issues.

In relation to responses potential terrorism and other criminal activities, FRNSW works in collaboration with the NSWPF to ensure that necessary fire, HAZMAT, rescue and recovery services are provided in emergency situations. In doing so, the NSW Police Force provides security to, and ensures the safety of, FRNSW staff.

### **Offence of Obstruction of Firefighters and Other Personnel**

Section 35 of the *Fire Brigades Act 1989* makes it an offence to obstruct firefighters and other personnel while carrying out their functions under the Act. This is a useful and effective provision as it strengthens protection for the actions of firefighters in the course of their duties, and provides them with the appropriate legislative authority when confronted by someone attempting to stop or hinder them from carrying out the necessary tasks to fight a fire or respond to other emergencies.

The threat of a criminal sanction carries the force needed to ensure that emergency service workers can provide the response required in high pressure and volatile situations.

There have been limited convictions for this offence,<sup>1</sup> but even if there had been no prosecutions, the provision is essential as a means to safeguard the work of firefighters and other personnel and the operation of FRNSW. FRNSW refers to this section when dealing with difficult situations and people who may threaten to obstruct firefighters.

Data from the Judicial Information Research System show that for the period October 2011 to December 2015, five convictions were recorded under Section 35. Four of the cases were put before the Local Court, where two offenders received a fine only (one of \$400 and one of \$1,000) and two received a good behaviour bond.

One conviction was recorded in the Children's Court where the offender received a \$300 fine. The maximum penalties for the offence are a fine of \$5,500 or 2 years' imprisonment. Although this data show only a small number of convictions for the offence, the fact that there have been successful prosecutions, and that the sentences recorded have some weight to them relative to the maximum penalty, means that the provisions continue to act as a legitimate deterrent to obstructive behaviour.

FRNSW supports any measures that will strengthen the protection and safety of firefighters and emergency service personnel, particularly in situations where they are carrying out their duties. FRNSW notes the special offences for injury and murder of police officers and supports their extension to other emergency service workers.

**Sentencing options for offences committed against emergency services personnel**  
Under the *Crimes (Sentencing Procedure) Act 1999* ('Sentencing Act'), the court can impose various orders on a defendant guilty of committing an offence against emergency services personnel. These penalties can be grouped into the four broad categories of:

|                         |  |
|-------------------------|--|
| Custodial Sentences     | Imprisonment (s5)  |
| Non-custodial sentences | Community services orders (s8)<br>Good behaviour bonds (s9)<br>Non-conviction orders (s10)<br>Conviction with no other penalty (s10A)<br>Deferred sentence (s11)<br>Suspended sentence (s12)   |
| Non-association orders  | This order is in addition to another penalty (such as those above). Where an offender commits a crime punishable by 6 or more months in prison, a court can order the offender not to associate with certain people or go to certain places for up to 12 months. |
| Fines                   | An offender may be fined as well as receiving another type of sentence.  |

Higher penalties for offences against emergency services personnel

<sup>1</sup> Judicial Information Research System 2016, Judicial Commission of New South Wales,  
<http://www.judcom.nsw.gov.au/research-and-sentencing/judicial-information-research-system-jirs>



General assault provisions apply to assaults against emergency services workers. Under the *Crimes Act 1900* ('the Crimes Act') a person may be charged with:

- recklessly causing grievous bodily harm or wounding (s35): maximum penalty 14 years imprisonment
- assault occasioning actual bodily harm (s59): maximum penalty 7 years imprisonment, and
- common assault (s 61): maximum penalty 2 years imprisonment.

In sentencing an offender for a general assault offence, sentencing courts must consider the need for general and specific deterrence for offences against public officials in the exercise of their public or community functions.

One of the aggravating factors at s21A(2a) of the *Sentencing Act* that the court is to take into account is where the victim is a police officer, emergency services worker, correctional officer, judicial officer, council law enforcement officer, health worker, teacher, community worker, or other public official, exercising public or community functions, and the offence arose because of the victim's occupation or voluntary work.

