

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.28 a.m.]: I move:

That this bill be now agreed to in principle.

Police officers employed prior to April 1988, typically known as pre '88 officers, are covered by the compulsory Police Superannuation Scheme. The scheme provides for a pension to be paid if an officer retires from the NSW Police Force on medical grounds. The benefit is received following the determination of an application made to the SAS Trustee Corporation, or STC, the trustee of the scheme. The STC must be satisfied that a member has become incapable of discharging their duties of office, based on the medical evidence provided with the application. Currently, the STC can only accept medical discharge papers from the individual officer. This means that the Commissioner of Police cannot exercise his power to medically discharge an officer without running the risk of the officer losing their membership of the scheme and therefore access to benefits.

The bill before the House proposes amendments to the Police Regulation (Superannuation) Act 1906, in relation to the discharge of pre-1988 officers 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 STC, on medical advice, to be incapable of continuing to exercise the functions of a police officer. The bill enables the commissioner to apply for a determination of the trustees without the risk of loss of entitlements. 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.

The bill inserts a new section 15B into the Act, and includes the following provisions. The section will apply to a pre-1988 officer, the member, who has been on sick leave for 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 section provides the Commissioner of Police with the ability to apply to the STC for a determination that the member is incapable of exercising the functions of a police officer as set out in section 14 (1) of the Police Act 1990. The commissioner will be required to provide the member with a copy of the proposed application, giving them 28 days to notify of any other infirmities, and whether those infirmities were as a result of being hurt on duty.

The commissioner will be able to provide the member with a copy of the proposed application after the member has been on sick leave for at least eight months. It has been agreed that the application will be delivered by personal service. The member will then have 28 days to notify the commissioner of any other infirmities that should be listed as part of the application, and this provides the NSW Police Force with time to assess whether those infirmities were caused by the member having been hurt on duty.

The commissioner may supply to the STC medical information about the member without the need to obtain the consent of the member and despite any restrictions in applicable privacy legislation. A certificate enabling medical discharge of the member may be issued by the STC on the basis that the infirmity concerned was caused by the member having been hurt on duty or on the basis that it was not so caused. It should be noted that nothing in the section will prevent the member from making their own application to STC for a benefit under the Police Regulation (Superannuation) Act 1906, or for the issue of a certificate under this Act relating to the infirmity of the member.

The bill provides for applications to be made under section 8 of the Act and, if applicable, under section 10, which covers officers hurt on duty. If a 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. The Human Resources Command of the NSW Police Force has undertaken extensive consultation with the Police Association of NSW, which, I am pleased to report to the House, has indicated its support for the bill. I commend the bill to the House.