



Western Australia

Police Act 1892

Police Force Regulations 1979

As at 17 Sep 2010

Version 05-a0-02

Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

Police Force Regulations 1979

CONTENTS

Part I — Preliminary

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

Part II — Constitution

201.	Order of rank	4
------	---------------	---

Part III — Organization

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

Part IV — Duties

401.	Member and cadet to obey directions	9
------	-------------------------------------	---

Contents

402.	Provisions relating to behaviour	9
403.	Proper care to be taken of firearms etc.	9
404.	Station and personal issue firearms	9
407.	Notice of functions, duties and responsibilities of other members	10

Part V — Appointment

501.	Application for appointment	12
502.	Eligibility for appointment	12
503.	Entrance examination	14
504.	Board of Selectors	14
505.	Member in possession of information about applicant	15
505A.	Probationary period	15

Part VI — General rules relating to discipline

601.	Acting in manner prejudicial to the Force	16
602.	Behaviour towards other members	16
603.	Lawful order not to be disobeyed	16
604.	Officer in charge not to remain absent unless arrangements made for his absence	16
605.	Performance generally	17
606.	False, misleading or inaccurate statements etc.	19
607.	Secrecy	19
608.	Member or cadet not to compromise his position	20
609.	Unlawful arrest and unnecessary force	21
610.	Feigning sickness or injury	22
611.	Not to be absent or late without reasonable excuse	22
614.	Under influence of intoxicating liquor or any drug	22
615.	Receiving and being supplied with intoxicating liquor while on duty	22
616.	Entering licensed premises	23
617.	Consumption of intoxicating liquor	23
618.	Premises supplying intoxicating liquor	23
619.	Restrictions relating to loans, securities and debts	24
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	25
624.	Investigation into acts against discipline	25
625.	Disciplinary proceedings	25
626.	Civil or criminal proceedings against member or cadet	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 VIII — Seniority

801.	Terms used	36
802.	Regulations not to affect power conferred on Governor, Commissioner or relevant award	36
803.	Register of Training and Education Qualifications	36
804.	General Seniority List to be established	37
805.	General seniority of Force members	37

Part VIIIA — Recognition of bravery and merit

8A01.	Terms used	40
8A02.	Classes of awards	40
8A03.	Nature of awards	41
8A04.	Nomination for an award	42
8A05.	Determination of nominations	42

Contents

8A06.	Record of awards	43
8A07.	Letters after name	43
8A09.	Posthumous awards	43
8A10.	Guidelines for consideration of nominations	44
8A11.	Police Honours and Awards Committee	44

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

901A.	Term used: Certificate of Authority	45
901.	Uniform to be worn as ordered	45
902.	Wearing of uniform while off duty	46
903.	Uniform not to be altered	47
904.	Replacement and disposal of articles of uniform	47
905.	Wearing of headwear	47
906.	Care to be taken of issued property	48
907.	Certificate of Authority	48
908A.	Certificates of Authority of police auxiliary officers	49
908.	Name plate	49
909.	Appearance	50

Part XI — Leave

1101.	Annual leave	51
1102.	Notice of annual leave	51
1103.	Address for contact during leave	51
1104.	Annual leave to be taken according to roster	51
1105.	Leave accumulated by written permission	52
1106.	Additional leave may be granted	52
1107.	Travelling concession	52

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

1201.	This Part not in derogation of relevant award	55
1202.	Leave in respect of transfer	55
1203.	Commissioner to be notified of transfer	55
1203A.	Specialist equipment to be returned	56
1204.	Removal allowance	56
1204A.	Removal cost for retiring member	57
1205.	When removal allowance not to be paid	58

Part XIII — Illness and injury

1301.	Terms used	59
1302.	Report of incapacity	59
1303.	Application for leave	60
1304.	Entitlement to leave and allowances	60
1305.	Other work prohibited	61
1306.	Medical and hospital expenses where member's illness results from duties	61
1308.	Ineligibility for benefits where incapacity own fault	61
1309.	Incapacity resulting from another occupation	62
1310.	Entitlements of cadets	62
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	64
1402.	Examination by medical board	64
1403.	Allowances paid on death of member	64
1404.	Leave entitlement to be paid out	65

Part XV — Quarters

1501.	This Part not in derogation of relevant award	66
1502.	Maintenance of quarters	66
1503.	Expenditure not to be incurred without authority of Commissioner	66
1504.	Inspection of quarters	67
1505.	Occupation and vacation of premises	67
1506.	Notice of occupation and vacating to be given	68

Part XVI — General

1601.	Offences generally	69
-------	--------------------	----

Contents

**First Schedule — Disciplinary charge
sheet**

Third Schedule

Notes

Compilation table

72

Defined Terms



Reprinted under the
Reprints Act 1984 as
at 17 September 2010

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*¹.

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

[102. Deleted in 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;

cadet means any person appointed under the provisions of section 7(2) under the Act;

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;

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 or cadet, in accordance with the Act.

[Regulation 103 amended in 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.]

