



Officer shot in face told he doesn't qualify for future compo



Outraged police issue warning over cuts to injury benefits

**EXCLUSIVE**

**NIGEL HUNT**

POLICE officers may hesitate when responding to high-risk incidents because of fears that new workers' compensation laws would leave them facing financial ruin if they are injured, the police union has warned.

Police Association chief Mark Carroll said there were "very real" fears among rank-and-file officers over the future implications of being injured while on duty.

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# LET DOWN BY THE LAW

DUTY OF CARE: Senior constables Brett Gibbons and Alison Coad feel abandoned after being seriously injured on the job.

Picture: TRICIA WATKINSON



# Police union warning over cuts to injury benefits

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This had prompted them to now carefully consider their actions.

The first casualty of the new laws will be Senior Constable Brett Gibbons, the police officer shot in the face by Hectorville triple murderer Donato Corbo, who has been left with horrific facial injuries that require extensive medical treatment for many years to come.

But because the injuries do not exceed the 30 per cent impairment level, he does not qualify for ongoing financial compensation.

Mr Carroll said that because of the severe restrictions in compensating injured officers under the new legislation, many lacked confidence in carrying out their day-to-day duties.

"No one would want to see police officers hesitating to respond to high-risk incidents because they feared on-duty injuries could ruin them financially," he said.

"A hesitant response is not in any officer's DNA, but it has to be a possibility under the current return-to-work legislation.

"If they are hesitant in their responses, it will be because they are concerned at the level of support and cover they will now receive and the impact on their families.

"Making a decision to put yourself in harm's way could potentially disadvantage your family financially now."

After several months of unsuccessful negotiations with the Government over the issue,

the association has launched a campaign to have compensation benefits for police restored through an amendment to separate legislation.

The campaign, which will involve social media, radio and

newspaper advertising, is the largest since 1995 when the then Labor government refused to give police a pay rise — culminating in an unprecedented protest march on King William St.

The first of the hard-hitting advertisements is on Page 8 of today's *Advertiser*.

Under the new Return to Work Act, there are caps on compensation for all injured workers, along with a two-year cap on income maintenance and a three-year cap on medical expenses.

Only workers who exceed a 30 per cent impairment scale will receive any benefits be-

yond those caps — which would exclude the vast majority of police injured on duty.

Family First MLC Robert Brokenshire has introduced an amendment to the Police Act to restore compensation for police to the former level, but the Government will not reveal if it will support the move. The amendment also needs the support of the Opposition to succeed.

Mr Carroll said officers were "sick and tired" of waiting for a response from government on its support for the amendment.

"No-one should underestimate the ire our members are feeling on this issue," he said.

"It is the issue they are most concerned about in the workplace. Because of the government's apparent indifference to the plight of police officers, we have now decided to seek

the support of individual officers and the public in our fight to simply restore what has been taken away."

The move has the potential to be a political headache for the Government, given the emotive nature of the issue and

public sentiment towards police injured on the job.

On October 15, Mr Carroll wrote to Police Minister Tony Piccolo seeking a commitment from him to support the amendments.

"As the responsible minister for police in this state, it behoves you to support this bill ...." he wrote.

On October 29, Mr Piccolo replied that the issue "principally relates to workers compensation" which was the responsibility of Industrial Relations Minister John Rau.

He said he had a meeting with Mr Rau and was awaiting

"advice" to assist in determining the Government's position.

Mr Rau yesterday said that while some policing functions place officers "in particular danger", others — such as firefighters — may be "similarly placed at risk".

"Conversely, police officers may suffer work injuries in circumstances indistinguishable from those suffered by other workers," he said. "The current proposals make no attempt to recognise or accommodate these facts."

Opposition police spokesman John Gardner said the Opposition was still considering Mr Brokenshire's amendment.

Police Commissioner Grant Stevens said his officers were "often required to place themselves in dangerous, volatile situations and unfortunately, at times, injuries do occur".

"While I am certainly sympathetic to the issues raised by PASA, I also acknowledge this is a complex issue with wide-spread implications," he said.

"I am in discussions with Government on this matter."



