



Western Australia

Police Amendment (Compensation Scheme) Act 2021

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Police Amendment (Compensation Scheme) Act 2021

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Western Australia

Police Amendment (Compensation Scheme) Act 2021

No. 26 of 2021

**An Act to amend the *Police Act 1892* and to consequentially amend
the *Industrial Relations Act 1979*.**

[Assented to 13 December 2021]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Police Amendment (Compensation Scheme) Act 2021*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

Part 2 — *Police Act 1892* amended

3. Act amended

This Part amends the *Police Act 1892*.

4. Part 2D inserted

After section 33ZQ insert:

Part 2D — Compensation scheme for medically retired members

Division 1 — Preliminary

33ZR. Summary of Part

This Part sets out a scheme under which a former member is entitled to compensation if —

- (a) the former member ceased to hold office as a member because they were retired on medical grounds under Part IIC; and
- (b) the Police Commissioner's decision that the former member should be retired on medical grounds was attributable to a medical condition related to their work as a member.

33ZS. Terms used

- (1) In this Part —

approved medical specialist means a person appointed under section 33ZW(2);

compensable medical condition, in relation to a medically retired member, means a medical condition —

- (a) that the medically retired member had when, or before, the Police Commissioner decided under section 33ZE(1)(a) that the medically retired member should be retired on medical grounds; and
- (b) that the medically retired member incurred in the course of, or that arose out of, the medically retired member's performance, while holding office as a member, of the functions of that office; and
- (c) to which the Police Commissioner's decision under section 33ZE(1)(a) was attributable (wholly or partly and directly or indirectly);

disease includes any physical or mental ailment, disorder, defect or morbid condition, whether of sudden or gradual development;

entitlement day, in relation to a medically retired member, means —

- (a) if the medically retired member institutes an appeal under section 33ZI — the day after the day on which the appeal —
 - (i) is decided; or
 - (ii) is discontinued before being decided;or
- (b) otherwise — the 29th day after the retirement day of the medically retired member;

entitlement financial year, in relation to a medically retired member, means the financial year in which the entitlement day of the medically retired member falls;

IR Act means the *Industrial Relations Act 1979*;

IR regulations means regulations made under section 113(1) of the IR Act;

medical condition means any of the following —

- (a) a personal injury by accident;
- (b) a disease;
- (c) the recurrence, aggravation or acceleration of a pre-existing disease;

medically retired member means a former member who ceased to hold office as a member because they were retired on medical grounds under Part IIC;

member means —

- (a) a commissioned officer; or
- (b) a non-commissioned officer; or
- (c) a constable; or
- (d) an Aboriginal police liaison officer;

Police Commissioner means the Commissioner of Police;

prescribed amount has the meaning given in subsection (2);

retirement day, in relation to a medically retired member, means the day at the end of which the medically retired member's retirement on medical grounds took effect under section 33ZE(10)(b);

Tribunal has the meaning given in section 33ZZA(2);

WC&IM Act means the *Workers' Compensation and Injury Management Act 1981*;

WorkCover Guides means the directions published by WorkCover WA under section 146R of the WC&IM Act.

- (2) For the purposes of this Part, the *prescribed amount*, for a financial year, is the amount that is the prescribed amount for the financial year under section 5A(1A) of the WC&IM Act.

33ZT. No effect on other entitlements

This Part does not limit or otherwise affect —

- (a) any compensation, or other type of payment or entitlement, to which a person is entitled apart from this Part (under a written law or otherwise); or
- (b) any power or duty apart from this Part (under a written law or otherwise) to pay or give a person, or to make provision for a person to be paid or given, any compensation or other type of payment or entitlement.

