



Western Australia

Police Act 1892

## **Police Force Regulations 1979**



## Police Force Regulations 1979

### Contents

<b>Part I — Preliminary</b>		
101.	Citation	1
103.	Terms used	1
104.	Application of these regulations to APLOs	3
105.	Application of these regulations to police auxiliary officers	3
<b>Part II — Constitution</b>		
201.	Order of rank	4
<b>Part III — Organization</b>		
301.	Commissioner to determine functions, duties and responsibilities	6
302.	Deployment and control	6
303.	Officers in control	6
304.	Officers in charge absent	7
305.	Commissioner may appoint any member when officer in charge absent	7
306.	Senior member to exercise command unless member specially detailed	8
307.	<i>Police Gazette</i> to be published	8
<b>Part IV — Duties</b>		
401.	Member to obey directions	9
402.	Provisions relating to behaviour	9
403.	Proper care to be taken of firearms etc.	10
404.	Station and personal issue firearms	10

407.	Notice of functions, duties and responsibilities of other members	11
<b>Part V — Appointment</b>		
501.	Terms used	12
502.	Application for appointment	12
503.	Eligibility for appointment	12
505.	Member in possession of information about applicant	13
505A.	Probationary period	14
<b>Part VI — General rules relating to discipline</b>		
601.	Acting in manner prejudicial to Force	15
602.	Behaviour towards other members	15
603.	Lawful order not to be disobeyed	15
604.	Officer in charge not to remain absent unless arrangements made for his or her absence	16
605.	Performance generally	16
606.	False, misleading or inaccurate statements etc.	19
607.	Secrecy	19
608.	Member not to compromise his or her position	20
609.	Unlawful arrest and unnecessary force	21
610.	Feigning sickness or injury	21
611.	Not to be absent or late without reasonable excuse	22
615.	Receiving and being supplied with intoxicating liquor while on duty	22
616.	Entering licensed premises	22
617.	Consumption of intoxicating liquor	23
618.	Premises supplying intoxicating liquor	23
619.	Restrictions relating to loans, securities and debts	23
620.	Interest in racing	24
621.	Restrictions relating to trade, business or professions outside Force	24
622.	Acts against discipline	24
623.	Offence against discipline to be reported	24
624.	Investigation into acts against discipline	25
625.	Disciplinary proceedings	25
626.	Civil or criminal proceedings against member	26

**Part VIA — Procedure relating to  
Part IIB of the Act**

6A01.	Terms used	27
6A02.	Appointment of review officer	27
6A03.	Role of review officer	28
6A04.	Provision of materials to Commissioner	28
6A05.	Notice for purpose of Act s. 33L(1)	29
6A06.	Access to material	30
6A07.	Commissioner's assessment of member's submission	31
6A08.	Further ground for removal, or revocation of appointment	32
6A09.	Notice of Commissioner's decision on removal action and materials relied on (Act s. 33L(3) and (5))	33
6A10.	Service of notices or documents	34
6A11.	Members unfit for further active service	34
6A12.	Restriction on suspending member's pay	35

**Part VII — Custody notification  
service**

701.	Terms used	36
702.	Other written laws not affected	36
703.	ALSWA to be notified of detention of CNS person at police facility	37
704.	Responsible officer to ensure record made of notification given to, and other contact with, ALSWA	38

**Part VIII — Seniority**

801.	Terms used	40
802.	Regulations not to affect power conferred on Governor, Commissioner or relevant award	40
803.	Register of Training and Education Qualifications	40
804.	General Seniority List to be established	41
805.	General seniority of Force members	41

**Part IX — General dress and appearance requirements**

901A.	Term used: Certificate of Authority	44
901.	Uniform to be worn as ordered	44
902.	Wearing of uniform while off duty	45
903.	Uniform not to be altered	46
904.	Replacement and disposal of articles of uniform	46
905.	Wearing of headwear	46
906.	Care to be taken of issued property	47
907.	Certificate of Authority	47
908A.	Certificates of Authority of police auxiliary officers	48
908.	Name plate	49
909.	Appearance	49

**Part XI — Leave**

1101.	Annual leave	50
1102.	Notice of annual leave	50
1103.	Address for contact during leave	50
1104.	Annual leave to be taken according to roster	51
1105.	Leave accumulated by written permission	51
1106.	Additional leave may be granted	51
1107.	Travelling concession	51

**Part XII — Removal on transfer, promotion or retirement**

1201.	This Part not in derogation of relevant award	54
1202.	Leave in respect of transfer	54
1203.	Commissioner to be notified of transfer	54
1203A.	Specialist equipment to be returned	55
1204.	Removal allowance	55
1204A.	Removal cost for retiring member	57
1205.	When removal allowance not to be paid	57

**Part XIII — Illness and injury**

1301.	Terms used	58
1302.	Report of incapacity	58
1303.	Application for leave	59
1304.	Entitlement to leave and allowances	59

1305.	Other work prohibited	60
1306.	Medical and hospital expenses where member's illness results from duties	60
1308.	Ineligibility for benefits where incapacity own fault	60
1309.	Incapacity resulting from another occupation	61
1310.	Application of r. 1302, 1303, 1304, 1305, 1306, 1308 and 1309 to Commissioner	61
1311.	Evidence of fitness after long incapacity	62
1312.	Examination arranged by Commissioner	62

#### **Part XIV — Retirement, resignation, removal or death of a member**

1401.	Retirement	63
1403.	Allowances paid on death of member	63
1404.	Leave entitlement to be paid out	63

#### **Part XV — Quarters**

1501.	This Part not in derogation of relevant award	65
1502.	Maintenance of quarters	65
1503.	Expenditure not to be incurred without authority of Commissioner	65
1504.	Inspection of quarters	66
1505.	Occupation and vacation of premises	67
1506.	Notice of occupation and vacating to be given	67

#### **Part XVI — General**

1601.	Offences generally	68
-------	--------------------	----

#### **First Schedule — Disciplinary charge sheet**

#### **Notes**

Compilation table	71
-------------------	----

#### **Defined terms**





Western Australia

Police Act 1892

## Police Force Regulations 1979

### Part I — Preliminary

#### 101. Citation

These regulations may be cited as the *Police Force Regulations 1979*<sup>1</sup>.

[Regulation 101 amended: Gazette 17 Nov 1989 p. 4110.]

[102. Deleted: Gazette 6 Jan 1998 p. 36.]

#### 103. Terms used

In these regulations, unless the contrary intention appears —  
*Act* means the *Police Act 1892*;

*APLO* has the meaning given in Part IIIA of the Act;

*approved* means approved by the Commissioner;

*assistant commissioner* means a person holding or acting in the office of assistant commissioner of police;

*CEO (Health)* has the meaning given to CEO by the *Health Legislation Administration Act 1984* section 3;

*commissioned officer* means a member appointed a commissioned officer pursuant to section 6 of the Act;

*Commissioner* means the person holding or acting in the office of Commissioner of Police under the Act;

*Commissioner's uniform and appearance instruction* means the collection of orders and procedures entitled

“Commissioner’s Uniform and Appearance Instruction” issued by the Commissioner and dated 7 February 2007;

**constable** means a member other than a commissioned officer or a non-commissioned officer;

**Department** means the department of the State known as the Police Department;

**deputy commissioner** means a person holding or acting in the office of deputy commissioner;

**Force** means the Police Force established under the Act;

**member** includes any person holding office as a commissioned officer, non-commissioned officer or constable under the Act;

**metropolitan area** means the portion of the State within the Metropolitan Police Region created pursuant to section 39(2) of the Act;

**non-commissioned officer** means a non-commissioned officer appointed under section 7(1) of the Act;

**officer** means a member other than a non-commissioned officer or a constable;

**physical performance evaluation** means a course designed to evaluate a person’s physical capabilities in relation to job requirements;

**police auxiliary officer** has the meaning given in Part IIIB of the Act;

**Police Gazette** means the publication published pursuant to regulation 307;

**psychological assessment** means an assessment designed to evaluate a person’s psychological suitability in relation to job requirements;

**relevant award** means —

- (a) in relation to a matter relating to members — *The Police Award 1965*; or
- (b) in relation to a matter relating to APLOs — *The Aboriginal Police Aides Award*,

as amended and in force from time to time under the *Industrial Relations Act 1979* or —

- (c) any award made under that Act and substituted for such an award; or
- (d) any industrial agreement registered under that Act in respect of persons to whom such an award applies;

*uniform* includes all appropriate ancillary attire, such as belts, socks, stockings, head wear, etc., accoutrements and the relevant insignia of rank, the badges and name plates, and any awards, that have been issued or given to a particular member, in accordance with the Act.

*[Regulation 103 amended: Gazette 15 Jan 1982 p. 55; 7 Dec 1984 p. 4024; 22 Jan 1988 p. 127; 17 Mar 1989 p. 752; 14 Jul 1992 p. 3364; 22 Aug 1997 p. 4815; 2 Feb 2007 p. 246-7; 30 Dec 2008 p. 5643-4; 12 Mar 2010 p. 954; 20 May 2014 p. 1609-1611; 10 Jan 2017 p. 223.]*

**104. Application of these regulations to APLOs**

In Parts IV, VI, VII, VIII, IX, XI, XII, XIII, XIV, XV and XVI a reference to a member is to be read as including a reference to an APLO unless the contrary intention appears.

*[Regulation 104 inserted: Gazette 30 Dec 2008 p. 5644; amended: Gazette 1 Oct 2019 p. 3509.]*

**105. Application of these regulations to police auxiliary officers**

In Parts IV, VI, VII, IX and XVI a reference to a member is to be read as including a reference to a police auxiliary officer unless the contrary intention appears.

*[Regulation 105 inserted: Gazette 12 Mar 2010 p. 954; amended: Gazette 1 Oct 2019 p. 3509.]*

## **Part II — Constitution**

### **201. Order of rank**

The Force comprises ranks with authority in the following order —

- (a) officer ranks —
  - (i) Commissioner;
  - (ii) deputy commissioner;
  - (iii) assistant commissioner;
  - (iv) commander;
  - [(v) *deleted*]
  - (vi) superintendent;
  - [(vii) *deleted*]
  - (viii) inspector;and
- (b) non-commissioned officer ranks —
  - (i) senior sergeant;
  - (ii) sergeant first class;
  - (iii) sergeant;and
- (c) other ranks —
  - (i) senior constable;
  - (ii) constable first class;
  - (iii) constable;and
- (d) Aboriginal police liaison officer ranks —
  - (i) senior Aboriginal police liaison officer;

- (ii) Aboriginal police liaison officer first class;
- (iii) Aboriginal police liaison officer.

*[Regulation 201 amended: Gazette 16 Feb 1979 p. 425;  
31 Jul 1981 p. 3158; 23 Mar 1984 p. 745; 24 Apr 1986 p. 1476;  
17 Mar 1989 p. 752; 30 Mar 1990 p. 1648; 14 Jul 1992  
p. 3364-5; 15 Dec 2006 p. 5631; 16 Nov 2007 p. 5786;  
30 Dec 2008 p. 5644.]*

## **Part III — Organization**

### **301. Commissioner to determine functions, duties and responsibilities**

- (1) The functions, duties and responsibilities of a region, division, sub-division, section, branch or sub-branch shall be such as are determined by the Commissioner from time to time.
- (2) The Commissioner may from time to time alter, vary or abolish any region, division, sub-division, section, branch or sub-branch and may alter or vary any of the functions, duties and responsibilities of a region, division, sub-division, section, branch or sub-branch.

### **302. Deployment and control**

For the purposes of the deployment and control of the Force the Commissioner may from time to time —

- (a) appoint the place or location of the principal police office or police station for a region, division or sub-division; and
- (b) appoint the places or locations of police offices and police stations in a region, division or sub-division; and
- (c) apply a name or designation to a region, division, sub-division, police station and police office.

### **303. Officers in control**

- (1) Each police region shall be under an officer known as the regional officer who shall be the officer in charge of the region.
- (2) The regional officer is responsible for the discipline of all members and APLOs stationed in the region.
- (3) Each police division shall be under the control of an officer who shall be known as the divisional officer.

