

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

*Second Reading*

Resumed from 11 November.

**MS M.M. QUIRK (Girrawheen)** [10.31 am]: This bill is in identical terms to one introduced in June this year by Hon John Kobelke, the then Minister for Police and Emergency Services. We should be indebted to him for his thorough and conscientious work on the issue.

I also take the opportunity to commend the member for Murray-Wellington for his advocacy on behalf of his former colleagues. Similarly, the Western Australian Police Union is to be congratulated for its patience and forbearance in running a tireless campaign on behalf of its members.

The inability of police to receive medical benefits once retired or separated from the service has been one of the great injustices of recent times. We expect our police service personnel to put themselves at risk on a daily basis, and yet, because of archaic and technical rules concerning the employment status of police, this has left many exposed to large and unsustainable medical bills once they leave the service. As a community we must regard this as unacceptable. This bill finally redresses that injustice and we are anxious to facilitate the quick passage of the legislation through both houses.

Although the bill is backdated to July 2007 so that all expenses incurred from that date will be reimbursed, the actual legislation will not become operational until regulations are drafted and gazetted. I am advised that this may well not occur until April or May 2009. The implications of this are that until the act becomes operational, former officers will have to continue to incur expenses and wait to be reimbursed when the act finally comes into force some time next year.

Given that this bill is in identical terms to the one introduced by the previous government in June, I would have thought some anticipatory work could have been undertaken so that further unnecessary delays do not occur. I understand that the regulations are to be drafted in the Workers' Dispute Resolution Directorate of WorkCover, and I urge the minister to use whatever influence and pull he has to expedite the drafting of these regulations and not wait for the outcome in the other place. Perhaps the minister, by way of interjection, may be able to give such an undertaking that he will use his best endeavours to get started on the regulations straightaway.

**Mr R.F. Johnson:** I certainly will.

**Ms M.M. QUIRK:** I thank the minister for that undertaking. I therefore do not need to remind the minister that now we have got this far, we should not stumble at the last hurdle.

The opposition wholeheartedly supports the bill. We are mindful that we should not cause any further unwarranted delay, so I will make no further lengthy remarks. This, however, should not be interpreted as a lack of support or appreciation of the importance and significance of these laws. They are tangible evidence of the community's recognition that we must fully support and nurture in ill health and injury those men and women who work tirelessly to protect and keep our community safe.

**MR J.C. KOBELKE (Balcatta)** [10.35 am]: I rise also to support this Police (Medical and Other Expenses for Former Officers) Bill 2008. Like the member for Girrawheen, I will keep my comments relatively short, not because we do not think the bill is very important—it is important—but because we wish to support the government in having the passage of this bill expedited through both houses. It is appropriate to put on the record again some comments relating to the importance of this bill.

I start off firstly by thanking the Minister for Police and the new government for giving priority to this bill. As the minister indicated in his second reading speech, it was legislation drafted when I was the Minister for Police and Emergency Services. This legislation was drafted with very strong support from the Western Australian Police Union, and I wish to thank Mr Michael Dean and Mr Ken See for the commitment of the union and the work they put into it. It really is important in something like this that we do get it right. Getting it right means it has to be a bill which will function effectively and not run into problems that then cause the whole thing to fall over or cause it to not be given the priority that it requires.

We understand the vital role our police officers perform, and I know that the current minister will strongly support our police. It is a very difficult job. Many police officers, when they start work at the beginning of the day, cannot be sure what situations they will have to confront and to what extent their own safety will be put at risk in carrying out that role. I was certainly very proud that during the time of the Carpenter and Gallop governments we were able to make sure for the first time that our police were covered by occupational health and safety. Of course prevention is much better than cure. We would rather try to make sure that police officers, when they take on the risky job of protecting the community, have the maximum possible safety available.

Ms Margaret Quirk; Mr John Kobelke; Mr Ben Wyatt; Mr Paul Papalia; Mr Murray Cowper; Mr Rob Johnson

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As my speech will be short, I will not go through a list of extra resources, such as the Taser stun guns and the “twinning” of officers rather than working alone. A lot of things were done to try to ensure our officers were kept as safe as possible. Policing is a risky occupation and police will suffer injuries when undertaking their duties to protect the public and uphold the rule of law. That means that we really need to ensure that when officers are injured on the job, they are properly looked after. Quite substantial benefits are available to police officers while they are in the service. The discussion about WorkCover, which I will return to briefly in a little while, indicates that some people do not understand that current benefits are really the equivalent of or better than WorkCover requirements for an officer while in service. The difficulty is that once the officer resigns or separates from the police service, the former officer is not covered. That is a totally unacceptable situation that this legislation will address.

