

**Submission
No 31**

INQUIRY INTO VIOLENCE AGAINST EMERGENCY SERVICES PERSONNEL

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In reply please quote: A16/0545

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

By email

Dear Mr Provest

Re: Inquiry into Violence Against Emergency Services Personnel

The Public Service Association of NSW welcomes the opportunity to contribute to this Inquiry.

Please find attached the Association's submission.

Should further information be required please contact my office on [REDACTED]

Yours sincerely,

[REDACTED]
ANNE GARDINER
General Secretary

1 August 2016



**Submission to the Inquiry
Into Violence Against
Emergency
Services Personnel**

Legislative Assembly
Committee on Law and Safety

July 2016

1 Recommendations

- 1.1 **Expand the terms of reference of the Inquiry to include all public servants at risk of violence while performing their duties.**
- 1.2 **Consider the specific protections that should be offered to public sector workers when operating as an employee of a designated “Combat Agency”.**
- 1.3 **Equalise, to the highest common denominator, the Workers’ Compensation provisions by restoring pre-2012 levels of cover to all.**
- 1.4 **Review and recommend responses to particular violence risks faced by Public Sector workers in high risk categories.**

2 Introduction

- 2.1 The Public Service Association of NSW (PSA) is an active, member-driven union. Our members have a long and proud tradition of improving the lives of the people of New South Wales through delivering a diverse range of services in the public sector and related entities, state owned corporations, TAFE NSW and universities. We proudly represent 39,000 members spread over almost 5,000 worksites.
- 2.2 The PSA represents employees throughout the various agencies and emergency services of this state. These include members within Police, Fire & Rescue NSW, Corrective Services, the State Emergency Service (SES), National Parks and Wildlife, Roads and Maritime Services, the Rural Fire Service, and Forestry Corporation.
- 2.3 We welcome the opportunity to participate in this inquiry. We do so as part of a broader movement and acknowledge the roles of our fellow Unions and their members. We endorse the submission of Unions NSW and add our voice to their recommendations.
- 2.4 The PSA is proud of the skill, professionalism and dedication of its Emergency Service members in providing such a valuable service to the community.
- 2.5 This submission has been developed in consultation with our whole membership, as no one member is more important than any other, and all deserve to return home safe to their families at the end of their working day.

3 Worker Safety is for all

- 3.1 No worker should have to go to work and experience violence. Unfortunately, the reality is that many of our members do experience violence in their workplaces.
- 3.2 It is the responsibility of the workplace, in consultation with workers, to ensure proper measures are in place to minimise the risk from both physical and psychological violence.

- 3.3 Emergency service situations are inherently dangerous. Such situations contain many high risk factors such as shock, mental illness, and drug and alcohol abuse. However, these risks are not exclusive to these situations.
- 3.4 Many workers have roles not defined as Emergency Service roles but face similar risks to emergency service personnel during hazardous situations or declared emergencies.
- 3.5 Many public servants perform roles that expose them to high risk situations and potential violence on a daily basis.

4 Emergency Situations and Combat Agencies

- 4.1 Apart from agencies that are deemed to have Emergency Service personnel, there are many different government agencies that gain the status of Combat agencies during declared emergencies. Many of these are groups that would not usually be associated with emergency situations.
- 4.2 Fire emergencies will empower Fire and Rescue or the NSW Rural Fire Service as the Combat Agency while storm or flood emergencies will lead to the SES taking the lead.
- 4.3 Law enforcement during a declaration or a terrorism threat trigger the NSW Police taking a lead role.
- 4.4 The NSW Department of Primary Industries has responsibility for a large range of hazards including animal and plant disease, rodent or insect plague and food industry emergencies. The Hendra virus outbreak in 2011 saw the Department of Primary Industries take the lead as the recognised Combat Agency in NSW.
- 4.5 A pandemic outbreak would create a situation where the Department of Health would take the lead role.
- 4.6 The powers of these bodies during these declared emergencies needs to be recognised by the Committee when it considers risks and protections for workers.

5 Emergency Service Personnel

- 5.1 The PSA has a number of members in emergency service roles in NSW. However, a far greater group of members of the PSA work for Emergency Service agencies in roles not defined as emergency service personnel. Examples of these include administration and support services within Police, Fire & Rescue and SES.
- 5.2 Many other members work in roles that don't appear at first glance to be emergency service related but who perform vital duties within declared disaster zones or emergency situations. Examples of these roles include Forestry NSW staff, National Parks and Wildlife Rangers and RMS Traffic Management staff.
- 5.3 All these members are subjected to risk of violence when performing duties required as part of their work roles. Yet none of our members receive the higher level of

Workers Compensation protection afforded to Emergency Service personnel under the changes made to the Workers Compensation scheme by the O'Farrell government in 2012.

- 5.4 The result of this is that two workers, one deemed an emergency service worker while the other is not, assaulted by a common assailant would be treated differently in regards to their support and return to work rights.