### **Specific offence provisions**

In addition to general offence provisions, there are specific offences that apply when the victim is a public officer:

#### Specific offences for assaulting NSW officers

Under s 58 of the *Crimes Act*, it is an offence to assault an officer in the execution of his or her duty. The provision extends to constables or other peace officers, custom-house officers, prison officers, sheriff's officers, or bailiffs, or any person acting in aid of such officers. The provision also makes it an offence for assaults to be committed on any person, with intent to resist or prevent the lawful apprehension of a person. The maximum penalty is 5 years imprisonment.

Section 60 of the *Crimes Act* prohibits assaults and other actions specifically against police officers. These offences can range from assault, stalking and intimidation to recklessly wounding a police officer during a public disorder. The penalties for these offences vary from 5 to 14 years depending on the seriousness of the crime.

The offence of assaulting a police officer causing actual bodily harm while they are exercising of their duties (s60(2) of the *Crimes Act*) carries a standard non-parole period of 7 years. The offence of recklessly wounding a police officer or inflicting grievous bodily harm (s60(3)) carries a standard non-parole period of 12 years.

These offences will apply even when the police officer is not on duty, if the actions are carried out as a result of (or in retaliation for) actions undertaken in the police officer's duties or because the officer is a police officer (s 60(4) *Crimes Act*).

#### Specific offences for other occupational assault (ie, assaults against law enforcement officers)

Under s 60A of the *Crimes Act* it is an offence to commit an assault and other actions against law enforcement officers (other than police officers). This includes correctional officers, probation officers and parole officers. Actions coming within the provision

include assault, stalking, intimidation and reckless wounding. The penalties for these offences vary from 5 to 12 years depending on the seriousness of the crime.

The above offences will come within this provision where the officer is not on duty if they are carried out as a result of (or in retaliation for) actions undertaken in the officer's duties or because the officer is a law enforcement officer (s 60A(4)).

Section 60C of the *Crimes Act* also prohibits people obtaining personal information about law enforcement officers seeking to use that information to assault, stalk, harass, intimidate or harm that officer. This provision extends to police officers and would be invoked where the information is sought as a consequence of (or in retaliation for) actions by the officer or because of that officer's position. The maximum penalty for this offence is 5 years imprisonment.

Section 60B of the *Crimes Act* governs actions against third parties connected with law enforcement officers (this would extend to family members of police officers). For example, it is an offence to assault, stalk, harass or intimidate a person with whom a law enforcement officer has a domestic relationship with the intention of causing the law enforcement officer to fear physical or mental harm. The maximum penalty for this offence is 5 years imprisonment.

#### **Data from the NSW Bureau of Crime Statistics and Research ('BOCSAR')**

BOCSAR has provided the Office of Emergency Management with data on the number of individuals found guilty whose principal offence<sup>2</sup> related to an identified section of the *Crimes Act* or the *Health Services Act 1997*, these being offences against emergency services personnel.

The data relating to offences under the *Health Services Act 1997* was low. For example, in 2015 2 bonds with supervision and 2 fines were handed down for the offences of obstruct/hinder an ambulance officer providing services to another (s67(1)) or obstruct/hinder ambulance officer by act of violence (s67(2)). One caution for the latter offence was handed down during this period.

Comparatively, the number of people who have committed offences under the *Crimes Act* against officers is high. Information on the key offences, and their respective sentences, is provided at **Attachment B**

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<sup>2</sup> Where a person has been found guilty of more than one offence, the offence which received the most serious penalty is the principal offence.

