

FACT SHEET

Workers Rehabilitation and Compensation Amendment Bill 2019

Under the existing *Workers Rehabilitation and Compensation Act 1988*, 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. This Bill seeks to remove the wage step-down for police officers whose incapacity results from an operational-related injury.

A police officer's duty requires them to put public safety ahead of their own safety. This duty is imposed by law, and the proposed amendments are to ensure police officers who are injured in the course of their duty are fully supported and not subject to the wage step-down provisions.

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 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 that are accepted post the amendments becoming law.