- (4) Each police sub-division shall be under the control of an officer, non-commissioned officer or constable, as the case may be, who shall be known as the officer in charge of the sub-division.

*[Regulation 303 amended: Gazette 30 Dec 2008 p. 5644;  
20 May 2014 p. 1612.]*

**304. Officers in charge absent**

- (1) Subject to this regulation, where —
- (a) an officer in charge of a region is absent from his or her region;
  - (b) an officer in charge of a division is absent from his or her division;
  - (c) an officer in charge of a sub-division is absent from his or her police station or police office,

the functions, duties and responsibilities of that officer in charge shall be assumed by the next senior member in the region, sub-division, police station or police office, as the case requires.

- (2) Where all the officers of a region are absent from the region the functions, duties and responsibilities of the officer in charge of the region shall be assumed by the officer in charge of the headquarters police station.
- (3) Where a divisional officer is absent from his or her division the functions, duties and responsibilities of the divisional officer shall be assumed by the officer in charge of the region in which the division is situated.

*[Regulation 304 amended: Gazette 20 May 2014 p. 1615.]*

**305. Commissioner may appoint any member when officer in charge absent**

Notwithstanding anything in regulation 304, the Commissioner may appoint or direct any member to carry out the functions, duties and responsibilities of any officer in charge of a region, division, sub-division, section, branch or sub-branch during the

**r. 306**

---

absence of the officer in charge from the region, division, sub-division, section, branch or sub-branch and the member so appointed shall be the officer in charge of the region according to the terms of the appointment or direction.

**306. Senior member to exercise command unless member specially detailed**

Where 2 or more members are performing a particular duty with any unit the senior member present exercises command except where one of these members has been specially detailed for that particular duty in which case the member so specially detailed shall exercise command.

**307. *Police Gazette* to be published**

For the purposes of the better management and control of the Force and as a means of keeping the Force better informed on matters relating to the Force the Commissioner may from time to time cause an official gazette known as the *Police Gazette* to be published.

*[Regulation 307 amended: Gazette 20 May 2014 p. 1612.]*



## **Part IV — Duties**

### **401. Member to obey directions**

Every member shall carry out such functions, duties and responsibilities as the member is directed by or on behalf of the Commissioner.

*[Regulation 401 amended: Gazette 20 May 2014 p. 1611-12 and 1617.]*

### **402. Provisions relating to behaviour**

Every member shall —

- (a) when on duty, devote himself or herself exclusively and zealously to the discharge of his or her duties as a member; and
- (b) behave at all times with courtesy to the public and every member, and give prompt attention to all reasonable requirements of the public; and
- (c) obey promptly all lawful instructions given by any member under whose control or supervision the member is placed and, where necessary, act on his or her own initiative; and
- (d) promptly and correctly carry out all duties appertaining to his or her office, or any other duty the member is lawfully directed to perform; and
- (e) in due course and at proper times comply with, and give effect to, all enactments, regulations, rules, orders and administrative instructions made or issued for his or her guidance in the performance of his or her duties.

*[Regulation 402 amended: Gazette 20 May 2014 p. 1611, 1613 and 1615-17.]*

**403. Proper care to be taken of firearms etc.**

Every member shall take proper care of any firearms or ammunition in his or her care, possession or custody.

*[Regulation 403 amended: Gazette 20 May 2014 p. 1611 and 1615-16.]*

**404. Station and personal issue firearms**

(1) In this regulation —

*personal issue firearm* means a firearm allocated to, and used by, a specified member;

*station firearm* means a firearm allocated to a particular police station for issue to members from time to time.

(2) A member to whom a station firearm has been issued shall return the firearm to the member in charge or supervisor on the completion of the duties for which the firearm was required.

(3) A member to whom a personal issue firearm has been issued shall retain and maintain that firearm at that station on the completion of the duties for which the firearm was required.

(4) A member to whom a personal issue firearm has been issued shall retain that firearm on transfer unless the member is transferred to a station that issues station firearms.

(5) The member in charge or supervisor shall ensure that the procedures relating to the issue and receipt of firearms and ammunition ordered by the Commissioner are carried out and complied with when a member is issued with, or returns, a station or personal issue firearm or ammunition.

*[Regulation 404 inserted: Gazette 2 Feb 2007 p. 247; amended: Gazette 20 May 2014 p. 1611.]*

*[405. Deleted: Gazette 2 Feb 2007 p. 247.]*

*[406. Deleted: Gazette 16 Nov 2007 p. 5786.]*

**407. Notice of functions, duties and responsibilities of other members**

- (1) In order to conduce coordination in the prevention and detection of offences throughout the State by all the members of the Force every member shall give consideration to the functions, duties and responsibilities of other members of the Force.
- (2) Where an event or incident occurs or is likely to occur and more than one member is required to perform certain functions, duties or responsibilities in relation to that event or incident each member shall have regard to the proper completion of all the functions, duties and responsibilities required to be carried out in relation to that event or incident.
- (3) Except where the event or incident comes within the functions, duties and responsibilities of a particular branch, division, section or squad and subject to any direction to the contrary given by a senior member, where the officer in charge of a police region, division, police station or police office, as the case may be, in whose region, division or within whose area an event or incident occurs or is likely to occur is of the opinion that the functions, duties and responsibilities required to be carried out in relation to that event or incident will not be carried out, are not being carried out or have not been carried out, he or she may give such lawful directions as he or she thinks are necessary for the performance of those functions, duties and responsibilities and every member concerned shall give effect to those directions.
- (4) Where a member who receives a direction given pursuant to subregulation (3) disagrees with the direction the member shall nevertheless carry out the direction but may report the matter to the Commissioner in the manner directed by the Commissioner.

*[Regulation 407 amended: Gazette 20 May 2014 p. 1617 and 1618.]*

*[408-410. Deleted: Gazette 16 Nov 2007 p. 5786.]*

## **Part V — Appointment**

### **501. Terms used**

In this Part, unless the contrary intention appears —

***medical practitioner*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

***psychiatrist*** means a person whose name is contained in the register of specialist psychiatrists kept by the Medical Board of Australia under the *Health Practitioner Regulation National Law (Western Australia)* section 223;

***psychologist*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the psychology profession.

*[Regulation 501 inserted: Gazette 20 May 2014 p. 1609.]*

### **502. Application for appointment**

An application to be appointed as a member is to be made to the Commissioner in the approved manner.

*[Regulation 502 inserted: Gazette 20 May 2014 p. 1609.]*

### **503. Eligibility for appointment**

Subject to these regulations, an applicant is not eligible for appointment as a member unless —

- (a) the applicant is —
  - (i) an Australian citizen, or a permanent resident, within the meaning of the *Australian Citizenship Act 2007* (Commonwealth); or
  - (ii) a New Zealand citizen who is the holder of a special category visa within the meaning of the *Migration Act 1958* (Commonwealth) and is authorised under that special category visa to work in Australia as a member;

and

- (b) the applicant is of good character and repute; and
- (c) the applicant has attained the age of 18 years; and
- (d) the applicant has, unless the Commissioner in a particular case has approved otherwise in writing —
  - (i) passed a medical examination conducted by a medical practitioner who certifies that the applicant is physically fit and free from any constitutional, organic or other disability likely to render the applicant unfit for duty as a member; and
  - (ii) passed an examination for entry to the Force, set in a manner approved by the Commissioner; and
  - (iii) passed a physical performance evaluation conducted by a person appointed for that purpose by the Commissioner; and
  - (iv) passed a psychological assessment, conducted by a psychiatrist or psychologist appointed for that purpose by the Commissioner; and
  - (v) performed to a satisfactory standard in an interview by a panel selected in a manner approved by the Commissioner.

*[Regulation 503 inserted: Gazette 20 May 2014 p. 1609-10.]*

**[504.]** *Deleted: Gazette 20 May 2014 p. 1609.]*

**505. Member in possession of information about applicant**

Where a member possesses any information about any applicant that should be brought to the attention of the Commissioner, the member shall immediately communicate that information to his or her officer in charge for forwarding to the Manager, Police Recruiting.

*[Regulation 505 amended: Gazette 20 May 2014 p. 1610 and 1615-16.]*

**505A. Probationary period**

- (1) A person appointed as a member is on probation for a period of 2 years beginning on the day of the person's induction into the Police Academy or, where the person did not attend the Police Academy, beginning on the day of the person's appointment as a member.
- (2) Where the Commissioner is of the opinion that a member on probation will not give satisfactory service, the Commissioner may, subject to the approval of the Minister remove the member from the Force.
- (3) The Commissioner may, at his or her discretion, shorten or lengthen the period of probation of any member.
- (4) Where the period of probation of a member is lengthened in accordance with subregulation (3), the Commissioner shall notify the member, in writing, of the date to which the probationary period is extended and the reason for that extension.

*[Regulation 505A inserted: Gazette 1 Mar 1985 p. 790;  
amended: Gazette 14 Jul 1992 p. 3365; 20 May 2014  
p. 1615-18.]*

## **Part VI — General rules relating to discipline**

### **601. Acting in manner prejudicial to Force**

- (1) A member shall not act in a disorderly manner, or any manner prejudicial to discipline of the Force.
- (2) A member shall not act in a manner that is likely to bring discredit on the Force or in a manner that is unbecoming of a member of the Force.

*[Regulation 601 amended: Gazette 20 May 2014 p. 1611 and 1612.]*

### **602. Behaviour towards other members**

A member shall not —

- (a) be insubordinate in any way;
- (b) use oppressive or tyrannical conduct towards an inferior in rank;
- (c) use obscene, abusive or insulting language towards any other member;
- (d) wilfully or negligently make any false complaint or statement against a member;
- (e) assault a member;
- (f) withhold any complaint or report against a member;
- (g) cause or attempt to cause disaffection amongst members.

*[Regulation 602 amended: Gazette 20 May 2014 p. 1611 and 1612.]*

### **603. Lawful order not to be disobeyed**

A member shall not disobey a lawful order and shall not, without good and sufficient cause, fail to carry out a lawful order.

*[Regulation 603 amended: Gazette 20 May 2014 p. 1611.]*

**604.     Officer in charge not to remain absent unless arrangements made for his or her absence**

An officer in charge shall not remain absent from his or her region, division, sub-division, section, branch, sub-branch, police station or office as the case may be, unless definite and adequate arrangements have been made for carrying out the functions, duties and responsibilities attaching to his or her office during his or her absence.

