

LEGISLATIVE COUNCIL
VICTORIA POLICE BILL 2013

(Amendments and New Clauses to be proposed in Committee by Ms PENNICUIK)

1. Clause 16, lines 31 and 32, omit paragraph (a).
2. Clause 74, lines 28 and 29, omit subclause (1) and insert—
 "(1) Subject to this Division, the State is liable for all police torts."
3. Clause 74, lines 30 to 34 and page 60, lines 1 to 8, omit subclauses (2) and (3).
4. Clause 75, line 23, omit "that—" and insert "that the alleged tort, if proven, would not be a police tort."
5. Clause 75, lines 24 to 27, omit paragraphs (a) and (b).
6. Clause 76, line 21, omit "that—" and insert "that the alleged tort, if proven, would not be a police tort."
7. Clause 76, lines 22 to 25, omit paragraphs (a) and (b).

NEW CLAUSES

8. Insert the following New Clauses to follow clause 77—

"A Liability of police or protective services officers for police torts

A police officer or protective services officer—

- (a) is not liable to any person for a police tort committed by the officer;
 and
- (b) except as provided by section 79, is not liable to indemnify, or to pay any contribution to, the State in respect of the liability incurred by the State in respect of a police tort committed by the officer.

B Recovery by the State from police or protective services officers

If the State is ordered to pay any damages or costs, or both, on a police tort claim, the State may recover in any court of competent jurisdiction the amount of those damages and costs from the police officer or protective services officer who committed the police tort, if the State establishes that the act or omission that constituted the police tort was not necessarily or reasonably done or omitted to be done in good faith by the officer in the performance or purported performance of the officer's duties."

9. Clause 78, omit this clause.
10. Clause 79, omit this clause.