



Western Australia

Police Act 1892

Police (Compensation Scheme) Regulations 2021

Police (Compensation Scheme) Regulations 2021

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Defined terms

Police (Compensation Scheme) Regulations 2021

Part 1 — Preliminary

1. Citation

These regulations are the *Police (Compensation Scheme) Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Police Amendment (Compensation Scheme) Act 2021* Part 2 comes into operation.

3. Terms used

- (1) In these regulations —

approved form means a form —

- (a) approved by the Police Commissioner for the purposes of the provision in which the term is used; and
- (b) published on the Police Force website;

approved (WorkCover WA) medical practitioner means a person who is approved as a permanent impairment assessor under the WCIM Act section 193(1);

degree of permanent impairment has the meaning given in section 33ZW(1) of the Act.

r. 3

- (2) A term used in these regulations that is defined in section 33ZS or 33ZZ of the Act has the same meaning in these regulations as it is given in that section.

[Regulation 3 amended: SL 2024/101 r. 4 and 15.]

Part 2 — Assessment and compensation

Division 1 — Permanent impairment

[Heading inserted: SL 2024/101 r. 5.]

4. Assessment of degree of permanent impairment

- (1) The Police Commissioner must notify a medically retired member to whom section 33ZW(4)(b) of the Act applies of the procedure to determine the amount of compensation to which the medically retired member is entitled under section 33ZW(3) of the Act.
- (2) A member to whom section 33ZW(4)(a) of the Act applies or a medically retired member to whom section 33ZW(4)(a) or (b) of the Act applies may request the Police Commissioner to arrange for the assessment of the member's or medically retired member's degree of permanent impairment.
- (3) The request must —
 - (a) be in the approved form; and
 - (b) contain all the information that the approved form indicates is required.
- (4) The Police Commissioner must arrange for the assessment to be conducted by an approved permanent impairment assessor selected by the member or medically retired member.

[Regulation 4 amended: SL 2024/101 r. 20.]

5. Requirements in relation to assessment

- (1) An approved permanent impairment assessor conducting an assessment of a member's or medically retired member's degree of permanent impairment may —
 - (a) in accordance with subregulation (2), require the member or medically retired member to attend at a place

- specified by the approved permanent impairment assessor; and
- (b) require the member or medically retired member to undergo specified medical tests and assessments and provide the approved permanent impairment assessor with results and reports from those tests and assessments; and
 - (c) require the member or medically retired member to answer any question about the medical condition from which the impairment resulted; and
 - (d) require the member or medically retired member to submit to examination by, or as requested by, the approved permanent impairment assessor and provide the approved medical specialist with results and reports from the examination if it is carried out by a person other than the approved permanent impairment assessor.
- (2) A requirement under subregulation (1)(a) must —
- (a) be given in writing to the member or medically retired member; and
 - (b) include the following —
 - (i) the name, address and contact details of the member or medically retired member;
 - (ii) the approved permanent impairment assessor's name;
 - (iii) details sufficient to enable the approved permanent impairment assessor to be contacted;
 - (iv) the relevant provisions of the Act for the purposes of which the assessment is to be made;
 - (v) the time when the member or medically retired member must attend the specified place.
- (3) If a requirement under subregulation (1)(b) or (d) requires attendance at a place or time other than that specified in a

requirement given under subregulation (1)(a), the requirement must —

- (a) be given in writing to the member or medically retired member; and
- (b) include the time when and the place where the member or medically retired member must undergo the tests and assessments or submit to examination.

[Regulation 5 amended: SL 2024/101 r. 20.]

6. Provision of information and documents relevant to assessment

- (1) An approved permanent impairment assessor conducting an assessment of a member's or medically retired member's degree of permanent impairment may —
 - (a) require the member or medically retired member or the Police Commissioner to produce any relevant document or provide any relevant information to the approved permanent impairment assessor; and
 - (b) require the member or medically retired member or the Police Commissioner to consent to another person who has any relevant document or information producing the document or providing the information to the approved permanent impairment assessor.
- (2) A requirement under subregulation (1)(a) or (b) must —
 - (a) be given in writing to the member, medically retired member or the Police Commissioner, as the case requires; and
 - (b) include the following —
 - (i) the name, address and contact details of the member or medically retired member and any other details necessary to identify the member or medically retired member;