We need to ensure that those officers who have served us loyally in looking after the interests of the public, and who have suffered an injury or some sort of medical condition that arose through that service, are looked after when they are no longer members of the police service. As already indicated, there must be a start date for paying medical benefits; that will be backdated to July 2007, which was basically about the time that the member for Murray-Wellington came forward with a proposal to try to address the matter. The issue is that those people who are former officers and are incurring medical expenses now are having to fork out expenses from their own pocket until this legislation is passed and all its provisions are put in place. That is one aspect of the need for urgency with this legislation. Those officers and their families will not have to pay for medical treatment out of their own pocket for months and months while they wait for this legislation to come into operation.

Another important aspect of the legislation is to provide former officers and their families with certainty. If they are embarking on a new series of medical treatments or procedures, they will need to know what the cost is so that they can meet it. Serving officers who are suffering as a result of an injury or disease that was directly attributable to their service must make life decisions based on the impact the medical condition has had on their life. They might want to retire or move to another position but are not sure when this legislation will come into effect and whether they will have to fork out money from their own pocket to pay for medical treatment. It is important to give serving officers certainty at the earliest possible time. That is why I think the Minister for Police for giving this legislation priority and why members on this side will give it their full support for a speedy passage.

Western Australian police officers are not formally covered by workers’ compensation. When discussing this legislation with the Western Australian Police Union, there was a renewed interest in looking at whether police should be covered by workers’ compensation. That is a very detailed and complicated issue and we did not want to hold up the legislation by discussing whether police should be incorporated into the workers’ compensation system. The Western Australian Police Union will need to consider that matter and look at how the details might be negotiated. A parallel structure with the workers’ compensation system was incorporated into this bill because of that possibility. Vic Evans, who is the head of the Insurance Commission of Western Australia, played a vital role in this matter. He said that he did not want the benefits locked into a strict regime that would make it hard for police officers to access and would be legalistic in its application. The bill is intended to parallel the workers’ compensation system so that there is a procedure for disputes. For example, Western Australia Police might dispute a former officer’s claim that he incurred a medical condition while he was a serving officer in the course of his duties; the police could argue that he incurred the condition while fishing. A dispute can arise about whether an officer’s medical condition was incurred during the officer’s service. A mechanism is needed to deal with disputes, and we believe that it should be the workers’ compensation system. I hope that either this government or a future government will provide police officers with full coverage of the workers’ compensation system, perhaps with special allowances because of the very important role police play and the dangers that they face, unlike many other public sector jobs. That is why we have used the workers’ compensation system in parallel with the legislation but have not totally locked it into that system for post-separation benefits.

Again, members on this side of the house thank the government for giving this legislation priority, which has our full support. Our police officers and former police officers have waited far too long for it. However, we can be proud of the increased coverage of occupational health and safety measures over the past few years and with the extra resourcing that has gone into police, which is well above the other states, and with the increased safety measures that have been implemented to protect our police officers. Police are getting the support of government that they deserve. This bill is a further and very important part of the state providing officers with the support that they deserve and should have. I again thank the minister for expediting this bill.

**MR B.S. WYATT (Victoria Park)** [10.44 am]: I, too, support the Police (Medical and Other Expenses for Former Officers) Bill 2008. I will be very brief. My support for the bill is due to the introduction of the private member’s bill that the member for Murray-Wellington introduced in 2006—the Police (Compensation for Injured Officers) Amendment Bill. I participated in that debate and note the member’s continuing advocacy in this area. As a former police officer, he has an interest in and knowledge of this area. I also note and support the comments made by the member for Balcatta, the former Minister for Police and Emergency Services. This

Ms Margaret Quirk; Mr John Kobelke; Mr Ben Wyatt; Mr Paul Papalia; Mr Murray Cowper; Mr Rob Johnson

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legislation is long overdue and it brings Western Australia into line with all other jurisdictions in Australia. I support the comments he made regarding the workers' compensation scheme and the interaction between this legislation and the WA workers' compensation scheme. That matter will have to be addressed in the future. In the light of the fact that our police force has a unique and growing role to play in our community, all members of Parliament support this legislation. I put on the record that I participated in the debate that was brought on by the member for Murray-Wellington when he was in opposition. I have briefly participated in this debate to indicate my strong support for the legislation.

