

**WORKERS REHABILITATION AND COMPENSATION  
AMENDMENT BILL 2008 (No. 55)**

**Second Reading**

**Mr HIDDING** (Lyons - 2R) - Madam Deputy Speaker, I move -

That the bill be now read the second time.

I am pleased to bring today a bill for an act to amend the Workers Rehabilitation and Compensation Act 1988 to ensure that all Tasmanian police officers have more equitable access to workers compensation. Earlier this year the State Opposition announced that it would be developing policy to address the fairer treatment of Tasmanians who are injured in the course of their employment. In one particular area of Workers Compensation public policy it has long been argued that due to the nature of their employment, the restrictive step-down position in the Workers Rehabilitation and Compensation Act 1988 should not apply to police officers injured in the course of their duties. A police officer pledges under the police officer oath or affirmation to preserve and prevent all offences against persons and properties in Tasmania and in carrying out this duty places his life on the line each and every day in a way unique compared to employment in other fields. As the oath of office provides and I quote:

'I - name of the officer - 'swear that I will faithfully execute the office of police officer in Tasmania and to the best of my power without favour or affection, malice or ill-will will cause the police to be kept and preserved and prevent all offences against persons or properties in Tasmania and that, to the best of my ability, skill and knowledge, will discharge all the duties of a police officer according to the law so help me God'.

Yet, under the step-down provisions a police officer could be paid anything up to 30 per cent of their normal salary while they are injured, for instance, suffering a gunshot or knife wound while on duty. In the review of the Tasmanian workers compensation system, respected actuarial expert Alan Clayton commented on the controversial step-down arrangements. Mr Clayton states in page 60 of the report:

'The present arrangements do appear to have created particular concern in the policing environment. The uncertainty of risk in that environment together with the public benefit aspects of policing services means that difficulties and hardship resulting from the operation of the step-downs in this area are deserving of attention. It was pointed out to me that there are a range of allowances applicable to police officers that are lost in the step-down arrangements and this loss can result in significant financial hardship'.

The Police Association of Tasmania has long argued that police injured in the course of their duty should not be subjected to the step-down provisions of the Workers Rehabilitation and Compensation Act 1988. As the association president, Sergeant Randolph Wierenga - and he is interstate today otherwise he would be here - has said:

'Police need the confidence that they can go about their duty and not suffer unnecessary financial hardship. How can it be reasonable for a Government to expect commitment to duty by individual police officers when the commitment

is not reciprocated by as simple a method as salary maintenance while injured on duty. Our members have a clear view that the current step-down is unjust and unfair in light of the nature of their work. It is time that the Government stopped avoiding this issue and provided reassurance to police officers that they deserve'.

It is unreasonable to restrict the ability of injured police officers to maintain their pre-injury salary in these circumstances. This bill therefore provides that a police officer who has taken the police officer oath or affirmation of the Tasmanian police service, which is a unique condition of employment, who is injured in the conduct of his or her duty arising out of or in the course of keeping and preserving the peace or preventing an offence against a person or property receive 100 per cent of their weekly salary during the period of incapacity. This bill will ensure that police can undertake their duties knowing that their unique employment status, requiring them even to be armed on duty, is properly reflected in State legislation. Despite talking the talk on providing a fair go for Tasmanian workers, the State Government continues to take a back-seat approach to an issue that many Tasmanians feel very strongly about. In contrast, the State Opposition has a fundamental commitment to ensuring that all Tasmanian police officers have a more equitable access to workers compensation.

I will add a little to my second reading speech by saying that we understand that this has been referred to the minister in the upper House, Ms Ritchie, who is responsible for workers compensation. Let me place on the record that I think it is somewhat of a cop-out that the Government has sent this off to the minister responsible for workplace safety standards because this is a uniquely police matter. It would not have hurt the Police minister to have taken this on and dealt with it, but he has chosen not to -

**Mr Cox** - No, no. I'll speak to it.

**Mr HIDDING** - You will speak to it, but you should have made the determination. I understand that Ms Ritchie has written to the Police Association and said this: that she is not aware of any government policies or procedures which would forbid or prohibit the Commissioner of Police from topping up the salary to take it up to 100 per cent. Well, if that is true, Minister, you should support this legislation.

**Mr Michael Hodgman** - Absolutely.

**Mr HIDDING** - There is simply no capacity in reasonable commonsense to say that if there is nothing to stop a police commissioner from topping up salaries arbitrarily without any laws or instructions or any body of power to do that - to tip money out of his budget into someone's salary to top it up because it has been reduced by another law - then that is clear evidence of a deficiency in the body of laws of this State, and this bill would fix that. I would love to know what the Auditor-General would think of a capacity for any agency head to simply top up people's step-down arrangements.

Is this just a police thing? If it is just a police thing, you are admitting that there is a special circumstance, and you should vote for the bill. If it is not - and the Minister for Infrastructure is shaking his head that it is not just a police thing - I expect we will hear in a moment that it is the Government's view that it is proper for any agency head to unilaterally top up somebody's salary step-down without any reference to any government policy or a body or head of power to do so.

If that is the case, where is your legislation? Perhaps this is a window into the soul of the governance problem that this Government has.

I will leave my second reading contribution at that point and look forward to the Government explaining why they are going to vote for this legislation.