



Pre 88

Medical Discharge

Procedures & Entitlements

Information Booklet for Members

C.A.R.E.

Career and Resilience Education Program

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Please contact the relevant persons listed in the contacts section of this booklet for further advice.

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INTRODUCTION

This booklet provides basic information relating to a medical discharge from the NSW Police for members who were attested before 1 April 1988.

This booklet is intended as a **guide only**. It is not conclusive of all options arising under relevant legislation and does not cover all the circumstances that may arise when considering a medical discharge. It is incumbent upon each individual to investigate their own entitlements and rights further to ensure they have accurate information relevant to their individual matter.

Members seeking Scheme information should always contact the fund by phone, email or via the website. Contact details are contained at the back of this booklet.

1. Police Superannuation Advisory Committee (PSAC)

The Police Superannuation Advisory Committee (PSAC) is a delegated committee of the SAS Trustee Corporation (STC) "State Super". This Committee decides upon an Officer's ability to continue to perform police duties. The question that PSAC has to answer is whether the applicant is capable of discharging the functions of a Police Officer referred to in Section 14 (1) of the Police Act 1990.

In this context, PSAC would have regard to the duration and prognosis of the condition and also the nature and extent of the infirmity.

If PSAC finds an Officer to be incapacitated, it will issue a Certificate of Incapacity under either Section 8(1), 10B (1) or 10B (2) of the Act. PSAC considers the application using medical advice from doctors nominated by STC and the applicant's own treating doctor(s) and any other doctors to whom the applicant may have been referred by either the NSW Police or PSAC.

The PSAC is made up of the following nominated representatives appointed by the responsible Minister:

- 1 nominee from SAS Trustee Corporation
- 1 Chairperson appointed by the Minister of Industrial Relations
- 1 nominee from WorkCover
- 3 nominees from the Police Association of NSW
- 1 nominee of the Minister for Police
- 1 nominee from the Commissioned Officer's Branch of the Police Association of NSW

2. The Scheme

The Police Regulation (Superannuation) Act 1906 is the Police Superannuation Scheme's (PSS) enabling legislation. The PSS is managed by the SAS Trustee Corporation (STC) "State Super" and administered by Pillar Administration.

The PSS was compulsory for all police officers attested prior to 1 April 1988. It is a defined benefits scheme. All members contribute 6% of their annual salary of office towards the scheme. In addition, a very significant proportion of the benefits payable by the scheme are financed by the employer. Periods where contributions are not payable, such as ordinary leave without pay that exceeds three (3) months, do not count as service for benefit accrual purposes.

The PSS is unique in that it combines both Superannuation and Workers Compensation benefits under the one regime. The Workers Compensation (HOD) aspect of the scheme is mostly underwritten by the State Government, with benefits deriving from consolidated revenue and administered by the NSW Police Force for HOD Sick Leave and STC through Allianz Insurance for medical expenses (s12D).

A medical discharge or retirement under the Police Regulation Superannuation Act 1906 requires the issuing of a Certificate of Incapacity by PSAC and the subsequent discharge of the Officer from the NSW Police by the Commissioner of Police. In the case of a HOD discharge, the certificate must nominate the specified infirmity and that infirmity must be accepted by the Commissioner of Police as being HOD and also be signed off on by the Commissioner as to the member's participation in an Injury Management Program.

3. Certificates of Incapacity

There are three sections of the PSS Act under which the STC (through PSAC) can issue a Certificate of Incapacity. One of these is for infirmities that are not HOD and the other two are for HOD infirmities. They are: -

- **Section 8(1):**
Not Hurt on Duty
- **Section 10B(1):**
Hurt on Duty,
serving Police Officers
- **Section 10B(2):**
Hurt on Duty,
former Police Officers

4. The “Test” for Medical Discharge: Test for the determination of whether a member is medically unfit

Section 8(1): of the Act defines determination of members medically unfit.

The test for medical discharge is conditional upon:

STC “State Super”, through its delegation to PSAC, (having regard to medical advice on the condition and fitness for employment of the member), has certified the member to be incapable, from infirmity of body or mind, of exercising the functions (including powers, authorities and duties) of a Police Officer referred to in Section 14 (1) of the Police Act 1990.

For the purposes of this test, the “functions” referred to include those conferred or imposed on a constable by or under any law (including common law) of the State.

This generally means full operational duties. Regard is not to be had to a Police Officer’s, or former Police Officer’s, actual rank or functions when determining incapacity.