**MR P. PAPALIA (Warnbro)** [10.45 am]: I, too, acknowledge the member for Murray-Wellington's efforts over the years in support of his former colleagues in the police force. I joined in the debate on the Police (Compensation for Injured Officers) Amendment Bill 2006 and indicated my support for those who serve in our police service. I have a brother who is a senior officer in the police service and therefore have a good knowledge of the challenges they confront on a daily basis. I also have many friends within the police force. It is often a natural source of employment for former military personnel. I have a great affinity with the police force and I value the contribution of its members. I am proud that our government introduced this legislation, although I was disappointed that it took so long to be introduced. I am glad that it is now finally being passed by the present government. I commend the government for that and I support the legislation.

**MR M.J. COWPER (Murray-Wellington — Parliamentary Secretary)** [10.46 am]: I will not speak for long on the Police (Medical and Other Expenses for Former Officers) Bill 2008. When I joined the Western Australia Police in 1978, it had some fairly generous medical entitlements. Being an eager 17-year-old, I embarked on a very good career. It was not until sometime after I joined the police force that I became aware we were not covered by workers' compensation. I had heard of a number of officers at that time who had been paid ex gratia payments to cover their medical costs. However, it was not until some years after I had matured into the job and obtained a managerial position that required me to manage other officers that I became aware of the inadequacy of the compensation system. It came to light in 1984 when I was stationed at Halls Creek and my sergeant, Keith Wagstaff, was hit across the head with a star picket and suffered a fractured skull. As a result, he has an ongoing injury that causes him to have fits. I understand that he has never recovered from that attack. For some time after the attack he remained employed by Western Australia Police in an administrative role, although it was not the same role that he had performed as a front-line police officer. Western Australia Police tried to keep him in a role for as long as it could, given his condition. I understand that he could feel the fits coming on as a result of the injuries he sustained and would lock the door of his office, put in a mouth guard and thrash around on the floor until the fit ceased. He would then get up and go back to work. He did that because he could not afford to leave the police force. His medical bills were about \$300 a month. Since then a number of officers have sustained similar injuries, many of which I am not personally aware. The injuries sustained can be either physical injuries or mental injuries. There would not be a single police officer who has spent time on the front-line who has not been affected.

In 1996 I was at my house, standing on a ladder while building a patio. I vividly recall that it was the winter of 1996. I heard the sound of police sirens and immediately wondered what they might be doing. I assumed there had been another terrible crash somewhere. Little did I know that it was actually the sound of police vehicles responding to a crash that had occurred at Madora Bay. It involved a lovely young policewoman named Jane Kennaugh, and she had been killed. I am very pleased that I was able to join the member for Mandurah and the Mayor of the City of Mandurah, Paddi Creevey, at Lakelands about 12 months ago to name a park in honour of Jane Kennaugh. Lakelands is now part of the member for Mandurah's electorate; it is a beautiful part of the world and if members ever get the chance to visit, they should. The park has playgrounds and is part of a new subdivision. It was named after Jane Kennaugh, who was killed nearby. She left behind a husband and a young family. In retrospect, perhaps she may have been the lucky one in that vehicle. Her partner on that day was a fellow by the name of Glenn Murray, and he is now a tetraplegic as a result of his injuries. He can no longer even talk. Glenn Murray was a very good golfer; he could hit a mean golf ball and was a big, strapping young fellow. His father was a police officer. As a result of his injuries, he is in a very bad way.

A resident of Greenfields—again, in the member for Mandurah's electorate—contacted me some time after I had become a member of Parliament and showed me copies of letters he had written in 1988 to every member of the Western Australian Parliament. Some of those members still sit in this chamber to this day. He also had copies of all the responses he had received from them. That was when I became aware of the inadequacy of this situation and realised that it could not continue. At that time I had no inclination or desire to be a member of Parliament. In fact, my view of politicians probably corresponded with that of many other people in this state; I probably did not hold members of Parliament in very high regard. It is funny how one's life changes, and I now find myself in this place. I thought I should take the opportunity to do something about this situation, because it is all very well to sit outside this chamber and criticise members of Parliament for failing to do this and not doing that, but I had an opportunity to do something about this. I still have copies of all the letters from members of the Legislative

Ms Margaret Quirk; Mr John Kobelke; Mr Ben Wyatt; Mr Paul Papalia; Mr Murray Cowper; Mr Rob Johnson

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Assembly that were provided to me, and I can provide them to any members who wish to see them. This gentleman had no familial connection with Glenn Murray; he was simply a person who thought that an injustice had occurred. He implored me to pursue this matter.

