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POLICE (MEDICAL AND OTHER EXPENSES FOR  
FORMER OFFICERS) ACT 2008

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## POLICE (MEDICAL AND OTHER EXPENSES FOR FORMER OFFICERS) REGULATIONS 2009



Western Australia

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

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

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

Made by the Governor in Executive Council.

### **Part 1 — Preliminary matters**

**1. Citation**

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

**2. Commencement**

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

**3. Terms used**

In these regulations —

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

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

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**Part 2**                      Claims procedure

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## **Part 2 — Claims procedure**

### **4. Making claim**

A claim must —

- (a) be in the approved form and signed by the former officer; and
- (b) include or be accompanied by the information approved by the Police Commissioner; and
- (c) be given to the Police Commissioner.

### **5. Response to claim**

(1) In this regulation —

*prescribed period* means —

- (a) for a claim received within 6 months after the commencement of section 4(1) of the Act — 60 days after the claim is received; or
- (b) for any other claim — 17 days after the claim is received.

(2) Within the prescribed period after receiving a claim from a former officer made in accordance with regulation 4, the Police Commissioner must notify the former officer in writing that —

- (a) liability for the claim is accepted; or
- (b) liability for the claim is denied; or
- (c) a decision to accept or deny liability for the claim has not yet been made.

(3) A notice under subregulation (2)(b) or (c) must set out the reasons why liability is denied or a decision has not yet been made.

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**6. Initial medical examination**

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

**7. Periodic medical examinations**

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

**8. Treatment plan**

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

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

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### **Part 3 — Dispute resolution**

**9. Application of this Part**

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

**10. Applied provisions of WC&IM Act**

The provisions of the WC&IM Act (the *applied provisions*) that apply in relation to the determination of a dispute include the following —

- (a) sections 64, 65, 66, 71 and 72A;
- (b) Part VII Division 1;
- (c) Part XI (except section 220) and Parts XII to XIX;
- (d) any other provisions to the extent their application is necessary to give effect to a provision referred to in paragraph (a), (b) or (c).

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

- (1) A reference in the applied provisions to notice of the occurrence of an injury (however the notice is described) is read as a reference to notice of the occurrence of an injury given in accordance with section 178(1)(a) of the applied provisions as modified by regulation 12.
- (2) A reference in the applied provisions to a claim for compensation under the WC&IM Act Schedule 1 clause 17 (however the claim is described) is read as a reference to a claim as defined in section 3(1) of the Act.
- (3) A reference in section 65 of the applied provisions to the receipt of weekly payments made under the WC&IM Act is read as a reference to an amount paid in respect of a claim as defined in section 3(1) of the Act.



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- (4) A reference in Part XII of the applied provisions to statutory expenses is read as a reference to an amount payable under section 4(1) of the Act and calculated in accordance with section 5(1) of the Act.

**12. Notice under section 178(1)(a): sufficient compliance**

It is sufficient compliance with section 178(1)(a) of the applied provisions in relation to an injury to a former officer if —

- (a) notice of the injury was given under the *Police Force Regulations 1979* regulation 1302 before the former officer ceased to be a police officer or APLO; or
- (b) if the former officer ceased to be a police officer or APLO before the commencement of section 4(1) of the Act — notice of the injury is given to the Police Commissioner as soon as practicable after the former officer becomes aware of the entitlement to make a claim; or
- (c) if the former officer ceased to be a police officer or APLO on or after the commencement of section 4(1) of the Act — notice of the injury is given to the Police Commissioner as soon as practicable after the injury occurred.

**13. Forms and information**

- (1) If there is an approved form for use under an applied provision, that form must be used and not the form (if any) prescribed under the WC&IM Act for use under the applied provision.
- (2) If —
  - (a) there is no approved form for use under an applied provision; but

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- (b) there is a form prescribed under the WC&IM Act for use under the applied provision,

that form (with the necessary changes) must be used under the applied provision.

- (3) If the Police Commissioner approves information for use under an applied provision, that information must be provided and not the information (if any) prescribed under the WC&IM Act for use under the applied provision.
- (4) If —
- (a) the Police Commissioner has not approved information for use under an applied provision; but
- (b) information is prescribed under the WC&IM Act for use under the applied provision,
- that information (to the extent it is relevant) must be provided.
- (5) For subregulations (3) and (4), information for use under an applied provision is —
- (a) information that must be included in or accompany a form to be used under the applied provision; or
- (b) information to be otherwise provided for the purposes of the applied provision.

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

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

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

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

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**Part 4 — Miscellaneous matters**

**16. Approval of forms**

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

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

  
  

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