*[Regulation 604 amended: Gazette 20 May 2014 p. 1615-16 and 1618.]*

**605.     Performance generally**

- (1) A member shall —
  - (a) except for good or sufficient cause, promptly and diligently attend to and carry out anything which is his or her duty as a member;
  - (b) perform and carry out any duty in a proper manner;
  - (c) work his or her beat in accordance with orders;
  - (d) when knowing where any offender is to be found, report the same and shall make due exertion for making the offender amenable to justice;
  - (e) report anything which the member knows concerning a criminal charge and disclose any evidence which the member or, to his or her knowledge, any other person can give for or against any accused in criminal proceedings;
  - (f) if, other than in the course of duty, the member is present at or involved in an incident occurring within the State that the police attend or investigate —
    - (i) as soon as practicable, declare his or her presence or involvement, status as a member and knowledge of the incident to the attending or investigating police; and



- (ii) as soon as practicable, report his or her presence or involvement and knowledge of the incident to his or her own supervisor;
- (g) if, other than in the course of duty, the member is present at or involved in an incident occurring outside the State that police of the relevant jurisdiction attend or investigate, as soon as practicable report his or her presence or involvement, and knowledge of the incident, to his or her supervisor;
- (h) if the member is charged with an offence under the law of the State or of any other jurisdiction, as soon as practicable report the charge to his or her supervisor;
- (i) if the member —
  - (i) is given a cannabis intervention requirement under the *Misuse of Drugs Act 1981* Part IIIA; or
  - (ii) is given an infringement notice under the *Liquor Control Act 1988* section 167; or
  - (iii) is given an order under the *Criminal Investigation Act 2006* section 27; or
  - (iv) becomes bound by an order (including a police order) made under the *Restraining Orders Act 1997*; or
  - (v) is given a disqualification notice under the *Road Traffic Act 1974* section 71C; or
  - (vi) is given an infringement notice under the *Criminal Procedure Act 2004* Part 2 issued under the *Criminal Code (Infringement Notices) Regulations 2015*,as soon as practicable report the notice or order to his or her supervisor;
- (j) report any corrupt, criminal, unlawful, dishonest or unethical conduct or breach of discipline which the member knows, or suspects on reasonable grounds, that a member is committing or has committed;

**r. 605**

---

- (k) report any other matter which it is his or her duty to report.
- (2) A member shall not —
  - (a) sleep while on duty; or
  - (b) by carelessness or neglect permit a prisoner to escape; or
  - (c) omit to make any necessary entry in any official document or book; or
  - (d) neglect, or without good and sufficient cause omit to carry out any instruction of the District Medical Officer while absent from duty on account of sickness; or
  - (e) if absent from duty on account of sickness or ill-health —
    - (i) do any act that will, or is likely to, retard the member's return to work; or
    - (ii) conduct himself or herself in a manner that is likely to cause a delay in returning to work.
- (3) If subregulation (1) requires a member to report a matter then, unless that subregulation provides otherwise, the member is to report it —
  - (a) to his or her supervisor; or
  - (b) if the member reasonably considers that it is not appropriate to report the matter to his or her supervisor, to a commissioned officer —
    - (i) who is not his or her supervisor; and
    - (ii) who, if the member reporting is a commissioned officer, is equal or superior in rank to the member reporting.

*[Regulation 605 amended: Gazette 16 Jul 2010 p. 3366-8; 20 May 2014 p. 1611 and 1613-17; 3 Mar 2015 p. 785-6.]*

**606. False, misleading or inaccurate statements etc.**

A member shall not —

- (a) knowingly make or sign any false statement in any official document or book;
- (b) wilfully or negligently make any false, misleading or inaccurate statement;
- (c) without good and sufficient cause destroy or mutilate any official document or record or alter or erase any entry therein.

*[Regulation 606 amended: Gazette 20 May 2014 p. 1611.]*

**607. Secrecy**

(1) A member shall not —

- (a) give any person any information relating to the Force or other information that has been furnished to, or obtained by, the member in the course of his or her duty as a member; or
- (b) disclose the contents of any official papers or documents that have been supplied to the member in the course of his or her duties as a member or otherwise,

except in the course of his or her duty as a member.

(2) A member shall not, except with the express permission of his or her officer in charge or the Commissioner —

- (a) publicly comment, either orally or in writing, on any administrative action, or upon the administration of the Force; or
- (b) use for any purpose, other than for the discharge of his or her official duties as a member, information gained by the member through his or her employment in the Force; or
- (c) communicate to the public, or to any unauthorised person any matter connected with the Force.

**r. 608**

---

- (3) A member shall not —
- (a) make any anonymous communication to the Commissioner or any commissioned officer;
  - (b) canvass the Commissioner or any Minister of the Crown or any officer of the Minister's Department with regard to any matter concerning the Force;
  - (c) sign or circulate any petition or statement except through the proper channel of correspondence to the Commissioner or in accordance with the constitution of the Western Australian Police Union of Workers.

*[Regulation 607 amended: Gazette 22 Jan 1988 p. 128; 20 May 2014 p. 1611, 1612 and 1614-16.]*

**608. Member not to compromise his or her position**

- (1) A member shall not —
- (a) receive any bribe;
  - (b) subject to subregulation (1a), directly or indirectly solicit or receive any gratuity, present, reward, subscription or testimonial without the approval of the Commissioner;
  - (c) place himself or herself under pecuniary obligation to any person who is directly or indirectly interested in any premises licensed for sale of intoxicating liquor, or who holds a licence concerning the granting or renewal of which the Police may have to report or give evidence;
  - (d) improperly use his or her reputation or position as a member for his or her private advantage;
  - (e) in his or her capacity as a member, sign, write or give, without the approval of the Commissioner, any testimonial of character or recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind;

- (f) without the approval of the Commissioner, support an application for the grant of a licence of any kind;
  - (g) unless duly authorised, create a liability or enter into any contract on behalf of the Crown or agree to alter the terms or conditions of any prescribed or duly approved form of contract to which the Crown is or will be party.
- (1a) The Commissioner may delegate, to an officer of the rank of superintendent or higher, the approval power conferred on the Commissioner under subregulation (1)(b).
- (2) A member shall account for and make prompt and true return of any money or property received by the member in his or her official capacity.
- (3) Where the Commissioner requires a member to account for any money or property whether received by the member in his or her capacity as a member or not the member shall comply with that requirement within the time specified by the Commissioner.

*[Regulation 608 amended: Gazette 10 Aug 2001 p. 4214; 20 May 2014 p. 1611, 1612 and 1615-17.]*

**609. Unlawful arrest and unnecessary force**

A member shall not —

- (a) make any unlawful arrest; or
- (b) use any unnecessary force on any prisoner or other person with whom the member may be brought into contact in the performance of his or her duty.

*[Regulation 609 amended: Gazette 20 May 2014 p. 1611 and 1615-17.]*

**610. Feigning sickness or injury**

A member shall not feign or exaggerate any sickness or injury with a view to evading duty.

*[Regulation 610 amended: Gazette 20 May 2014 p. 1611.]*

**r. 611**

---

**611. Not to be absent or late without reasonable excuse**

A member shall not without reasonable excuse be absent without leave from, or be late for, parade, court or any other duty.

*[Regulation 611 amended: Gazette 20 May 2014 p. 1611.]*

*[612, 613. Deleted: Gazette 2 Feb 2007 p. 247.]*

*[614. Deleted: Gazette 20 May 2014 p. 1610.]*

**615. Receiving and being supplied with intoxicating liquor while on duty**

A member shall not without the consent of his or her superior officer —

- (a) drink or receive from any person, any intoxicating liquor;
- (b) request or attempt to persuade any person to supply him or her with intoxicating liquor,

while the member is on duty.

*[Regulation 615 amended: Gazette 20 May 2014 p. 1611 and 1615-17.]*

**616. Entering licensed premises**

A member shall not enter while on duty any premises licensed under the *Liquor Control Act 1988* or any other premises where intoxicating liquor is stored or distributed, when the member's presence there is not required in the performance of the member's duty.

*[Regulation 616 amended: Gazette 30 Dec 2008 p. 5645; 20 May 2014 p. 1611 and 1617.]*

**617. Consumption of intoxicating liquor**

- (1) A member shall not while in uniform consume intoxicating liquor in a public place except with the prior approval of the Commissioner.
- (2) A member does not commit an offence against subregulation (1) if the member consumes intoxicating liquor at the Police Canteen.

*[Regulation 617 amended: Gazette 20 May 2014 p. 1617.]*

**618. Premises supplying intoxicating liquor**

- (1) Subject to subregulation (2), a member shall not keep premises for the sale of intoxicating liquor either in the member's own or any other name or be directly or indirectly interested in the management or control of any such premises.
- (2) The Commissioner of Police may in writing authorise a member to keep premises for the sale of intoxicating liquor or to be directly or indirectly interested in the management or control of any such premises if —
  - (a) the premises have been approved by the Commissioner; and
  - (b) the member is a member of the Western Australian Police Social Club (Inc.); and
  - (c) the premises are owned or leased by that Club.

*[Regulation 618 amended: Gazette 14 Nov 1997 p. 6457; 20 May 2014 p. 1611 and 1617.]*

**619. Restrictions relating to loans, securities and debts**

A member shall not —

- (a) lend money to any superior or borrow money or accept presents from any inferior;
- (b) induce any other member to become a security for a loan or debt;

(c) neglect to pay a lawful debt.

*[Regulation 619 amended: Gazette 20 May 2014 p. 1611.]*

**620. Interest in racing**

A member being an owner or directly or indirectly interested in or in any way taking part in the training or racing of a race horse or racing dog shall not act in a manner likely to bring discredit on the reputation of the Force or unbecoming to a member of the Force.

*[Regulation 620 amended: Gazette 20 May 2014 p. 1611.]*

**621. Restrictions relating to trade, business or professions outside Force**

- (1) A member shall not carry on any trade, business or profession or accept any other remuneration for employment without the approval of the Commissioner or a commissioned officer.
- (2) The approval under subregulation (1) must be given in accordance with, and subject to, any instructions or directions issued by the Commissioner.

*[Regulation 621 amended: Gazette 30 Dec 2005 p. 6879; 20 May 2014 p. 1611.]*

**622. Acts against discipline**

A member shall not induce or attempt to induce any member of the Force to withhold his or her services, or commit a breach of discipline, or connive at or knowingly be an accessory to any offence against discipline of the Force.

*[Regulation 622 amended: Gazette 20 May 2014 p. 1611 and 1615-16.]*

**623. Offence against discipline to be reported**

Any member being an officer, non-commissioned officer or officer in charge of a police station shall report promptly any



member who has committed an offence against discipline of the Force.

*[Regulation 623 amended: Gazette 20 May 2014 p. 1611.]*

**624. Investigation into acts against discipline**

- (1) Where an allegation is made that a member has committed an offence against the discipline of the Force the officer designated by the Commissioner for that purpose or the officer in charge of the region or branch in which the member is stationed shall cause an investigation to be made by a commissioned officer or non-commissioned officer (in subregulation (2) called the *investigating officer*) into the allegation.
- (2) Upon completion of the investigation the investigating officer shall make a report to the officer by whom the investigating officer was appointed to make the investigation.
- (3) A charge relating to an offence against the discipline of the Force shall not be brought except by a member who is authorised by the Commissioner for that purpose, either generally or for the particular case.

*[Regulation 624 amended: Gazette 16 Feb 1979 p. 425; 23 Mar 1984 p. 745; 22 Aug 1997 p. 4815; 20 May 2014 p. 1611 and 1614.]*

**625. Disciplinary proceedings**

Where proceedings are taken pursuant to section 23 of the Act —

- (a) the charge shall be in writing on a form in the form of the disciplinary charge sheet set out in the First Schedule;
- (b) the officer in charge of the region or branch shall cause a copy of the disciplinary charge sheet containing the charge to be served on the member charged with the offence before he or she pleads to the charge;

**r. 626**

---

- (c) the officer in charge of the region or branch in which the member is stationed shall take reasonable steps to secure the attendance at the hearing of all persons whose names and addresses have been supplied by the accused member as witnesses on his or her behalf.

*[Regulation 625 amended: Gazette 7 Sep 1979 p. 2717; 27 Oct 1989 p. 3888; 20 May 2014 p. 1611, 1615-16 and 1618.]*

**626. Civil or criminal proceedings against member**

- (1) Where any proceeding, whether civil or criminal (not being a charge for an offence against the discipline of the Force) is brought against a member, the member shall, as soon as possible after the commencement of the proceedings, report the fact to the officer in charge of the region or the branch in which the member is stationed.
- (2) An officer in charge of a region or branch who receives a report pursuant to subregulation (1) shall immediately report the matter to the Commissioner.

*[Regulation 626 amended: Gazette 20 May 2014 p. 1611-12 and 1617-18.]*

## **Part VIA — Procedure relating to Part IIB of the Act**

*[Heading inserted: Gazette 26 Aug 2003 p. 3758.]*

### **6A01. Terms used**

In this Part, unless the contrary intention appears —

**member** has the same meaning as it has in section 33K of the Act;

**notice** means a notice given under section 33L(1) of the Act;

**privilege** means —

- (a) a privilege that would attach to documents prepared for the purpose of pending or contemplated proceedings or in connection with the obtaining or giving of legal advice; or
- (b) immunity from production of documents or materials where their disclosure would be against the public interest; or
- (c) immunity from production of documents or materials under an enactment;

**review officer** means a person appointed under regulation 6A02.

*[Regulation 6A01 inserted: Gazette 26 Aug 2003 p. 3758-9; amended: Gazette 15 Dec 2006 p. 5632.]*

### **6A02. Appointment of review officer**

- (1) If a complaint or other information is received by the Commissioner or the assistant commissioner concerning a member's integrity, honesty, competence, performance or conduct, the Commissioner or the assistant commissioner may appoint a review officer in relation to that member.
- (2) If practicable, a person is not to be appointed as a review officer in relation to a member if that person is or has been involved in an investigation that resulted in the complaint being made or the

**r. 6A03**

---

information being supplied to the Commissioner or the assistant commissioner.

