

1968

VICTORIA.



ANNO SEPTIMO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7722.

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.

[26th November, 1968.]

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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. (1) This Act may be cited as the *Police Assistance Compensation Act 1968*.

Commencement.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Compensation for personal injuries while assisting police.

2. (1) A person other than a member of the police force who suffers personal injury arising out of or in the course of assisting or attempting to assist—

(a) a member of the police force in arresting another person ;

(b) a member

- (b) a member of the police force in preserving the peace ;  
or
- (c) a member of the police force who is otherwise acting  
or apparently acting in the execution of his duty as  
a member of the police force—

after being requested to do so by the member of the police force or 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 member of the police force had been aware of those circumstances and had been able to request him to so assist shall be entitled to be paid compensation or in case of his death his wife children or dependants shall be entitled to be paid compensation as provided in this section.

(2) The compensation referred to in sub-section (1) of this section shall be paid in accordance with and subject to the provisions of the *Workers Compensation Act 1958* and the rules and regulations made thereunder as if within the meaning of that Act at the time the person so suffered the personal injury—

Compensation  
in accordance  
with *Workers  
Compensation  
Act 1958*,  
No. 6419.

- (a) he was a worker over the age of 21 years employed by the Crown at an average weekly wage of \$38.00 or such higher amount as is from time to time fixed by Order of the Governor in Council published in the *Government Gazette*; and
- (b) he suffered a personal injury arising out of or in the course of employment with the Crown.

(3) Subject to sub-section (4) when a person who assists or attempts to assist a member of the police force as provided in sub-section (1) suffers damage to or destruction of any property that belongs to him or that is in his possession or under his control and the damage or destruction arises out of, or in the course of his so assisting or attempting to so assist the member of the police force, the Chief Secretary may authorize the payment to the owner of the property of such compensation for the damage or destruction as the Chief Secretary thinks reasonable in the circumstances.

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

(4) A person shall not be entitled to recover both damages in respect of damage or destruction to any property referred to in sub-section (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 Chief Secretary by proceedings in a court of competent jurisdiction as a debt due by that person to the Crown.

Jurisdiction  
of Workers  
Compensation  
Board.

3. Without limiting the generality of the provisions of sub-sections (1) and (2) of section 2, where any question or matter arises under those provisions including any question as to the amount thereof, or the existence and extent of dependency, the Workers Compensation Board constituted under the *Workers Compensation Act 1958* shall have under the provisions of this Act exclusive jurisdiction to hear and determine the question or matter as provided in the *Workers Compensation Act 1958* 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 with the necessary adaptations and modifications shall apply.

Chief  
Secretary may  
recover the  
compensation  
paid.

4. Where compensation has been paid pursuant to section 2 and the personal injury damage or destruction in respect of which compensation has been paid was caused under circumstances creating a liability in some person other than a member of the police force to pay damages in respect thereof, the Chief Secretary may take proceedings against that person in a court of competent jurisdiction to recover from him the amount of the compensation paid under this Act.

Expenses for  
carrying out  
this Act to  
be paid from  
Consolidated  
Revenue.

5. The amount of any compensation paid pursuant to section 2 and any expenses incurred in the administration of this Act shall be paid out of the Consolidated Revenue which is hereby to the necessary extent appropriated accordingly.

Penalty for  
offence under  
this Act.

6. A person who, in or in connexion with any claim for compensation under this Act, wilfully makes any false statement to or otherwise wilfully misleads or attempts to mislead the Chief Secretary the Workers Compensation Board member of the police force or any other person shall be guilty of an offence and shall be liable to a fine of \$500 or imprisonment for three months or to both such fine and imprisonment.