- (ii) the member's or medically retired member's date of birth;
 - (iii) details of any relevant document or information to which the requirement applies;
 - (iv) any information that relates to the medical condition from which the impairment resulted;
 - (v) the approved permanent impairment assessor's name;
 - (vi) details sufficient to enable the approved permanent impairment assessor to be contacted;
 - (vii) the relevant provisions of the Act for the purposes of which the assessment is to be made;
 - and
 - (c) in the case of a requirement under subregulation (1)(b) — also include the name of the person who has the relevant document or information.
- (3) A requirement under subregulation (1)(a) or (b) must be complied with not later than 28 days after the day on which the person who is required to comply with the requirement is given the requirement.
- (4) A member or medically retired member may provide the approved permanent impairment assessor with any documents and information the member or medically retired member considers are relevant to making the assessment.
- (5) Documents and information provided under subregulation (4) must be provided within —
- (a) if the approved permanent impairment assessor gives the member or medically retired member a requirement under subregulation (1)(a) — the period within which that requirement must be complied with under subregulation (3); or

(b) otherwise — 28 days after the day on which the request was made under regulation 4(2) in relation to the assessment.

(6) Subregulation (4) is in addition to, and does not limit, subregulations (1) to (3).

[Regulation 6 amended: SL 2024/101 r. 6 and 20.]

7. Deferral of assessment on failure to comply with requirement

If a member or medically retired member fails to comply with a requirement imposed by an approved permanent impairment assessor under regulation 5 or 6, the approved permanent impairment assessor may defer making the assessment of the member's or medically retired member's degree of permanent impairment until the member or medically retired member complies with the requirement.

[Regulation 7 amended: SL 2024/101 r. 20.]

8. Modification of Permanent Impairment Guidelines

- (1) The following modifications apply to the Permanent Impairment Guidelines in accordance with which, under section 33ZW(5)(b) of the Act, a degree of permanent impairment must be assessed.
- (2) Any reference in the Permanent Impairment Guidelines to “injury” must be read as a reference to a medical condition that is a personal injury by accident.
- (3) Any reference in the Permanent Impairment Guidelines to “worker” is to be read as a reference to a member or medically retired member, as the case requires.
- (4) Any provision of the Permanent Impairment Guidelines that relates to disputes over an assessed degree of permanent impairment does not apply in relation to an assessment under section 33ZW of the Act.

- (5) In relation to the assessment under section 33ZW(5) of the Act of the degree of a permanent impairment that is noise induced hearing loss to which section 33ZX(3) of the Act applies —
- (a) the Permanent Impairment Guidelines paragraphs 1.19 and 9.1 must be disregarded; and
 - (b) the noise induced hearing loss must be assessed under the Permanent Impairment Guidelines Chapter 9 as if it were a hearing impairment other than noise induced hearing loss.

[Regulation 8 amended: SL 2024/101 r. 7 and 16.]

9. Report on results of assessment

- (1) An approved permanent impairment assessor who makes an assessment of a member's or medically retired member's degree of permanent impairment must give the Police Commissioner a report in the approved form on the results of the assessment.
- (2) The report must include —
- (a) a certificate as to the member's or medically retired member's degree of permanent impairment as assessed; and
 - (b) a statement of the reasons that justify the assessment; and
 - (c) other information required by the approved form.
- (3) The Police Commissioner must give the report to the relevant member or medically retired member not later than 14 days after receiving the report.
- (4) A report given under subregulation (3) constitutes a notice for the purposes of section 33ZW(6) of the Act.

[Regulation 9 amended: SL 2024/101 r. 8 and 20.]

10. Payment of compensation

The Police Commissioner must pay a medically retired member an amount under section 33ZV(1) of the Act —

- (a) not later than 28 days after the medically retired member gives the Police Commissioner written notice of acceptance of the amount; or
- (b) if the medically retired member lodges a dispute under section 33ZZB — not later than 28 days after the dispute is determined.

Division 2 — Permanent total incapacity for work

[Heading inserted: SL 2024/101 r. 9.]

Subdivision 1 — Application

[Heading inserted: SL 2024/101 r. 9.]