6 Non-Emergency Service personnel in High Risk Roles

- 6.1 By far the largest group of members covered by the PSA and affected by violence on a regular basis is members performing roles that are not considered Emergency Service personnel but remain high risk roles.
- 6.2 The PSA has over 10,000 members in high risk roles within the Public Service who are not considered by the terms of reference of this Inquiry.
- 6.3 **In Corrective Services** the PSA has approximately 5000 Corrective Service Personnel, both within custodial and the community, who frequently face violent situations. The dangers faced by custodial staff on a daily basis are well established yet the government has repeatedly denied the PSA's pleas to restore Worker's Compensation protections to these workers to pre-2012 levels. Community Corrections staff usually perform their roles in similarly high risk environments, visiting released offenders and those on community service orders in their homes with no control over the environment they will face.
- 6.4 **In Community Service**, workers in Child Protection roles face risk on a daily basis. Particularly when it is considered that many of the people they deal with are known to Police. Our members enter private residences and deal with unknown situations without the protections afforded to Emergency Service personnel. In the worst of situations, after a decision has been made to remove a child from their family, it is Community Service members who are tasked with entering the premises and taking physical custody of that child. Despite the presence of police councillors or other supports it remains the fact that it is our members who will be the focus of the attention of family members.
- 6.5 **In Disability Services** the members working in group homes also face severe risk of violence. Delegates have long advocated for increased support from management against the twin threats posed by clients and their families in their workplaces. In the case of group homes, it should be noted that their worksites are also the residences of the clients and staff cannot simply remove themselves from these environments but are required to remain and ensure care for clients. Many members report instances where they have had to place themselves in danger to protect clients from others in the house.
- 6.6 **In the Court System** over the past decade, the government enacted a much needed upgrade of court house security at venues throughout the state. In some places, such as Parramatta Justice precinct, new court complexes have incorporated specialist screening and security features to protect the public and workers. Of

greater difficulty has been the efforts to retrofit and alter the existing, and in many cases heritage listed, court houses of this state. Despite these efforts, **court officials** in many jurisdictions remain at increasing risk from violence within their work environment. Accompanying this physical alteration has been a substantive change in the role of **Sheriff Officers**. As well as increasing exposure on security duties within court complexes and tribunals, Sheriffs are responsible for the execution of civil court orders such as repossessions and summons.

- 6.7 **Juvenile Justice** members face risk every day in the custodial environment. Our members in this area face unique challenges based on the special circumstances of managing an incarcerated juvenile population.
- 6.8 The PSA wrote to the government in April this year with a log of claims on behalf of our **Special Constables** members. One of the key points of this log was the request for Special Constables to be provided with access to the Police Blue Ribbon Insurance scheme by way of salary sacrifice. Despite the increasing responsibilities of these officers, standing watch as frontline security on major government buildings, they are not classified as Emergency Service personnel nor do they have additional protections despite the fact they are authorised to use firearms in their duties.
- 6.9 **Legal Aid solicitors and Public Prosecutors** both currently have access to a simplified process for obtaining silent voter status to improve their anonymity from the public. Despite their role as impartial agents in the justice system, both groups can find themselves as targets for defendants and the victims of crime.
- 6.10 **In addition to these major groups** of members, many other agencies and members of the PSA deal with high risk situations, such as **Food Authority Inspectors, Fisheries Inspectors, Safe Work Inspectors** and **National Parks and Wildlife Service Rangers**. The incident involving an **Office of Environment and Heritage Inspector** in July 2014 is the ultimate example of the risk public servants face. In addition, officers responsible for meeting public **housing** clients in their homes face risks given little or no knowledge of the circumstances they face, when meeting people who may have complex issues and behaviours.

7 Critical Incidents affecting PSA members in the last few years

- 7.1 On 29 July 2014 an incident occurred near Moree between two OEH Inspectors and a local landowner. As a result a Public Servant, Glen Turner, was shot and killed. At the time of the incident PSA General Secretary Anne Gardiner said, *“As communities are getting less tolerant in general, our public servants are being placed at more risk.”*
- 7.2 Ms Gardiner said public servants were being impacted by *“changing societal behaviour where people perhaps are not as respectful as they should be. This (lack of respect) is going to increase the potential for injury and risk.”* The comments, reported in the Daily Telegraph on 5 August 2014, failed to garner a substantial reaction from the government at the time or since.

- 7.3 Just over a year later, on 2 October 2015, Public Servant, Curtis Cheng, was shot and killed in Parramatta. The assailant was killed by the Special Constable on duty before Police could respond to the incident.
- 7.4 There have also been numerous incidences of physical assault on Correctional staff, a number which is growing. On 31 July 2016 it was reported in the Sunday Telegraph that assaults on Correctives personnel in prisons had more than doubled, to 49 assaults in a 47 day period over June and July, from the same period in 2015.
- 7.5 Jason Gould, a Correctional Officer at Broken Hill Correctional Facility, shows the human costs associated with these figures. Struck in the face with a billiard ball thrown at him by an inmate in January 2011, Mr Gould endured years of medical treatment in an attempt to restore sight to his ruptured eye. The retrospective changes to Workers' Compensation in 2012 affected coverage of his medical expenses.
- 7.6 In January 2007 Correctional Officer Wayne Smith was killed in the line of duty after being assaulted by an inmate. Suffering from a broken jaw and serious head injuries, he died after a six week battle by medical staff to save him.
- 7.7 No greater price can be paid in the service of the community of NSW and yet these incidents, and many others, will not be considered as part of this Inquiry.

8 Summary

- 8.1 The PSA welcomes this Inquiry but is deeply concerned that the terms of reference limit the Committee to a sub-set of workers within the Public Sector.
- 8.2 A wide range of roles within the Public Sector perform duties within high risk environments and all Public Servants workers should be treated equally.
- 8.3 Our members share the concerns of our colleagues in the Public Sector currently experiencing increased levels of violence in their work environments.
- 8.4 We support the submission of Unions NSW to this Inquiry and advocate for increased protections for all workers, including through restoring the lost Workers' Compensation protections enacted by the government in 2012.