## NSW Health Policy Framework

|   |   |
|---|---|
| Protecting People and Property NSW Health Policy and Standards for Security Risk Management in NSW Health Agencies June 2013                    | <a href="http://www.health.nsw.gov.au/policies/manuals/Documents/prot-people-prop.pdf">http://www.health.nsw.gov.au/policies/manuals/Documents/prot-people-prop.pdf</a>                       |
| PD2013_050 Work Health and Safety Better Practice Procedures  | <a href="http://www.health.nsw.gov.au/policies/pd/2013/PD2013_050.html">http://www.health.nsw.gov.au/policies/pd/2013/PD2013_050.html</a>   |
| PD2015_043 Risk Management - Enterprise-Wide Risk Management Policy and Framework - NSW Health  | <a href="http://www.health.nsw.gov.au/policies/pd/2015/PD2015_043.html">http://www.health.nsw.gov.au/policies/pd/2015/PD2015_043.html</a>   |
| PD2012_008 Violence Prevention & Management Training Framework for the NSW Public Health System   | <a href="http://www.health.nsw.gov.au/policies/pd/2012/PD2012_008.html">http://www.health.nsw.gov.au/policies/pd/2012/PD2012_008.html</a>   |
| PD2012_035 Aggression, Seclusion & Restraint in Mental Health Facilities in NSW   | <a href="http://www.health.nsw.gov.au/policies/pd/2012/PD2012_035.html">http://www.health.nsw.gov.au/policies/pd/2012/PD2012_035.html</a>   |
| PD2015_004 Principles for the Safe Management of Disturbed and/or Aggressive Behaviour and the Use of Restraint and NSW Health Policy Directive | <a href="http://www.health.nsw.gov.au/policies/pd/2015/PD2015_004.html">http://www.health.nsw.gov.au/policies/pd/2015/PD2015_004.html</a>   |
| PD2015_001 Preventing and Managing Violence in the NSW Health Workplace - A Zero Tolerance Approach   | <a href="http://www.health.nsw.gov.au/policies/pd/2015/PD2015_001.html">http://www.health.nsw.gov.au/policies/pd/2015/PD2015_001.html</a>   |
| Mental Health for Emergency Departments   | <a href="http://www.health.nsw.gov.au/mhdao/publications/Publications/mental-health-ed-guide.pdf">http://www.health.nsw.gov.au/mhdao/publications/Publications/mental-health-ed-guide.pdf</a> |
| PD2010_033 Children and Adolescent Safety and Security in Acute Health Facilities   | <a href="http://www0.health.nsw.gov.au/policies/pd/2010/PD2010_033.html">http://www0.health.nsw.gov.au/policies/pd/2010/PD2010_033.html</a>   |
| PD2014_004 Incident Management Policy   | <a href="http://www.health.nsw.gov.au/policies/pd/2014/PD2014_004.html">http://www.health.nsw.gov.au/policies/pd/2014/PD2014_004.html</a>   |
| GL2015_007 Management of patients with Acute Severe Behavioural Disturbance in Emergency Departments  | <a href="http://www.health.nsw.gov.au/policies/gl/2015/GL2015_007.html">http://www.health.nsw.gov.au/policies/gl/2015/GL2015_007.html</a>   |
| Information Sheet – Role of Security Staff Working in NSW Health  | <a href="http://internal.health.nsw.gov.au/jobs/safety/whs-security.html">http://internal.health.nsw.gov.au/jobs/safety/whs-security.html</a>   |



**Additional NSW Ambulance Internal Standard Operating Procedures:**

|  |
|--|
| SOP2013_006 Caution Note, Medical Note and Access Note Management Policy   |
| SOP2014-011 Command And Control Policy                                     |
| SOP2007-045 Inter-Hospital Transfer Of Mentally Ill Patients               |
| SOP2009-046 Joint Communications Protocol - Ambulance And NSW Police Force |
| SOP2007-075 Safety And Security Information For Ambulance Officers         |
| SOP2011-002 Staff Support Services   |
| SOP2006-010 Standard Response Procedure                                    |
| SOP2014-002 Work Health And Safety   |
| SOP2014-005 Workplace Risk Assessment And Risk Register                    |
| <b>INTERNAL PUBLICATIONS</b>   |
| Paramedic Health Standard  |
| Protocol And Pharmacology  |

**NSW Bureau of Crime Statistics and Research: Number of persons found guilty whose principal offence was a selected section of the *Crimes Act 1990***

