

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Police Regulation (Superannuation) Act 1906* in relation to the discharge of members of the Police Force (employed before 1 April 1988) who have been on long-term sick leave, whose health is unlikely to improve to enable a return to duty and who are determined by the trustees of the Police Superannuation Fund (on medical advice) to be incapable of continuing to exercise the functions of a police officer. The Bill enables the Commissioner of Police to apply for such a determination of the trustees, in which case the discharged member will be entitled to the relevant superannuation benefit depending on whether the infirmity was or was not caused by the member having been hurt on duty.

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 the date of assent to the proposed Act.

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Police Regulation (Superannuation) Amendment Bill 2010

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Schedule 1 Amendment of Police Regulation (Superannuation) Act 1906 No 28

The Schedule inserts new section 15B into the Act to give effect to the object outlined in the above Overview. The proposed new section includes the following provisions:

(a) The section applies to a member of the Police Force who continues to be a member of the closed Police Superannuation Fund, namely members employed before 1 April 1988.

(b) The section applies to any such member who has been on sick leave for at least 12 months in the previous 18 months and whose health, in the opinion of a medical practitioner, is not likely to improve sufficiently to enable the member to return to duty.

(c) The Commissioner of Police is authorised to apply to the trustees of the Police Superannuation Fund (**STC**) for a determination that the member is incapable, from infirmity of body or mind, of personally exercising the functions of a police officer referred to in section 14 (1) of the *Police Act 1990* (the certificate is a pre-requisite to the medical discharge and superannuation entitlement of a member who has not reached the retirement age).

(d) Before making such an application, the Commissioner is to provide the member with a copy of the proposed application detailing the member's infirmities (and supporting information) and give the member 28 days to notify the Commissioner of any other infirmities and whether any of the infirmities were caused by the member having been hurt on duty. Discharge of a member hurt on duty entitles the member to a higher superannuation benefit.

(e) The Commissioner may provide a copy of the proposed application after the member has been on sick leave for at least 8 months to enable an assessment by the Commissioner before the application is formally made to STC whether any further infirmities notified by the member were caused by the member having been hurt on duty.

(f) The Commissioner may supply to STC medical information about the member without the need to obtain the consent of the member and despite any restrictions in applicable privacy legislation.

(g) A certificate enabling the medical discharge of the member may be issued by STC on the basis that the infirmity concerned was caused by the member having been hurt on duty or on the basis it was not so caused. If the certificate is issued on the basis that the member was not hurt on duty, a superannuation

benefit can later be paid at the higher rate backdated to the date of discharge if the infirmity concerned is later determined by the Commissioner or on appeal to have been caused by the member having been hurt on duty.

(h) The period of sick leave referred to in the section will include periods of sick leave with or without pay and periods of sick leave before or after the commencement of the proposed section.