



NSW Legislative Council Hansard

Police Amendment (Death and Disability) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 30 November 2005.

Second Reading

The Hon. ERIC ROOZENDAAL (Minister for Ports and Waterways) [4.03 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

The death of a police officer performing his or her duty is tragic, and it is important that should such an event occur, the family of the police officer is looked after. Likewise if a police officer is injured as a result of their occupation it is appropriate that assistance and support is provided to the police officer.

On 9 May 2005, the Government formally announced a 105 million dollar package of initiatives to overhaul the way in which NSW Police supports police officers who are killed or injured in the performance of their duty. The package was endorsed by the New South Wales Police Association on 23 June 2005.

A major component of the package is a new death and disability scheme. The purpose of this Bill is to introduce minor amendments to the Police Act 1990 and the State Authorities Superannuation Act 1987 to facilitate the introduction of the new scheme. The scheme will be established by a specified industrial award.

The bill is based on deliberations of the Police Superannuation Working Party, chaired by the Premier's Department, with representation from the Ministry for Police, NSW Police, the Police Association of New South Wales and NSW Treasury.

The Working Party was formed in 2003 in recognition of the limitations of the current system of death and disability coverage for police officers, and the need to provide police officers with insurance protection commensurate with the level of risk they face in the line of duty.

Under the current system, serving police officers operate under different death and disability insurance schemes. Prior to April 1988, police operated under the Police Superannuation Scheme. When this scheme was closed by the Greiner Government, police officers who joined after April 1988, who comprise some 70 per cent of the current force size, became members of the State Authorities Superannuation Scheme [SASS], unless they transferred their benefits to First State Super [FSS]. These latter schemes are not police specific but rather cover all workers in New South Wales.

This has produced the unusual situation whereby two officers, rostered on the same shift, and responding to the same incident, will be treated differently with respect to insurance payments if they are both injured, or indeed killed.

The introduction of new death and disability insurance, available to police officers employed on or after 1 April 1988, other than those who contribute to the Police Superannuation Scheme, will redress this inequality, and ensure that the unique dangers faced by all police officers when performing their duty are duly recognised.

In addition, police officers who are currently members of the State Authorities Superannuation Scheme [SASS] will be able to elect to participate in the new death and disability scheme and pay the additional benefit levy.

The bill also contains provision to enable the commissioner to still make a special benefit payment if for some reason the police officer is injured on duty but for some reason is not covered by the new scheme.

The bill will thereby permit all police officers to go about their daily tasks safe in the knowledge that should they suffer injury or illness, support will be provided to themselves and their family.

Some aspects of the new death and disability scheme include:

- availability of a lump sum payment for work-related injuries. The benefit will be paid if the injury prevents the injured officer from continuing to work with NSW Police, or the broader public sector;
- benefits paid based on the injured officer's age and the degree of incapacity suffered;

- should an officer be killed on-duty, his or her benefits will be payable to their spouse, or to their estate; and
- enabling police to pay additional insurance for off-duty injuries.

The benefits for death or total and permanent disablement will be covered under an insurance arrangement with Metlife Insurance Limited. The benefits for partial and permanent disablement will be met by NSW Police.

Separate to this bill are a number of other additional measures that have been developed to foster the health and welfare of police officers. These measures, to be included as part of the award to establish the scheme for death and disability, are:

- the creation of a specialist unit within NSW Police to oversight and improve the injury management process. The specialist unit will administer the new death and disability scheme and provide advice and education to Local Area Commands on management of injured police officers.
- the extension of the Wellcheck program. The Wellcheck program, piloted within the Child Protection and Sex Crimes Squad, enables staff at high risk of psychological injury to participate in quarterly 'well being check-ups' with an Employee Assistance Program [EAP] psychologist. This program recognises that not all injuries are physical, and able to be treated with a course of physiotherapy. Clearly, tasks performed by police officers can cause mental anguish and it is critical that a program is available to police officers who are at risk of suffering psychological injury.

The occupation of policing is demanding both physically and psychologically, and the establishment of the special unit, and implementation of the Wellcheck program will help prevent, detect and manage injury to police officers.

Schedule 1 amends the Police Act 1990.

Clause 1 of schedule 1 repeals section 216 of the Police Act which currently provides the Commissioner of Police with discretion to make a payment, called a special risk benefit, in respect of a police officer who is retired from NSW Police, or dies, as a result of being hurt on duty.

The special risk benefit will be replaced by the new death or disability benefits that will be available to police under a scheme to be established by a specified industrial award. The scheme will be available to police officers employed on or after 1 April 1988, and who are not contributors to the Police Superannuation Scheme.

Clause 2 provides that the special risk benefit as applied to students of policing will still remain, as the new scheme will not extend to students of policing.

Clause 3 amends section 216A of the Police Act to allow only a student of policing or the spouse or personal representative of a student of policing to apply to the District Court for a determination in relation to a decision of the commissioner regarding a special risk benefit.

Should the commissioner fail or refuse, within 6 months after a student of policing suffers an injury, to make a decision about payment of a special risk benefit, then the commissioner is taken to have made a decision to refuse to pay any amount in relation to the student.

Clause 4 further amends section 216A of the Police Act to remove the ability for the District Court to make decisions with respect to section 216.

Clause 5 provides for savings, transitional and other provisions to be specified by way of regulation.

Clause 6 provides that the Commissioner of Police can still make a payment under section 216, as if that section had not been repealed, if a police officer is hurt on duty prior to the commencement of the new death or disability scheme, but is not entitled to, nor eligible for, payment under the new death or disability scheme.

Conversely, provision is made for recovery of the special benefit if for some reason both a special risk benefit and a death and incapacity benefit is paid.

Schedule 2 amends the State Authorities Superannuation Act 1987.

Clause 1 of Schedule 2 enables police officers who are currently members of the State Authorities Superannuation scheme to elect to participate in the new death and disability scheme and pay the additional benefit levy.

Clause 2 provides for savings, transitional and other provisions to be specified by way of Regulation.

A regulation will be made to permit police officers who are currently members of the State Authorities Superannuation scheme to elect to participate in the new death and disability scheme and pay the additional benefit levy.

This bill, by facilitating the introduction of the new death and disability scheme, confirms the Government's strong commitment to protecting the very people who perform the demanding job of protecting the State of New South Wales.

I commend the bill to the House.