Division 2 — Compensation scheme

33ZU. Application of compensation scheme

- (1) This Division applies to a medically retired member if —
- (a) the retirement day of the medically retired member is, or falls after, the day on which the *Police Amendment (Compensation Scheme) Act 2021* section 4 comes into operation; and
 - (b) the medically retired member has or had a compensable medical condition; and
 - (c) the entitlement day of the medically retired member has fallen; and
 - (d) if the medically retired member instituted an appeal under section 33ZI — the appeal —
 - (i) was decided without an order being made under section 33ZM(2); or

- (ii) was discontinued before being decided.
- (2) However, this Division does not apply, and is taken never to have applied, to a medically retired member if —
 - (a) the Police Commissioner’s decision under section 33ZE(1)(a) is revoked under section 33ZG(3); or
 - (b) the medically retired member resigns under section 33ZH.
- (3) Subsection (1) does not limit the application of sections 33ZW and 33ZZ in relation to the assessment of a member who is not a medically retired member to whom this Division applies but sections 33ZV, 33ZW(3) and 33ZZ(3) and Division 3 do not apply until that member becomes a medically retired member to whom this Division applies.
- (4) Subsection (2) does not limit the generality of sections 33ZG(6) and 33ZH(4).

33ZV. Police Commissioner to pay compensation

- (1) The Police Commissioner must pay the medically retired member the following amounts —
 - (a) subject to subsection (2), any amount or amounts of compensation to which the medically retired member is entitled under section 33ZW(3);
 - (b) the salary amount, if any, payable under subsection (3);
 - (c) the vocational rehabilitation amount;
 - (d) any amount of compensation to which the medically retired member is entitled under section 33ZZ(3).

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- (2) The maximum amount that the Police Commissioner can be required to pay, in total, under subsection (1)(a) is the prescribed amount for the financial year that is the entitlement financial year of the medically retired member (the *member's prescribed amount*).
- (3) If the amount, or the total of amounts, required to be paid to the medically retired member under subsection (1)(a) is less than the member's prescribed amount, the Police Commissioner must pay the medically retired member a salary amount, being the maximum amount that —
 - (a) when aggregated with the amount or amounts required to be paid to the medically retired member under subsection (1)(a) results in an amount that does not exceed the member's prescribed amount; and
 - (b) does not exceed the annual salary of the medically retired member on their retirement day.
- (4) For the purposes of subsection (1)(c), the *vocational rehabilitation amount* is 7% of the member's prescribed amount.

Example for this section:

The compensation amount under section 33ZW(3) is \$110 000. The medically retired member's salary on retirement day was \$103 000. The member's prescribed amount is \$239 179.

The medically retired member will be paid \$110 000 plus \$103 000 (because the total of these 2 amounts will not exceed the prescribed amount) plus a vocational rehabilitation amount of \$16 743. If the member qualifies for compensation under section 33ZZ for permanent total incapacity for work, the member is entitled to a further amount of up to \$179 384.

33ZW. Compensation for permanent impairment

- (1) In this section —
degree of permanent impairment means —
 - (a) except as provided in paragraph (b) — the degree of permanent impairment of a part or faculty of the body; or
 - (b) in the case of scarring referred to in Schedule 2 item 80 or 81 of the WC&IM Act — the degree of permanent whole of person impairment.
- (2) The Police Commissioner may appoint a person designated as an approved medical specialist under section 146F of the WC&IM Act to be an approved medical specialist for the purposes of this section.
- (3) The medically retired member is entitled to compensation under this subsection if —
 - (a) on their entitlement day the medically retired member has a permanent impairment that is an impairment mentioned in column 1 of the Table in Schedule 2 Part 2 of the WC&IM Act; and
 - (b) the permanent impairment resulted from a compensable medical condition that the medically retired member has or had; and
 - (c) the compensable medical condition is or was a personal injury by accident.
- (4) The Police Commissioner —
 - (a) may arrange for the assessment under subsection (5) of, and give a notice under subsection (6) in respect of —
 - (i) a member who has been directed to submit to an examination under section 33ZC; or

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- (ii) a medically retired member whose entitlement day has not fallen;
- or
- (b) if the medically retired member is entitled to compensation under subsection (3) and has not been assessed under subsection (5), must arrange for that assessment and give a notice under subsection (6) in respect of the medically retired member.

Example for paragraph (a):

The assessment may be made, and the notice may be given, in parallel with the process under Part IIC that leads to retirement on medical grounds.