*[Regulation 6A02 inserted: Gazette 26 Aug 2003 p. 3759.]*

**6A03. Role of review officer**

- (1) In subregulation (2) —  
*relevant materials* means materials relevant to issues identified in the Summary of Investigation concerning the member.
- (2) The review officer shall conduct an inquiry into the member referred to in regulation 6A02(1) and prepare —
  - (a) a written report, called a “Summary of Investigation”, that includes reference to relevant materials that were gathered by the review officer for the purpose of the inquiry; and
  - (b) a written list, called an “Inspection List”, of relevant materials that were gathered by the review officer for the purposes of the inquiry.
- (3) The review officer shall identify in the Inspection List any documents in respect of which privilege is claimed and state in that List the grounds on which the privilege is claimed.
- (4) The review officer is subject to the direction of the assistant commissioner in conducting the inquiry and preparing the Summary of Investigation and Inspection List.

*[Regulation 6A03 inserted: Gazette 26 Aug 2003 p. 3759-60.]*

**6A04. Provision of materials to Commissioner**

- (1) When the review officer completes his or her inquiry, the review officer or the assistant commissioner shall provide the Commissioner with —
  - (a) the Summary of Investigation; and
  - (b) the Inspection List; and

- (c) any material referred to in the Inspection List that the review officer or the assistant commissioner considers appropriate.
- (2) Before the Commissioner decides whether or not to issue a notice, the Commissioner or the assistant commissioner may cause further materials, including written reports, to be provided to the Commissioner.
- (3) The Commissioner may direct the review officer to conduct a further review in accordance with regulation 6A03 and subregulation (1) to prepare and submit to him or her a supplementary Summary of Investigation and a supplementary Inspection List.
- (4) The Commissioner's direction may include a direction as to the matters to be investigated and included in the supplementary Summary of Investigation.

*[Regulation 6A04 inserted: Gazette 26 Aug 2003 p. 3760.]*

**6A05. Notice for purpose of Act s. 33L(1)**

- (1) Apart from the matter set out in section 33L(1) of the Act, a notice shall —
  - (a) set out the particular conduct or behaviour on which the Commissioner's loss of confidence is based; and
  - (b) advise the member that within 21 days of being given the notice or such longer period as is allowed by the Commissioner he or she may make a written submission to the Commissioner in respect of the grounds on which the Commissioner has lost confidence in the member's suitability to continue as a member.
- (2) As soon as practicable after the Commissioner gives a notice to a member, the Commissioner shall —
  - (a) provide to the member a copy of any of the following documents relating to the decision to give the notice —
    - (i) the Summary of Investigation and any supplementary Summary of Investigation;

**r. 6A06**

---

- (ii) the Inspection List and any supplementary Inspection List;
    - (iii) any document examined and taken into account in deciding to issue the notice;
  - and
  - (b) make available to the member for inspection any other material examined and taken into account in deciding to issue the notice.
- (3) Subregulation (2) does not apply to any document or material that is privileged.
- (4) If the Commissioner does not provide a member with a copy of a document or make available to the member for inspection any other material because it is privileged the Commissioner shall advise the member of the ground for the document or material being privileged.

*[Regulation 6A05 inserted: Gazette 26 Aug 2003 p. 3760-1.]*

**6A06. Access to material**

- (1) During the period referred to in section 33L(2) of the Act, the Commissioner shall permit a member who has been given a notice or the member's legal representative to inspect any materials referred to in the Inspection List that are not privileged.
- (2) If a member who has been given a notice wishes to inspect any material, other than material provided to the member under these regulations, that —
- (a) the member has seen or created in the course of his or her duties as a member; and
  - (b) is relevant to issues concerning the member referred to in the notice,

the member may make a request in writing to the assistant commissioner for permission to inspect that material.

- (3) The request shall be made as soon as practicable after, and in any event within 14 days of, the day on which the member was given the notice.
- (4) During the period referred to in section 33L(2) of the Act the Commissioner shall as far as practicable permit the member or the member's legal representative to inspect the material the subject of a request under subregulation (2).

*[Regulation 6A06 inserted: Gazette 26 Aug 2003 p. 3761.]*

**6A07. Commissioner's assessment of member's submission**

- (1) If the Commissioner receives a submission from a member under section 33L(2) of the Act, the Commissioner or the assistant commissioner may cause further materials, including written reports, to be provided to the Commissioner.
- (2) The Commissioner shall within 21 days, where practicable, and in any event within 42 days of the end of the period referred to in section 33L(2) of the Act decide whether or not a period for further investigation or analysis of any submission of the member is necessary.
- (3) If the Commissioner decides that a further period for investigation or analysis is required, the Commissioner shall endeavour to cause that investigation or analysis to be completed within 7 weeks of receiving the member's submission.
- (4) If the further investigation or analysis cannot be completed within the period referred to in subregulation (3), the Commissioner shall give the member a notice stating —
  - (a) the reasons for the further investigation or analysis; and
  - (b) the period of time required to complete the further investigation or analysis; and
  - (c) the reason for the need for that period of time.
- (5) Despite deciding under section 33L(3)(a) of the Act not to take removal action, the Commissioner may consider whether or not

**r. 6A08**

---

the member's performance or conduct warrants other action being taken in relation to the member under the Act or these regulations.

*[Regulation 6A07 inserted: Gazette 26 Aug 2003 p. 3761-2.]*

**6A08. Further ground for removal, or revocation of appointment**

- (1) If during an assessment under this Part the Commissioner concludes that he or she has lost confidence in the suitability of the member the subject of the assessment to continue as a member on a ground other than a ground set out in the notice the Commissioner shall —
  - (a) give the member notice in writing of the further ground; and
  - (b) provide to the member a copy of any documents and make available for inspection any other materials that have been examined and taken into account by the Commissioner during the assessment under this Part with the exception of —
    - (i) those documents copies of which have already been given to the member or materials which have already been made available for inspection by the member under this Part; and
    - (ii) privileged documents or materials;
  - (c) allow the member a specified period to provide a response to the further ground.
- (2) For the purpose of subregulation (1), the specified period is —
  - (a) the period of 21 days beginning on the day on which the member is given the notice of the further ground or copies of documents under subregulation (1), whichever is the later; or
  - (b) such other longer period as the Commissioner may approve on an application made before the expiration of the period referred to in paragraph (a).



- (3) If the Commissioner does not provide the member with a copy of a document or make available for inspection any other material that was examined and taken into account by the Commissioner during the assessment because it is privileged the Commissioner shall advise the member of the ground for the document or material being privileged.
- (4) Subregulation (3) does not apply if the Commissioner has already advised the member under this Part of the ground for the document or material being privileged.

*[Regulation 6A08 inserted: Gazette 26 Aug 2003 p. 3762-3.]*

**6A09. Notice of Commissioner's decision on removal action and materials relied on (Act s. 33L(3) and (5))**

- (1) A notice under section 33L(3)(b) of the Act shall be given to the member within 7 days of the making of the decision to take removal action.
- (2) The Commissioner is not required to comply with section 33L(5)(b) of the Act —
  - (a) to the extent that he or she has already provided the member with a copy of the documents or made available to the member for inspection any other materials under this Part; or
  - (b) the documents or materials are privileged.
- (3) If the Commissioner does not comply with section 33L(5)(b) of the Act because the documents or materials are privileged the Commissioner shall advise the member of the ground for the documents or materials being privileged.
- (4) Subregulation (3) does not apply if the Commissioner has already advised the member under this Part of the ground for the documents or materials being privileged.

*[Regulation 6A09 inserted: Gazette 26 Aug 2003 p. 3763.]*

**r. 6A10**

---

**6A10. Service of notices or documents**

- (1) If a notice or document is required to be given to a member under Part IIB of the Act or this Part, service may be effected on the member —
  - (a) by delivering it to the member personally; or
  - (b) by properly addressing and posting it (by pre-paid post) as a letter to the usual or last known place of abode of the member or address for service given by the member in writing to the assistant commissioner; or
  - (c) by leaving it for the member at his or her usual or last known place of abode; or
  - (d) by leaving it for the member at an address for service given by the member in writing to the assistant commissioner.
- (2) Service under subregulation (1) is to be taken to be effected —
  - (a) in the case of service under subregulation (1)(a), at the time of delivery to the member; or
  - (b) in the case of service under subregulation (1)(b), at the time when the letter would have been delivered in the ordinary course of post; or
  - (c) in the case of service under subregulation (1)(c), at the time it is left at the abode; or
  - (d) in the case of service under subregulation (1)(d), at the time it is left at the address given to the assistant commissioner.

*[Regulation 6A10 inserted: Gazette 26 Aug 2003 p. 3764.]*

**6A11. Members unfit for further active service**

Regulations 6A02 to 6A08 do not apply where removal action is taken or to be taken in respect of a member because the medical board has reported under regulation 1402(4) that he or she is unfit for further active service.

*[Regulation 6A11 inserted: Gazette 26 Aug 2003 p. 3764.]*

**6A12. Restriction on suspending member's pay**

During any period in which consideration is being given to a member's suitability to continue as a member of the Police Force the Commissioner of Police and the Governor shall not suspend the member's pay.

*[Regulation 6A12 inserted: Gazette 26 Aug 2003 p. 3764.]*

## **Part VII — Custody notification service**

*[Heading inserted: Gazette 1 Oct 2019 p. 3510.]*

### **701. Terms used**

In this Part —

**ALSWA** means the Aboriginal Legal Service of Western Australia Limited (ACN 617 555 843);

**ALSWA representative** means a person employed or engaged by ALSWA;

**CNS person** means an Aboriginal person or a Torres Strait Islander who is —

- (a) arrested or apprehended by a member under a written law; and
- (b) detained at a police facility in police custody;

**police facility** means a police station or other premises managed or controlled by the Commissioner at which a CNS person may be detained in police custody;

**responsible officer** means the member who is for the time being responsible for the custodial management of a CNS person detained at a police facility in police custody.

*[Regulation 701 inserted: Gazette 1 Oct 2019 p. 3510.]*

### **702. Other written laws not affected**

Nothing in this Part limits the operation of the *Criminal Investigation Act 2006*, *Young Offenders Act 1994*, *Protective Custody Act 2000*, *Mental Health Act 2014* or any other written law in relation to CNS persons.

*[Regulation 702 inserted: Gazette 1 Oct 2019 p. 3510.]*

**703. ALSWA to be notified of detention of CNS person at police facility**

- (1) Immediately after a CNS person has been detained at a police facility in police custody, the responsible officer must ensure that —
  - (a) the CNS person is informed that ALSWA will be notified by telephone of the CNS person's detention at the police facility; and
  - (b) ALSWA is notified by telephone accordingly.
- (2) The responsible officer must ensure that the notification given under subregulation (1)(b) includes the following information —
  - (a) the name of the CNS person;
  - (b) the police facility where the CNS person is detained in police custody;
  - (c) the reason why the CNS person is detained in police custody;
  - (d) the period during which the CNS person has been detained in police custody;
  - (e) if the CNS person has been arrested, whether the CNS person is likely to be granted bail by a member authorised to do so;
  - (f) if the CNS person has been arrested, the location where the CNS person is going to be detained if the CNS person is not granted bail by a member authorised to do so;
  - (g) that an ALSWA representative may speak by telephone to the CNS person as soon as the ALSWA representative wants to do so;
  - (h) the name, registered number and telephone number of the responsible officer;

**r. 704**

---

- (i) any other information relating to the CNS person that the responsible officer considers appropriate to be given to ALSWA.
- (3) For the purposes of the telephone conversation between the ALSWA representative and the CNS person referred to in subregulation (2)(g), the responsible officer must ensure that the CNS person is able to speak to the ALSWA representative for a reasonable period.
- (4) As soon as practicable after the CNS person has completed the telephone conversation with the ALSWA representative, the responsible officer must be available to be contacted by the ALSWA representative to discuss —
  - (a) any concerns held by the ALSWA representative regarding the welfare of the CNS person, including any need the CNS person has for medical attention; and
  - (b) if the CNS person has been arrested —
    - (i) whether the CNS person needs the services of an interpreter, or the presence of a support person, when the CNS person is interviewed in relation to the offence for which the CNS person has been arrested; and
    - (ii) whether the CNS person proposes to apply for bail.