104. Application of these regulations to APLOs

In Parts IV, VI, 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 in Gazette 30 Dec 2008 p. 5644.]

105. Application of these regulations to police auxiliary officers

In Parts IV, VI, 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 in Gazette 12 Mar 2010 p. 954.]

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 in 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, APLOs and cadets 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 in Gazette 30 Dec 2008 p. 5644.]

304. Officers in charge absent

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

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 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.

r. 306

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 cadets and as a means of keeping the Force and cadets 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.

Part IV — Duties

401. Member and cadet to obey directions

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

402. Provisions relating to behaviour

Every member or cadet shall —

- (a) devote himself exclusively and zealously to the discharge of his duties during his hours of duty; and
- (b) behave at all times with courtesy to the public and every member or cadet, 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 he is placed and, where necessary, act on his own initiative; and
- (d) promptly and correctly carry out all duties appertaining to his office, or any other duty he 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 guidance in the performance of his duties.

403. Proper care to be taken of firearms etc.

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

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 or cadet 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 in Gazette 2 Feb 2007 p. 247.]

[405. Deleted in Gazette 2 Feb 2007 p. 247.]

[406. Deleted in 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 may give such lawful directions as he 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 he shall nevertheless carry out the direction but may report the matter to the Commissioner in the manner directed by the Commissioner.

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

Part V — Appointment

501. Application for appointment

- (1) A person who is desirous of being appointed as a member or a cadet shall apply in his own handwriting to the Commissioner.
- (2) An application made under subregulation (1) shall be —
 - (a) on the approved form; and
 - (b) accompanied by —
 - (i) evidence of the date of birth of the applicant; and
 - (ii) testimonials of character from persons to whom the applicant is known; and
 - (iii) where the applicant has had previous service in a police force, the armed services or with a public authority, any certificate issued in respect of that previous service; and
 - (iv) unless otherwise required by the Commissioner, a certificate from a medical practitioner in the form of Form 1 in the Third Schedule.

[Regulation 501 amended in Gazette 22 Jan 1988 p. 128.]

502. Eligibility for appointment

- (1) Subject to these regulations, a person is not eligible for appointment as a member or cadet unless —
 - (a) he is —
 - (i) an Australian citizen, or a permanent resident, within the meaning of the *Australian Citizenship Act 2007* of the Commonwealth; or
 - (ii) the holder of a temporary visa within the meaning of the *Migration Act 1958* of the Commonwealth and is authorised by that temporary visa to engage in relevant work in Australia;
- and

(b) he is of good character and repute; and

[(c) deleted]

(d) he passes a medical examination conducted by a legally qualified medical practitioner who certifies that he is physically fit and free from any constitutional, organic or other disability likely to render him unfit for duty as a member or cadet; and

(e) he is —

(i) in the case of an application for appointment as a member not less than 18 years of age;

(ii) in the case of an application for appointment as a cadet not less than 16 years of age and not more than 18 years of age;

and

(f) he has —

(i) in the case of an application for appointment as a member, successfully completed at least Year 10 of school education in a school in Western Australia or has achieved an equivalent standard;

(ii) in the case of an application for appointment as a cadet, successfully completed at least Year 11 of school education in a school in Western Australia or has achieved an equivalent standard;

(iii) unless the Commissioner in a particular case approves otherwise, in the case of an appointment as a member or cadet, passed the entrance examination prescribed by regulation 503;

and

(g) in the case of an application for appointment as a member, and if required to do so by the Commissioner, he passes a physical performance evaluation conducted by a person appointed for that purpose by the Commissioner; and

r. 503

- (h) if required to do so by the Commissioner, he presents himself for personal interview by a Board of Selectors.
- (2) The activities to be undertaken by an applicant for appointment as a member, for the purposes of a physical performance evaluation required under subregulation (1)(g), shall be as determined by the Commissioner.

[Regulation 502 amended in Gazette 1 Mar 1985 p. 790; 22 Jan 1988 p. 128; 20 Sep 1996 p. 4750; 17 Dec 2004 p. 6087; 16 Nov 2007 p. 5786-7; 30 Dec 2008 p. 5644-5; 12 Mar 2010 p. 954.]

503. Entrance examination

The entrance examination referred to in regulation 502(1)(f)(iii) shall consist of —

[(a) deleted]

- (b) a written examination in English expression, covering both grammar and spelling; and
- (c) arithmetic.

[Regulation 503 amended in Gazette 18 Nov 1988 p. 4532; 16 Nov 2007 p. 5787.]

504. Board of Selectors

For the purposes of regulation 502(1)(h), the Commissioner may appoint a Board of Selectors, which shall have a membership as follows —

- (a) as to number —
 - (i) in the absence of specific reasons for contrary action, 3 members; but
 - (ii) in any case a minimum of 2 members and a maximum of 4 members;
- and
- (b) as to sex, in the absence of specific reasons for contrary action, members of each sex; and

- (c) as to status, a member may be a commissioned officer, a senior sergeant or a person who is a retired commissioned officer, except that a commissioned officer shall be appointed to be chairman.

