

## DRAFT SECOND READING SPEECH

HON MICHAEL FERGUSON MP

### *Workers Rehabilitation and Compensation Amendment Bill 2019*

*\*check Hansard for delivery\**

Madam Speaker, I move that the Bill now be read a second time.

The purpose of the Bill is to amend the *Workers Rehabilitation and Compensation Act 1988* to remove wage step-down provisions applying to police officers who are incapacitated as a result of an operational-related injury.

Under the existing Act, all workers who are incapacitated by a work injury have their pay reduced to 90 per cent after 26 weeks of incapacity, and further reduced to 80 per cent after 78 weeks of incapacity. Police officers who are injured whilst protecting our community should not be subject to these step down provisions.

Policing is unique in that police officers not only put themselves at risk for the public benefit, but they do so in circumstances where the injuries sustained are often a consequence of being attacked. I acknowledge that there are other occupations whose members suffer injuries while providing services for the public, however policing is the only occupation where we expect employees of the state to routinely attend situations of violence, and where it is not uncommon for that violence to be redirected at them.

A police officer's duty requires them to put public safety ahead of their own. This duty is imposed by law, and it is unconscionable that the state require this commitment and not fully support police officers who are injured.

Madam Speaker, in this state we have had police officers, who while serving the community, have been shot, stabbed and otherwise assaulted. It is simply not reasonable that we would expect our police officers to respond to such danger while knowing that they will suffer a loss of income should they be injured.

As an example, there was a very public case in 2006 where a police sergeant who intercepted an erratic driver was shot in the face before being shot a further two times. He suffered life threatening injuries, and under the current legislation had his pay stepped down. This is not a situation we want to see repeated, and the Government is moving this legislation to ensure this does not occur again.

The Bill inserts a new subsection (2DA) into section 69B of the *Workers Rehabilitation and Compensation Act 1988*, which will ensure police officers who are incapacitated by an operational-related injury will continue to receive 100 per cent of their wage. The subsection provides that the existing step-down provisions do not apply to a police officer “if, had the person not been a police officer, it is unlikely that the person would have been in the circumstances as a result of which the injury was suffered.”

This wording is to make clear that the wage step-down is only removed in those circumstances that are unique to the policing role. For example, if a police officer is injured apprehending an offender, they are covered as the circumstances in which the injury was suffered were a result of them being a police officer – the policing role being what required them to apprehend the offender. Similarly, a police officer injured undertaking search and rescue operations would also be covered, those operations being something undertaken in the policing role. However, a police officer injured by falling from a chair in an office would still be subject to the step-down provisions, as it is not unlikely the injured officer would have been in those circumstances if they had not been a police officer. This ties the removal of the wage step-down to where the incapacity is a result of an operationally-related injury.

The Bill also introduces a new section 164BB into the Act to make clear the removal of the step-down provisions only applies to new claims post the amendments becoming law. As much as the Government would like to provide for every police officer who has ever been injured, it is not possible to provide this compensation retrospectively. As a consequence the date of claim will be the cut off for when the removal applies, this being based on advice from WorkSafe as to what is most practical to implement.

Madam Speaker, the Bill will become law on the day on which it receives Royal Assent.

I commend the Bill to the House.