*[Regulation 703 inserted: Gazette 1 Oct 2019 p. 3511-12.]*

**704. Responsible officer to ensure record made of notification given to, and other contact with, ALSWA**

The responsible officer must ensure a record is made of —

- (a) a CNS person being informed under regulation 703(1)(a); and
- (b) ALSWA being notified under regulation 703(1)(b); and
- (c) any other occasion when there is contact between a member and ALSWA in respect of a CNS person,

including details of any matters discussed during that  
contact.

*[Regulation 704 inserted: Gazette 1 Oct 2019 p. 3513.]*

*[705-708. Deleted: Gazette 22 Dec 2006 p. 5823.]*

*[Part VIIA deleted: Gazette 17 Mar 1995 p. 1055.]*

## **Part VIII — Seniority**

*[Heading amended: Gazette 30 Mar 1990 p. 1665; 21 Aug 1998 p. 4678.]*

### **801. Terms used**

In this Part unless the contrary intention appears —

**Register** means the Register of Training and Education Qualifications established pursuant to regulation 803;

**Seniority List** means the General Seniority List established pursuant to regulation 804.

*[Regulation 801 amended: Gazette 7 Dec 1984 p. 4024; 24 Apr 1986 p. 1476; 30 Mar 1990 p. 1655; 14 Jul 1992 p. 3369; 21 Aug 1998 p. 4678.]*

### **802. Regulations not to affect power conferred on Governor, Commissioner or relevant award**

Nothing in these regulations affects —

- (a) the power conferred on the Governor or the Commissioner by sections 6 and 7 respectively of the Act; or
- (b) anything contained in a relevant award.

*[Regulation 802 amended: Gazette 30 Dec 2008 p. 5645.]*

### **803. Register of Training and Education Qualifications**

- (1) The Commissioner shall cause a register known as the Register of Training and Education Qualifications to be established and maintained.
- (2) The Register of Training and Education Qualifications shall contain the results obtained by all members who attend the Police Academy, or who undertake courses of study internally or externally, approved as a prerequisite to appointment or promotion.

*[Regulation 803 amended: Gazette 7 Dec 1984 p. 4024.]*



**804. General Seniority List to be established**

- (1) The Commissioner shall cause a list known as the General Seniority List to be established and maintained.
- (2) The General Seniority List shall contain particulars as to the seniority of all members in the Force in accordance with these regulations.
- (3) Subject to these regulations, the General Seniority List as in force immediately prior to the date that these regulations take effect shall continue in force for the purposes of these regulations.

**805. General seniority of Force members**

- (1) The general seniority of the members of the Force is in the order set out in regulation 201.
- (2) Subject to these regulations, the seniority of a member is determined by the rank held by the member.
- (3) Subject to these regulations where the rank of a member is the same as the rank of another member or other members the following provisions apply for the purpose of determining seniority as between them —
  - (a) in the case of members whose rank is above the rank of constable, the member who is appointed first to that rank is senior, but if the date of the appointment of the members to that rank is the same, the member who was senior immediately prior to that date is senior;
  - (b) in the case of members whose rank is that of constable, the member who took the oath of office pursuant to section 10 of the Act first is senior but —
    - (i) if the members took that oath on the same date and attended the course at the Police Academy — the member who received the higher or highest rating as the case may be, is senior;

**r. 805**

---

- (ii) if the members took that oath on the same date, attended the course at the Police Academy and received the same rating at the course — the member who is older or oldest, as the case may be, is senior;
  - (iii) if the members took that oath on the same date but have not all attended the course at the Police Academy — the older or oldest as the case may be is senior.
- (4) Subject to these regulations where the rank of an APLO is the same as the rank of another APLO or APLOs the following provisions apply for the purpose of determining seniority as between them —
  - (a) in the case of APLOs whose rank is senior APLO or APLO first class —
    - (i) the APLO who is appointed first to that rank is senior; but
    - (ii) if the date of the appointment of the APLOs to that rank is the same, the member who was senior immediately prior to that date is senior;
  - (b) in the case of APLOs whose rank is not senior APLO or APLO first class —
    - (i) the APLO who was appointed by the Commissioner first is senior; but
    - (ii) if the APLOs were appointed on the same date the older or oldest as the case may be is senior.

*[Regulation 805 amended: Gazette 7 Dec 1985 p. 4024; 30 Dec 2008 p. 5645; 20 May 2014 p. 1615.]*

*[806. Deleted: Gazette 14 Jul 1992 p. 3369.]*

*[807, 808, 808A, 808B. Deleted: Gazette 21 Aug 1998 p. 4678.]*

*[808C. Deleted: Gazette 14 Jul 1992 p. 3369.]*

*[809-812. Deleted: Gazette 21 Aug 1998 p. 4678-9.]*

*[812A. Deleted: Gazette 7 Feb 1995 p. 422.]*

*[813-826. Deleted: Gazette 30 Mar 1990 p. 1656.]*

*[Part VIIIA: r. 8A01-8A07 deleted: Gazette 15 Jul 2011 p. 2954;  
r. 8A08 deleted: Gazette 2 Feb 2007 p. 248;  
r. 8A09-8A11 deleted: Gazette 15 Jul 2011 p. 2954.]*

## **Part IX — General dress and appearance requirements**

*[Heading inserted: Gazette 2 Feb 2007 p. 248.]*

### **901A. Term used: Certificate of Authority**

In this Part —

***Certificate of Authority***, of a member, means a card that —

- (a) has on it —
  - (i) the name and date of birth and a photograph of;  
and
  - (ii) the registered number of, and the office or rank held by,  
the member; and
- (b) is issued to the member by or on behalf the Commissioner.

*[Regulation 901A inserted: Gazette 12 Mar 2010 p. 955;  
amended: Gazette 20 May 2014 p. 1611.]*

### **901. Uniform to be worn as ordered**

- (1) A member, when required by the Commissioner's uniform and appearance instruction to wear a uniform, shall —
  - (a) wear the type of uniform specified in the Commissioner's uniform and appearance instruction;  
and
  - (b) wear that uniform in the manner specified in the Commissioner's uniform and appearance instruction.
- (2) A member, when not required to wear a uniform on duty, shall —
  - (a) dress to the standard specified in the Commissioner's uniform and appearance instruction (if any); and
  - (b) dress in a manner appropriate to the duties being undertaken.

*[Regulation 901 inserted: Gazette 2 Feb 2007 p. 248; amended:  
Gazette 20 May 2014 p. 1611.]*

**902. Wearing of uniform while off duty**

- (1A) Subregulations (1) and (2) do not apply to a police auxiliary officer.
- (1) A member shall not wear a uniform while off duty except —
- (a) while travelling to or from the member's place of duty; or
  - (b) with the permission of the member's officer in charge or immediate superior, as the case may be, as ceremonial dress where the member is entering into marriage within the meaning of the *Marriage Act 1961* of the Commonwealth; or
  - (c) with the permission of the member's assistant commissioner or Director, at a special function or event.
- (2) A member cannot be authorised under subregulation (1)(b) or (c) to wear —
- (a) a firearm, handcuffs, a baton, equipment belt or associated accoutrements; or
  - (b) a uniform at a place where alcohol is available for consumption.
- (3) A police auxiliary officer must not wear a uniform while off duty except at his or her place of work —
- (a) having changed into uniform at that place before going on duty; and
  - (b) before changing out of uniform at that place after going off duty.

*[Regulation 902 inserted: Gazette 2 Feb 2007 p. 248; amended:  
Gazette 12 Mar 2010 p. 955; 20 May 2014 p. 1611, 1614 and  
1617.]*

**r. 903**

---

**903. Uniform not to be altered**

- (1) A member shall not wear any current issue uniform clothing on duty that has had its appearance altered or its shape interfered with.
- (2) A member shall not alter his or her current issue uniform clothing for use as private garments, or wear any of his or her current issue articles of uniform as a civilian garment.

*[Regulation 903 inserted: Gazette 2 Feb 2007 p. 249; amended: Gazette 20 May 2014 p. 1611 and 1615-16.]*

**904. Replacement and disposal of articles of uniform**

If an article of uniform or equipment is to be replaced, a member shall remove or destroy all components of the uniform or equipment being replaced that identify it as police issue, before disposal of the replaced article.

*[Regulation 904 inserted: Gazette 2 Feb 2007 p. 249; amended: Gazette 20 May 2014 p. 1611.]*

**905. Wearing of headwear**

- (1) Subject to subregulations (2), (3) and (4), when in uniform, a member shall wear the cap or hat forming part of that uniform whenever the member is outside a building or a vehicle.
- (2) A motorcycle helmet or other protective form of headwear forming part of a uniform is to be worn when a member in uniform is on a motorcycle, or in circumstances requiring head protection, as the case requires.
- (3) A uniformed member shall remove a hat, cap, motorcycle helmet or other protective helmet when seated in the Supreme Court or the District Court.
- (4) A uniformed member may remove his or her cap or hat when within the confines of an enclosed area of land that forms the curtilage of police premises.

*[Regulation 905 inserted: Gazette 2 Feb 2007 p. 249; amended: Gazette 20 May 2014 p. 1611 and 1615-18.]*

**906. Care to be taken of issued property**

- (1) A member shall take proper care of all articles of uniform, equipment, documents (including the member's Certificate of Authority), books and other items of property which have been issued to the member.
- (2) A member shall not —
  - (a) wilfully or carelessly cause any waste, loss or damage in respect of any article of uniform or equipment, or in respect of any book, document (including a Certificate of Authority) or other property issued to, used by, or entrusted to the care of, the member; or
  - (b) without lawful authority use any property issued to, used by, or entrusted to the care of the member, other than in the performance of the member's duty.
- (3) A member shall promptly report any loss or damage, however caused, to any article supplied to the member for the performance of his or her duties.

*[Regulation 906 inserted: Gazette 2 Feb 2007 p. 249-50;  
amended: Gazette 20 May 2014 p. 1611 and 1614-17.]*

**907. Certificate of Authority**

- (1A) The rest of this regulation does not apply to a police auxiliary officer.
- (1) A member who is not in uniform shall have with him or her the member's Certificate of Authority, which the member shall produce whenever requested to do so by a person in relation to whom the member is about to exercise any power or duty as a member unless —
  - (a) the member has a reasonable cause to refuse to do so; or
  - (b) it is not possible to do so.
- (2) A member who is not in uniform shall display the member's Certificate of Authority at all times while on police property or

**r. 908A**

---

in police buildings, whether or not the member is on duty at the time.

- (3) A member shall not transfer the Certificate of Authority issued to him or her to another member and shall not permit any person whether a member or not to use his or her Certificate of Authority.

*[Regulation 907 inserted: Gazette 2 Feb 2007 p. 250; amended: Gazette 12 Mar 2010 p. 955; 20 May 2014 p. 1611 and 1615-18.]*

**908A. Certificates of Authority of police auxiliary officers**

- (1) A police auxiliary officer who is on duty, whether in uniform or not, must carry his or her Certificate of Authority.
- (2) A police auxiliary officer who is not in uniform must display his or her Certificate of Authority at all times while on police property or in police buildings, whether or not he or she is on duty at the time.
- (3) A police auxiliary officer must not transfer his or her Certificate of Authority to a member or another police auxiliary officer.
- (4) A police auxiliary officer must not permit any person, whether or not a member or police auxiliary officer, to use his or her Certificate of Authority.
- (5) In addition to the duties to identify himself or herself in the *Criminal Investigation Act 2006*, a police auxiliary officer, whether in uniform or not, must produce his or her Certificate of Authority whenever requested to do so by a person in relation to whom he or she is about to exercise any power or duty as a police auxiliary officer unless —
- (a) he or she has a reasonable cause to refuse to do so; or
  - (b) it is not possible to do so.