- (5) For the purposes of subsection (4) —
 - (a) the degree of permanent impairment must be assessed, as a percentage, by an approved medical specialist; and
 - (b) subject to regulations made for the purposes of section 33ZZI(1), the degree of permanent impairment must be assessed in accordance with the WorkCover Guides as in force when the assessment is made.
- (6) The Police Commissioner must give the member assessed a notice specifying the degree of permanent impairment as assessed.
- (7) The amount of compensation to which the medically retired member is entitled under subsection (3) is X% of the prescribed amount for the financial year that is the entitlement financial year of the medically retired member, where X% is the percentage indicated, in relation to the impairment, in column 2 of the Table in Schedule 2 Part 2 of the WC&IM Act.

- (8) However, if the degree of permanent impairment assessed under subsection (5) is less than 100%, the amount of compensation is reduced to Y% of the amount that it would otherwise be under subsection (7), where Y% is the degree of permanent impairment.
- (9) Subsections (3) to (8) are subject to sections 33ZX and 33ZY.
- (10) If the medically retired member has 2 or more permanent impairments as referred to in subsection (3) —
 - (a) subsections (3) to (9) apply separately in relation to each permanent impairment; but
 - (b) the maximum amount of compensation to which the medically retired member can be entitled, in total, under subsection (3) is the prescribed amount for the financial year that is the entitlement financial year of the medically retired member.

33ZX. Noise induced hearing loss

- (1) In this section —
 - loss of hearing* means percentage loss of hearing calculated in accordance with the National Acoustic Laboratory Tables prescribed for the purposes of section 31E(6) of the WC&IM Act;
 - noise induced hearing loss* means noise induced loss or diminution of a person's hearing.
- (2) Subsection (3) applies if —
 - (a) on their entitlement day, the medically retired member has a permanent impairment of hearing that is noise induced hearing loss of at least 10% loss of hearing; and

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- (b) the permanent impairment resulted from a compensable medical condition that the medically retired member has or had; and
 - (c) the compensable medical condition is not, or was not, a personal injury by accident.
- (3) Section 33ZW applies in relation to the permanent impairment with the omission of subsection (3)(b) and (c) of that section.

Note for this section:

Impairment of hearing is mentioned in Schedule 2 item 44 of the WC&IM Act.

33ZY. AIDS

- (1) Subsections (2) and (3) apply if —
- (a) on their entitlement day, the medically retired member has acquired immune deficiency syndrome (*AIDS*); and
 - (b) the medically retired member's earlier infection with human immunodeficiency virus was a compensable medical condition that occurred by accident.
- (2) *AIDS* is taken to result in a degree of permanent impairment of 100%.
- (3) Section 33ZW applies in relation to *AIDS* with the omission of subsections (3)(b) and (c) and (4) to (8) of that section.

Note for this section:

AIDS is mentioned in Schedule 2 item 82 of the WC&IM Act.

33ZZ. Compensation for permanent total incapacity for work

- (1) In this section —
assessor has the meaning given in subsection (5)(a);
qualifies for compensation has the meaning given in subsection (7).
- (2) The medically retired member may apply to the Police Commissioner for compensation under this subsection.
- (3) The medically retired member is entitled to compensation under this section if the assessor determines under subsection (5)(a)(i) that the medically retired member qualifies for compensation.
- (4) The amount of compensation to which the medically retired member is entitled under subsection (3) is the amount determined by the assessor under subsection (5)(a)(ii).
- (5) If the medically retired member applies to the Police Commissioner under subsection (2), the Police Commissioner must —
 - (a) arrange for a suitably qualified legal practitioner (the *assessor*), appointed by the Police Commissioner for the purpose, to do the following —
 - (i) determine whether the medically retired member qualifies for compensation;
 - (ii) if the assessor determines that the medically retired member qualifies for compensation — determine the amount of compensation in accordance with subsections (8) and (9);

and

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- (b) give the medically retired member a notice specifying the following —
 - (i) the determination made by the assessor under paragraph (a)(i);
 - (ii) if applicable — the amount of compensation determined by the assessor under paragraph (a)(ii).
- (6) A member who has been directed to submit to an examination under section 33ZC may apply under subsection (2) before being retired on medical grounds under Part IIC and in that case —
 - (a) subsections (5), (7) and (8) apply as if the member were the medically retired member; but
 - (b) subsection (3) does not apply to the member until the member becomes a medically retired member to whom this Division applies.