[Regulation 504 inserted in Gazette 1 Dec 1989 p. 4395.]

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 officer in charge for forwarding to the Officer-in-Charge, Recruiting.

505A. Probationary period

- (1) A person appointed as a member is on probation for a period of 2 years beginning on the day of his induction into the Police Academy or, where the person did not attend the Police Academy, beginning on the day of his appointment as a member.
- (2) Where the Commissioner is of the opinion that a member on probation will not give satisfactory service, he may, subject to the approval of the Minister remove the member from the Force.
- (3) The Commissioner may, at his 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 in Gazette 1 Mar 1985 p. 790; amended in Gazette 14 Jul 1992 p. 3365.]

Part VI — General rules relating to discipline

601. Acting in manner prejudicial to the Force

- (1) A member or cadet shall not act in a disorderly manner, or any manner prejudicial to discipline of the Force.
- (2) A member or a cadet 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 or a cadet, as the case may be.

602. Behaviour towards other members

A member or cadet 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 or cadet;
- (d) wilfully or negligently make any false complaint or statement against a member or a cadet;
- (e) assault a member or a cadet;
- (f) withhold any complaint or report against a member or a cadet;
- (g) cause or attempt to cause disaffection amongst members or cadets.

603. Lawful order not to be disobeyed

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

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

An officer in charge shall not remain absent from his 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 office during his absence.

605. Performance generally

- (1) A member or cadet shall —
 - (a) except for good or sufficient cause, promptly and diligently attend to and carry out anything which is his duty as a member or cadet;
 - (b) perform and carry out any duty in a proper manner;
 - (c) work his 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 him amenable to justice;
 - (e) report anything which he knows concerning a criminal charge and disclose any evidence which he or, to his knowledge, any other person can give for or against any accused in criminal proceedings;
 - (f) if, other than in the course of duty, he 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 presence or involvement, his status as a member or cadet, and his knowledge of the incident to the attending or investigating police; and
 - (ii) as soon as practicable, report his presence or involvement, and knowledge of the incident, to his own supervisor;
 - (g) if, other than in the course of duty, he 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 presence or involvement, and knowledge of the incident, to his supervisor;

- (h) if he 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 supervisor;
 - (i) if he —
 - (i) is given a cannabis infringement notice under the *Cannabis Control Act 2003* Part 2; 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*,as soon as practicable report the notice or order to his supervisor;
 - (j) report any corrupt, criminal, unlawful, dishonest or unethical conduct or breach of discipline which he knows, or suspects on reasonable grounds, that a member or cadet is committing or has committed;
 - (k) report any other matter which it is his duty to report.
- (2) A member or cadet 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, do any act that will, or is likely to, retard his return to duty, or conduct himself in a manner that is likely to cause a delay in his return to duty.

- (3) If subregulation (1) requires a member or cadet to report a matter then, unless that subregulation provides otherwise, he is to report it —
- (a) to his supervisor; or
 - (b) if he reasonably considers that it is not appropriate to report the matter to his supervisor, to a commissioned officer —
 - (i) who is not his 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 in Gazette 16 Jul 2010 p. 3366-8.]

606. False, misleading or inaccurate statements etc.

A member or cadet 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.

607. Secrecy

(1) A member or cadet shall not —

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

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

r. 608

- (2) A member or cadet shall not, except with the express permission of his 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 official duties as a member or cadet, information gained by him through his employment in the Force or as a cadet; or
 - (c) communicate to the public, or to any unauthorised person any matter connected with the Force.
- (3) A member or cadet 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 in Gazette 22 Jan 1988 p. 128.]

608. Member or cadet not to compromise his position

- (1) A member or cadet 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 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 reputation or position as a member or as a cadet for his private advantage;
 - (e) in his capacity as a member or as a cadet, 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 or cadet shall account for and make prompt and true return of any money or property received by him in his official capacity.
- (3) Where the Commissioner requires a member or cadet to account for any money or property whether received by him in his capacity as a member or cadet or not the member or cadet shall comply with that requirement within the time specified by the Commissioner.

[Regulation 608 amended in Gazette 10 Aug 2001 p. 4214.]

609. Unlawful arrest and unnecessary force

A member or cadet shall not —

- (a) make any unlawful arrest; or

r. 610

- (b) use any unnecessary force on any prisoner or other person with whom he may be brought into contact in the performance of his duty.

610. Feigning sickness or injury

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

611. Not to be absent or late without reasonable excuse

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

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

614. Under influence of intoxicating liquor or any drug

A member or cadet who at any time when on duty, or at any time when it is time for him to go on duty, is found to be under the influence of intoxicating liquor or any drug to such an extent as to affect or be likely to affect his speech, action or judgment, commits an offence against the discipline of the Force.

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

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

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

while he is on duty.

616. Entering licensed premises

A member or cadet 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 his presence there is not required in the performance of his duty.

[Regulation 616 amended in Gazette 30 Dec 2008 p. 5645.]

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 he consumes intoxicating liquor at the Police Canteen.