10A. Application for compensation for permanent total incapacity for work

An application for compensation under section 33ZZ(2) of the Act must —

- (a) be in the approved form; and
- (b) contain all the information that the approved form indicates is required.

[Regulation 10A inserted: SL 2024/101 r. 9.]

Subdivision 2 — Medical assessment and information and documents for determining qualification for compensation

[Heading inserted: SL 2024/101 r. 9.]

10B. Medical assessment of permanent total incapacity for work

- (1) For the purposes of deciding what determination to make under section 33ZZ(5)(a)(i) of the Act in relation to a medically

retired member, or a member to whom section 33ZZ(6) of the Act applies, an assessor may —

- (a) arrange for a medical assessment of whether the member or medically retired member has a permanent total incapacity for work to be conducted by an approved (WorkCover WA) medical practitioner selected by the member or medically retired member; and
 - (b) require the member or medically retired member to —
 - (i) attend at a place specified by the assessor; and
 - (ii) submit to the medical assessment.
- (2) A requirement under subregulation (1) must —
- (a) be given in writing to the member or medically retired member; and
 - (b) include the following —
 - (i) the name, address and contact details of the member or medically retired member;
 - (ii) the time when the member or medically retired member must attend the specified place;
 - (iii) the approved (WorkCover WA) medical practitioner's name;
 - (iv) details sufficient to enable the approved (WorkCover WA) medical practitioner to be contacted;
 - (v) the relevant provisions of the Act for the purposes of which the determination is to be made.
- (3) The Police Commissioner must ensure that a list of approved (WorkCover WA) medical practitioners who have consented to conducting assessments of permanent total incapacity for work is published on the Police Force website.

[Regulation 10B inserted: SL 2024/101 r. 9.]

10C. Requirements in relation to medical assessment of permanent total incapacity for work

- (1) An approved (WorkCover WA) medical practitioner conducting an assessment of whether a member or medically retired member has a permanent total incapacity for work may —
 - (a) require the member or medically retired member to undergo specified medical tests and assessments and provide the approved (WorkCover WA) medical practitioner with results and reports from those tests and assessments; and
 - (b) require the member or medically retired member to answer any question that is relevant to whether the member or medically retired member has a permanent total incapacity for work; and
 - (c) require the member or medically retired member to submit to examination by, or as requested by, the approved (WorkCover WA) medical practitioner and provide the approved (WorkCover WA) medical practitioner with results and reports from the examination if it is carried out by a person other than the approved (WorkCover WA) medical practitioner.
- (2) If a requirement under subregulation (1)(a) or (c) requires attendance at a place or time other than that specified in a requirement given under regulation 10B(1)(b), the requirement under subregulation (1)(a) or (c) must —
 - (a) be given in writing to the member or medically retired member; and
 - (b) include the time when and the place where the member or medically retired member must undergo the tests and assessments or submit to examination.

[Regulation 10C inserted: SL 2024/101 r. 9.]

10D. Report on results of medical assessment of permanent total incapacity for work

- (1) An approved (WorkCover WA) medical practitioner who makes an assessment of whether a member or medically retired member has a permanent total incapacity for work must give the assessor a report in the approved form on the results of the assessment.
- (2) The report must include —
 - (a) a certificate stating the approved (WorkCover WA) medical practitioner’s assessment of whether the member or medically retired member has a permanent total incapacity for work; and
 - (b) a statement of the reasons that justify the assessment; and
 - (c) the name and contact details of the approved (WorkCover WA) medical practitioner; and
 - (d) other information required by the approved form.
- (3) The assessor must give the report to the relevant member or medically retired member not later than 14 days after receiving the report.

[Regulation 10D inserted: SL 2024/101 r. 9.]

10E. Provision of information and documents for determining whether member or medically retired member qualifies for compensation

- (1) For the purposes of deciding what determination to make under section 33ZZ(5)(a)(i) of the Act in relation to a medically retired member, or a member to whom section 33ZZ(6) of the Act applies, an assessor —
 - (a) must require the member or medically retired member to produce any document, and provide any information, that the member or medically retired member considers

is relevant to making the determination under section 33ZZ(5)(a)(i) of the Act; and

(b) may require the member or medically retired member to produce any document, or provide any information, that the assessor considers is relevant to making the determination under section 33ZZ(5)(a)(i) of the Act; and

(c) may require the member or medically retired member to —

(i) attend at a place specified by the assessor; and

(ii) answer any question relevant to making the determination under section 33ZZ(5)(a)(i) of the Act;

and

(d) may require the Police Commissioner to produce any document, or provide any information, that the assessor considers is relevant to making the determination under section 33ZZ(5)(a)(i) of the Act.