Example for this subsection:

The determinations may be made, and the notice may be given, in parallel with the process under Part IIC that leads to retirement on medical grounds.

- (7) The medically retired member *qualifies for compensation* if —
 - (a) on their entitlement day the medically retired member has a compensable medical condition; and
 - (b) the medically retired member has a permanent total incapacity for work resulting from the compensable medical condition.
- (8) The amount of compensation must be an amount that is proper in the circumstances, having regard to the social and financial circumstances, and reasonable financial needs, of the medically retired member.

- (9) However, the maximum amount of compensation is 75% of the prescribed amount for the financial year that is the entitlement financial year of the medically retired member.
- (10) An application cannot be made under subsection (2) by a member who has previously made an application for compensation under this section.
- (11) The assessor is not subject to the management or direction of the Police Commissioner in relation to the making of a determination under subsection (5)(a).

Division 3 — Dispute resolution

Subdivision 1 — Police Compensation Tribunal

33ZZA. Establishment and jurisdiction

- (1) In this section —
industrial Commissioner means a commissioner as defined in the IR Act section 7(1);
WAIRC means The Western Australian Industrial Relations Commission continued and constituted under the IR Act.
- (2) The WAIRC has the jurisdiction given to the Police Compensation Tribunal (the *Tribunal*) under this Division and, in exercising the jurisdiction, is to be known as the Police Compensation Tribunal.
- (3) The Tribunal's jurisdiction is exercisable by the WAIRC constituted by an industrial Commissioner.
- (4) The Tribunal's determination of a dispute lodged under section 33ZZB has effect according to its substance and the order under section 33ZZF(8) or 33ZZH(6) that contains the determination is an instrument to which section 83 of the IR Act applies.

33ZZB. Lodgment of disputes

- (1) A medically retired member may, during the lodgment period, lodge a dispute with the Tribunal if —
 - (a) the Police Commissioner gives the medically retired member a notice under section 33ZW(6) specifying a degree of permanent impairment as assessed under section 33ZW(5); and
 - (b) the medically retired member disputes the degree of permanent impairment as assessed and, accordingly, wants the degree of permanent impairment to be assessed again.
- (2) For the purposes of subsection (1), the *lodgment period* is —
 - (a) if the notice is given under section 33ZW(6) before the entitlement day of the medically retired member — the period of 28 days after the entitlement day; or
 - (b) otherwise — the period of 28 days after the day on which the notice is given.
- (3) A medically retired member may, during the lodgment period, lodge a dispute with the Tribunal if —
 - (a) the Police Commissioner gives the medically retired member a notice under section 33ZZ(5)(b) specifying that the assessor has determined under section 33ZZ(5)(a)(i) that the medically retired member does not qualify for compensation; and
 - (b) the medically retired member disputes the assessor's determination and, accordingly, wants the question of whether they qualify for compensation to be determined again.

- (4) A medically retired member may, during the lodgment period, lodge a dispute with the Tribunal if —
 - (a) the Police Commissioner gives the medically retired member a notice under section 33ZZ(5)(b) specifying the amount of compensation determined by the assessor under section 33ZZ(5)(a)(ii); and
 - (b) the medically retired member disputes the amount of compensation as determined and, accordingly, wants the amount to be determined again.
- (5) For the purposes of subsections (3) and (4), the ***lodgment period*** is the period of 28 days after the day on which the notice is given under section 33ZZ(5)(b).
- (6) The Tribunal may, in a particular case, extend the lodgment period for the purposes of subsection (1), (3) or (4).
- (7) A person may, on behalf of a medically retired member, dispute a matter as referred to in subsection (1)(b), (3)(b) or (4)(b), and lodge the dispute with the Tribunal during the lodgment period accordingly, if —
 - (a) the person has reason to believe that the medically retired member is incapable, on medical grounds (whether physical or mental or both), of disputing the matter; and
 - (b) the person is of a class prescribed under IR regulations for the purposes of this paragraph; and
 - (c) any conditions prescribed under IR regulations for the purposes of this paragraph are met.

