

Police Amendment (Death and Disability) Bill 2005

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to facilitate the introduction of a new death or incapacity benefits scheme for police officers. The Bill:

- (a) amends the *Police Act 1990* to remove the special risk benefits that are currently payable to police officers as a consequence of the introduction of the new death or incapacity benefits under a police officers award, and
- (b) amends the *State Authorities Superannuation Act 1987* to enable regulations to be made to provide for the relinquishment of coverage for the additional benefit under the State Authorities Superannuation Scheme in relation to police officers who are covered for death or incapacity benefits under that award.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Police Act 1990* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *State Authorities Superannuation Act 1987* set out in Schedule 2.

Clause 5 amends the *Police Regulation 2000* as a consequence of the amendments set out in Schedule 1.

Schedule 1 Amendment of Police Act 1990

Schedule 1 [1] repeals section 216 (Special risk benefit where certain police officers hurt on duty) of the *Police Act 1990* which currently gives the Commissioner of Police a discretion to make a payment in respect of a police officer who is retired from NSW Police, or dies, because of physical or mental incapacity caused by the officer being hurt on duty. This benefit is to be replaced by new death or incapacity benefits that will be available to police officers under a scheme to be established by a specified industrial award relating to police officers. The scheme will be available to police officers other than officers who are contributors to the Police Superannuation Scheme, that is, officers employed on or after 1 April 1988.

The special risk benefit provisions in section 216AA of the *Police Act 1990*, which relate to students of policing, will remain effective. Therefore, **Schedule 1 [2]–[4]** make consequential amendments to sections 216AA and 216A (Determination by District Court) of that Act to remove references to section 216.

Schedule 1 [5] enables savings and transitional regulations to be made as a consequence of the proposed amendments.

Schedule 1 [6] inserts savings and transitional provisions as a consequence of the proposed amendments. The Commissioner may still make a payment under section 216 as if that section had not been repealed if the police officer was hurt on duty before the repeal of that section, but only if he or she is not subsequently entitled to a death or incapacity benefit under the specified industrial award. If an amount is paid under section 216 or 216A in relation to a physical or mental injury for which a death or incapacity benefit is also paid, the person to whom the amount is paid is liable to repay the amount to the Commissioner. The amount may be recovered by the Commissioner in a court of competent jurisdiction.

Schedule 2 Amendment of State Authorities Superannuation Act 1987

Schedule 2 [1] inserts proposed Part 5D (proposed sections 46AI–46AK) into the *State Authorities Superannuation Act 1987* which provides for the making of regulations to give effect to the provisions of a specified industrial award under which police officers are entitled to death or incapacity benefits. Regulations may be made as to the effect on existing coverage under that Act for a death or incapacity benefit, and liability to pay the additional benefit levy, if a contributor or former contributor is covered for a death or incapacity benefit under the specified industrial award. Regulations may also be made in relation to preventing the repayment of any additional benefit levy paid by a contributor or former contributor who is or was a police officer.

Schedule 2 [2] enables savings and transitional regulations to be made as a consequence of the proposed amendments.