

Use of batons and handcuffs by Fisheries Officers

At a meeting between PSA/FOVB and DPI management in 2017, the PSA/FOVB requested that the Department provide advice relating to the use of baton and handcuff if Fisheries Officers performed work under other acts such as the Biosecurity Act, Commonwealth Fisheries Management Act, Marine Safety Act and the Environment Protection and Conservation Act.

The Department advised the PSA/FOVB that it would seek legal advice regarding the issue and in the meantime Fisheries Officers could wear and use baton and handcuff while performing compliance work for the department.

At a recent meeting between the PSA/FOVB and DPI management, the Department advised the PSA/FOVB that the legal advice had not been forthcoming and announced that Fisheries Officers should wear but not use baton and handcuff while performing compliance work under acts such as the above where it is not clear if baton and handcuff can be used.

The PSA/FOVB have deep concerns regarding this advice. It is our view that the employer has failed to adequately consult with workers on this important safety issue. If they had done so at the outset, we would not be in the current situation.

The PSA/FOVB wish to remind members of their rights under Section 84 of the Work Health and Safety Act 2011. Section 84 states:

“Right of worker to cease unsafe work

A worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker’s health or safety, emanating from an immediate or imminent exposure to a hazard.”

The PSA/FOVB will continue to work with the Department to resolve this issue and are exploring all options available to ensure the Department meets its safety obligations to its workers. The PSA will keep members updated.

The PSA advises members to log all incidents and near incidents that impact on their safety, to not go into any situation where there is a serious risk to health and safety and complete a risk analysis prior to going into the field.

Please contact your delegates or the PSA if you have any queries.

