

Western Australia

## **Police Assistance Compensation Act 1964**

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## **Police Assistance Compensation Act 1964**

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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**

(1) 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*.

**s. 5**

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- (2) Expressions used in this Act have the same respective meanings as in the *Workers' Compensation and Injury Management Act 1981*.

[Section 4 amended by No. 42 of 2004 s. 175; No. 19 of 2010 s. 51.]

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

- (1) A person, other than a police officer, who suffers an 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 and Injury Management Act 1981*, and the rules and regulations made thereunder, as if within the meaning of that Act at the date the person so suffered the 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 injury in the course of employment with the Crown.
- (3) Subject to subsection (4), 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 injury as so provided, pay to the owner of the property such compensation for the damage or destruction as the Minister thinks reasonable.
- (4) The amount of compensation that may be paid under subsection (3) shall not exceed —
  - (a) in the case of a claim by a person such amount as may be prescribed; and
  - (b) 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.
- (5) A person is not entitled to recover both damages in respect of damage or destruction to any property referred to in subsection (3), 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.
- (6) 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.

*[Section 5 amended by No. 42 of 2004 s. 167(2)-(4) and 175; No. 19 of 2010 s. 51.]*

**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 dealt with under the *Workers' Compensation and Injury Management Act 1981* 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; No. 42 of 2004 s. 167(5).]*

**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 Account**

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 Account from money appropriated by Parliament for the purpose.

*[Section 9 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 77 of 2006 s. 4.]*

**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.]*

**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.

**Notes**

<sup>1</sup> This is a compilation 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**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<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)
<b>Reprint of the <i>Police Assistance Compensation Act 1964</i> as at 1 Nov 2002</b> (includes amendments listed above)			
<i>Workers' Compensation Reform Act 2004</i> s. 167 and 175	42 of 2004	9 Nov 2004	s. 167(1) and (5) and 175: 4 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7131); s. 167(2)-(4): 14 Nov 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7131 and 17 Jun 2005 p. 2657); Para (b) of proclamation published 31 Dec 2004 p. 7131 revoked (see <i>Gazette</i> 17 Jun 2005 p. 2657)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2 and <i>Gazette</i> 19 Jan 2007 p. 137)

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<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Standardisation of Formatting Act 2010</i> s. 51	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)

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