618. Premises supplying intoxicating liquor

- (1) Subject to subregulation (2), a member or cadet shall not keep premises for the sale of intoxicating liquor either in his 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 or cadet 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 or cadet 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 in Gazette 14 Nov 1997 p. 6457.]

619. Restrictions relating to loans, securities and debts

A member or cadet shall not —

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

620. Interest in racing

A member or cadet 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 or cadet.

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

- (1) A member or cadet 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 in Gazette 30 Dec 2005 p. 6879.]

622. Acts against discipline

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

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 or cadet who has committed an offence against discipline of the Force.

624. Investigation into acts against discipline

- (1) Where an allegation is made that a member or cadet 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 or cadet 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) The investigating officer shall on completing his investigation make his report to the officer by whom he 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 in Gazette 16 Feb 1979 p. 425; 23 Mar 1984 p. 745; 22 Aug 1997 p. 4815.]

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 or cadet charged with the offence before he pleads to the charge;

- (c) the officer in charge of the region or branch in which the member or cadet 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 or cadet as witnesses on his behalf.

*[Regulation 625 amended in Gazette 7 Sep 1979 p. 2717;
27 Oct 1989 p. 3888.]*

626. Civil or criminal proceedings against member or cadet

- (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 or cadet, the member or cadet 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 he 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.

Part VIA — Procedure relating to Part IIB of the Act

[Heading inserted in 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 in Gazette 26 Aug 2003 p. 3758-9; amended in 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 in 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 in 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 in 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 in 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 in 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 in 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;
 - and
 - (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 in 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 in 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 in 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 in 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 in Gazette 26 Aug 2003 p. 3764.]

[Part VII (r. 701-8) deleted in Gazette 22 Dec 2006 p. 5823.]

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

Part VIII — Seniority

*[Heading amended in 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 in 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 in 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 in 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 him.
- (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 in Gazette 7 Dec 1985 p. 4024;
30 Dec 2008 p. 5645.]*

[806. Deleted in Gazette 14 Jul 1992 p. 3369.]

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

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

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

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

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

Part VIIIA — Recognition of bravery and merit

[Heading inserted in Gazette 2 Feb 1990 p. 788.]

8A01. Terms used

In this Part —

award means any award designated in regulation 8A02;

Committee means the Police Honours and Awards Committee referred to in regulation 8A11;

member of the Force means a member, cadet, APLO or police auxiliary officer.

[Regulation 8A01 inserted in Gazette 2 Feb 1990 p. 788; amended in Gazette 15 Dec 2006 p. 5632; 30 Dec 2008 p. 5645; 12 Mar 2010 p. 955.]

8A02. Classes of awards

The Commissioner may, subject to this Part, grant an award of a designation set out in the following table to a member of the Force who is eligible under the criterion shown opposite the designated award.

Table

Award for Bravery	Performance of an act of conspicuous merit involving exceptional bravery in the execution of duty.
Bar to the Award for Bravery	Performance by the holder of an Award for Bravery of an additional act of conspicuous merit involving exceptional bravery in the execution of duty.
Certificate of Merit	Display in the execution of duty of initiative, resourcefulness and courageous action, putting aside

	thought of personal safety, greater than what might reasonably be expected.
Special Commendation	Meritorious conduct under stressful conditions in the course of operational duty.
Commendation	Display of initiative, resourcefulness and devotion to duty reflecting credit on the Force

[Regulation 8A02 inserted in Gazette 2 Feb 1990 p. 788-9; amended in Gazette 15 Dec 2006 p. 5632.]

8A03. Nature of awards

Each award consists of what is specified in the following table —

Table	
1 Award for Bravery	An award of a type and design approved by the Committee
2 Bar to the Award for Bravery	
	and
	A citation from the Commissioner describing the conduct for which the award is granted
3 Certificate of Merit	A certificate from the Commissioner describing the conduct for which the award is granted
4 Special Commendation	
5 Commendation	

[Regulation 8A03 inserted in Gazette 2 Feb 1990 p. 789; amended in Gazette 15 Dec 2006 p. 5632.]

r. 8A04

8A04. Nomination for an award

- (1) A member of the Force may be nominated for an award by any person, including another member of the Force.
- (2) A nomination is to be made in writing to the Commissioner.

*[Regulation 8A04 inserted in Gazette 2 Feb 1990 p. 789;
amended in Gazette 15 Dec 2006 p. 5633.]*

8A05. Determination of nominations

- (1) On receipt of a nomination under regulation 8A04 the Commissioner is to refer the nomination to a commissioned officer (*inquiring officer*) for inquiry.
- (2) An inquiring officer is to inquire into, and report to the Commissioner on, whether the nominee has satisfied the criteria set out in regulation 8A02 for the proposed award.
- (3) In carrying out an inquiry an inquiring officer —
 - (a) is to have regard to any guidelines prescribed under regulation 8A10; and
 - (b) may appoint another commissioned officer to conduct all or any part of the inquiry.
- (4) If an inquiring officer reports that a nominee for an Award for Bravery or Bar to the Award for Bravery has satisfied the criteria for that award, the Commissioner is to refer the nomination and inquiring officer's report to the Committee.
- (5) The Committee is to inquire into, and recommend to the Commissioner on, whether the proposed award should be granted.
- (6) In carrying out an inquiry the Committee may make any enquiries it considers appropriate.
- (7) The Commissioner may grant a proposed award if —
 - (a) in the case of an Award for Bravery or Bar to the Award for Bravery, the Committee recommends that the award be granted; or

- (b) in the case of any other award, the inquiring officer reports that the nominee has satisfied the criteria for the award.