**Table 1: Section 58 *Crimes Act 1900*: Assault officer in execution of duty**

| Sentence                               | 2011         | 2012       | 2013       | 2014         | 2015       | Total        |
|--|--------------|------------|------------|--------------|------------|--------------|
| Imprisonment                           | 122          | 100        | 103        | 130          | 129        | 584          |
| Suspended sentence with supervision    | 57           | 41         | 48         | 58           | 44         | 248          |
| Suspended sentence without supervision | 22           | 25         | 27         | 37           | 21         | 132          |
| Community service order                | 63           | 48         | 63         | 64           | 58         | 296          |
| Juvenile probation order               | 27           | 20         | 28         | 11           | 16         | 102          |
| Bond with supervision                  | 191          | 168        | 138        | 148          | 142        | 787          |
| Bond without supervision               | 289          | 261        | 286        | 278          | 227        | 1,341        |
| 2011 Fine                              | 190          | 157        | 141        | 157          | 120        | 765          |
| Nominal penalty                        | 11           | 7          | 5          | 8            | 2          | 33           |
| Bond without conviction                | 116          | 96         | 95         | 79           | 79         | 465          |
| No conviction recorded                 | 11           | 12         | 5          | 9            | 4          | 41           |
| Dismissed with/without caution         | 14           | 11         | 14         | 8            | 4          | 51           |
| Other penalties                        | 27           | 30         | 25         | 19           | 13         | 114          |
| <b>Total</b>                           | <b>1,140</b> | <b>976</b> | <b>978</b> | <b>1,006</b> | <b>859</b> | <b>4,959</b> |

**Table 2: Section 58 *Crimes Act 1900*: Resist officer in execution of duty**

| Sentence                               | 2011       | 2012       | 2013       | 2014       | 2015       | Total        |
|--|------------|------------|------------|------------|------------|--------------|
| Imprisonment                           | 33         | 41         | 41         | 41         | 61         | 217          |
| Suspended sentence with supervision    | 8          | 8          | 12         | 8          | 13         | 49           |
| Suspended sentence without supervision | 4          | 8          | 4          | 8          | 4          | 28           |
| Community service order                | 22         | 7          | 18         | 17         | 25         | 89           |
| Juvenile probation order               | 6          | 8          | 14         | 9          | 9          | 46           |
| Bond with supervision                  | 91         | 87         | 90         | 79         | 88         | 435          |
| Bond without supervision               | 156        | 162        | 157        | 159        | 162        | 796          |
| 2011 Fine                              | 321        | 275        | 235        | 260        | 197        | 1,288        |
| Nominal penalty                        | 14         | 16         | 18         | 16         | 10         | 74           |
| Bond without conviction                | 118        | 88         | 83         | 93         | 87         | 469          |
| No conviction recorded                 | 27         | 22         | 11         | 8          | 10         | 78           |
| Dismissed with/without caution         | 7          | 5          | 4          | 7          | 8          | 31           |
| Other penalties                        | 19         | 8          | 13         | 19         | 8          | 67           |
| <b>Total</b>                           | <b>826</b> | <b>735</b> | <b>700</b> | <b>724</b> | <b>682</b> | <b>3,667</b> |

**Table 3: Section 60(1) *Crimes Act 1900*: Intimidate police officer in execution of duty (without actual bodily harm)**



| Sentence                               | 2011       | 2012       | 2013       | 2014       | 2015       | Total        |
|--|------------|------------|------------|------------|------------|--------------|
| Imprisonment                           | 56         | 50         | 45         | 53         | 80         | 284          |
| Suspended sentence with supervision    | 19         | 13         | 15         | 19         | 21         | 87           |
| Suspended sentence without supervision | 3          | 7          | 18         | 11         | 12         | 51           |
| Community service order                | 12         | 19         | 17         | 21         | 15         | 84           |
| Juvenile probation order               | 5          | 1          | 8          | 3          | 5          | 22           |
| Bond with supervision                  | 58         | 45         | 44         | 48         | 52         | 247          |
| Bond without supervision               | 84         | 69         | 76         | 67         | 70         | 366          |
| 2011 Fine                              | 37         | 30         | 24         | 21         | 27         | 139          |
| Nominal penalty                        | 3          | 1          | 3          | 4          | 2          | 13           |
| Bond without conviction                | 10         | 9          | 10         | 8          | 7          | 44           |
| No conviction recorded                 | 4          | 2          | 3          | 1          | 1          | 11           |
| Dismissed with/without caution         | 2          | 2          | 0          | 1          | 0          | 5            |
| Other penalties                        | 6          | 9          | 9          | 4          | 1          | 29           |
| <b>Total</b>                           | <b>299</b> | <b>257</b> | <b>272</b> | <b>261</b> | <b>293</b> | <b>1,382</b> |