*[Regulation 908A inserted: Gazette 12 Mar 2010 p. 956; amended: Gazette 20 May 2014 p. 1611.]*



**908. Name plate**

- (1) A member shall wear his or her approved name plate on work or ceremonial dress in the circumstances, and in the manner, specified in the Commissioner's uniform and appearance instruction.
- (2) A member shall not wear a name plate that does not conform to the specifications, and requirements, specified for a name plate in the Commissioner's uniform and appearance instruction.

*[Regulation 908 inserted: Gazette 2 Feb 2007 p. 250; amended: Gazette 20 May 2014 p. 1611 and 1615-16.]*

**909. Appearance**

- (1) A member shall be neat and clean in his or her clothing, appearance and person.
- (2) A member shall have the hair on his or her head neatly groomed and trimmed in the manner specified in the Commissioner's uniform and appearance instruction, unless otherwise approved.
- (3) A member who has facial hair must ensure that the facial hair complies with the Commissioner's uniform and appearance instruction.
- (4) A member in uniform shall not wear sunglasses unless the sunglasses are of a type, and are worn in the manner, specified in the Commissioner's uniform and appearance instruction.
- (5) A member in uniform shall not wear jewellery or other adornments, unless the particular type of adornment is approved.

*[Regulation 909 inserted: Gazette 2 Feb 2007 p. 250-1; amended: Gazette 20 May 2014 p. 1611 and 1615-16; 10 Aug 2018 p. 2864.]*

*[910-922. Deleted: Gazette 2 Feb 2007 p. 248.]*

*[Part X (r. 1001-1007) deleted: Gazette 15 Dec 2006 p. 5635.]*

## **Part XI — Leave**

### **1101. Annual leave**

A member is entitled to such annual leave as is prescribed by the relevant award.

*[Regulation 1101 amended: Gazette 30 Dec 2008 p. 5646; 20 May 2014 p. 1611.]*

### **1102. Notice of annual leave**

- (1) For the purposes of compiling the annual leave roster showing the commencing and finishing date of annual leave prescribed by the relevant award every member shall not later than 30 June each year give notice to the Commissioner of the dates that the member prefers to commence and finish his or her annual leave in the year immediately following.
- (2) The notice referred to in subregulation (1) shall —
  - (a) in the case of an application by a member who is a commissioned officer or an officer in charge of a region be submitted to the office of the Commissioner;
  - (b) in the case of an application by a member other than a member referred to in paragraph (a) be submitted to the member who is the officer in charge of that member.

*[Regulation 1102 amended: Gazette 30 Dec 2008 p. 5646; 20 May 2014 p. 1615-18.]*

### **1103. Address for contact during leave**

In his or her application for leave a member shall state an address at which the member can be contacted during his or her leave.

*[Regulation 1103 amended: Gazette 20 May 2014 p. 1611 and 1615-18.]*

**1104. Annual leave to be taken according to roster**

- (1) Subject to these regulations, a member shall only take annual leave in accordance with the dates indicated in relation to the member on the roster of annual leave applicable in that year unless the dates on the roster are altered.
- (2) The Commissioner or the officer in charge concerned may alter the dates indicated on the roster of annual leave either in relation to a particular member, or generally.

*[Regulation 1104 amended: Gazette 20 May 2014 p. 1611, 1613 and 1615.]*

**1105. Leave accumulated by written permission**

Subject to the relevant award, a member is not entitled to accumulate annual leave except with the written permission of the Commissioner.

*[Regulation 1105 amended: Gazette 30 Dec 2008 p. 5646; 20 May 2014 p. 1611.]*

**1106. Additional leave may be granted**

Where the Commissioner is of the opinion that special circumstances exist in a particular case the Commissioner may grant a member leave (not being annual leave) with or without payment during that period.

*[Regulation 1106 amended: Gazette 14 Jul 1992 p. 3370; 20 May 2014 p. 1611 and 1618.]*

**1107. Travelling concession**

- (1) In this regulation —  
*distance rate* means the rate per kilometre applicable in the North West of the State that is prescribed by the relevant award as payment to an employee for the use by the employee of his or her vehicle for the performance of police duties;

**family** in relation to a member means the member, spouse or de facto partner and all dependant children attending school and to those dependant children living with the member who are unemployed;

**public transport** means any means of public transport approved of by the Commissioner;

**special area** means —

- (a) any portion of the State that is —
    - (i) east of longitude 119° east; or
    - (ii) north of 26° of south latitude;and
  - (b) Yalgoo, Mount Magnet, Cue and Meekatharra; and
  - (c) any area outside the State designated a special area by the Minister.
- (2) The following travelling concessions apply to and in relation to a member stationed in a special area who for the member's annual leave travels to Perth or other place outside the member's sub-region which is approved of by the Commissioner —
- (a) where public transport is used — free return passes to Perth or that other place on public transport for the member and the member's family;
  - (b) where a private vehicle is used — the distance rate to that place so long as the amount so paid does not exceed the cost of free passes granted under paragraph (a);
  - (c) where both public transport and a private vehicle are used — free return passes to that place in respect of the persons travelling by public transport and the distance rate to that place payable under paragraph (b) so long as the amount so paid does not exceed the cost of providing the persons travelling by private vehicle with a free return pass granted under paragraph (a).

- (3) The travelling concession payable under subregulation (2) —
- (a) is payable only in respect of a member —
    - (i) who has completed 12 months' service in the special area; or
    - (ii) if the member has not completed 12 months' service in the special area before the member proceeds on annual leave, the member does so on his or her return from annual leave before the member again takes annual leave;
  - (b) shall be repaid to the Department by the member if the member fails to complete 12 months' service in the special area unless the failure is due to causes beyond the member's control.

*[Regulation 1107 amended: Gazette 7 Sep 1979 p. 2717; 24 Apr 1986 p. 1479; 30 Jun 2003 p. 2623; 30 Dec 2008 p. 5646; 20 May 2014 p. 1611 and 1615-18.]*

*[1108. Deleted: Gazette 7 Sep 1979 p. 2717.]*

*[1109. Deleted: Gazette 6 Oct 1989 p. 3739.]*

## **Part XII — Removal on transfer, promotion or retirement**

*[Heading amended: Gazette 31 Oct 1986 p. 4051.]*

### **1201. This Part not in derogation of relevant award**

The provisions of this Part, are in addition to and not in derogation of anything in a relevant award.

*[Regulation 1201 amended: Gazette 30 Dec 2008 p. 5646.]*

### **1202. Leave in respect of transfer**

- (1) Subject to subregulation (2), where a member is appointed to a position, whether by transfer or promotion, necessitating a change of the member's residence the member is allowed to take 2 days off duty — one day in respect of the packing and loading of the member's household goods and effects and one day in respect of their unpacking and unloading.
- (2) A member is not allowed to take the leave granted under subregulation (1) on any day on which the member is required to attend court or to any other pressing duty.

*[Regulation 1202 amended: Gazette 20 May 2014 p. 1617 and 1618.]*

### **1203. Commissioner to be notified of transfer**

A member moving from one station or office to another for the purpose of taking up a position, whether by transfer or promotion, shall —

- (a) notify the Commissioner through the regional officer of the region from which the member is moving of the —
  - (i) date that the member intends to cease duty at the station or office from which the member is moving;
  - (ii) date of the member's intended departure for the station to which the member is appointed;

- (iii) time and date that the member's quarters, whether supplied by the Government or not, are to be vacated by the member;
- and
- (b) as soon as possible after the member's arrival at the region to which the member is appointed notify the Commissioner through the regional officer of the region to which the member is appointed of the —
    - (i) time and date of the member's arrival; and
    - (ii) time and date that the member's quarters are occupied by the member and indicating whether they are Government or private quarters; and
    - (iii) time and date that the member intends to commence duty in relation to the member's appointment.

*[Regulation 1203 amended: Gazette 20 May 2014 p. 1611, 1615 and 1617-18.]*

#### **1203A. Specialist equipment to be returned**

When a member is to be transferred from a specialist area, the member is to ensure that all items of specialist equipment issued to the member are returned to the officer in charge before the member actually leaves that specialist area.

*[Regulation 1203A inserted: Gazette 2 Feb 2007 p. 251; amended: Gazette 20 May 2014 p. 1611-12.]*

#### **1204. Removal allowance**

- (1) Subject to subregulation (2), a member who is moved from one position to another or is required by the Commissioner to vacate one house to occupy another —
  - (a) in the public interest; or
  - (b) in the course of promotion or transfer; or

**r. 1204**

---

- (c) on account of illness due to causes over which the member has no control,

shall be allowed —

- (d) such costs and allowances as are prescribed by the relevant award; and
  - (e) free transport by any means of transport approved of by the Commissioner for the member, the member's family and their household furniture, furnishings, domestic appliances, personal effects and one motor vehicle for which an allowance is not paid under paragraph (f); and
  - (f) mileage allowance in accordance with the relevant award for the member's motor vehicle; and
  - (g) the costs of storage in a warehouse approved by the Commissioner of any of the member's excess household furniture and for a period of 3 years (subject to any extension by the Commissioner) the cost of any insurance policy in relation thereto to a maximum insured value of \$15,000; and
  - (h) the costs of any insurance policy in respect of the transport of household furniture, furnishings, domestic appliances and personal effects and the stamp duty thereon; and
  - (i) the property allowance payable in respect of an officer of the Public Service of the State in accordance with the relevant award.
- (2) In relation to the allowances payable pursuant to subregulation (1) —
- (a) the maximum weight in respect of which the Department is liable in relation to the costs of the transport of the household furniture, furnishings, domestic appliances and personal effects of a single member is 2.5 tonnes;



- (b) as far as practicable the means of transport used for the transport of household furniture, furnishings, domestic appliances and personal effects shall be State owned.

*[Regulation 1204 amended: Gazette 7 Sep 1979 p. 2717; 24 Apr 1986 p. 1479; 18 Nov 1988 p. 4532; 30 Dec 2008 p. 5646; 20 May 2014 p. 1611-13 and 1617-18.]*

**1204A. Removal cost for retiring member**

The removal costs of a member, who retires in accordance with regulation 1401, shall be paid in accordance with regulation 1204 (excluding subregulation (1)(g) and (i)), from the place where the member is stationed at the date of retirement, to the metropolitan area or any other area within the State as approved by the Commissioner.

*[Regulation 1204A inserted: Gazette 31 Oct 1981 p. 4051.]*

**1205. When removal allowance not to be paid**

Except with the approval of the Commissioner the allowances payable under regulation 1204 are not payable in respect of a member who is moved —

- (a) at the member's own request; or  
(b) because of the member's own misconduct.

*[Regulation 1205 amended: Gazette 20 May 2014 p. 1613 and 1617.]*

## **Part XIII — Illness and injury**

*[Heading inserted: Gazette 17 Nov 1989 p. 4110.]*

### **1301. Terms used**

In this Part, unless the contrary intention appears —

***dentist*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law;

***incapacity*** means unfitness for and absence from duty as a result of illness or injury and ***incapacitated*** shall be construed accordingly;

***Manager*** means the officer of the Department holding the office of Manager, Health and Welfare;

***medical practitioner*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

***Medicare benefits*** has the same meaning as it has in the *Health Insurance Act 1973* of the Parliament of the Commonwealth;

***region*** means region of the State within the meaning of section 39(2) of the Act.

*[Regulation 1301 inserted: Gazette 17 Nov 1989 p. 4110; amended: Gazette 15 Dec 2006 p. 5635; 8 Jul 2011 p. 2898.]*

### **1302. Report of incapacity**

A member who becomes incapacitated shall as soon as possible —

- (a) notify the member's officer in charge of that fact and of the member's whereabouts; and
- (b) notify the Manager of the nature of the illness or the nature and cause of the injury, as the case may be.

