



Australian Government

Comcare

Media Release

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COMCARE TO LAUNCH COURT ACTION OVER AFP GUN DISCHARGE

Australia's federal safety regulator, Comcare, is to prosecute an Australian Federal Police officer for an unintentional discharge of his pistol in AFP Headquarters, Canberra in September 2008.

Comcare CEO Mr Paul O'Connor said the Comcare investigation into the incident had found that, while the AFP had appropriate safety systems and training, the employee's actions in unintentionally firing the weapon had created the risk of injury to himself and other employees.

"Employers have the duty to put in place effective safety systems to protect workers from harm at work – and that has occurred here. Equally, employees must be aware of their serious obligations under workplace safety laws to prevent dangerous situations."

The AFP officer unintentionally discharged his service pistol in an open-plan office. The bullet lodged in an office desktop. Although no-one was injured, four other AFP employees were nearby at the time.

Mr O'Connor said that the Comcare inquiry had found the AFP as an employer had not breached its general duty of care under federal law and had taken reasonable practicable steps to prevent such an incident by putting in place relevant systems and training.

However, the Comcare investigation had found that the federal officer had breached his duties as an individual under federal law and that there was clear evidence that the unintentional discharge was a direct consequence of the way in which the officer transported, stored and then reloaded his pistol. In carrying out these activities, he had failed to follow relevant AFP training, or adhere to mandated AFP policies.

Mr O'Connor said that the civil proceedings filed today allege that the officer did not take reasonably practicable steps not to create a risk to the health and safety of others at the workplace. The maximum penalty for this type of legislative breach by an individual employee is \$9,900.

- Ends -

Media inquiries:

Ph: 1300 366 979 or 0419 445631

Email: media@comcare.gov.au