[Regulation 8A05 inserted in Gazette 15 Dec 2006 p. 5633.]

8A06. Record of awards

The Commissioner shall ensure that the following action is taken to record the grant of an award —

- (a) making of a record in the personal file of the member of the Force concerned; and
- (b) except in the case of a Commendation, publication of particulars of the award in the *Police Gazette*.

[Regulation 8A06 inserted in Gazette 2 Feb 1990 p. 789.]

8A07. Letters after name

A member of the Force who is granted the Award for Bravery is entitled to have the letters “Cr.B.” after his name in all official documents of the Force, and if he is later granted the Bar to the Award for Bravery, the letters are to be followed by an asterisk.

[Regulation 8A07 inserted in Gazette 2 Feb 1990 p. 790.]

[8A08. Deleted in Gazette 2 Feb 2007 p. 248.]

8A09. Posthumous awards

An award may be presented posthumously to the closest spouse or de facto partner, or other relative, of a member of the Force who has earned an award, or to a person nominated by that spouse or de facto partner, or other relative.

*[Regulation 8A09 inserted in Gazette 2 Feb 1990 p. 790;
amended in Gazette 30 Jun 2003 p. 2623.]*

r. 8A10

8A10. Guidelines for consideration of nominations

The Commissioner shall prescribe guidelines for use by commissioned officers in considering whether the grant of an award to a member of the Force nominated for an award may be warranted.

[Regulation 8A10 inserted in Gazette 2 Feb 1990 p. 790.]

8A11. Police Honours and Awards Committee

- (1) For the purposes of this Part, there shall be a committee to be known as the Police Honours and Awards Committee.
- (2) The Committee is to consist of —
 - (a) the Commissioner; and
 - (b) the deputy commissioners; and
 - (c) the assistant commissioners; and
 - (ca) the officers of the Department holding the office of Director; and
 - (d) an officer of the Department appointed by the Commissioner.
- (3) The Committee may determine its procedure and the provisions of the *Interpretation Act 1984* which would otherwise apply in relation to the procedure of the Committee apply only to the extent to which they are not inconsistent with determinations made by the Committee.

[Regulation 8A11 inserted in Gazette 2 Feb 1990 p. 790; amended in Gazette 14 Jul 1992 p. 3370; 15 Dec 2006 p. 5634.]

Part IX — General dress and appearance requirements

[Heading inserted in Gazette 2 Feb 2007 p. 248.]

901A. Term used: Certificate of Authority

In this Part —

Certificate of Authority, of a member or cadet, 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 or cadet; and
- (b) is issued to the member or cadet by or on behalf the Commissioner.

[Regulation 901A inserted in Gazette 12 Mar 2010 p. 955.]

901. Uniform to be worn as ordered

- (1) A member or cadet, 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 or cadet, 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

r. 902

- (b) dress in a manner appropriate to the duties being undertaken.

[Regulation 901 inserted in Gazette 2 Feb 2007 p. 248.]

902. Wearing of uniform while off duty

- (1A) Subregulations (1) and (2) do not apply to a police auxiliary officer.

- (1) A member or cadet shall not wear a uniform while off duty except —
 - (a) while travelling to or from his place of duty; or
 - (b) with the permission of his officer in charge or his immediate superior, as the case may be, as ceremonial dress where he is entering into marriage within the meaning of the *Marriage Act 1961* of the Commonwealth; or
 - (c) with the permission of his assistant commissioner or Director, at a special function or event.
- (2) A member or cadet 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 in Gazette 2 Feb 2007 p. 248;
amended in Gazette 12 Mar 2010 p. 955.]*

903. Uniform not to be altered

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

[Regulation 903 inserted in Gazette 2 Feb 2007 p. 249.]

904. Replacement and disposal of articles of uniform

If an article of uniform or equipment is to be replaced, a member or cadet 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 in Gazette 2 Feb 2007 p. 249.]

905. Wearing of headwear

- (1) Subject to subregulations (2), (3) and (4), when in uniform, a member or cadet shall wear the cap or hat forming part of that uniform whenever he 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 or cadet in uniform is on a motorcycle, or in circumstances requiring head protection, as the case requires.
- (3) A uniformed member or cadet 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 or cadet may remove his cap or hat when within the confines of an enclosed area of land that forms the curtilage of police premises.