*[Regulation 1302 inserted: Gazette 17 Nov 1989 p. 4110; amended: Gazette 20 May 2014 p. 1611-12 and 1617.]*

**1303. Application for leave**

- (1) Except in respect of a day on which a member becomes incapacitated while on duty, an application for leave by a member on account of incapacity shall be supported by a certificate of a medical practitioner or, where the incapacity involves a dental condition, by a certificate of a dentist.
- (2) The application shall be —
  - (a) in a form approved by the Commissioner; and
  - (b) submitted to the Manager,and the certificate in its support shall be —
  - (c) submitted to the Manager.

*[Regulation 1303 inserted: Gazette 17 Nov 1989 p. 4111.]*

**1304. Entitlement to leave and allowances**

- (1) Subject to regulations 1308(1) and 1309 and to compliance by the member with regulation 1303, the Commissioner may grant to a member in respect of the member's incapacity leave of absence with pay —
  - (a) for up to 168 days in a calendar year; and
  - (b) if so recommended by the Manager and subject to any terms or conditions recommended by the Manager, for a further period.
- (2) Except where the member is incapacitated through his or her fault or misconduct, a member is entitled to receive in respect of a period of leave of absence approved under subregulation (1), and subject to any terms or conditions imposed under subregulation (1)(b), any special allowances which the member would have received under the relevant award if the member had not been incapacitated.

**r. 1305**

---

- (3) The district allowance prescribed by the relevant award ceases to be payable —
- (a) after an incapacitated member and the family of that member have been absent from the member's region for a continuous period exceeding 6 weeks; and
  - (b) for so long thereafter as that absence continues.
- (4) In subregulation (3), **family** means the spouse or de facto partner and any children of the member residing with the member.

*[Regulation 1304 inserted: Gazette 17 Nov 1989 p. 4111; amended: Gazette 30 Jun 2003 p. 2623; 30 Dec 2008 p. 5647; 20 May 2014 p. 1611-12 and 1615-18.]*

**1305. Other work prohibited**

An incapacitated member shall not during his or her absence from duty engage for reward in any other occupation or activity.

*[Regulation 1305 inserted: Gazette 17 Nov 1989 p. 4111; amended: Gazette 20 May 2014 p. 1611-12 and 1615-16.]*

**1306. Medical and hospital expenses where member's illness results from duties**

Subject to regulation 1308(2), the Commissioner shall pay the reasonable medical and hospital expenses incurred by a member as a result of illness or injury arising out of or in the course of the member's duties or suffered by the member in the course of travel to or from a place of duty.

*[Regulation 1306 inserted: Gazette 17 Nov 1989 p. 4111; amended: Gazette 20 May 2014 p. 1615 and 1617.]*

*[1307. Deleted: Gazette 18 Nov 1994 p. 5867.]*

**1308. Ineligibility for benefits where incapacity own fault**

- (1) A member who suffers illness or injury through his or her fault or misconduct is not entitled to paid leave in respect of absence from duty resulting from that illness or injury.

- (2) A member who suffers illness or injury through his or her fault or misconduct is not entitled in respect of that illness or injury to receive the benefits provided for by regulation 1306.

*[Regulation 1308 inserted: Gazette 17 Nov 1989 p. 4111-12; amended: Gazette 18 Nov 1994 p. 5867; 20 May 2014 p. 1615-16.]*

**1309. Incapacity resulting from another occupation**

Subject to regulation 1308(1), where the incapacity of a member results from the carrying on by the member of an occupation for which the member received or expected to receive remuneration, outside of the member's duties as a member, the Commissioner may grant or refuse to grant paid leave to the member in respect of the incapacity or may grant the member leave at a reduced rate of pay.

*[Regulation 1309 inserted: Gazette 17 Nov 1989 p. 4112; amended: Gazette 20 May 2014 p. 1611-12, 1615 and 1617-18.]*

**1310. Application of r. 1302, 1303, 1304, 1305, 1306, 1308 and 1309 to Commissioner**

- (1) Regulations 1302, 1303, 1304(1), 1305, 1306, 1308 and 1309 apply to the Commissioner as if —
- (a) references to a member were references to the Commissioner; and
  - (b) references to the member's officer in charge, Commissioner or Manager were references to the Minister.
- (2) In respect of a period of leave of absence approved under regulation 1304(1), as applied by subregulation (1), the Commissioner is entitled to receive any allowances that the Commissioner would have received under the terms of the Commissioner's appointment if the Commissioner had not been incapacitated.

**r. 1311**

---

- (3) Subregulation (2) applies subject to any terms or conditions imposed under regulation 1304(1)(b), as applied by subregulation (1).
- (4) Subregulation (2) does not apply if the Commissioner is incapacitated through the Commissioner's fault or misconduct.  
*[Regulation 1310 inserted: Gazette 23 Nov 2018 p. 4553.]*

**1311. Evidence of fitness after long incapacity**

A member who has been absent from duty because of incapacity for longer than 4 weeks shall, before returning to duty, submit to the Manager evidence of his or her medical fitness to return to duty.

*[Regulation 1311 inserted: Gazette 17 Nov 1989 p. 4112; amended: Gazette 20 May 2014 p. 1611-12 and 1615-16.]*

**1312. Examination arranged by Commissioner**

- (1) The Commissioner may direct a member to submit to examination, at the expense of the Commissioner, by one or more medical practitioners nominated in each instance by the Commissioner and the member shall obey such a direction.
- (2) Where a member has been examined under subregulation (1) and the examining medical practitioner expresses the opinion in writing to the Commissioner that the member is unfit for duty because of illness or injury, the Commissioner may direct the member to apply for leave on that ground and the member shall obey such a direction.

*[Regulation 1312 inserted: Gazette 17 Nov 1989 p. 4112; amended: Gazette 20 May 2014 p. 1611-12.]*

## Part XIV — Retirement, resignation, removal or death of a member

### 1401. Retirement

- (1) Subject to the Act and these regulations, a member of the Force including the Commissioner, deputy commissioner and assistant commissioner may retire on attaining the age of 55 years.

[(2) *deleted*]

*[Regulation 1401 inserted: Gazette 29 Jul 1988 p. 2540; amended: Gazette 13 Nov 1998 p. 6232.]*

*[1402. Deleted: Gazette 29 Nov 2019 p. 4149.]*

### 1403. Allowances paid on death of member

Where a member dies the widow or widower of the member, or a person who was the de facto partner of the member immediately before the death of the member and such of the children of the member as are under the age of 18 years are entitled to the allowances prescribed by regulation 1204 for the conveyance of themselves and their furniture and effects to the metropolitan area or to any part of the State approved of by the Commissioner.

*[Regulation 1403 amended: Gazette 30 Jun 2003 p. 2623; 20 May 2014 p. 1611-12 and 1615.]*

### 1404. Leave entitlement to be paid out

On the death of a member, the Minister may, on the recommendation of the Commissioner grant to the spouse or de facto partner and other relatives of the member who were dependent on the member at the date of his or her death the monetary equivalent, computed to the date of death, of —

- (a) annual leave accrued and owing to the member;
- (b) long service leave accrued and owing to the member;

**r. 1404**

---

- (c) pro rata leave for each completed month of service of the member in the current year.

*[Regulation 1404 amended: Gazette 30 Jun 2003 p. 2624;  
20 May 2014 p. 1611-12 and 1615-16.]*



## Part XV — Quarters

### 1501. This Part not in derogation of relevant award

The provisions of this Part are in addition to and not in derogation of any provisions of a relevant award.

*[Regulation 1501 amended: Gazette 30 Dec 2008 p. 5647.]*

### 1502. Maintenance of quarters

- (1) A member who occupies quarters provided by the State shall —
  - (a) keep them clean and in good and serviceable order;
  - (b) maintain the grounds in a reasonable condition free from accumulating rubbish and items which would detract from the appearance of the property;
  - (c) observe any local laws made by a local government that apply to the property;
  - (d) control weed growth and keep buildings and fences clear of grass;
  - (e) as soon as possible report to the regional officer any required repairs to the building or its appurtenances, or the presence of white ants.

- (2) A member occupying quarters is responsible for the cost of maintaining any chimneys in those quarters in a clean condition.

*[Regulation 1502 amended: Gazette 30 Dec 2008 p. 5647; 20 May 2014 p. 1611-12.]*

### 1503. Expenditure not to be incurred without authority of Commissioner

- (1) A member who occupies quarters shall not incur any expenditure on those quarters whether on the member's own behalf or on behalf of the Commissioner without the authority of the Commissioner.

**r. 1504**

---

- (2) A member shall not construct or alter any building or structure on quarters occupied by the member except with the authority of the Commissioner.
- (3) Where the Commissioner approves of any construction or alteration of any building or structure on quarters by a member the cost thereof shall be borne by the member concerned but the property in the construction or alteration as the case may be, belongs to the State.

*[Regulation 1503 amended: Gazette 20 May 2014 p. 1611-12, 1615 and 1617.]*

**1504. Inspection of quarters**

- (1) Any member authorised by the Commissioner in that behalf may after giving a member who occupies quarters reasonable notice enter the quarters occupied by the member at a reasonable hour for the purpose of inspecting the condition of those quarters, appurtenances and grounds.
- (2) The Commissioner may by written notice require a member who occupies quarters to carry out such directions as are specified in the notice for the purpose of putting the quarters, appurtenances and grounds into a fit and proper condition.
- (3) Where a member who has been served with a notice pursuant to subregulation (2) refuses to comply with the direction the Commissioner may direct —
  - (a) that the necessary action be taken to put the quarters, appurtenances and grounds in a fit and proper condition and may recover the costs thereof in any court of competent jurisdiction; and
  - (b) that the member, the member's spouse or de facto partner, children and other dependants vacate those quarters.

*[Regulation 1504 amended: Gazette 30 Jun 2003 p. 2624; 20 May 2014 p. 1611-13.]*

**1505. Occupation and vacation of premises**

- (1) Except with the prior written permission of the Commissioner a member who occupies quarters provided by the State shall not allow any person other than the member's spouse or de facto partner, children and other dependants to reside there permanently.
- (2) Where a member occupying quarters provided by the State ceases to hold office, the quarters shall be vacated by the member, the member's spouse or de facto partner, children and other dependants, upon ceasing to hold such office.

*[Regulation 1505 amended: Gazette 30 Jun 2003 p. 2624; 20 May 2014 p. 1611-13.]*

**1506. Notice of occupation and vacating to be given**

A member who is allocated quarters provided under the *Government Employees' Housing Act 1964*, shall notify the Commissioner as soon as practicable of the date that the member first occupies those quarters and when the member vacates the quarters of the date that the member vacates them.

*[Regulation 1506 amended: Gazette 20 May 2014 p. 1611-12 and 1617-18.]*

## **Part XVI — General**

### **1601. Offences generally**

A member who fails to comply with or who contravenes any of the provisions of these regulations commits an offence against the discipline of the Force.

