



New South Wales

Police Amendment (Police Officer Support Scheme) Bill 2024

Explanatory note

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

Overview of Bill

The objects of this Bill are to—

- (a) amend the *Police Act 1990* to establish the police officer support scheme (the *scheme*) to provide payments to or in relation to police officers who die or become permanently or temporarily incapacitated for work, and
- (b) amend the *Personal Injury Commission Act 2020* to establish the Police Officer Support Scheme Division (the *POSS Division*) to hear and determine disputes in relation to the scheme.

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.

Schedule 1 Amendment of Police Act 1990 No 47

Schedule 1[1] inserts definitions for *Personal Injury Commission* or *Commission* and *police officer support scheme* for the *Police Act 1990*.

Schedule 1[2] inserts proposed Part 9B to establish the police officer support scheme.

Proposed Part 9B, Division 1 defines certain words and expressions for the proposed part.

Proposed Part 9B, Division 2 establishes the scheme to provide payments, with the approval of the Minister for Police and Counter-terrorism (the *Minister*) and the concurrence of the Treasurer, for police officers who die or become permanently or temporarily incapacitated for work. A police officer must make contributions to the scheme as prescribed by the regulations. The regulations may also provide for other matters in relation to the scheme. The proposed part does not apply to a police officer who is a contributor to certain superannuation funds or a police officer who is not a contributor to the scheme.

Proposed Part 9B, Division 3 provides that the functions of Insurance and Care NSW (*ICNSW*) include conducting reviews of decisions made under the regulations in relation to the scheme.

Proposed Part 9B, Division 4 provides that the Personal Injury Commission (the *Commission*), members of the Commission and a medical assessor appointed under the *Personal Injury Commission Act 2020* have additional jurisdiction and functions provided by the proposed part. Proposed section 199I provides that a party to a dispute may appeal to the Commission by application to the President against a decision made by a non-presidential member. The proposed section sets out the procedures for an appeal. Proposed section 199J provides that a party to proceedings heard by the Commission, if constituted by a presidential member, may appeal, on a point of law, to the Court of Appeal. The proposed section sets out the procedure for an appeal.

Proposed Division 5 provides that certain privacy legislation does not apply to information that is necessary for the administration or operation of the scheme, including reviews of decisions conducted by ICNSW, hearings conducted by the Commission and appeals against decisions of the Commission.

Schedule 1[3] inserts savings and transitional provisions.

Schedule 2 Amendment of Personal Injury Commission Act 2020 No 18

Schedule 2[14] inserts proposed Schedule 3A to establish the Police Officer Support Scheme Division of the Commission.

Proposed Schedule 3A, Part 1 defines certain words and expressions for the proposed schedule.

Proposed Schedule 3A, Part 2 provides that the POSS Division is composed of the head of the POSS Division (the *Division Head*) and other members assigned to the Division under the *Personal Injury Commission Act 2020*.

Proposed Schedule 3A, Part 3 allocates the functions of the Commission in relation to the scheme to the POSS Division.

Proposed Schedule 3A, Part 4 provides that when the Commission is exercising its POSS Division functions, the Commission must be constituted by a non-presidential POSS Division member or a Division Head who is a principal member.

Proposed Schedule 3A, Part 5 provides that when the Commission is constituted by a non-presidential member, the member is to use the member's best endeavours to settle a dispute before making a determination in relation to a dispute. The proposed part provides the Commission with powers to require evidence in relation to a proceeding allocated to the POSS Division. Refusing or failing to comply with a requirement carries a maximum penalty of 50 penalty units. A person is not required to answer a question in relation to a proceeding if the answer would incriminate the person.

Schedule 2[1]–[13] make consequential amendments.

Schedule 3 Consequential amendments of other legislation

Schedule 3 makes consequential amendments to the following legislation—

- (a) the *Industrial Relations Act 1996*,

- (b) the *State Authorities Superannuation Act 1987*,
- (c) the *State Authorities Superannuation Regulation 2020*,
- (d) the *Victims Rights and Support Act 2013*,
- (e) the *Victims Rights and Support Regulation 2019*.