

Assault charge dismissed against nursing home assistant who tied elderly woman to a chair with a plastic bag

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Lawyer Paul McGirr told the court his client Chancal Arokianathan had an unblemished record. (ABC News)

An assault charge against a "humble" nursing home assistant has been dismissed after she told a Sydney court she tied an elderly woman's leg to a chair to prevent a fall.

Chancal Arokianathan was helping the 73-year-old resident shower at the Little Bay home two days before Christmas last year.

She used a plastic bag to tie the woman's leg to the chair, causing bruising, and pleaded not guilty to assault occasioning actual bodily harm.

Ms Arokianathan, 67, today told Sydney's Downing Centre Local Court she could see the woman slipping and was trying to hold her while reaching for a button to call help.

Nobody came to help and a colleague had walked out of the room, leaving the two alone.

"It's not safe to leave her on her own," Ms Arokianathan told the court.

"I had to secure her leg so she's sitting up, so I could finish the shower.

"I think I did the best to save her falling from the chair."

In a video recording, the elderly resident, who died in March this year, told police she questioned why the assistant nurse was tying her leg.

"I said, 'I'm not a dog. I'm not a dog ... you hurt me'," she said in the video.

Ms Arokianathan's lawyer, Paul McGirr, told the court the woman has previously suffered a stroke and was on medication which meant she was more susceptible to bruising.

He said his client had an "unblemished" 30-year record.

Mr McGirr likened the situation to the resourceful TV character MacGyver, who "used materials available to him to prevent further trouble".

The court heard Ms Arokianathan was responsible for seven patients that day.

Under cross-examination, she insisted she had no choice but to use the bag.

Key points:

- A lawyer tells the court the nursing home assistant used MacGyver tactics to "prevent trouble"
- Ms Arokianathan pleaded not guilty to actual bodily harm
- Court told the accused had an "unblemished" 30-year record

"She was slipping, so I had to do it."

The court heard Ms Arokianathan told police she'd notified her bosses the shower was "not safe" but they "don't do anything about it".

Magistrate Michael Barko dismissed the charge and said there can be "a fine line between what is lawful or unlawful".

"I'm satisfied there's a reasonable possibility that when the defendant tied the complainant's leg to the chair, she did so because she honestly and genuinely believed it was necessary and appropriate in the circumstances," he said.

Outside court, Mr McGirr said his client was relieved despite losing her job.

"It's only those genuine, old-school nurses who can think on their feet and don't need to go to text books to work out how to deal with a problem that happened very quickly," he said.

"She's just a humble nurse who wants to get on with her life and hopefully get her job back and continue serving the community."