

Case Study: Prison Officers Caught in Crossfire

Tony and Tim

Correctional officers Tony and Tim were both badly injured during a riot at a NSW prison in April 2002.

While going to the aid of two fellow employees, who were being beaten by a number of prisoners, Tony and Tim were attacked, kicked, punched and received severe blows to the head with a wooden instrument.

Tim was knocked unconscious and spent six weeks in a coma in hospital. He nearly died on several occasions.

His head injuries have affected his speech and other cognitive functions. He also has spinal injuries and suffers ongoing psychological trauma.

Tony's severe head injuries required 56 stitches, and he also suffered a broken vertebrae in his neck.

Since the attack he has become insular, uncomfortable in crowds and has struggled in personal and business relationships. He no longer pursues his interest in singing in his band.

Neither Tony nor Tim have been able to return to work as correctional officers. Tim is unlikely to be able to ever work again.

Although Tony is no longer the same person he was before the incident, he is unable to combine his physical and mental injuries and does not meet the threshold required to receive compensation for pain and suffering.

Tim was knocked unconscious and spent six weeks in a coma at Canberra hospital. He nearly died several times.

Tim's injuries are sufficient enough to reach the threshold. However if he chooses to go ahead and claim damages, he will not be able to claim expenses for ongoing and future medical treatment under NSW law.

No other workers' compensation system in Australia forces victims to make such an election.

"Although damages would have helped me get my life back together sooner, my concern is for others, as the system is so unfair," Tony says.

The legal barriers to fair compensation in NSW are too harsh. They need to be changed.

Contact your local MP to make your views known. Nothing will change unless you take action.

For more information visit www.faircompensation.com.au or phone 1800 357 596.

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