(2) A requirement under subregulation (1) must —

(a) be given in writing to the member or medically retired member or the Police Commissioner, as the case requires; and

(b) include the following —

(i) the name, address and contact details of the member or medically retired member;

(ii) the member's or medically retired member's date of birth;

(iii) the assessor's name;

(iv) details sufficient to enable the assessor to be contacted;

- (v) the relevant provisions of the Act for the purposes of which the determination is to be made;
 - and
 - (c) in the case of a requirement under subregulation (1)(a), (b) or (d) —
 - (i) state the period within which the requirement must be complied with under regulation 10G(1)(a); and
 - (ii) explain how the member or medically retired member or the Police Commissioner can request an extension of that period under regulation 10G;
 - and
 - (d) in the case of a requirement under subregulation (1)(b) or (d), include —
 - (i) details of the documents or information to which the requirement applies; and
 - (ii) details sufficient to enable the documents to be produced, or information to be provided, to the assessor;
 - and
 - (e) in the case of a requirement under subregulation (1)(c), include the time when the member or medically retired member must attend the specified place.
- (3) An assessor may make more than 1 requirement under subregulation (1)(b), (c) or (d) in relation to a determination under section 33ZZ(5)(a)(i) of the Act.
- (4) A requirement under subregulation (1)(a), (b) or (d) must be complied with within the period that applies under regulation 10G.

[Regulation 10E inserted: SL 2024/101 r. 9.]

Subdivision 3 — Information and documents for determining amount of compensation

[Heading inserted: SL 2024/101 r. 9.]

10F. Provision of information and documents for determining amount of compensation

- (1) This regulation applies if an assessor has determined under section 33ZZ(5)(a)(i) of the Act that a medically retired member, or a member to whom section 33ZZ(6) of the Act applies, qualifies for compensation under section 33ZZ(7) of the Act.
- (2) For the purposes of deciding what determination to make under section 33ZZ(5)(a)(ii) of the Act in relation to the member or medically retired member, the assessor —
 - (a) must require the member or medically retired member to complete and provide to the assessor an approved form setting out relevant information; and
 - (b) may require the member or medically retired member to produce any document, or provide any information (in addition to the information required by the form referred to in paragraph (a)), that the assessor considers is relevant to making the determination under section 33ZZ(5)(a)(ii) of the Act; and
 - (c) may require the member or medically retired member to —
 - (i) attend at a place specified by the assessor; and
 - (ii) answer any question relevant to making the determination under section 33ZZ(5)(a)(ii) of the Act;

and

 - (d) may require the Police Commissioner to produce any document, or provide any information, that the assessor

considers is relevant to making the determination under section 33ZZ(5)(a)(ii) of the Act.

- (3) A requirement under subregulation (2) must —
- (a) be given in writing to the member or medically retired member or the Police Commissioner, as the case requires; and
 - (b) include the following —
 - (i) the name, address and contact details of the member or medically retired member;
 - (ii) the member's or medically retired member's date of birth;
 - (iii) the assessor's name;
 - (iv) details sufficient to enable the assessor to be contacted;
 - (v) the relevant provisions of the Act for the purposes of which the determination is to be made;
- and
- (c) in the case of a requirement under subregulation (2)(a), (b) or (d) —
 - (i) state the period within which the requirement must be complied with under regulation 10G(1)(a); and
 - (ii) explain how the member or medically retired member or the Police Commissioner can request an extension of that period under regulation 10G;
- and
- (d) in the case of a requirement under subregulation (2)(b) or (d), include —
 - (i) details of the documents or information to which the requirement applies; and