It is important that a member seeking medical discharge is able to provide clear evidence to establish the incapacity. With this in mind, members should ensure that they accurately record all details of their medical conditions. A diary which describes

day to day symptoms, for example, would be highly relevant, as would an accurate record of medical treatment.

5. The “Functions” of a Police Officer: Full operational policing duties

Operational police work is a varied profession that calls upon practitioners to demonstrate skills in many areas.

Police engage in day-to-day contact with the public and are expected to be able to demonstrate personal attributes such as patience, conflict resolution, decision-making skills, empathy, tolerance, assertiveness, self-control, emotional stability and ability to work with others etc.

They must be able to conduct inquiries about matters of concern and render many kinds of emergency assistance to those who require it. In addition to all of these duties, policing involves discretion to apply a full range of policing powers including coercive force and coordinating responses to emergency situations.

They must be able to demonstrate the ability to:

- Exercise discretion and judgment in the exercise of powers
- Observe and memorise effectively
- Operate effectively in stressful, physically demanding and rapidly changing situations

In particular, operational Police Officers can be expected to engage in the following activities in the course of their duties:

- Drive police vehicles
- Get in and out of cars
- Stand or sit for long periods
- Sit at desks
- Give chase on foot including negotiating obstacles and effect arrests
- Physically restraining someone and taking action to overcome the will of others to resist
- Exercise a range of tactical options from mere presence to lethal force
- Provide medical first aid
- Engage in radio and telephone communication with others.

6. Hurt On Duty Benefit

Section 10B(1): Applications by serving Police Officers who intend to claim the infirmity as HOD.

The payment of the Hurt on Duty benefit is conditional upon:

- a. The PSAC, on medical advice, being satisfied that a member has met the “test” for medical discharge as previously described in section 4 of this booklet as defined under Section 8 of the PSS Act;

- b. The member having been discharged medically unfit from the NSW Police;
- c. The Commissioner of Police accepting the specified infirmity as being Hurt on Duty; and
- d. The Commissioner signing off on the member’s participation in an Injury Management Program.

Section 10B(2): Applications by former Police Officers who, at the time of their resignation or retirement, would have been incapable of discharging the functions of a Police Officer, as a result of a HOD injury/illness.

In the case of an application by a former Police Officer under **Section 10B(2)** the PSAC must be satisfied that the member would have met the “test” for medical discharge as previously described under Section 8 of the Act **at the time of the Officer’s resignation or retirement.** The former member must have notified the Commissioner of Police of the injury that has caused the infirmity before his/her retirement or resignation and within six (6) months of receiving the injury. Section 10B(2) benefits are HOD related only.

• S10B(2): *Pension Commencement Date*

The commencement date for pension payments is to be the date of application unless there are exceptional circumstances.

7. Entitlements if application for Medical Discharge is Successful

NON Hurt on Duty Benefit

If an Officer has completed less than 20 years' service, a gratuity is payable equal to twice the member's "salary of office" (Superable Salary) at time of retirement.

If the Officer has completed at least 20 years' of scheme membership, an indexed fortnightly pension is payable. The amount of pension payable depends on the length of scheme membership, as indicated by the examples in the following table:

Years of Service	Percentage
20	48.50%
22	53.35%
24	58.20%
26	63.05%
28	67.90%
30 or more	72.75%

The exact percentage depends on the period of scheme membership in years and full months.

Hurt On Duty Benefit

If an Officer medically retires due to a disability caused by being hurt on duty, he/she will receive an indexed fortnightly pension based on a percentage of the superable salary at the time of retirement.

The basic Hurt on Duty pension is equal to 72.75% of the superable salary. However, a member may make application to increase their pension after their exit from the NSW Police.

Members need to be aware that any periods of part time service performed since the year 2000 may reduce the amount of their hurt on duty pension. Further information is provided below in the "Part Time Entitlements" section, and by contacting State Super.

8. Part-time Entitlements

Members need to be aware that their entitlements are affected by periods of part time employment, be it part time leave without pay or permanent part time. Service is counted on a pro-rata basis. The final benefit calculation is also reduced by an equivalent service factor to reflect actual service worked versus potential service.

Any periods of part time service since the year 2000 may reduce a member's final rate of their hurt on duty pension entitlement. State Super calculates the reduction by multiplying the standard HOD pension amount of 72.75% of superable salary by an Equivalent Service Ratio (ESR). The ESR reflects periods of part time service by dividing the member's actual contributory service with their potential contributory service. This calculation affects all members, including those medically discharged hurt on duty.