[Regulation 905 inserted in Gazette 2 Feb 2007 p. 249.]

r. 906

906. Care to be taken of issued property

- (1) A member or cadet shall take proper care of all articles of uniform, equipment, documents (including his Certificate of Authority), books and other items of property which have been issued to him.
- (2) A member or cadet 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 him, used by him or entrusted to his care; or
 - (b) without lawful authority use any property issued to him or used by him or entrusted to his care other than in the performance of his duty.
- (3) A member or cadet shall promptly report any loss or damage, however caused, to any article supplied to him for the performance of his duties.

[Regulation 906 inserted in Gazette 2 Feb 2007 p. 249-50.]

907. Certificate of Authority

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

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

*[Regulation 907 inserted in Gazette 2 Feb 2007 p. 250;
amended in Gazette 12 Mar 2010 p. 955.]*

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 cadet 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 in Gazette 12 Mar 2010 p. 956.]

908. Name plate

- (1) A member or cadet shall wear his approved name plate on work or ceremonial dress in the circumstances, and in the manner,

r. 909

specified in the Commissioner's uniform and appearance instruction.

- (2) A member or cadet 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 in Gazette 2 Feb 2007 p. 250.]

909. Appearance

- (1) A member or cadet shall be neat and clean in his clothing, appearance and person.
- (2) A member or cadet shall have the hair on his head neatly groomed and trimmed in the manner specified in the Commissioner's uniform and appearance instruction, unless otherwise approved.
- (3) A male member or cadet shall have his face clean shaven with the exception of the upper lip and, where a moustache is worn, have it neat and trimmed, unless otherwise approved.
- (4) A member or cadet 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 or cadet in uniform shall not wear jewellery or other adornments, unless the particular type of adornment is approved.

[Regulation 909 inserted in Gazette 2 Feb 2007 p. 250-1.]

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

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

Part XI — Leave

1101. Annual leave

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

[Regulation 1101 amended in Gazette 30 Dec 2008 p. 5646.]

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 he prefers to commence and finish his 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 in Gazette 30 Dec 2008 p. 5646.]

1103. Address for contact during leave

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

1104. Annual leave to be taken according to roster

- (1) Subject to these regulations, a member or cadet shall only take annual leave in accordance with the dates indicated in relation to him on the roster of annual leave applicable in that year unless the dates on the roster are altered.

r. 1105

- (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 cadet, or generally.

1105. Leave accumulated by written permission

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

[Regulation 1105 amended in Gazette 30 Dec 2008 p. 5646.]

1106. Additional leave may be granted

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

[Regulation 1106 amended in Gazette 14 Jul 1992 p. 3370.]

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 vehicle for the performance of police duties;

family in relation to a member or cadet means the member or cadet, 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 or cadet stationed in a special area who for his annual leave travels to Perth or other place outside his 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 or cadet and his 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 or cadet —
 - (i) who has completed 12 months' service in the special area; or
 - (ii) if the member or cadet has not completed 12 months' service in the special area before he proceeds on annual leave, he does so on his return from annual leave before he again takes annual leave;
 - (b) shall be repaid to the Department by the member or cadet if the member or cadet fails to complete

r. 1107

12 months' service in the special area unless the failure is due to causes beyond his control.

[Regulation 1107 amended in Gazette 7 Sep 1979 p. 2717; 24 Apr 1986 p. 1479; 30 Jun 2003 p. 2623; 30 Dec 2008 p. 5646.]

[1108. Deleted in Gazette 7 Sep 1979 p. 2717.]

[1109. Deleted in Gazette 6 Oct 1989 p. 3739.]

Part XII — Removal on transfer, promotion or retirement

[Heading amended in 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 in 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 his residence he is allowed to take 2 days off duty — one day in respect of the packing and loading of his 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 he is required to attend court or to any other pressing duty.

1203. Commissioner to be notified of transfer

A member or cadet 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 he is moving of the —
 - (i) date that he intends to cease duty at the station or office from which he is moving;
 - (ii) date of his intended departure for the station to which he is appointed;
 - (iii) time and date that his quarters, whether supplied by the Government or not, are to be vacated by him;

and

r. 1203A

- (b) as soon as possible after his arrival at the region to which he is appointed notify the Commissioner through the regional officer of the region to which he is appointed of the —
 - (i) time and date of his arrival; and
 - (ii) time and date that his quarters are occupied by him and indicating whether they are Government or private quarters; and
 - (iii) time and date that he intends to commence duty in relation to his appointment.

1203A. Specialist equipment to be returned

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

[Regulation 1203A inserted in Gazette 2 Feb 2007 p. 251.]

1204. Removal allowance

- (1) Subject to subregulation (2), a member or cadet 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
 - (c) on account of illness due to causes over which he 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 himself, his 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 his motor vehicle; and
 - (g) the costs of storage in a warehouse approved by the Commissioner of any of the member's or cadet'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 or cadet 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 in Gazette 7 Sep 1979 p. 2717; 24 Apr 1986 p. 1479; 18 Nov 1988 p. 4532; 30 Dec 2008 p. 5646.]

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

r. 1205

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 in 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, or cadet who is moved —

- (a) at his own request; or
- (b) because of his own misconduct.