- (ii) details sufficient to enable the documents to be produced, or information to be provided, to the assessor;
 - and
 - (e) in the case of a requirement under subregulation (2)(c), include the time when the member or medically retired member must attend the specified place.
- (4) The approved form for the purposes of subregulation (2)(a) —
- (a) may require the provision of information that relates to, or provides evidence of —
 - (i) the member's or medically retired member's social and financial circumstances and reasonable financial needs; and
 - (ii) any other matter that is relevant to the making of the determination under section 33ZZ(5)(a)(ii) of the Act;
 - and
 - (b) may require the member or medically retired member to verify the information provided in the form by statutory declaration.
- (5) An assessor may make more than 1 requirement under subregulation (2)(b), (c) or (d) in relation to a determination under section 33ZZ(5)(a)(ii) of the Act.
- (6) A requirement under subregulation (2)(a), (b) or (d) must be complied with within the period that applies under regulation 10G.
- (7) The member or medically retired member may, within the period that applies under regulation 10H, provide to the assessor any documents and information that the member or medically retired member considers are relevant to making the determination under section 33ZZ(5)(a)(ii) of the Act.

- (8) Subregulation (7) is in addition to, and does not limit, subregulations (2) to (6).

[Regulation 10F inserted: SL 2024/101 r. 9.]

Subdivision 4 — Time periods for giving information and documents

[Heading inserted: SL 2024/101 r. 9.]

10G. Time period for compliance with requirements to give forms, documents or information under r. 10E and 10F

- (1) The period within which a member or medically retired member or the Police Commissioner must comply with a requirement under regulation 10E(1)(a), (b) or (d) or 10F(2)(a), (b) or (d) is —
- (a) if no extension has been granted under this regulation, the following period (the *original compliance period*) —
 - (i) for a requirement under regulation 10E(1)(a) or (d) or 10F(2)(a) or (d) — the period of 28 days after the day on which the requirement is given;
 - (ii) for a requirement under regulation 10E(1)(b) or 10F(2)(b) — the period specified in the requirement;
 - or
 - (b) if 1 or more extensions have been granted under subregulation (3) — the extended period.
- (2) If the member, medically retired member or Police Commissioner will not be able to comply with a requirement referred to in subregulation (1) within the period that applies under that subregulation, the member, medically retired member or Police Commissioner may, by written notice given to the assessor —
- (a) request an extension of that period; and

- (b) notify the assessor of the reasons for requesting the extension.
- (3) On request under subregulation (2), the assessor —
 - (a) for a 1st request under subregulation (2) made before the expiry of the original compliance period — must grant an extension of the period for compliance with the relevant requirement; or
 - (b) otherwise — may grant an extension of the period for compliance with the relevant requirement.
- (4) The assessor may grant more than 1 extension under subregulation (3) in relation to a requirement.
- (5) An extension under subregulation (3) must allow a further period that —
 - (a) the assessor considers appropriate in the circumstances for compliance with the relevant requirement; and
 - (b) ends before the expiry of the period within which the assessor is required under regulation 10I(4) to make the relevant determination or determinations under section 33ZZ(5)(a) of the Act.

[Regulation 10G inserted: SL 2024/101 r. 9.]

10H. Other documents or information given by member or medically retired member under r. 10F(7)

Documents and information provided under regulation 10F(7) must be provided within the period within which the member or medically retired member is required under regulation 10G to comply with the requirement under regulation 10F(2)(a).

[Regulation 10H inserted: SL 2024/101 r. 9.]

Subdivision 5 — Report on determinations

[Heading inserted: SL 2024/101 r. 9.]

10I. Report on determinations by assessor

- (1) An assessor who determines under section 33ZZ(5)(a)(i) of the Act that a medically retired member, or a member to whom section 33ZZ(6) of the Act applies, does not qualify for compensation must give the Police Commissioner a report in the approved form on the determination.
- (2) An assessor who determines under section 33ZZ(5)(a)(i) of the Act that a medically retired member, or a member to whom section 33ZZ(6) of the Act applies, qualifies for compensation must give the Police Commissioner a report in the approved form on —
 - (a) that determination; and
 - (b) the determination under section 33ZZ(5)(a)(ii) of the Act of the amount of compensation.
- (3) A report under subregulation (1) or (2) must include —
 - (a) a statement of the reasons that justify the determination or determinations; and
 - (b) other information required by the approved form.
- (4) The assessor must make the determination or determinations under section 33ZZ(5)(a) of the Act, and give the report under subregulation (1) or (2) to the Police Commissioner, within —
 - (a) 3 months after the day on which the member or medically retired member gives the assessor documents and information in accordance with the requirement made by the assessor under regulation 10E(1)(a); or
 - (b) if that period has been extended under subregulation (6) — the extended period.
- (5) If the assessor will not be able to give the report to the Police Commissioner within the period that applies under

subregulation (4), the assessor may, by written notice given to the Police Commissioner before the expiry of that period —