*[Regulation 1601 amended: Gazette 20 May 2014 p. 1611-12.]*

**First Schedule — Disciplinary charge sheet**

[r. 625]

Police Force of Western Australia	
<b>Disciplinary charge sheet</b>	
Police Force Regulations 1979 r. 625	PCAC file no. _____
	Charge no. _____
<b>Charge</b>	
<b>Person charged</b>	Name _____
	Rank _____ No. _____
	Location _____
<b>Charge</b>	Police Force Regulations 1979 reg. _____
	Details _____
	_____
<b>Officer preferring charge</b>	Name _____
	Assistant Commissioner [ _____ ]
	Signature _____
	Date ___/___/20___
<b>Record of proceedings</b>	
Presiding officer _____	
Place _____	Date ___/___/20___
Decision _____	
	_____
Remarks _____	
	_____
Signature _____	
Date ___/___/20___	

*[First Schedule inserted: Gazette 15 Dec 2006 p. 5635.]*

*[Second Schedule deleted: Gazette 2 Feb 2007 p. 251.]*

*[Third Schedule deleted: Gazette 20 May 2014 p. 1610.]*

*[Fourth Schedule deleted: Gazette 15 Dec 2006 p. 5636.]*

*[Fifth Schedule deleted: Gazette 17 Mar 1995 p. 1055.]*

=====

## Notes

- <sup>1</sup> This is a compilation of the *Police Force Regulations 1979* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Police Regulations 1979</i> <sup>3</sup>	20 Dec 1978 p. 4731-62	1 Jan 1979
Untitled regulations	16 Feb 1979 p. 425	16 Feb 1979
Untitled regulations	7 Sep 1979 p. 2716-19	7 Sep 1979
Untitled regulations	29 Aug 1980 p. 3033	29 Aug 1980
<i>Police Amendment Regulations 1981</i>	31 Jul 1981 p. 3158	31 Jul 1981
<i>Police Amendment Regulations (No. 2) 1981</i>	15 Jan 1982 p. 55-6	15 Jan 1982
<i>Police Amendment Regulations 1983</i>	29 Apr 1983 p. 1299	29 Apr 1983
<i>Police Amendment Regulations 1984</i>	23 Mar 1984 p. 745-6	23 Mar 1984
<i>Police Amendment Regulations (No. 2) 1984</i>	29 Jun 1984 p. 1795	29 Jun 1984
<i>Police Amendment Regulations (No. 3) 1984</i>	7 Dec 1984 p. 4024-30	7 Dec 1984
<i>Police Amendment Regulations 1985</i>	1 Mar 1985 p. 790	1 Mar 1985
<i>Police Amendment Regulations (No. 2) 1985</i>	16 Aug 1985 p. 2926-8	16 Aug 1985
<i>Police Amendment Regulations 1986</i>	24 Apr 1986 p. 1476-80	24 Apr 1986
<b>Reprint of the <i>Police Regulations 1979</i> as at 28 Aug 1986 published by Gazette 24 Sep 1986 p. 3463-517</b> (includes all amendments listed above)		
<i>Police Amendment Regulations (No. 2) 1986</i>	31 Oct 1986 p. 4050-1	31 Oct 1986
<i>Police Amendment Regulations (No. 2) 1987</i>	14 Aug 1987 p. 3167	14 Aug 1987

## Police Force Regulations 1979

---

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Police Amendment Regulations 1988</i>	22 Jan 1988 p. 127-8	22 Jan 1988
<i>Police Amendment Regulations (No. 2) 1988</i>	6 May 1988 p. 1541	6 May 1988
<i>Police Amendment Regulations (No. 3) 1988</i>	1 Jul 1988 p. 2144-5	1 Jul 1988
<i>Police Amendment Regulations (No. 5) 1988</i>	29 Jul 1988 p. 2540	29 Jul 1988
<i>Police Amendment Regulations (No. 4) 1988</i>	18 Nov 1988 p. 4532	18 Nov 1988
<i>Police Amendment Regulations 1989</i>	17 Mar 1989 p. 752-3	17 Mar 1989
<i>Police Amendment Regulations (No. 2) 1989</i>	9 Jun 1989 p. 1666	9 Jun 1989
<i>Police Amendment Regulations (No. 3) 1989</i>	6 Oct 1989 p. 3739-41	6 Oct 1989
<i>Police Amendment Regulations (No. 4) 1989</i>	27 Oct 1989 p. 3888-9	27 Oct 1989
<i>Police Amendment Regulations (No. 6) 1989</i>	17 Nov 1989 p. 4110-12	17 Nov 1989
<i>Police Amendment Regulations (No. 5) 1989</i>	1 Dec 1989 p. 4395-6	1 Dec 1989
<i>Police Force Amendment Regulations (No. 8) 1989</i>	8 Dec 1989 p. 4462	8 Dec 1989
<i>Police Force Amendment Regulations 1990</i>	2 Feb 1990 p. 788-90	2 Feb 1990
<i>Police Force Amendment Regulations (No. 2) 1990</i>	30 Mar 1990 p. 1646-60 (erratum 6 Apr 1990 p. 1766)	30 Mar 1990
<i>Police Force Amendment Regulations 1992</i>	14 Jul 1992 p. 3364-70	14 Jul 1992
<i>Police Force Amendment Regulations 1994</i>	18 Nov 1994 p. 5866-7	18 Nov 1994
<i>Police Force Amendment Regulations (No. 2) 1994</i>	7 Feb 1995 p. 422	7 Feb 1995
<i>Police Force Amendment Regulations (No. 2) 1995<sup>4</sup></i>	17 Mar 1995 p. 1055	17 Mar 1995



<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<b>Reprint of the Police Force Regulations 1979 as at 30 Jan 1996</b> (includes amendments listed above)		
<i>Police Force Amendment Regulations (No. 2) 1996</i>	20 Sep 1996 p. 4750	20 Sep 1996
<i>Police Force Amendment Regulations 1997</i>	22 Aug 1997 p. 4815	22 Aug 1997
<i>Police Force Amendment Regulations (No. 4) 1997</i>	14 Nov 1997 p. 6457	14 Nov 1997
<i>Police Force Amendment Regulations (No. 2) 1997</i>	6 Jan 1998 p. 36	6 Jan 1998
<i>Police Force Amendment Regulations (No. 2) 1998</i> <sup>5</sup>	21 Aug 1998 p. 4678-9	21 Aug 1998
<i>Police Force Amendment Regulations (No. 4) 1998</i>	13 Nov 1998 p. 6232	13 Nov 1998
<i>Police Force Amendment Regulations (No. 2) 2000</i>	28 Nov 2000 p. 6628	28 Nov 2000
<b>Reprint of the Police Force Regulations 1979 as at 15 Jun 2001</b> (includes amendments listed above)		
<i>Police Force Amendment Regulations 2001</i>	10 Aug 2001 p. 4213-14	10 Aug 2001
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 31</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Police Force Amendment Regulations 2003</i>	26 Aug 2003 p. 3758-64	27 Aug 2003 (see r. 2 and <i>Gazette</i> 26 Aug 2003 p. 3753)
<i>Police Force Amendment Regulations (No. 2) 2004</i>	17 Dec 2004 p. 6087	17 Dec 2004
<i>Police Force Amendment Regulations (No. 3) 2005</i>	30 Dec 2005 p. 6879	30 Dec 2005
<i>Police Force Amendment Regulations 2006</i>	15 Dec 2006 p. 5631-6	15 Dec 2006
<i>Police Force Amendment Regulations (No. 4) 2006</i>	22 Dec 2006 p. 5823	22 Dec 2006
<i>Police Force Amendment Regulations 2007</i>	2 Feb 2007 p. 246-51	7 Feb 2007 (see r. 2)
<b>Reprint 4: The Police Force Regulations 1979 as at 13 Apr 2007</b> (includes amendments listed above) (correction by <i>Gazette</i> 9 May 2008 p. 1859)		

## Police Force Regulations 1979

---

Citation	Gazettal	Commencement
<i>Police Force Amendment Regulations (No. 3) 2007</i>	16 Nov 2007 p. 5786-7	r. 1 and 2: 16 Nov 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Nov 2007 (see r. 2(b))
<i>Police Force Amendment Regulations (No. 2) 2008</i>	30 Dec 2008 p. 5643-7	r. 1 and 2: 30 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Dec 2008 (see r. 2(b))
<i>Police Force Amendment Regulations 2010</i>	12 Mar 2010 p. 954-6	r. 1 and 2: 12 Mar 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Mar 2010 (see r. 2(b) and <i>Gazette</i> 12 Mar 2010 p. 941)
<i>Police Force Amendment Regulations (No. 2) 2010</i>	16 Jul 2010 p. 3366-8	r. 1 and 2: 16 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Jul 2010 (see r. 2(b))
<b>Reprint 5: The Police Force Regulations 1979 as at 17 Sep 2010</b> (includes amendments listed above)		
<i>Police Force Amendment Regulations (No. 2) 2011</i>	8 Jul 2011 p. 2898-9	r. 1 and 2: 8 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Jul 2011 (see r. 2(b))
<i>Police Force Amendment Regulations (No. 3) 2011</i>	15 Jul 2011 p. 2954	r. 1 and 2: 15 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Jul 2011 (see r. 2(b))
<i>Police Force Amendment Regulations 2011</i>	2 Dec 2011 p. 5071-2	r. 1 and 2: 2 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Dec 2011 (see r. 2(b))
<i>Police Force Amendment Regulations 2014</i>	20 May 2014 p. 1608-18	r. 1 and 2: 20 May 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 21 May 2014 (see r. 2(b))
<b>Reprint 6: The Police Force Regulations 1979 as at 19 Sep 2014</b> (includes amendments listed above)		

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Police Force Amendment Regulations 2015</i>	3 Mar 2015 p. 785-6	r. 1 and 2: 3 Mar 2015 (see r. 2(a)); r. 3 and 4(1): 4 Mar 2015 (see r. 2(b)); r. 4(2): 4 Mar 2015 (see r. 2(c)(i) and <i>Gazette</i> 3 Mar 2015 p. 783)
<i>Police Service Regulations Amendment (Public Health) Regulations 2016 Pt. 3</i>	10 Jan 2017 p. 221-4	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)
<i>Police Force Amendment Regulations (No. 2) 2018</i>	10 Aug 2018 p. 2863-4	r. 1 and 2: 10 Aug 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Aug 2018 (see r. 2(b))
<i>Police Force Amendment Regulations (No. 3) 2018</i>	23 Nov 2018 p. 4552-3	r. 1 and 2: 23 Nov 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Nov 2018 (see r. 2(b))
<i>Police Force Amendment Regulations 2019</i>	1 Oct 2019 p. 3509-13	r. 1 and 2: 1 Oct 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Oct 2019 (see r. 2(b))
<i>Police Force Amendment Regulations (No. 3) 2019</i>	29 Nov 2019 p. 4149	r. 1 and 2: 29 Nov 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Nov 2019 (see r. 2(b) and <i>Gazette</i> 29 Nov 2019 p. 4133)

<sup>2</sup> Formerly referred to the Commissioner of Public Health, the name of which was changed to the Commissioner of Health by the *Health Legislation Amendment Act 1984*. The reference was changed under the *Reprints Act 1984* s. 7(3)(h).

<sup>3</sup> Now known as the *Police Force Regulations 1979*; citation changed (see note under r. 101).

<sup>4</sup> The *Police Force Amendment Regulations (No. 2) 1995* r. 3(2) is a transitional provision that is of no further effect.

<sup>5</sup> The *Police Force Amendment Regulations (No. 2) 1998* r. 13 is a transitional provision that is of no further effect.

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Act.....	103
ALSWA .....	701
ALSWA representative .....	701
APLO .....	103
approved .....	103
assistant commissioner.....	103
CEO (Health) .....	103
Certificate of Authority.....	901A
CNS person .....	701
commissioned officer.....	103
Commissioner .....	103
Commissioner's uniform and appearance instruction .....	103
constable .....	103
dentist.....	1301
Department.....	103
deputy commissioner .....	103
distance rate .....	1107(1)
family .....	1107(1), 1304(4)
Force .....	103
incapacitated .....	1301
incapacity .....	1301
investigating officer .....	624(1)
Manager .....	1301
medical practitioner .....	501, 1301
Medicare benefits .....	1301
member .....	103, 6A01
metropolitan area .....	103
non-commissioned officer .....	103
notice.....	6A01
officer.....	103
personal issue firearm .....	404(1)
physical performance evaluation .....	103
police auxiliary officer .....	103
police facility .....	701
Police Gazette .....	103
privilege .....	6A01
psychiatrist .....	501
psychological assessment.....	103
psychologist .....	501
public transport .....	1107(1)

region .....	1301
Register .....	801
relevant award .....	103
relevant materials .....	6A03(1)
responsible officer.....	701
review officer.....	6A01
Seniority List.....	801
special area.....	1107(1)
station firearm.....	404(1)
uniform .....	103