

**Police (Compensation for Injured Officers)
Amendment Bill 2006**

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*1892***

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr Cowper, MLA)

**Police (Compensation for Injured Officers)
Amendment Bill 2006**

A Bill for

An Act to amend the *Police Act 1892* to provide compensation and ongoing medical benefits for officers injured in the course of duty.

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Police (Compensation for Injured Officers) Amendment Act 2006*.

5 **2. Commencement**

This Act comes into operation on a day fixed by proclamation.

Part 2 — Amendment of *Police Act 1892*

3. The Act amended

The amendments in this Part are to the *Police Act 1892*.

4. Section 2 amended

5 Section 2 is amended by inserted the following definition in the appropriate alphabetical position —

“

10 **“injury suffered on duty”** means an illness or injury sustained by a member whilst acting in the execution of his or her duties or in the course of travel to or from a place of duty;

”.

5. Sections 135A to 135D inserted

After section 124 the following sections are inserted:

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135A. Definition of “former member”

For the purposes of sections 135B and 135C, **“former member”** means any former member who resigned from, retired from or otherwise left the Police Force.

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135B. Payment of medical and hospital expenses

(1) Subject to subsection (2), the Commissioner of Police shall pay the reasonable medical and hospital expenses incurred by a member or former member as a result of an injury suffered on duty.

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(2) A member or former member who suffers illness or injury through his fault or misconduct is not entitled in respect of that illness or injury to receive the benefits provided for by subsection (1).

135C. Payment of lump sum compensation amount

- 5 (1) Subject to subsection (2), the Commissioner of Police shall pay to a former member who resigned from, retired from or otherwise left the Police Force as a consequence of an injury suffered on duty an amount calculated in accordance with subsection (3).
- 10 (2) A former member who resigned from, retired from or otherwise left the Police Force as a consequence of an injury suffered on duty which was suffered through the former member's fault or misconduct is not entitled to receive the benefits provided for in subsection (1).
- 15 (3) The Commissioner of Police shall pay to the former member (or his spouse in circumstances in which the former member is dead) or to the personal representatives of the former member, an amount in accordance with the formula:
- $A = S \times CF \times I$
- where:
- 20 A = the amount to be paid to the former member or his personal representatives;
- S = the annual salary of the former member at the date of the former member's resignation, retirement or other departure from the Police Force;
- 25 CF = the capitalisation factor prescribed for the purposes of this section by the regulations, for the sex of the former member and for the age of the former member on the day on which he or she retired, resigned or otherwise left the force;
- 30 and
- I = the extent of the former member's permanent loss of earning capacity, determined by the Commissioner of Police and expressed

as a percentage, as a consequence of the injury
suffered on duty.

- 5 (4) Without limiting any other factor the Commissioner of
Police may take into consideration when determining a
former member's permanent loss of earning capacity as
referred to in subsection (2), a psychological or
psychiatric injury sustained by a former member as a
consequence of an injury suffered on duty provided
that such injury is demonstrable and permanent.

10 **135D. Review**

A person aggrieved by a decision of the Commissioner
of Police under sections 135B or 135C may apply to
the State Administrative Tribunal for a review of the
decision.

15 ”.

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