- (a) request an extension of that period; and
 - (b) notify the Police Commissioner of the reasons for requesting the extension.
- (6) On request under subregulation (5), the Police Commissioner may extend the period by a further period, which must not be longer than 3 months, that the Police Commissioner considers appropriate in the circumstances.
- (7) The Police Commissioner may grant more than 1 extension under subregulation (6) in relation to a report.

[Regulation 10I inserted: SL 2024/101 r. 9.]

10J. Police Commissioner must give report to member or medically retired member

- (1) The Police Commissioner must give a report under regulation 10I(1) or (2) to the member or medically retired member to whom it relates not later than 14 days after receiving the report.
- (2) A report given under subregulation (1) constitutes a notice for the purposes of section 33ZZ(5)(b) of the Act.

[Regulation 10J inserted: SL 2024/101 r. 9.]

Part 3 — Approved permanent impairment assessors

[Heading amended: SL 2024/101 r. 20.]

11. Approved permanent impairment assessors

- (1) The Police Commissioner must not appoint a person as an approved permanent impairment assessor unless the person has consented in writing to the appointment.
- (2) The Police Commissioner must maintain a register of the names and contact details of approved permanent impairment assessors.
- (3) The register may include such other relevant information about approved permanent impairment assessors as the Police Commissioner considers desirable for assisting members and medically retired members to access an approved permanent impairment assessor who is appropriate to their needs.
- (4) The register must be available for inspection on the Police Force website.

[Regulation 11 amended: SL 2024/101 r. 20.]

12. Duration of appointment of approved permanent impairment assessor

- (1) The appointment of a person as an approved permanent impairment assessor ceases to have effect if —
 - (a) the person appointed ceases to be approved as a permanent impairment assessor under the WCIM Act section 193(1); or
 - (b) the appointment is cancelled under subregulation (2).
- (2) The appointment of a person as an approved permanent impairment assessor —
 - (a) must be cancelled by the Police Commissioner at the request of the approved permanent impairment assessor; and

- (b) may be cancelled by the Police Commissioner at any time.
- (3) Notice of the cancellation of the appointment of an approved permanent impairment assessor must be given in writing to the approved permanent impairment assessor.

[Regulation 12 amended: SL 2024/101 r. 17 and 20.]

Part 3A — Assessors

[Heading inserted: SL 2024/101 r. 10.]

12A. Legal practitioners qualified to be appointed as assessors

A legal practitioner is qualified to be appointed as an assessor under section 33ZZ(5)(a) of the Act if the legal practitioner has —

- (a) at least 8 years' standing and experience as a legal practitioner; and
- (b) experience as a legal practitioner dealing with matters relating to workers' compensation legislation or other similar legislative compensation schemes.

[Regulation 12A inserted: SL 2024/101 r. 10.]

12B. Appointment of assessors

- (1) The Police Commissioner must not appoint a person as an assessor unless the person has consented in writing to the appointment.
- (2) The appointment of a person as an assessor ceases to have effect if it is cancelled under subregulation (3).
- (3) The appointment of a person as an assessor —
 - (a) must be cancelled by the Police Commissioner at the request of the assessor; and
 - (b) may be cancelled by the Police Commissioner at any time.
- (4) Notice of the cancellation of the appointment of an assessor must be given in writing to the assessor.

[Regulation 12B inserted: SL 2024/101 r. 10.]

Part 4 — Fees and charges

13. Payment of fees and charges for assessment

The Police Commissioner must pay the fees and charges for —

- (a) an assessment of degree of permanent impairment arranged under section 33ZW(4) of the Act; or
- (b) an assessment of permanent total incapacity for work arranged under regulation 10B for the purposes of an assessor deciding what determination to make under section 33ZZ(5)(a)(i) of the Act.

[Regulation 13 amended: SL 2024/101 r. 11.]