Further information about part-time entitlements can be found on the State Super website, (www.statesuper.nsw.gov.au) – or by contacting State Super direct.

9. Lump Sum Options

Age 55 & Age 60 Lump Sum Options

On reaching the age of 55, or if over 55 then the day they become eligible for an invalidity pension, Members can partially or wholly commute their invalidity pension to a lump sum.

The member also has a second opportunity to commute at age 60 years only if they have not previously commuted any portion of their pension.

Time Frames

Strict timeframes apply to the exercising of these commutation rights and the revocation of those rights. Specific forms need to be completed in a timely manner to affect elections. Members must contact STC directly to obtain these forms and information on the commutation rights and timeframes.

Commutation Factors:

Age	Multiply of Pension Factor
55	11.82
56	11.64
57	11.46
58	11.28
59	11.10
60 or above	10.92

Partial commutation of Hurt on Duty pension under Section 10C (Police Regulation (Superannuation) Act 1906

An offer to redeem a certain part of the pension may be given to former members who have medically retired due to a "Hurt on Duty" injury sustained between 21 November 1979 and 30 June 1987, subject to certain conditions.

Similarly, an option to redeem up to five years part pension between the ages of 55 and 65 may be offered to former members medically retired due to a "Hurt on Duty" injury sustained on or after 1 July 1987. PSAC also has discretion in the prescribed circumstances to offer redemption of part pension to retired members under Section 10C.

Members must contact STC directly to obtain information on their commutation rights and conditions. There is a helpful fact sheet on the State Super website (www.statesuper.nsw.gov.au) which sets out a member's entitlement.

Commuting a pension to a lump sum is a significant decision and Members considering this option should always contact the Scheme for further information.

In addition, Members are strongly encouraged to seek appropriate financial planning advice to assess the potential long-term impact of commuting their pension to a lump sum.

10. Pensioner Death Benefits

An eligible spouse or defacto partner is entitled to a reversionary spouse pension in the event of the death of a pensioner. This applies to those members who have not already commuted a pension to a lump sum. State Super have a facts sheet, which

is available on the website www.statesuper.nsw.gov.au.

11. Applications for an Increase in Pension

If an Officer is medically discharged with a HOD injury then they are entitled to make an application for a pension increase. An application may be made to PSAC for the following increases:

Increases Up To 85%

Increases are granted from 72.75% to 85% are based upon the degree of incapacity to work in the open labour market. The more a person is incapacitated the higher the increase. To obtain 85%, the member must be clearly totally incapacitated for all work outside the NSW Police.

If the member has previously applied for an increase in pension, and is still receiving a pension less than 85%, any subsequent application must show that their condition and ability to work has deteriorated since their last application.

Employment Reality

PSAC, when assessing the application for an increase, is required to take into account the practical aspects of the member's capabilities for open market employment.

Superior Courts have provided guidelines for assessment of matters of this nature. Pension increases should be assessed based upon calculating a percentage diminution of capacity for work outside the NSW Police. The percentage loss of working capacity is calculated by reference to a whole range of factors, including, but not limited to, the following:

1. The available medical evidence concerning incapacity, if any;
2. The actual work currently being performed by the applicant;
3. The labour market reasonably accessible to the applicant;
4. The applicant's education and qualifications;
5. The applicant's age.

Once again, it is important that members be able to provide **evidence** to support applications for increases. With this in mind, members should ensure that they accurately record all details of attempts at obtaining and maintaining open market employment. A job diary, for example, would be highly relevant as would copies of applications for employment and advertisements of jobs that they applied for; rejection letters etc.

Increases over 85% up to 100%

To increase a pension beyond 85% the member must be **totally** incapacitated for all work **AND** the incapacity must be as a result of exposure to risks that

a member of the general workforce would not normally be exposed to in the course of their employment. The more exposure to special risk events, and the greater the risk involved, the more potential for a higher increase.

The Courts have interpreted what amounts to '**special risk**' on a number of occasions, including, but not limited to, the following:

- Performance of a task requiring urgency and immediacy
- Being assaulted
- Viewing of deceased or mutilated bodies
- Dealing with a "totally feral" man in rough and isolated country
- Rescuing a hanged prisoner
- Dealing with cruel treatment of self or fellow workers
- Coping with vilification of self
- Mistreatment and maltreatment of self
- Being sent to Coventry
- Being treated like an offender
- Rescuing a baby from a fire
- Arresting a dangerous criminal
- Confronting mad and dangerous, desperate criminals
- Dramatic rescue situations involving fire, sea or flood
- Assault by armed offenders
- High speed car pursuit
- Assault by multiple offenders.