Part XIII — Illness and injury

[Heading inserted in Gazette 17 Nov 1989 p. 4110.]

1301. Terms used

In this Part, unless the contrary intention appears —

dentist has the same meaning as it has in the *Dental Act 1939*;

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 has the same meaning as it has in the *Medical Act 1894*²;

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

pharmaceutical chemist has the same meaning as it has in the *Pharmacy Act 1964*;

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

[Regulation 1301 inserted in Gazette 17 Nov 1989 p. 4110; amended in Gazette 15 Dec 2006 p. 5635.]

1302. Report of incapacity

A member or cadet who becomes incapacitated shall as soon as possible —

- (a) notify his officer in charge of that fact and of his 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 in Gazette 17 Nov 1989 p. 4110.]

r. 1303

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 in 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 his 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 he is incapacitated through his 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 he would have received under the relevant award if he had not been incapacitated.

- (3) The district allowance prescribed by the relevant award ceases to be payable —
 - (a) after an incapacitated member or cadet and the family of that member or cadet have been absent from his 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 or cadet residing with him.

[Regulation 1304 inserted in Gazette 17 Nov 1989 p. 4111; amended in Gazette 30 Jun 2003 p. 2623; 30 Dec 2008 p. 5647.]

1305. Other work prohibited

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

[Regulation 1305 inserted in Gazette 17 Nov 1989 p. 4111.]

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 his duties or suffered by him in the course of travel to or from a place of duty.

[Regulation 1306 inserted in Gazette 17 Nov 1989 p. 4111.]

[1307. Deleted in Gazette 18 Nov 1994 p. 5867.]

1308. Ineligibility for benefits where incapacity own fault

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

r. 1309

- (2) A member who suffers illness or injury through his 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 in Gazette 17 Nov 1989 p. 4111-2; amended in Gazette 18 Nov 1994 p. 5867.]

1309. Incapacity resulting from another occupation

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

[Regulation 1309 inserted in Gazette 17 Nov 1989 p. 4112.]

1310. Entitlements of cadets

The provisions of this Part, other than regulation 1309, are supplemental to and not in derogation of the provisions of the relevant award as to entitlements of cadets in respect of illness or injury.

[Regulation 1310 inserted in Gazette 17 Nov 1989 p. 4112; amended in Gazette 30 Dec 2008 p. 5647.]

1311. Evidence of fitness after long incapacity

A member or cadet 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 medical fitness to return to duty.

[Regulation 1311 inserted in Gazette 17 Nov 1989 p. 4112.]

1312. Examination arranged by Commissioner

- (1) The Commissioner may direct a member or cadet 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 or cadet shall obey such a direction.

- (2) Where a member or cadet has been examined under subregulation (1) and the examining medical practitioner expresses the opinion in writing to the Commissioner that the member or cadet is unfit for duty because of illness or injury, the Commissioner may direct the member or cadet to apply for leave on that ground and the member or cadet shall obey such a direction.

[Regulation 1312 inserted in Gazette 17 Nov 1989 p. 4112.]

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 in Gazette 29 Jul 1988 p. 2540;
amended in Gazette 13 Nov 1998 p. 6232.]*

1402. Examination by medical board

- (1) Where the Commissioner is of the opinion that a member is not fit for further service, he may direct the member to submit himself to be examined by a medical board.
- (2) The medical board referred to in subregulation (1) shall consist of 3 legally qualified medical practitioners nominated by the person who holds or acts in the office of Commissioner of Health³ under the *Health Act 1911*.
- (3) A member shall not fail to carry out a direction given pursuant to subregulation (1).
- (4) Subject to the Act, where the medical board referred to in this regulation reports to the Commissioner that the member in question is unfit for further active service the Commissioner shall advise the member of the date he will cease duty.

1403. Allowances paid on death of member

Where a member or cadet dies the widow of the member or cadet, or a person who was the de facto partner of the member or cadet immediately before the death of the member or cadet and such of the children of the member or cadet 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 in Gazette 30 Jun 2003 p. 2623.]

1404. Leave entitlement to be paid out

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

- (a) annual leave accrued and owing to the member or cadet;
- (b) long service leave accrued and owing to the member or cadet;
- (c) pro rata leave for each completed month of service of the member or cadet in the current year.

[Regulation 1404 amended in Gazette 30 Jun 2003 p. 2624.]

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 in Gazette 30 Dec 2008 p. 5647.]

1502. Maintenance of quarters

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

[Regulation 1502 amended in Gazette 30 Dec 2008 p. 5647.]

1503. Expenditure not to be incurred without authority of Commissioner

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

- (2) A member or cadet shall not construct or alter any building or structure on quarters occupied by him 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 or cadet the cost thereof shall be borne by the member or cadet concerned but the property in the construction or alteration as the case may be, belongs to the State.

1504. Inspection of quarters

- (1) Any member authorised by the Commissioner in that behalf may after giving a member or cadet who occupies quarters reasonable notice enter the quarters occupied by the member or cadet 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 or cadet 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 or cadet 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 or cadet, the member's or cadet's spouse or de facto partner, children and other dependants vacate those quarters.

