



Western Australia

Police (Medical and Other Expenses for Former Officers) Act 2008

**Police (Medical and Other Expenses for Former
Officers) Regulations 2009**

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Police (Medical and Other Expenses for Former Officers) Regulations 2009

Part 1 — Preliminary matters

1. Citation

These regulations are the *Police (Medical and Other Expenses for Former Officers) Regulations 2009*.

2. Commencement

These regulations come into operation on the day on which the *Police (Medical and Other Expenses for Former Officers) Act 2008* section 15 comes into operation.

3. Terms used

In these regulations —

applied provisions has the meaning given in regulation 10;

approved form means a form approved under regulation 16(1).

Part 2 — Claims procedure

4. Making claim

A claim must —

- (a) be in the approved form and signed by the former officer; and
- (b) include or be accompanied by the information approved by the Police Commissioner; and
- (c) be given to the Police Commissioner.

5. Response to claim

(1) In this regulation —

prescribed period means —

- (a) for a claim received within 6 months after the commencement of section 4(1) of the Act — 60 days after the claim is received; or
- (b) for any other claim — 17 days after the claim is received.

(2) Within the prescribed period after receiving a claim from a former officer made in accordance with regulation 4, the Police Commissioner must notify the former officer in writing that —

- (a) liability for the claim is accepted; or
- (b) liability for the claim is denied; or
- (c) a decision to accept or deny liability for the claim has not yet been made.

(3) A notice under subregulation (2)(b) or (c) must set out the reasons why liability is denied or a decision has not yet been made.

6. Initial medical examination

A former officer who has made a claim must, if required by the Police Commissioner for the purpose of deciding whether to

accept or deny the claim, submit himself or herself for an examination by a medical practitioner provided and paid by the Police Commissioner.

7. Periodic medical examinations

If amounts are being paid by the Police Commissioner in respect of a claim made by a former officer, the former officer must, if required by the Police Commissioner, from time to time submit himself or herself for an examination by a medical practitioner provided and paid by the Police Commissioner.

8. Treatment plan

If a claim is for medical expenses likely to be incurred, the Police Commissioner may require the former officer to give the Police Commissioner a written statement signed by a medical practitioner setting out —

- (a) the treatment proposed to be provided to the former officer in respect of the injury; and
- (b) an estimate of the costs of that treatment.

9A. Payment of additional expenses under clause 18A(1b)

- (1) If a claim has been made in respect of an injury to a former officer, the final day for making an application under the WC&IM Act Schedule 1 clause 18A(1b) in relation to the injury is the last day of the period of 5 years after the day on which the claim is made.
- (2) The application must be accompanied by —
 - (a) a statutory declaration in the approved form setting out the officer's social and financial circumstances and reasonable financial needs; and
 - (b) a written statement signed by a medical practitioner demonstrating that the circumstances in relation to the medical and associated conditions, treatment and management of the officer are exceptional circumstances

r. 9A

as prescribed for the purposes of the WC&IM Act
Schedule 1 clause 18A(2aa)(c)(ii).

[Regulation 9A inserted: Gazette 3 Aug 2010 p. 3566-7.]

Part 3 — Dispute resolution

9. Application of this Part

This Part applies in relation to the determination of a dispute referred to in section 7 of the Act.

10. Applied provisions of WC&IM Act

The provisions of the WC&IM Act (the *applied provisions*) that apply in relation to the determination of a dispute include the following —

- (a) sections 64, 65, 66, 71 and 72A;
- (b) Part VII Division 1;
- (c) Part XI (except section 220) and Parts XII to XIX;
- (d) any other provisions to the extent their application is necessary to give effect to a provision referred to in paragraph (a), (b) or (c).

11. References to terms used in applied provisions

- (1) A reference in the applied provisions to notice of the occurrence of an injury (however the notice is described) is read as a reference to notice of the occurrence of an injury given in accordance with section 178(1)(a) of the applied provisions as modified by regulation 12.
- (2) A reference in the applied provisions to a claim for compensation under the WC&IM Act Schedule 1 clause 17 (however the claim is described) is read as a reference to a claim as defined in section 3(1) of the Act.
- (3) A reference in section 65 of the applied provisions to the receipt of weekly payments made under the WC&IM Act is read as a reference to an amount paid in respect of a claim as defined in section 3(1) of the Act.
- (4) A reference in Part XII of the applied provisions to statutory expenses is read as a reference to an amount payable under

section 4(1) of the Act and calculated in accordance with section 5(1) of the Act.

12. Notice under section 178(1)(a): sufficient compliance

It is sufficient compliance with section 178(1)(a) of the applied provisions in relation to an injury to a former officer if —

- (a) notice of the injury was given under the *Police Force Regulations 1979* regulation 1302 before the former officer ceased to be a police officer or APLO; or
- (b) if the former officer ceased to be a police officer or APLO before the commencement of section 4(1) of the Act — notice of the injury is given to the Police Commissioner as soon as practicable after the former officer becomes aware of the entitlement to make a claim; or
- (c) if the former officer ceased to be a police officer or APLO on or after the commencement of section 4(1) of the Act — notice of the injury is given to the Police Commissioner as soon as practicable after the injury occurred.

13. Forms and information

- (1) If there is an approved form for use under an applied provision, that form must be used and not the form (if any) prescribed under the WC&IM Act for use under the applied provision.
- (2) If —
 - (a) there is no approved form for use under an applied provision; but
 - (b) there is a form prescribed under the WC&IM Act for use under the applied provision,

that form (with the necessary changes) must be used under the applied provision.

- (3) If the Police Commissioner approves information for use under an applied provision, that information must be provided and not the information (if any) prescribed under the WC&IM Act for use under the applied provision.
- (4) If —
 - (a) the Police Commissioner has not approved information for use under an applied provision; but
 - (b) information is prescribed under the WC&IM Act for use under the applied provision,that information (to the extent it is relevant) must be provided.
- (5) For subregulations (3) and (4), information for use under an applied provision is —
 - (a) information that must be included in or accompany a form to be used under the applied provision; or
 - (b) information to be otherwise provided for the purposes of the applied provision.

14. No restriction on award of common law damages

To avoid doubt, the applied provisions do not apply in relation to the determination of a dispute referred to in section 7 of the Act so as to limit the amount of damages that may be awarded independently of the Act.

15. Evidence admissible in common law proceedings

Evidence of a statement made in a proceeding before an arbitrator under this Part is admissible in an action for damages brought independently of the Act.

Part 4 — Miscellaneous matters

16. Approval of forms

- (1) The Police Commissioner may approve forms for use under the Act.
- (2) An approved form may be a statutory declaration.

Notes

- ¹ This is a compilation of the *Police (Medical and Other Expenses for Former Officers) Regulations 2009* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Police (Medical and Other Expenses for Former Officers) Regulations 2009</i>	23 Jun 2009 p. 2513-23	1 Jul 2009 (see r. 2 and <i>Gazette</i> 23 Jun 2009 p. 2424)
<i>Police (Medical and Other Expenses for Former Officers) Amendment Regulations 2010</i>	3 Aug 2010 p. 3566-7	r. 1 and 2: 3 Aug 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Aug 2010 (see r. 2(b))

Defined terms

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
applied provisions	3, 10
approved form.....	3
prescribed period.....	5(1)