Special Risk applications must relate to the HOD medical condition/s listed on a certificate of incapacity.

Once a special risk application has been considered, and the six (6) month appeal period has lapsed, members are generally unable to make any further claims of this nature.

Time limits for pension increases

A maximum benefit of 72.75% of the superable salary applies if the injury in question occurred prior to 21 November 1979.

On 30 June 2006, amendments were made to the Police Regulation (Superannuation) Act, 1906, which imposed Time and Age limits on members applying for pension increases. These amendments to the legislation stated that pension increases are generally not payable unless the application is made before the member reaches 60 years of age, or not later than five (5) years after the member resigns or retires, whichever is later. There is, however, provision within Section 16A of the Act to allow for consideration of an out of time application in specified circumstances.

IMPORTANT NOTE

A decision in the Court of Appeal (SAS Trustee Corporation v Patterson [2010] NSWCA 167) held that there is no time limit for making a pension increase application for members who had an entitlement prior to 30 June 2006.

However, the Association always encourages members to comply with the time limits stipulated above, wherever possible.

A facts sheet in relation to pension increase applications is available on the State Super website (www.statesuper.nsw.gov.au).

12. Process of Application for Medical Discharge

PSS Form 11: Application Form for Medical Discharge Benefit, Section 8/10B(1)

"The Form"

The medical discharge application form – "PSS Form 11" – is available on the State Super website at www.statesuper.nsw.gov.au or by phoning Pillar Administration on 1300 130 097.

The Form is accompanied by comprehensive explanatory notes.

Medical condition/s claimed:

Officers should seek to have all conditions that are currently impacting on their ability to perform full operational policing duties considered by PSAC and not merely rely upon one main condition.

Medical Reports

Applicants are encouraged to provide one (1) specific report, which covers each injury/condition that the member is claiming makes them incapable of performing the duties of office. Often if injuries are associated, one doctor

is able to comment on the totality of the injuries. However, should an Officer have separate injuries, for example, a physical condition and also a psychological condition, separate reports will, in the normal course of events, be requested from qualified treating specialist doctors.

Strict 'medical-legal reports' are not essential. Comprehensive reports from current treating doctors and treatment providers are sufficient. PSAC are, however, reluctant to attach significant weight to reports from general practitioners or treatment providers who are not medical practitioners.

If you do chose to provide a report it will be at your **own expense**.

PSAC have a preference for medical reports that meet the following criteria:

- Be provided by a medical specialist who specialises in the area relevant to your medical condition;
- Be based upon a medical examination of you;
- Have been prepared, preferably, within the last 12 months.

There may be sufficient medical reports contained within the Officer's Hurt on Duty/Workers Compensation or Injury Management files maintained by the NSW Police. An Officer may seek access to those reports by making a written request to the NSW Police Force.

When those reports are accessed, the Officer should check that the author of the report is a specialist in the field of medicine in question and that the report addresses the issue of the medical conditions that impact upon the performance as a Police Officer.

At this point in time, the NSW Police does not normally obtain specific reports relating to a member's application for medical discharge. The NSW Police only provides what is already on file to PSAC, notwithstanding that it may be inadequate. This means that, following the submission of an application through the NSW Police to PSAC, PSAC could write to the Officer indicating that the medical information provided is inadequate and offering the applicant an opportunity to provide more medical information.

Over and above any information that you may chose to provide, STC will require you to undergo a medical examination with a medical specialist nominated by them.

Lodging the Application

The **original** completed Application Form and **copies** of all other supporting documents should be sent to:

Pillar Administration
PSS Team
PO Box 1229
WOLLONGONG NSW 2500

We recommend that a copy is forwarded to the Medical Discharge Co-ordinator at the NSW Police Force. Pillar will generally write to the NSW Police and request further information, however in our experience the provision of a copy at the beginning of the process assists to reduce delays. This person is responsible for gathering the necessary materials from the Police and forwarding a range of material including other doctor's reports (treating and independent doctors) and other relevant information (e.g. rehabilitation, welfare, worker's compensation and other service details).