[Regulation 1504 amended in Gazette 30 Jun 2003 p. 2624.]

1505. Occupation and vacation of premises

- (1) Except with the prior written permission of the Commissioner a member or cadet who occupies quarters provided by the State

r. 1506

shall not allow any person other than the member's, or cadet's spouse or de facto partner, children and other dependants to reside there permanently.

- (2) Where a member or cadet occupying quarters provided by the State ceases to hold office, the quarters shall be vacated by the member, or cadet, the member's or cadet's spouse or de facto partner, children and other dependants, upon ceasing to hold such office.

[Regulation 1505 amended in Gazette 30 Jun 2003 p. 2624.]

1506. Notice of occupation and vacating to be given

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

Part XVI — General

1601. Offences generally

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

First Schedule — Disciplinary charge sheet

[r. 625]

Police Force of Western Australia	
Disciplinary charge sheet	
<i>Police Force Regulations 1979 r. 625</i>	PCAC file no. _____
	Charge no. _____
Charge	
Person charged	Name _____
	Rank _____ No. _____
	Location _____
Charge	<i>Police Force Regulations 1979 reg.</i> _____
	Details _____

Officer preferring charge	Name _____
	Assistant Commissioner [_____]
	Signature _____
	Date ____/____/20____
Record of proceedings	
Presiding officer _____	
Place _____	Date ____/____/20____
Decision _____	

Remarks _____	

Signature _____	
Date ____/____/20____	

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

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

Third Schedule

FORM 1

[reg. 501]

TO the Commissioner of Police

I am of the opinion that
Name and address

is physically capable, (given sufficient time for recovery and an intelligent application of the test) of undertaking a physical performance evaluation that simulates job related activities involving running, climbing, jumping, operating a mechanical “strength test simulator”, dragging a 75 kilogram dummy over a reasonable distance and swimming and treading water.

Name

Medical Practitioner

[Third Schedule inserted in Gazette 22 Jan 1988 p. 128.]

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

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

=====

Notes

- ¹ This reprint is a compilation as at 17 September 2010 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> ⁴	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
Reprint of the <i>Police Regulations 1979</i> as at 28 Aug 1986 published in <i>Gazette</i> 24 Sep 1986 p. 3463-517 (includes all amendments listed above)		
<i>Police Amendment Regulations (No. 2) 1986</i>	31 Oct 1986 p. 4050-1	31 Oct 1986

Citation	Gazettal	Commencement
<i>Police Amendment Regulations (No. 2) 1987</i>	14 Aug 1987 p. 3167	14 Aug 1987
<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

Citation	Gazettal	Commencement
<i>Police Force Amendment Regulations (No. 2) 1995</i> ⁵	17 Mar 1995 p. 1055	17 Mar 1995
Reprint of the Police Force Regulations 1979 as at 30 Jan 1996 (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> ⁶	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
Reprint of the Police Force Regulations 1979 as at 15 Jun 2001 (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)

Citation	Gazettal	Commencement
Reprint 4: The Police Force Regulations 1979 as at 13 Apr 2007 (includes amendments listed above) (correction in <i>Gazette</i> 9 May 2008 p. 1859)		
<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))
Reprint 5: The Police Force Regulations 1979 as at 17 Sep 2010 (includes amendments listed above)		

- ² Repealed by the *Medical Practitioners Act 2008*.
- ³ 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).
- ⁴ Now known as the *Police Force Regulations 1979*, citation changed (see note under r. 101).
- ⁵ The *Police Force Amendment Regulations (No. 2) 1995* r. 3(2) is a transitional provision that is of no further effect.
- ⁶ The *Police Force Amendment Regulations (No. 2) 1998* r. 13 is a transitional provision that is of no further effect.

Defined Terms

Defined Terms

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

Defined Term	Provision(s)
Act.....	103
APLO.....	103
approved.....	103
assistant commissioner.....	103
award.....	8A01
cadet.....	103
Certificate of Authority.....	901A
commissioned officer.....	103
Commissioner.....	103
Commissioner's uniform and appearance instruction.....	103
Committee.....	8A01
constable.....	103
dentist.....	1301
Department.....	103
deputy commissioner.....	103
distance rate.....	1107(1)
family.....	1107(1), 1304(4)
Force.....	103
incapacitated.....	1301
incapacity.....	1301
inquiring officer.....	8A05(1)
investigating officer.....	624(1)
Manager.....	1301
medical practitioner.....	1301
Medicare benefits.....	1301
member.....	103, 6A01
member of the Force.....	8A01
metropolitan area.....	103
non-commissioned officer.....	103
notice.....	6A01
officer.....	103
personal issue firearm.....	404(1)
pharmaceutical chemist.....	1301
physical performance evaluation.....	103
police auxiliary officer.....	103
<i>Police Gazette</i>	103
privilege.....	6A01
public transport.....	1107(1)

Defined Terms

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