14. Scale of maximum fees and charges for assessment

- (1) The maximum fees to be paid to approved permanent impairment assessors or approved (WorkCover WA) medical practitioners for making or attempting to make assessments under Part 2D of the Act or under these regulations are as set out in the *Workers Compensation (Approved Permanent Impairment Assessor) Fees Order 2024* Schedule 1.
- (2) The *Workers Compensation (Approved Permanent Impairment Assessor) Fees Order 2024* Schedule 1 is applied in these regulations under section 33ZZI(2) of the Act with the following modifications and any other necessary modifications —
 - (a) a reference to a report is to be read as a reference to a report referred to in regulation 9 or 10D;
 - (b) a reference to a certificate is to be read as a reference to a certificate referred to in regulation 9(2)(a) or 10D(2)(a);
 - (c) a reference to an approved permanent impairment assessor is to be read as a reference to an approved permanent impairment assessor (as defined in section 33ZS(1) of the Act) or an approved (WorkCover

WA) medical practitioner (as defined in regulation 3(1));

- (d) the reference in the item relating to code PIA10 to a worker who is required to submit to an examination is to be read as a reference to a member or medically retired member who is required under regulation 5 or 10B to submit to an examination.

[Regulation 14 amended: SL 2024/101 r. 12; SL 2024/101 r. 18.]

15. Effect of GST

- (1) In this regulation —
GST has the meaning given in *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth) section 195-1.
- (2) For the purposes of these regulations, an amount set out in the *Workers Compensation (Approved Permanent Impairment Assessor) Fees Order 2024* Schedule 1 (the **scale**) is a net figure that does not include any GST that may be imposed due to the nature of the provision of the service or the service provider.
- (3) If GST is payable on a service listed in the scale, the fee for the service is the applicable fee increased by 10%.

[Regulation 15 amended: SL 2024/101 r. 19.]

Part 5 — Miscellaneous

16. Giving of notice or document

- (1) In this regulation —
working day means a day other than a Saturday, a Sunday or a public holiday throughout the State.
- (2) A notice or document required or permitted under Part 2D of the Act or these regulations to be given to a person may be given to the person by —
 - (a) giving it to the person personally; or
 - (b) sending it by pre-paid post (including document exchange) addressed to the person —
 - (i) to the address provided by the person for the giving of notices and documents; or
 - (ii) if no address has been provided by the person, to the person's usual or last known place of residence or business;or
 - (c) leaving it at the person's usual or last known place of residence or business; or
 - (d) emailing it (whether or not as an attachment) or a link to a uniform resource locator (URL) from which it can be downloaded to an email address provided by the person for the giving of notices and documents.
- (3) In the absence of proof to the contrary, a notice or document that is sent by pre-paid post —
 - (a) to an address within Australia, is taken to be given at the time the notice or document would have been delivered in the ordinary course of the post; or
 - (b) to an address outside Australia, is taken to be given on the day that is 11 working days after the notice or document was posted.

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- (4) In the absence of proof to the contrary, a notice or document that is given to a person in accordance with subregulation (2)(d) is taken to be given on the next working day after the email was sent.

17. Persons who may act on behalf of medically retired member

- (1) A person may act on behalf of a medically retired member for the purposes of Part 2D Division 2 of the Act and these regulations if the person —
 - (a) has reason to believe that the medically retired member is incapable, on medical grounds (whether physical or mental or both), of acting on their own behalf for those purposes; and
 - (b) meets the requirements of subregulation (3) and is —
 - (i) the spouse, or de facto partner, of the medically retired member; or
 - (ii) closely associated with the medically retired member; or
 - (iii) a next friend of the medically retired member in relation to any dispute under Part 2D Division 3 of the Act; or
 - (iv) a legal practitioner;and
 - (c) has given the Police Commissioner notice of their intention to act on behalf of the medically retired member under regulation 18.
- (2) A person acting on behalf of a medically retired member under subregulation (1) —
 - (a) may make any application, give any information or document, or do any other act or thing, on behalf of the medically retired member under Part 2D Division 2 of the Act or under these regulations (other than regulation 18(2)); and

- (b) must comply on behalf of the medically retired member with any requirement to provide information or produce a document under regulation 6, 10E or 10F.
- (3) A person cannot act on behalf of a medically retired member unless the person is an adult who —
 - (a) has no interest in the proceedings that is adverse to the interest of the medically retired member; and
 - (b) can fairly and competently conduct the proceedings for the medically retired member.
- (4) For the purposes of subregulation (1)(b)(ii), a person is *closely associated* with the medically retired member if, and only if, the person —
 - (a) regularly provides, or arranges for the provision of, domestic services and support to the medically retired member; or
 - (b) maintains a close personal relationship with the medically retired member.
- (5) It is immaterial for the purposes of subregulation (4) whether or not the person is related in any way to the medically retired member.