- (8) This section does not apply, and is taken never to have applied, to a medically retired member if —
 - (a) the Police Commissioner’s decision under section 33ZE(1)(a) is revoked under section 33ZG(3); or
 - (b) the medically retired member resigns under section 33ZH.
- (9) Subsection (8) does not limit the generality of sections 33ZG(6) and 33ZH(4).

Subdivision 2 — Proceedings for dispute

33ZZC. Tribunal must deal with disputes lodged with it

If a dispute is lodged with the Tribunal under section 33ZZB, the dispute must be determined, or otherwise dealt with, in accordance with this Subdivision.

33ZZD. Application of provisions of IR Act

- (1) The following provisions of the IR Act apply —
 - (a) section 22B;
 - (b) section 26(1)(a) and (b), (2) and (3);
 - (c) section 27;
 - (d) section 28;
 - (e) section 32A;
 - (f) section 33;
 - (g) section 34(1), (3) and (4);
 - (h) section 36;
 - (i) section 49;
 - (j) section 90;
 - (k) section 91;

- (1) section 92.
- (2) Those provisions apply —
 - (a) with any modifications that are prescribed under IR regulations for the purposes of this paragraph; and
 - (b) with any other modifications that are necessary.
- (3) Section 49(2a) of the IR Act, as applied under subsection (1)(i), does not prevent an appeal on either of the following grounds —
 - (a) that the Tribunal’s decision is in excess of jurisdiction;
 - (b) that the Tribunal’s decision is erroneous in law.

33ZZE. Parties and representation

- (1) The parties to the proceedings for the dispute are the medically retired member and the Police Commissioner.
- (2) A party may appear in 1 or more of the following ways —
 - (a) in person;
 - (b) by an agent;
 - (c) by a legal practitioner;
 - (d) if the party is the medically retired member — by any person who lodged the dispute on behalf of the medically retired member under section 33ZZB(7);
 - (e) if the party is the medically retired member — by any person allowed under subsection (4).

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- (3) Subsection (4) applies if the Tribunal is satisfied that the medically retired member is incapable, on medical grounds (whether physical or mental or both), of —
 - (a) making decisions relating to the proceedings for the dispute; or
 - (b) otherwise representing themselves in the proceedings.
- (4) The Tribunal may allow the medically retired member to appear by —
 - (a) a person of a class prescribed under IR regulations for the purposes of this paragraph; or
 - (b) any other person the Tribunal considers appropriate.
- (5) Except to the extent that the Tribunal otherwise directs, the medically retired member, or any person by whom they appear, may be assisted by an interpreter or other appropriate person —
 - (a) to make the proceedings for the dispute intelligible to the medically retired member or the person by whom they appear; or
 - (b) to enable the medically retired member, or the person by whom they appear, to communicate adequately.

33ZZF. Conciliation

- (1) Before determining the dispute by arbitration under section 33ZZH, the Tribunal must, unless it is satisfied that the resolution of the dispute would not be assisted by so doing, endeavour to resolve the dispute by conciliation.
- (2) In endeavouring to resolve the dispute by conciliation, the Tribunal must do all things that appear to it to be

right and proper to assist the parties to reach an agreement on terms for the resolution of the dispute.