**Table 4: Section 60(1) Crimes Act 1900: Assault police officer in execution of duty (without actual bodily harm)**

| Sentence                               | 2011       | 2012       | 2013       | 2014       | 2015       | Total        |
|--|------------|------------|------------|------------|------------|--------------|
| Imprisonment                           | 36         | 18         | 30         | 30         | 38         | 152          |
| Suspended sentence with supervision    | 6          | 11         | 8          | 13         | 8          | 46           |
| Suspended sentence without supervision | 8          | 8          | 8          | 10         | 10         | 44           |
| Community service order                | 11         | 22         | 7          | 18         | 19         | 77           |
| Juvenile probation order               | 3          | 3          | 2          | 5          | 3          | 16           |
| Bond with supervision                  | 33         | 36         | 42         | 39         | 41         | 191          |
| Bond without supervision               | 78         | 69         | 57         | 65         | 62         | 331          |
| 2011 Fine                              | 58         | 46         | 32         | 42         | 43         | 221          |
| Nominal penalty                        | 2          | 2          | 1          | 2          | 2          | 9            |
| Bond without conviction                | 20         | 23         | 25         | 28         | 23         | 119          |
| No conviction recorded                 | 2          | 2          | 5          | 5          | 0          | 14           |
| Dismissed with/without caution         | 3          | 1          | 1          | 1          | 1          | 7            |
| Other penalties                        | 5          | 6          | 4          | 7          | 4          | 26           |
| <b>Total</b>                           | <b>265</b> | <b>247</b> | <b>222</b> | <b>265</b> | <b>254</b> | <b>1,253</b> |

**Table 5: Section 60(2) Crimes Act 1900: Assault police officer in execution of duty (actual bodily harm)**

| Sentence     | 2011 | 2012 | 2013 | 2014 | 2015 | Total |
|--------------|------|------|------|------|------|-------|
| Imprisonment | 30   | 18   | 17   | 33   | 35   | 133   |



|  |            |           |           |            |           |            |
|--|------------|-----------|-----------|------------|-----------|------------|
| Suspended sentence with supervision    | 10         | 11        | 10        | 11         | 9         | 51         |
| Suspended sentence without supervision | 7          | 3         | 7         | 5          | 5         | 27         |
| Community service order                | 10         | 8         | 8         | 10         | 9         | 45         |
| Juvenile probation order               | 7          | 3         | 2         | 2          | 3         | 17         |
| Bond with supervision                  | 7          | 7         | 15        | 16         | 13        | 58         |
| Bond without supervision               | 16         | 15        | 16        | 19         | 16        | 82         |
| 2011 Fine                              | 4          | 2         | 4         | 3          | 0         | 13         |
| Nominal penalty                        | 0          | 2         | 0         | 0          | 0         | 2          |
| Bond without conviction                | 8          | 4         | 1         | 5          | 2         | 20         |
| No conviction recorded                 | 1          | 0         | 0         | 0          | 0         | 1          |
| Dismissed with/without caution         | 0          | 1         | 0         | 1          | 2         | 4          |
| Other penalties                        | 5          | 0         | 3         | 4          | 3         | 15         |
| <b>Total</b>                           | <b>105</b> | <b>74</b> | <b>83</b> | <b>109</b> | <b>97</b> | <b>468</b> |