



Western Australia

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

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



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

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

### **Part 1 — Preliminary matters**

**1. Citation**

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

**2. Commencement**

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

**3. Terms used**

In these regulations —

*applied provisions* has the meaning given in regulation 10;

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

## **Part 2 — Claims procedure**

### **4. Making claim**

- (1) A claim must —
  - (a) be in the approved form and signed by the former officer; and
  - (b) include or be accompanied by the information approved by the Police Commissioner; and
  - (c) be given to the Police Commissioner.
- (2) A claim can only be made under subregulation (1) in relation to an injury to a former officer if —
  - (a) notice of the injury was given under the *Police Force Regulations 1979* regulation 1302 before the former officer ceased to be a police officer or APLO; or
  - (b) if the former officer ceased to be a police officer or APLO before the day on which section 4(1) of the Act came into operation — notice of the injury is given to the Police Commissioner as soon as practicable after the former officer becomes aware of the entitlement to make a claim; or
  - (c) if the former officer ceased to be a police officer or APLO on or after the day on which section 4(1) of the Act came into operation — notice of the injury is given to the Police Commissioner as soon as practicable after the injury occurs.

*[Regulation 4 amended: SL 2024/121 r. 4.]*

**5. Response to claim**

- (1) In this regulation —  
*prescribed period* means —
- (a) for a claim received within 6 months after the commencement of section 4(1) of the Act — 60 days after the claim is received; or
  - (b) for any other claim — 17 days after the claim is received.
- (2) Within the prescribed period after receiving a claim from a former officer made in accordance with regulation 4, the Police Commissioner must notify the former officer in writing that —
- (a) liability for the claim is accepted; or
  - (b) liability for the claim is denied; or
  - (c) a decision to accept or deny liability for the claim has not yet been made.
- (3) A notice under subregulation (2)(b) or (c) must set out the reasons why liability is denied or a decision has not yet been made.

**6. Initial medical examination**

A former officer who has made a claim must, if required by the Police Commissioner for the purpose of deciding whether to accept or deny the claim, submit himself or herself for an examination by a medical practitioner provided and paid by the Police Commissioner.

**7. Periodic medical examinations**

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

**8. Treatment plan**

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

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

**9A. Application for increase for special expenses under WCIM Act section 78**

- (1) If a claim has been made in respect of an injury to a former officer, the final day for making an application under the WCIM Act section 78 in relation to the injury is the last day of the period of 5 years after the day on which the claim is made.
- (2) The application must be accompanied by —
  - (a) a statutory declaration in the approved form setting out the officer's social and financial circumstances and reasonable financial needs; and
  - (b) a written statement signed by a medical practitioner demonstrating the matters prescribed for the purposes of the WCIM Act section 78(3)(c).

*[Regulation 9A inserted: Gazette 3 Aug 2010 p. 3566-7;  
amended: SL 2024/121 r. 5.]*



## Part 3 — Dispute resolution

### 9. Application of this Part

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

### 10. Applied provisions of WCIM Act

The provisions (the *applied provisions*) of the WCIM Act that apply under section 7 of the Act in relation to the determination of a dispute include the following —

- (a) sections 146, 180 and 181;
- (b) Part 6 (except section 379);
- (c) any other provision to the extent that the application is necessary to give effect to a provision referred to in paragraph (a) or (b).

*[Regulation 10 inserted: SL 2024/121 r. 6.]*

### 11. References to terms used in applied provisions

A reference in the applied provisions to a claim under the WCIM Act Part 2 Division 4 for medical and health expenses compensation or the WCIM Act Part 2 Division 5 for miscellaneous expenses compensation (however the claim is described) is to be read as a reference to a claim as defined in section 3(1) of the Act.

*[Regulation 11 inserted: SL 2024/121 r. 6.]*

### 12. Forms for use under applied provisions

The form to be used for an applied provision is —

- (a) if the Police Commissioner has approved a form for use under the applied provision — that form; or

**r. 13**

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- (b) otherwise — a form prescribed or approved under the WCIM Act for use under the applied provision, with the necessary changes.

*[Regulation 12 inserted: SL 2024/121 r. 6.]*

**13. Information for use under applied provisions**

- (1) The information for use under an applied provision is —
  - (a) if the Police Commissioner has approved information for use under the applied provision — that information; or
  - (b) otherwise — information prescribed under the WCIM Act for use under that applied provision, with the necessary changes.
- (2) For the purposes of this regulation, information for use under an applied provision is —
  - (a) information that must be included in or accompany a form to be used under the applied provision; or
  - (b) information to be otherwise provided for the purposes of the applied provision.

*[Regulation 13 inserted: SL 2024/121 r. 6.]*

**14. No restriction on award of common law damages**

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

**15. Evidence admissible in common law proceedings**

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

## **Part 4 — Miscellaneous matters**

### **16. Approval of forms**

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

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## Notes

This is a compilation of the *Police (Medical and Other Expenses for Former Officers) Regulations 2009* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

### Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Police (Medical and Other Expenses for Former Officers) Regulations 2009</i>	23 Jun 2009 p. 2513-23	1 Jul 2009 (see r. 2 and <i>Gazette</i> 23 Jun 2009 p. 2424)
<i>Police (Medical and Other Expenses for Former Officers) Amendment Regulations 2010</i>	3 Aug 2010 p. 3566-7	r. 1 and 2: 3 Aug 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Aug 2010 (see r. 2(b))
<i>Police (Medical and Other Expenses for Former Officers) Amendment Regulations 2024</i>	SL 2024/121 26 Jun 2024	r. 1 and 2: 26 Jun 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2024 (see r. 2(b))

## 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>
applied provisions .....	3, 10
approved form.....	3
prescribed period.....	5(1)

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