- (3) Without limiting subsection (2), the Tribunal may do the following —
 - (a) arrange conferences of the parties or their representatives presided over by the Tribunal;
 - (b) arrange for the parties or their representatives to confer among themselves at a conference at which the Tribunal is not present.
- (4) The Tribunal may give any direction, or make any order, that it considers appropriate for the purpose of conducting the conciliation proceedings.
- (5) If a direction is given, or an order is made, orally under subsection (4), the Tribunal must reduce the direction or order to writing as soon as practicable.
- (6) A direction given, or an order made, under subsection (4) is enforceable as if it were given or made under section 32(8) of the IR Act.
- (7) Subsection (8) applies if the Tribunal —
 - (a) endeavours to resolve the dispute by conciliation; and
 - (b) is satisfied that the parties have reached agreement on all of the issues involved.
- (8) The Tribunal may, by order and with the consent of the parties, determine the dispute in terms of the agreement.
- (9) The order may contain any provision referred to in section 33ZZH(7) to (10) or any other provision that the Tribunal is satisfied is necessary to give effect to the agreement.

- (10) Unless the order provides otherwise in accordance with the agreement, section 33ZZH(11) applies if the order contains any provision referred to in section 33ZZH(7)(b), (8)(b) or (9)(c).

33ZZG. Compulsory attendance at conciliation

- (1) The Tribunal may summon any person to attend, at a time and place specified in the summons, at conciliation proceedings under section 33ZZF.
- (2) A summons under this section —
- (a) may be given in the manner prescribed under IR regulations for the purposes of this paragraph; and
 - (b) when so given, must be taken, in any proceedings relating to the summons, to have been served on the person to whom it is directed unless that person, in those proceedings, proves that they did not receive the summons.
- (3) Any person summoned under this section must, except for good cause, proof of which is on that person, attend the conciliation proceedings at the time and place specified in the summons and continue to attend at that place as directed by the Tribunal.
- (4) A summons under this section is enforceable as if it were a summons under section 44 of the IR Act.

33ZZH. Arbitration

- (1) The Tribunal may determine the dispute by arbitration if the Tribunal —
- (a) decides not to endeavour to resolve the dispute by conciliation under section 33ZZF; or

- (b) endeavours to resolve the dispute by conciliation but is satisfied that further resort to conciliation would be unavailing.
- (2) In determining the dispute, the Tribunal must have regard to any agreement reached by the parties on any particular issue involved.
- (3) The Tribunal may give any direction, or make any order, that it considers appropriate for the purpose of conducting the arbitration proceedings.
- (4) If a direction is given, or an order is made, orally under subsection (3), the Tribunal must reduce the direction or order to writing as soon as practicable.
- (5) A direction given, or an order made, under subsection (3) is enforceable as if it were given or made under section 32(8) of the IR Act.
- (6) The Tribunal's determination of the dispute must be by order.
- (7) If the dispute was lodged under section 33ZZB(1), the order may —
 - (a) confirm the degree of permanent impairment as assessed under section 33ZW(5); or
 - (b) set aside the assessment made under section 33ZW(5) and require the Police Commissioner to —
 - (i) arrange for the degree of permanent impairment to be assessed again under section 33ZW(5); and
 - (ii) give the medically retired member a new notice under section 33ZW(6) accordingly.

- (8) If the dispute was lodged under section 33ZZB(3), the order may —
- (a) confirm the assessor's determination under section 33ZZ(5)(a)(i); or
 - (b) set aside the assessor's determination under section 33ZZ(5)(a)(i) and require the Police Commissioner to —
 - (i) arrange for the question of whether the medically retired member qualifies for compensation to be determined again under section 33ZZ(5)(a)(i) and, if applicable, for the amount of compensation to be determined under section 33ZZ(5)(a)(ii); and
 - (ii) give the medically retired member a new notice under section 33ZZ(5)(b) accordingly.
- (9) If the dispute was lodged under section 33ZZB(4), the order may —
- (a) confirm the amount of compensation determined by the assessor under section 33ZZ(5)(a)(ii); or
 - (b) set aside the assessor's determination under section 33ZZ(5)(a)(ii) and specify the amount of compensation as determined by the Tribunal; or
 - (c) set aside the assessor's determination under section 33ZZ(5)(a)(ii) and require the Police Commissioner to —
 - (i) arrange for the amount of compensation to be determined again under section 33ZZ(5)(a)(ii); and

