



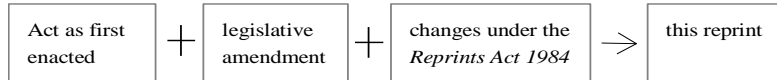
Western Australia

# **Police Assistance Compensation Act 1964**

**Reprinted as at 1 November 2002**

## Guide for using this reprint

### *What the reprint includes*



### ***Endnotes, Compilation table, and Table of provisions that have not come into operation***

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### ***Notes amongst text (italicised and within square brackets)***

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprinted under the  
*Reprints Act 1984* as  
at 1 November 2002

Western Australia

## Police Assistance Compensation Act 1964

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Western Australia

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## Police Assistance Compensation Act 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.**

**1. Short title**

This Act may be cited as the *Police Assistance Compensation Act 1964*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

**3. Act to bind Crown**

This Act binds the Crown.

**4. Interpretation**

In this Act, unless the contrary intention appears —

“**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*<sup>2</sup>.

**5. Compensation for personal injuries suffered while assisting police**

(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 —

- (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) shall be paid —
- (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*<sup>2</sup>, 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.
- (3)
  - (a) Subject to paragraph (b), when a person who assists or attempts to assist a police officer as provided in subsection (1), 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) 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), 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 21 years, his receipt therefor shall be a sufficient discharge.

**6. Resolving questions as to entitlements**

Without limiting the generality of the provisions of section 5(1) and (2), 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 matter is to be referred for conciliation under Part IIIA of the *Workers' Compensation and Rehabilitation Act 1981* and is to be dealt with under that Act as if it were a dispute that arose under that Act; and such of the provisions of that Act as are capable of applying in relation to the matter apply, with such modifications as are necessary.

*[Section 6 amended by No. 34 of 1999 s. 61.]*

**7. Remedy against wrongdoer**

Subject to the terms of any relevant policy of insurance issued pursuant to section 8, where compensation has been paid pursuant to section 5, 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.

**8. Power of ICWA to issue policy**

The Insurance Commission of Western Australia continued under the *Insurance Commission of Western Australia Act 1986*, 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 section 5(3),

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

*[Section 8 amended by No. 45 of 1996 s. 38.]*

**9. Certain compensation and expenses incurred in administration of Act payable from Consolidated Fund**

The amount of —

- (a) any compensation paid pursuant to section 5, 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 8;
- (b) any premiums payable in respect of a policy of insurance issued pursuant to section 8;
- (c) any expenses incurred in the administration of this Act,

shall be charged to the Consolidated Fund from money appropriated by Parliament for the purpose.

*[Section 9 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64.]*

**10. Offences**

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: \$1 000.

*[Section 10 amended by No. 78 of 1995 s. 147.]*

s. 11

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**11. Regulations**

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.

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## Notes

- <sup>1</sup> This reprint is a compilation as at 1 November 2002 of the *Police Assistance Compensation Act 1964* and includes the amendments made by the other written laws referred to in the following table. This table also contains information about any previous reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Police Assistance Compensation Act 1964</i>	59 of 1964	4 Dec 1964	11 Jun 1965 (see s. 2 and <i>Gazette</i> 11 Jun 1965 p. 1765)
<b>Reprint of the <i>Police Assistance Compensation Act 1964</i> authorised 5 Aug 1982</b> (includes amendments listed above)			
<i>Financial Administration Legislation Amendment Act 1993</i> s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Sentencing (Consequential Provisions) Act 1995</i> s. 147	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Acts Amendment (ICWA) Act 1996</i> s. 38	45 of 1996	25 Oct 1996	1 Oct 1997 (see s. 2 and <i>Gazette</i> 23 Sep 1997 p. 5357)
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Workers' Compensation and Rehabilitation Amendment Act 1999</i> s. 61	34 of 1999	5 Oct 1999	15 Oct 1999 (see s. 2(2) and <i>Gazette</i> 15 Oct 1999 p. 4889)

- <sup>2</sup> Repealed by the *Workers' Compensation and Assistance Act 1981* s. 194 (now known as the *Workers' Compensation and Rehabilitation Act 1981*).