Pillar Investigation

A case officer at Pillar investigates the matter on behalf of PSAC. This involves:

- An assessment and summary of the application and other factual documentation.
- Requesting information from the NSW Police Force.

- Arranging medical examinations by an independent doctor nominated by PSAC. All the material is forwarded to a doctor nominated by PSAC who prepares a further medical report.
- When the independent medical report is received, the file will be reviewed and recommendations are prepared and then forwarded to the next available PSAC meeting. PSAC convenes once per month, usually on the last Thursday of each month.
- An application may be deferred by PSAC should the Committee consider that further medical evidence or other information concerning the claimed incapacity is required. This may entail PSAC arranging a further medical appointment or requesting additional information from the applicant or the NSW Police. This action will delay final determination.

13. Responsibility of the Applicant

The main responsibility of the applicant is to:

- Complete and lodge their Application Form (PSS Form 11).
- They are encouraged to consider supplying medical reports to support their application.
- If the subject infirmity they suffer is believed to be HOD, it is important to indicate that the injury is claimed

as Hurt on Duty on the medical discharge application form and if the Officer has not already done so, lodge a Hurt on Duty claim form as soon as possible.

- Participate in Injury Management.

14. Role of the NSW Police

- Upon request, and with the applicant's authority, Pillar (STC), through the NSW Police, gathers all the relevant and necessary information.
- The Commissioner makes the decision whether to discharge an Officer if a Certificate of Incapacity is issued by PSAC.
- If a Certificate of Incapacity is issued by PSAC when determining a Section 10 application, the Commissioner must determine whether the infirmity identified in the Certificate of Incapacity is HOD.
- The Commissioner must sign off as to the member's participation in an Injury Management Program before STC will commence payment of the HOD pension.

Note: If the certificate identifies the infirmity as similar or the same as an infirmity that was previously classified as HOD, the Commissioner is still obliged to make a new assessment based on the issuing of the certificate.

15. Applications Lodged by NSW Police on Behalf of an Officer

On 23 November 2010, a Bill passed through Parliament which provides the Commissioner of Police the ability to apply, through STC, for a medical discharge on behalf of an Officer.

The legislation states that an Officer must have been on sick leave for a total period of at least 12 months in the previous 18 months and whose health is, in the opinion of a medical practitioner, unlikely to improve sufficiently to enable them to return to duty.

The Commissioner is required to provide the Officer with a copy of the proposed application and give the Officer 28 days to notify of any other infirmities, and whether those infirmities were as a result of being hurt on duty.

However, the Commissioner is also able to provide the Officer with a copy of the proposed medical discharge application after the Officer has been on sick leave for at least 8 months during the previous 18 months, in anticipation that the Officer will remain on sick leave for a further 4 months, again giving the Officer 28 days notice to notify of any other infirmities which should be included in the application. The proposed medical discharge application is to be delivered to the Officer by personal service.

Whilst the legislation provides mandatory consultation with the Officer regarding the medical discharge application and the infirmities claimed, the application itself (after consultation) can be made by the Commissioner of Police with or without the consent of the Officer to whom the application relates. It also allows the Commissioner of Police to supply medical information to STC about the Officer without the need to obtain consent from the Officer, despite any restrictions in applicable privacy legislation.

It is important that Officers advise STC of all medical conditions, including non hurt on duty conditions that affect them performing full operational duties. Applications which do not address all of the relevant infirmities impacting upon an Officer could have the potential to minimise future claims.

It is also important that Officers note that the Legislation provides for applications to be made for both non hurt on duty (Section 8) and hurt on duty (Section 10).

Nothing in the legislation prevents an Officer from making their own application to STC for a medical discharge benefit.

In May 2011, the NSW Police Force introduced their policy relating to this legislation, which details the procedures to be followed by the NSWPF when an officer is nominated

for medical discharge by the Commissioner of Police. It is titled "Nomination for Medical Discharge – Policy and Procedures" and is available on the NSWPF intranet.

Members who feel they may be affected by this new legislation should contact the Police Association office, where they will be referred to a member of the Medical Entitlements Team for more information.

16. Injury Management "mutual obligations"

HOD medical discharge benefits are conditional on the Commissioner's sign off as to the member's participation in an Injury Management Program. There is an appeal to the District Court against an adverse decision.

As of the 30 June 2006, legislation introduced a mutual obligation upon the member and the NSW Police in relation to Injury Management Programs. Historically, Injury Management for pre 88 members has been neglected. Under the present legislation, payment of a HOD pension is conditional on the NSW Police Commissioner's signing off as to the member's participation in any Injury Management Program.