- (ii) give the medically retired member a new notice under section 33ZZ(5)(b) accordingly.
- (10) In any case, the order may do either or both of the following —
 - (a) make provision about when the Police Commissioner must make any payment under section 33ZV(1);
 - (b) make provision supplementary to, or otherwise for the purpose of giving full effect to, any other provision contained in the order.
- (11) If the order contains any provision under subsection (7)(b), (8)(b) or (9)(c) —
 - (a) once any required assessment or determination has been made, this Part applies to the medically retired member on the basis of the assessment or determination accordingly; and
 - (b) without limiting paragraph (a), a dispute can be lodged under section 33ZZB in respect of the assessment or determination and, if that occurs, the rest of this Division (including this paragraph) applies accordingly.

Division 4 — Regulations

33ZZI. Regulations under section 138A may make provision for purposes of Part

- (1) Regulations under section 138A may (without limitation) do 1 or more of the following for the purposes of this Part —
 - (a) prescribe matters that must, or must not, be taken into account for any purpose or prescribe how any matters must, or must not, be taken into account for any purpose;

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- (b) confer or impose functions on the Police Commissioner, a medically retired member or any other person or body, including, in the case of a medically retired member, duties to —
 - (i) submit to a medical examination; or
 - (ii) submit to a medical or other assessment; or
 - (iii) provide medical or other information;
- (c) require medical or other reports to be prepared about a medically retired member;
- (d) give a medically retired member the right to make submissions or representations;
- (e) impose time limits, or provide for time limits to be imposed, for the doing of anything under this Part or the regulations, including for the making of payments by the Police Commissioner under section 33ZV(1);
- (f) in relation to assessments under section 33ZW(5) —
 - (i) prescribe the qualifications, expertise or experience that an approved medical specialist must have;
 - (ii) otherwise regulate the appointment of approved medical specialists under section 33ZW(2);
 - (iii) otherwise regulate the arranging and making of assessments;
- (g) regulate the making or consideration of applications under section 33ZZ(2), including prescribing the information that must be provided with an application;

- (h) in relation to determinations under section 33ZZ(5)(a) —
 - (i) prescribe classes of legal practitioners who are taken to be suitably qualified, including the qualifications, expertise or experience that they must have;
 - (ii) otherwise regulate the appointment of legal practitioners;
 - (iii) otherwise regulate the making of determinations;
 - (i) provide for the payment of remuneration or expenses to approved medical specialists, legal practitioners or other persons who are involved in the operation of this Part or the regulations;
 - (j) provide for a person to act on behalf of a medically retired member if the medically retired member is, or is believed to be, incapable, on medical grounds (whether physical or mental or both), of acting for themselves;
 - (k) make provision for, or in relation to, the following —
 - (i) the giving of a notice or other document required or permitted to be given under this Part or the regulations (including the giving of the notice or other document by electronic means);
 - (ii) the time at which the notice or other document is taken to have been given.
- (2) Regulations made for the purposes of subsection (1) may apply, with or without modifications, any provision of the WC&IM Act, including (without limitation), in relation to assessments under

section 33ZW(5), any provision of Part VII of the WC&IM Act.

- (3) Regulations made for the purposes of subsection (1) that make provision under subsection (1)(f) may provide that, despite section 33ZW(5)(b), the WorkCover Guides do not apply, or apply with specified modifications, in relation to an assessment under section 33ZW(5).

33ZZJ. IR regulations

Without limiting section 113(1) of the IR Act, IR regulations may make provision prescribing all matters that, under this Part, are required or permitted to be prescribed by IR regulations.

Part 3 — *Industrial Relations Act 1979* amended

5. Act amended

This Part amends the *Industrial Relations Act 1979*.

6. Section 113 amended

(1) After section 113(1)(d)(i) insert:

(ia) disputes under the *Police Act 1892*
Part 2D Division 3; and

(2) After section 113(1)(d) insert:

(daa) prescribing matters that, under the *Police Act 1892* section 33ZZJ, are required or permitted to be prescribed under this Act; and

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