

POLICE ASSISTANCE COMPENSATION.

13° Elizabeth II., No. LIX.

No. 59 of 1964.

AN ACT to provide for the Payment of Compensation to persons injured while assisting Police Officers in the execution of their duty, and to Dependants of those persons and for incidental and other purposes.

[Assented to 4th December, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Police Assistance Compensation Act, 1964.*

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Act to bind
Crown.

3. This Act binds the Crown.

4. In this Act, unless the contrary intention appears—

Interpretation.

“Minister for Police” means the Minister of the Crown to whom the administration of the Police Act, 1892, is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of the first mentioned Minister;

“police officer” means any person appointed under Part I of the Police Act, 1892; and

Expressions used in this Act have the same respective meanings as in the Workers' Compensation Act, 1912.

5. (1) A person, other than a police officer, who suffers personal injury arising out of or in the course of assisting or attempting to assist a police officer in arresting another person or in preserving the peace or in otherwise acting or apparently acting in the execution of his duty, as a police officer—

Compensation for personal injuries suffered while assisting police. See Criminal Code s. 176.

- (a) after being requested to do so by the police officer; or
- (b) in circumstances from which the person reasonably inferred that he had been so requested, or in circumstances from which he could have reasonably inferred that he would have been so requested, if the police officer had been aware of those circumstances and had been able to request him to so assist,

and the dependants of the person so injured are entitled to be paid compensation as provided in this section.

(2) The compensation referred to in subsection (1) of this section shall be paid—

Compensation in accordance with Workers' Compensation Act, 1912.

- (a) by the Minister for Police as representing the Crown but without imposing any personal liability upon the occupant of the office of Minister for Police; and

(b) in accordance with and subject to the provisions of the Workers' Compensation Act, 1912, and the rules and regulations made thereunder, as if within the meaning of that Act at the date the person so suffered the personal injury—

(i) he were a worker employed by the Crown and his average weekly earnings were not less than the basic wage; and

(ii) he suffered the personal injury by accident arising out of or in the course of employment with the Crown.

Power of Governor to make compensation for loss of or damage to property.

(3) (a) Subject to paragraph (b) of this subsection, when a person who assists or attempts to assist a police officer as provided in subsection (1) of this section, suffers damage to or destruction of any property that belongs to him or that is in his possession or under his control, if the damage or destruction arises out of or in the course of his so assisting or attempting to so assist the police officer, the Minister for Police may in his discretion, and whether or not the person suffers personal injury as so provided, pay to the owner of the property such compensation for the damage or destruction as the Minister thinks reasonable.

(b) The amount of compensation that may be paid under paragraph (a) of this subsection shall not exceed—

(i) in the case of a claim by a person such amount as may be prescribed; and

(ii) in the case of a claim by a number of persons arising out of the same incident, such amount in the aggregate as may be prescribed.

(c) A person is not entitled to recover both damages in respect of damage or destruction to any property referred to in paragraph (a) of this subsection, and compensation under this section in

respect thereof, and if a person so recovers both damages and compensation the amount of the compensation may be recovered from the person by the Minister for Police by proceedings in a court of competent jurisdiction as a debt due by that person to the Crown.

(d) Where pursuant to this Act any amount is paid to any person, under the age of twenty-one years, his receipt therefor shall be a sufficient discharge.

6. Without limiting the generality of the provisions of subsections (1) and (2) of section five of this Act, where any question or matter arises under those provisions, including any question as to whether a person is entitled to compensation thereunder, the amount thereof or the existence and extent of dependency, the Workers' Compensation Board constituted under the Workers' Compensation Act, 1912, has under the provisions of this Act exclusive jurisdiction to examine into, hear and determine the question and matter as provided in the former Act, as though the question or matter were a question or matter that arose under that Act; and where the Board exercises that jurisdiction such of the provisions of that Act as are applicable to the case apply, with all necessary modifications.

Jurisdiction
of Workers'
Compensa-
tion Board.

7. Subject to the terms of any relevant policy of insurance issued pursuant to section eight of this Act, where compensation has been paid pursuant to section five of this Act, if the personal injury, damage or destruction in respect of which the compensation was paid, was caused under circumstances creating a liability in some person, other than a police officer, to pay damages in respect thereof, the Minister for Police as representing the Crown, may take proceedings against that person in a court of competent jurisdiction to recover from him the amount of the compensation or such portion thereof as the court determines.

Remedy
against
wrongdoer.

Power of
State
Government
Insurance
Office
to issue
policy.

8. The State Government Insurance Office established under the State Government Insurance Office Act, 1938, is hereby authorised to issue under that Act to the Minister for Police on behalf of the Crown, a policy of insurance for the full amount—

- (a) of the liability to pay compensation for personal injury to persons and their dependants who are entitled thereto pursuant to this Act; and
- (b) of any compensation paid by the Minister for Police pursuant to subsection (3) of section five of this Act,

and that Minister is authorised to obtain such a policy or policies of insurance.

Certain Com-
pensation
and expenses
incurred in
administra-
tion of Act
payable
from Con-
solidated
Revenue
Fund.

9. The amount of—

- (a) any compensation paid pursuant to section five of this Act, except where the Minister for Police has been paid the amount thereof under and in accordance with a policy of insurance obtained pursuant to section eight of this Act;
- (b) any premiums payable in respect of a policy of insurance issued pursuant to section eight of this Act;
- (c) any expenses incurred in the administration of this Act,

shall be paid out of the Consolidated Revenue Fund from money appropriated by Parliament for the purpose.

Offences.

10. A person who, in or in connection with any claim for compensation under this Act, wilfully makes any false statement to or otherwise wilfully misleads or attempts to mislead any other person is guilty of an offence against this Act.

Penalty: Fifty pounds or imprisonment for three months or both.

11. The Governor may make regulations providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof. ^{Regulations.}