**PAGE 28: MARK CARROLL**



## IN HARM'S WAY AND WITHOUT A LEG TO STAND ON

**If an officer is shot in the line of duty:**

**Before July 1:** Wage maintenance for all time off work, particularly when recovering from surgeries.

**From July 1:** Wage maintenance for only two years from date of injury. After two years, for periods of up to 13 weeks if surgery pre-approved.

**Before:** All reasonable medical benefits covered relative to the injury.

**Now:** For a maximum three years from date of injury, possibly with pre-approved surgery after that time.

**Before:** Coverage for a psychological injury that may present years after the event because of a physical injury incurred while on duty.

**Now:** Most likely not covered for any income maintenance or medical expenses unless the original physical injuries themselves remain covered after cut-off dates as a seriously

injured worker (30 per cent whole person impairment, with physical and psychological injuries assessed separately and NOT combined – an extremely high threshold to reach).

**Before:** Weekly compensation payments for time off work adjusted annually in line with wage increases.

**Now:** No wage increases apply, unless deemed a seriously injury worker above the 30 per cent impairment threshold.



## The SA Parliament has abandoned injured and suffering police who risked all to keep us safe - Mark Carroll

**I**F a police officer challenged a drug-affected gunman roaming your neighbourhood, you'd be pretty grateful.

And your gratitude would be justified, because what other stranger, besides a copper, would elevate your physical safety above his or her own? Probably no one.

The problem is that while police willingly accept their duty to prioritise public welfare above their own, they often suffer serious bodily injuries in the process.

And I think of cops such as Senior Constable Brett Gibbons, who suffered a horrific shotgun blast to his face at the scene of the Hectorville triple murder in 2011.

Before that there was Senior Constable Alison Coad, who contracted painful oral herpes after a violent female offender spat directly into her mouth in 2003.

And while Gumeracha Senior Constable Brian Edwards tried to – and did – protect his community against leaking anhydrous ammonia last February, he was the one who ended up with burnt lungs.

Brian now struggles with his breathing. Brett has undergone four operations since he was shot, and will need more. Alison suffers outbreaks of lesions on her hard palate every six to eight weeks and will for life.

These officers would much prefer these incidents had never happened, but they never whinge about the fact that they did. They think of them simply as part of the job.

What has sparked their ire,

however, is the Weatherill Government's new return-to-work legislation, which effectively penalises rather than supports injured police.

The Return to Work Act, which kicked in on July 1 this year, imposes strict new caps on compensation payments for suffering workers such as Brian, Brett and Alison.

A two-year cap now applies to income maintenance and a three-year cap to medical expenses. After that, our selfless injured police will be on their own, footing medical bills themselves.

The only way an injured copper can get any financial compensation beyond those cut-offs is if he or she has been determined to have a 30 per cent "whole-person impairment". The Act defines that as a "seriously injured worker".

But what is clear on reading the Act is that it reflects a total lack of understanding of the profession. It doesn't even attempt to deliver support for psychological injury.

As for physical suffering, Brett Gibbons, with all his injuries and future medical needs, won't necessarily be determined to be 30 per cent impaired. And his future medical costs could rise into the hundreds of thousands of dollars.

Alison Coad will never be free of the oral herpes she contracted. She'll need medication for life and, from 2018, will have to pay for it herself.

And what if Brian Edwards ends up with a lung disease such as emphysema? He could well have to pay for his own

medication and items such as an oxygen tank.

So, despite all our injured police officers have risked and suffered to keep the rest of us safe, the SA Parliament has seen fit to abandon them. Passing the legislation that brought this return-to-work regimen into being was a gross error.

Family First MLC Robert Brokenshire agrees. He calls the legislation "draconian, detrimental and unfair", and insists Parliament got it wrong. But that same Parliament can

correct its error by endorsing new legislation.

Mr Brokenshire, with the support of his party, has tabled the Police (Return to Work) Amendment Bill in the Upper House. It seeks to amend the Police Act in a way that restores the benefits injured police were entitled to under the Workers Rehabilitation and Compensation Act.

Passing this Bill is critical – and not just because it will deliver a fair outcome for deserving police. The entire community stands to gain from the confidence it will give frontline police in their decision-making. No one would want to see police officers hesitating to respond to high-risk incidents because they feared on-duty injuries could ruin them financially.

Police are relying on the public to encourage their local members to pass the Bill.

**Mark Carroll is President of the Police Association of SA.**



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