Before the Commissioner can refuse to sign off, the following things must have occurred:

- The Injury Management Program must have been approved by the Commissioner as being no less beneficial to participants in the program than any comparable Injury Management Program under the Workplace Injury Management and Workers Compensation Act 1998 applicable to members of the police force; **and**
- The member must have failed to comply with the reasonable direction given to the member in respect of the member's participation in the program; **and**
- The member must have been given a reasonable opportunity to comply; **and**
- The member must have been warned in writing that failure to comply might result in the member not receiving a benefit under the Act.

It is an obvious question of PSAC to ask what attempts the employer has made to rehabilitate and if the member has genuinely tried rehabilitation. This assists in determining the long-term prognosis of a person's ability to return to the workplace.

17. If the Application before PSAC is Successful

- A. PSAC forwards the certificate of medical incapacity to the NSW Police.
- B. Only the Commissioner of Police has the authority to discharge the applicant from the NSW Police on medical grounds.
- C. The NSW Police then makes arrangements for the discharge. The NSW Police will notify the Officer of his/her last day of service.
- D. It is at this point that the Commissioner of Police, under Section 10B(3)(a) of the Police Regulation (Superannuation) Act 1906, determines if the infirmity in respect of which the Officer is being discharged is HOD or not. (The Commissioner of Police is required to provide written notification to the Officer of this decision).
- E. The Commissioner, in the case of HOD pensions, provides certification relating to Injury Management to STC and a copy is provided to the member.

18. If H.O.D is Declined by the Commissioner

- A. If PSAC issues a Certificate of Incapacity, and the Commissioner authorises medical discharge **yet declines the infirmity as HOD**, the Officer has a right of appeal against the Commissioner's decision not to accept the infirmity as HOD to the District Court under Section 21 of the Act.
- B. It should be noted that the HOD appeal process might further delay payments of any benefits. Generally the STC will pay the non-HOD pension prior to the District Court determining the case. Should the Court subsequently grant HOD then the non HOD pension will be adjusted to reflect the rate of the HOD pension from the date of commencement.

19. If an Application for a Certificate of Incapacity is Declined by PSAC

- A. If PSAC declines to issue a Certificate of Incapacity, there is a right of review under Section 67 of the *Superannuation Administration Act* to the Disputes Committee of STC (State Super). This is an administrative review. There is an opportunity to supply further information as required.
- B. If the review is unsuccessful, a right of appeal lies under

Section 88 of the Superannuation Administration Act to the NSW Industrial Relations Commission in Court Session.

- C. Such appeals must be lodged within six (6) months after the STC's decision, although the Court may grant leave to appeal outside six (6) months in certain circumstances.

20. Commencement of Benefits Arising from Medical Exit

If an application for medical discharge is successful, the nominated last day of service is usually the last day of the next full pay period.

A pension is payable from the day immediately following the last day of service. Any leave entitlements owed should be paid out as a lump sum immediately. However, in our experience, the administrative processes surrounding the commencement of pensions normally result in pensions actually commencing approximately one (1) month from the date of discharge, with arrears being back paid.

A member can extend their last day of service by electing to take unused annual or accrued leave owing to them. None of the above applies to extended leave (long service leave), which will always be paid as a lump sum by the NSW Police on discharge.

21. Commissioned Officers

The process for Medical Discharge for Commissioned Officers is the same as non Commissioned Officers with one important exception.

When the Commissioner has determined not to renew a contract based upon the Officer's inability to meet the required standards of operational competence.

AND

When the Officer's medical discharge application is not going to be finalised prior to the expiration of the fixed term.

The Commissioned Officer in this position has essentially two options:

- A. The Officer commences special leave without pay (SLWOP) until the application for medical discharge is considered by PSAC. Should SLWOP be approved to extend a term appointment or to provide for a further period of appointment, the subject Officer will not be paid any salary beyond the existing date of termination of the fixed term. The only benefit accruing to Officers on SLWOP will be extended leave. No additional non-renewal benefit will accrue and the term appointment will be deemed completed on the date nominated by the Commissioner's delegate as the medical retirement date.
- B. The Officer exits from the NSW Police at the conclusion

of the fixed term. This could potentially impact on access to Superannuation benefits under the Legislation.

It is very important for Commissioned Officers considering medical discharge to bear in mind the expiry date of their contracts.