In August 2006 I introduced a private member's bill. I think it was the second or third private member's bill that I introduced. The revelation that came to me that this situation existed was of great concern. New members may be interested to know that I drafted that bill with only two other people—another former police officer and a third person. We had very little in the way of resources compared with what members of government had. It was a very simple bill. I knew full well that when a private member's bill is introduced from opposition, it is unlikely that it will be passed. However, the bill kicked the ball into play, and that was the objective. Everyone agreed that this was an injustice that needed to be sorted out. It was a matter that had been recorded as far back as 1988 in the correspondence sent by members of this chamber, but there was unfortunately either a lack of will to run with the issue, or a belief that it was too hard; no-one wanted to pursue it. It is a valuable learning process for new members to know that one can have an effect in opposition. One can introduce a bill and, if it is right and has merit, it will gain support.

The purpose of drafting a very simple bill was to encourage the government of the day to come on board, make amendments to the bill and get it over the line. It is now a matter of record that the bill was defeated. In fact, it was not defeated; it sat on the table without an appropriation and therefore could not proceed. Twelve months later I had to provide reason for the bill to remain on the table. That was a further opportunity to speak on the matter, and the bill remained on the table until the end of the last Parliament. I finally got a commitment from the then Minister for Police that the government would look at this matter, form a committee and come up with some appropriate legislation. I thank the former police minister—the member for Balcatta—for his forbearance in allowing me to badger him non-stop on this issue.

**Mr J.C. Kobelke:** Did I have any choice?

**Mr M.J. COWPER:** No, the member actually did not! I thought it was an important issue. It has taken some time, but I know that this bill has the support of members in this chamber. I thank members for their support of this bill. It is long overdue. I thank members on behalf of all police officers who have been suffering for some time.

**MR R.F. JOHNSON (Hillarys — Minister for Police)** [10.56 am] — in reply: I thank all members who have contributed to the second reading debate on this bill. In answer to the question from the shadow Minister for Police about the regulations, I am told that it may take up to three or four months at the very most. The regulations will largely adopt current rules, and the process of liaising with the dispute resolution directorate and other agencies has already commenced. I give the member my commitment that I will hurry that along.

I wish to particularly thank two members today. Firstly, I thank my colleague the member for Murray-Wellington for his tremendous commitment over the past two years to ensuring that our injured police officers receive adequate and proper compensation when they are forced to be separated from the police force. I know it took a long time, but legislation does.

I also thank the former Minister for Police for bringing this legislation into Parliament. I gave the same commitment to him that the present shadow Minister for Police has given to me. I will not waste any time on this bill because the issue is too important to politicise in any way or to filibuster. We need to get this bill through as quickly as possible and that is why I took it upon myself as the current Minister for Police to bring the bill on at the earliest opportunity. I do not think I could have brought it on any earlier than I did, but I knew that when I did, I would have the cooperation and support of members on both sides of this house.

Neither side of the house can claim to be the guru of best legislation; it is, however, important that good legislation gains the support of both sides of the house. This is a classic example. I know, following my negotiations with the shadow Minister for Police, that we will not proceed to consideration in detail, which will expedite the matter even further. We will proceed straight to the third reading and the bill will then be on its way to the other place. I certainly urge my colleagues in the other place to expedite the passage of the bill in the same way that this chamber has today. I hope members opposite will encourage their colleagues in the other place to do the same, because this is not a political bill. Under no circumstances is this a political bill. It seeks to benefit our very hard-working and brave police officers, some of whom get dreadfully injured in carrying out their duties trying to protect and serve the community, which includes us. I have met some officers recently who have been severely assaulted and will end up with permanent disabilities. It is these people we need to take care of when they must leave Western Australia Police, although that may not be for some time. WA Police try to keep officers in the service for as long as possible, even if it means they do a desk job, computer work or whatever. The police officers I have met do not want to leave the job; the job means everything to them. One officer I had quite a long conversation with recently told me that he looks forward every single day to going to work. That is the sort of commitment police officers have in carrying out their duty in the job they enjoy and get satisfaction

Ms Margaret Quirk; Mr John Kobelke; Mr Ben Wyatt; Mr Paul Papalia; Mr Murray Cowper; Mr Rob Johnson

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from. They sometimes need to attend some very dangerous situations. As I said, recently there have been too many assaults on police. I am sure that every member of this house agrees that this Parliament will not allow violent thugs in society to use police officers as punching or kicking bags or even worse. Other legislation will be introduced that I hope will deal with some of that, but today we are dealing with some officers who have been and will be injured in the line of duty.

I think I have covered everything that members wanted to know unless members want to interject with some questions. I would like to pass this bill as quickly as possible. I again thank members for their cooperation.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Mr R.F. Johnson (Minister for Police)**, and transmitted to the Council.