

POLICE (MEDICAL AND OTHER EXPENSES FOR FORMER OFFICERS) BILL 2008

Introduction and First Reading

Bill introduced, on motion by **Mr R.F. Johnson (Minister for Police)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.F. JOHNSON (Hillarys — Minister for Police) [3.11 pm]: I move —

That the bill be now read a second time.

Currently, Western Australia Police pays for the medical expenses of police officers for injuries incurred while a serving officer. However, once an officer leaves Western Australia Police, the officer is not entitled to recover medical expenses for any enduring work-related injuries or illness and either must pay for the medical treatment for work-related injuries himself, or forgo treatment if he cannot afford it. This is inconsistent with all other Australian policing jurisdictions where benefits are retained after an officer leaves his or her employment.

The Western Australian Police Union fought hard for its members on this issue during the last round of enterprise bargaining negotiations, and I commend it for its dedication. I also acknowledge the role of the previous government in drafting this legislation and thank it for its work on this important bill, which I am sure opposition members agree should have a swift passage through Parliament. I also take this opportunity to acknowledge the tremendous commitment and persistence of the member for Murray-Wellington for his efforts to ensure that our injured police officers receive ongoing medical financial support.

The government is committed to providing post-separation benefits to former officers in Western Australia. A scheme has been developed by a high-level steering committee, comprising representatives from Western Australia Police, the Insurance Commission of WA and the Western Australian Police Union of Workers. The scheme to be enacted by this bill will be open to all former police officers and Aboriginal police liaison officers. Under this bill, expenses incurred after 1 July 2007 will be covered. However, there is no time frame on when a work-related injury occurred.

The Commissioner of Police will be responsible for the payment of medical and other expenses incurred by former officers for injuries arising out of their former duties as police officers or APLOs. This is similar to the responsibility the police commissioner currently has for medical expenses incurred by serving officers.

The bill will limit liability for payments for an injury arising out of incidents when an officer has engaged in serious or wilful misconduct, has voluntarily consumed alcohol or drugs of addiction, or without reasonable excuse failed to use protective equipment, clothing or accessories provided to him, unless the injury has serious and permanent effect or results in death. This mirrors the test applied to other workers under section 22 of the Workers' Compensation and Injury Management Act 1981.

Provisions of the Workers' Compensation and Injury Management Act 1981 will apply to payments for medical expenses. The amount payable under this scheme will be the same as the amount that is paid to other workers. Some payments have been excluded because they do not relate to medical payments. Payments for travel expenses will be included when travel is required to seek medical treatment.

The financial benefit that will be available to former officers has been set at \$47 727. Thirty per cent of the prescribed amount will be indexed and reviewed annually. Additional discretionary amounts of up to \$50 000 and \$250 000 will be determined by an independent body, which is the case for other workers. These amounts will also be the same as those for other workers. It is important to note that this bill will not affect in-service medical costs, and they will not be counted towards the cap amount. If a payment such as an act of grace payment has been made to an officer and that payment includes an allowance for past or future medical expenses, no further payments will be allowed under the scheme contained in the bill, and any inclusive past payments may be recovered by the Commissioner of Police.

Claims will be managed by the Insurance Commission of Western Australia for the first three years. This arrangement will be reviewed prior to its expiry and a new arrangement may be entered into with ICWA or another suitable entity. The Dispute Resolution Directorate, which is also known as WorkCover, will handle any disputes.

This bill will not amend the Workers' Compensation and Injury Management Act 1981 or the Police Act 1892; therefore, if officers are later brought under the provisions of the Workers' Compensation and Injury Management Act 1981, the provisions enacted by this bill will be repealed and no other change will be required.

This bill allows for the administrative provisions of the Workers' Compensation and Injury Management Act 1981 relating to dispute resolution matters to be adopted with appropriate changes where required insofar as they are relevant to disputes about medical and other expenses incurred under the new scheme.

I commend the bill to the house.

Debate adjourned, on motion by **Ms M.M. Quirk**.