

Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by the Hon. P. G. Pandal, MLA)

Police (Immunity from Civil Liability) Bill 1998

A Bill for

An Act to provide for civil immunity for police officers for acts or omissions done in good faith in the course of exercising their powers and duties as police officers.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Police (Immunity from Civil Liability) Act 1998*.

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2. Commencement

This Act shall come into operation on the day on which it is proclaimed.

3. Interpretation

5 In this Act —

“**police officer**” has the meaning given to it by the
Interpretation Act 1984.

4. Acts binds Crown

This Act binds the Crown.

10 **5. Immunity**

(1) A civil action shall not be brought or maintained against any police officer in respect of any act or omission done in good faith in his or her exercise or discharge, or purported exercise or discharge, of any powers, functions, duties or responsibilities
15 conferred or imposed on him or her by any Act or law.

(2) The onus of proving that any act or omission referred to in subsection (1) was not done in good faith shall lie with such person bringing any civil action relating to such act or omission.

(3) Notwithstanding any other Act or law, the Crown is liable
20 for —

- (a) any civil liability that would, but for this section, lie against a police officer; and
- (b) any reasonable costs incurred by a police officer in defending any civil action to which this section applies.

6. Indemnity

- (1) The Crown shall indemnify a police officer for —
- (a) any order for damages made against such officer; and
 - (b) any reasonable costs incurred by such officer,

5 in defending any civil action in circumstances in which this Act would apply but for the fact that such action is brought in respect of an alleged breach of a written or unwritten Commonwealth law.

7. Transitional

10 Any civil action in relation to which proceedings are pending at the time this Act comes into operation and to which this Act would otherwise apply shall be dealt with as though the relevant provisions of this Act were not in force.

8. Consequential amendments

15 Section 138 of the *Police Act 1892* is amended by deleting ‘H’ from that provision.

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