[Regulation 17 inserted: SL 2024/101 r. 13.]

18. Notice of intention to act on behalf of medically retired member

- (1) A person (a *representative*) intending to act on behalf of a medically retired member in accordance with regulation 17 must give the Police Commissioner a notice of that intention in the approved form.
- (2) Subject to subregulation (3), the notice under subregulation (1) must —
 - (a) include a declaration by the medically retired member consenting to the representative acting on behalf of the

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medically retired member in accordance with regulation 17; and

- (b) be signed by the medically retired member personally in the presence of a person, other than the representative, who is an authorised witness under the *Oaths, Affidavits and Statutory Declarations Act 2005* section 12(6).
- (3) If the medically retired member is incapable, on medical grounds (whether physical or mental or both), of consenting under subregulation (2)(a), or signing the notice under subregulation (2)(b) —
- (a) subregulation (2) does not apply; and
 - (b) the notice under subregulation (1) must be signed by —
 - (i) a guardian or enduring guardian (as those terms are defined in the *Guardianship and Administration Act 1990* section 3(1)) of the medically retired member; or
 - (ii) a person appointed under an enduring power of attorney (as defined in the *Guardianship and Administration Act 1990* section 102) by the medically retired member.
- (4) A person who witnesses the signature of a medically retired member under subregulation (2)(b) must —
- (a) certify in the notice under subregulation (1) that the medically retired member signed the approved form in the presence of the witness; and
 - (b) state the following information in the notice under subregulation (1) —
 - (i) the full name, occupation and residential address of the witness;
 - (ii) the location at which the approved form was signed.

[Regulation 18 inserted: SL 2024/101 r. 13.]

Part 6 — Transitional provision

[Heading inserted: SL 2024/101 r. 14.]

19. Transitional provision for *Police (Compensation Scheme) Amendment Regulations 2024*

- (1) In this regulation —
commencement day means the day on which the *Police (Compensation Scheme) Amendment Regulations 2024* Part 2 comes into operation.
- (2) This regulation applies if, before commencement day, a member or medically retired member made a request under regulation 4(2) for the Police Commissioner to arrange for the assessment of the member's or medically retired member's degree of permanent impairment.
- (3) Despite regulation 6(5), the member or medically retired member may provide documents and information under regulation 6(4) at any time before the report on the results of the assessment under regulation 9 is given to the Police Commissioner.

[Regulation 19 inserted: SL 2024/101 r. 14.]

Notes

This is a compilation of the *Police (Compensation Scheme) Regulations 2021* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

| Citation | Published | Commencement |
|--|----------------------------|---|
| <i>Police (Compensation Scheme) Regulations 2021</i> | SL 2021/223 31 Dec 2021 | Pt. 1: 31 Dec 2021 (see r. 2(a)); Regulations other than Pt. 1: 1 Jan 2022 (see r. 2(b) and SL 2021/222 cl. 2) |
| <i>Police (Compensation Scheme) Amendment Regulations 2024</i> | SL 2024/101 12 Jun 2024 | Pt. 1: 12 Jun 2024 (see r. 2(a)); Pt. 2: 13 Jun 2024 (see r. 2(b)); Regulations other than Pt. 1 and 2: 1 Jul 2024 (see r. 2(c)) |

Defined terms

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

The list is not part of the law.]

| Defined term | Provision(s) |
|---|---------------------|
| approved form..... | 3(1) |
| approved (WorkCover WA) medical practitioner..... | 3(1) |
| closely associated..... | 17(4) |
| commencement day | 19(1) |
| degree of permanent impairment | 3(1) |
| GST..... | 15(1) |
| original compliance period | 10G(1) |
| representative..... | 18(1) |
| scale | 15(2) |
| working day | 16(1) |

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