

EXPLANATORY MEMORANDUM (EM159)

Police (Compensation for Injured Officers) Amendment Bill 2006

(Introduced by Mr Murray Cowper, MLA)

Unlike the legislation covering all other workers in Western Australia, there is currently no statutory provision for the support, compensation and rehabilitation of members and former members of the WA Police Force who retire, resign or otherwise leave the Police Force with residual illness or injuries which arise through the performance of a police duty or function.

Police are specifically excluded from coverage of the *Workers' Compensation and Injury Management Act 1981* (except in death) and this Bill addresses that anomaly by amending the *Police Act 1892* to provide compensation and ongoing medical benefits for officers injured in the course of duty.

Clause 1. relates to the Short Title

Clause 2. provides for the enactment to commence operation on a day fixed for proclamation.

Clause 3. identifies the *Police Act 1892* as the principal Act.

Clause 4. amends Section 2 of the principal Act by inclusion of a definition of "*injury suffered on duty*" to mean an injury or illness sustained by a member whilst in the execution of police duties or in the course of travel to or from a place of duty.

Clause 5. amends the principal Act by—

insertion of new Section 135A, definition of "*former member*" to recognize a former police officer who resigned from, retired from or otherwise left the Police Force;

insertion of new Section 135B, which provides for the Commissioner of Police to pay reasonable medical and hospital expenses incurred by a member or former member as a result of injury suffered on duty, with the rider that should the injury or illness had been suffered through the fault or misconduct of the member or former member, then there is no entitlement to such benefits;

insertion of new Section 135C, which provides for the Commissioner of Police to pay a lump sum compensation calculated in accordance with a prescribed formula, to a former member who left the Police Force as a consequence of injury suffered on duty, with the rider that should the injury or illness had been suffered through the fault or misconduct of the member or former member, then there is no entitlement to such lump sum compensation; and

insertion of new Section 135D, which provides that a person aggrieved by a decision by of Commissioner of Police, may apply to have the decision reviewed by the State Administrative Tribunal.