22. Delays in H.O.D Approval of Infirmity & Impact on Initial Pension Payment

If the payment of the pension entitlement has been delayed until the HOD decision was finalised, back-payment of entitlements will be paid by STC.

Members who have less than 20 years' service will most probably receive no payments pending the decision of the Commissioner on the HOD. They may be paid the non-HOD entitlement, that is, twice their annual salary, on request to STC if the HOD decision is unreasonably delayed. When this occurs, the money paid by STC is refundable by the member, if, and when, a HOD benefit becomes payable.

Members who have over 20 years' service should contact the NSW Police Force Hurt on Duty Unit and seek an indication as to the status of your matter. If there is an indication that the decision relating to HOD may be delayed, they could consider seeking an interim pension, depending on years of service and their own financial circumstances.

An interim pension will be at the non-HOD rate. For example, a person who has 22 years' service would be commenced at 53.35%. Only when the decision regarding HOD is approved, will the pension have to be recalculated at the appropriate rate and back pay given.

23. How Long Does the Whole Process Take?

It depends on the complexity of the matter. Historically, discharges have taken a very long time. Currently matters take approximately four (4) to six (6) months to complete from the lodgement date at PSAC. It may take longer, however, depending on what each individual application entails. For example, if further medical appointments are required, this may lengthen the time it takes to have the papers put before PSAC.

Delays are often related to obtaining sufficient and adequate medical information. Members can reduce delays by lodging their applications with current and appropriate specialist reports. It is not true that it is quicker to seek a non Hurt on Duty medical discharge as opposed to a Hurt on Duty discharge. Both applications are subject to exactly the same processes with the exception of the requirement for the Commissioner to make a post certificate decision relating to the Hurt on Duty status of the incapacities and certification relating to Injury Management.

24. Seeking Financial Planning Advice

Exiting from employment is a significant life event and members should ensure they seek financial advice prior to making any election in relation to the options available relating to their superannuation entitlements, investment options and scheme options (such as prior to commuting to lump sum).

Appropriate advice should cover social security, debt reduction, taxation strategies and options regarding the ongoing investment of benefits payable. **Financial advice should always be sought from a qualified and certified financial planner.**

Members are also encouraged to talk to more than one planner before settling on how they should take or invest any benefits payable.

Where to find advice

The Commonwealth Government has developed a website “Money Smart” (www.moneysmart.gov.au) and a range of information booklets (available on their website) to assist Australians in understanding the basics about managing their money, borrowing and managing debt, and retirement planning. For more information visit the Money Smart website or phone 1300 300 630.

Possible Financial Planning Advice provider options

The following is merely intended to be a guide for the assistance of members. The Association does not hold out any one provider as having the Association’s exclusive recommendation as a preferred provider.

State Super Financial Services (SSFS)

State Super Financial Services (SSFS) is a separate entity owned by State Super with offices and staff spread across NSW and Interstate. It was established to provide personal financial and product advice for State Super members and their families. SSFS provides a wide range of personal financial planning and investment services. You can access these services via a face-to-face meeting or phone conference with a professional financial planner or via relevant seminars delivered across the state. For more information on SSFS visit their website at www.ssfs.com.au or call 1800 620 305.

Other Options

The Australian Council of Trade Unions (ACTU) ‘Member Connect’ is also able to put you in contact with an ACTU endorsed financial planner. For more information call 1300 362 223 or visit www.memberconnect.com.au.

The Police Bank or other financial institutions, such as the major banks, should also be able to provide access to a non independent financial adviser.

List of Contacts

Below is a list of contacts should you have any questions regarding the information contained in this booklet:

State Super

Personal interviews: Level 18, 83 Clarence Street, Sydney, NSW, 2000. Please call first on (02) 9238 5540 to make an appointment.

Hours: 8.30am to 5.30pm, Monday to Friday.

Website: www.statesuper.nsw.gov.au

Email: enquiries@stc.nsw.gov.au

Police Superannuation Advisory Committee (PSAC)

c/o- Team Leader

Police Super Scheme – Operations

Pillar Administration

PO BOX 1229

WOLLONGONG NSW 2500

Telephone: 1300 130 097

(for the cost of a local call, unless from a mobile or pay phone)

Police Association of NSW

Information Organising Centre

(02) 9265 6777

E/N 57071

Fax: (02) 9265 6789

Website: www.pansw.org.au

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C.A.R.E.

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