



Speech by

**Dr LESLEY CLARK**

**MEMBER FOR BARRON RIVER**

---

Hansard 11 November 1998

### **CRIMINAL COMPENSATION**

**Dr CLARK** (Barron River—ALP) (11.16 p.m.): Not long after being elected, I was assisting a constituent with an application to become a justice of the peace. It was during the course of this interview that she shared with me the tragic story of her son, a policeman who had been shot during the course of fulfilling his duty in October 1994 and who has still not been awarded any compensation, despite an order having been made in the Supreme Court for an amount of \$32,500.

I subsequently met with my constituent's son to learn more about his circumstances and see if I could assist. He has given me permission to refer to his case because it illustrates the problem in regard to criminal compensation that he and many other police officers have been and are experiencing and which, fortunately, this Government is currently addressing after the issue was neglected by the previous Police Minister and Attorney-General.

The story of Constable X, as I will refer to him, began after only eight months in the job when he was called to an accident only to become a victim himself when an inattentive driver ran into the back of his police vehicle. As a result of that accident, he sustained a painful shoulder injury. Next, he experienced a loaded gun being put to his forehead by the occupant of a vehicle that he had pulled over. Whilst he suffered no injury from that incident, he experienced high levels of stress and was reassigned to duty in the radio room. He was subsequently considered fit to return to active service. However, within two weeks of returning to active service on 7 October 1994, he was shot in the wrist following a high-speed chase trying to apprehend an armed robber. His wife was four months' pregnant at the time, so members can appreciate the stress that this last incident imposed on the whole family.

The injury to Constable X's wrist was serious. He continues to experience intermittent pain and also suffered post traumatic stress disorder and anxiety attacks. He was required to take extensive time off work and continues to have occasional episodes of anxiety. A criminal compensation application made by virtue of section 663B of the Criminal Code was heard before the Townsville Supreme Court and an order for compensation was made by His Honour Justice Cullinane on 6 October 1997 in which Constable X was awarded \$32,500 compensation—\$20,000 of which related to the psychological component and \$12,500 of which was awarded for the injury to his wrist.

Concerned about the delays in receiving compensation I, together with Constable X's mother, made representations to the Minister for Police at the Community Cabinet meeting in Edmonton. On 10 August 1998, Constable X actually received a letter from the Queensland Police Service in which he was informed that he would in fact be paid. I thought we had achieved success, only to find out that he was awarded only \$8,500 for nervous shock and \$4,865 for legal costs. In effect, Constable X received only a quarter of what he was awarded by the court.

I was appalled at this paltry sum offered to Constable X, as was his family, but I discovered that he is not the only person to be affected in this way. His case is not an isolated incident. Many other payments have been delayed by the Queensland Police Service, and amounts paid have frequently been half that awarded by the court.

As a result of representations from a range of quarters, including my modest contribution, I am pleased to report that the Attorney-General has confirmed that this Government, unlike the coalition, will no longer discriminate against police officers who have been injured by criminals in the course of their employment. The Attorney-General made it clear in the Courier-Mail on 7 November that the

Government will treat all victims of crime equally and that police officers will be paid the full amount awarded in the courts as provided for under the Criminal Offence Victims Act. Over the next few weeks, further meetings will be held to clarify the procedural matters relating to existing and future police compensation claims under this new policy.

I congratulate both the Attorney-General and the Police Minister for ensuring that justice will be done for all of those police officers such as Constable X who put their lives on the line every day to protect us and to uphold the law. These officers now know that they are truly valued by our community for the sacrifices they make on our behalf. I sincerely hope that this Labor policy will raise morale and improve retention rates in the force, and I wish Constable X and his family well. I hope, too, that this decision restores the faith of Constable X and his family in politicians who do care and listen and Governments that will respond to correct obvious injustices.

---