



## Police Association Employees (Superannuation)

### Amendment Bill.

#### Second Reading

**The Hon. JOHN HATZISTERGOS** (Minister for Justice, and Minister Assisting the Premier on Citizenship) [8.15 p.m.]:  
I move:

That this bill be now read a second time.

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

#### Leave granted.

This bill amends the Police Association Employees (Superannuation) Act 1969 to ensure there is a valid mechanism for Police Association employees who are under the age of 60, and who were police officers prior to April 1988, to be medically certified as incapable of performing their duties and to access their annual superannuation allowance.

The 1969 Act allows Police Association employees who were police officers prior to April 1988 to maintain a number of the Police Superannuation Scheme benefits payable to pre-April 1988 police under the Police Regulation (Superannuation) Act 1906.

Such officers who are under the age of 60 and who are certified by the SAS Trustee Corporation [STC] as incapable of performing their duties for the Association are entitled to receive the annual superannuation allowance that would be payable under the 1906 Act.

The 1906 Act was amended in 1987 to enable STC certification on the basis of medical advice provided by one or more medical practitioners nominated by STC—previously STC could only certify on the basis of advice provided by 2 or more members of the Police Medical Board.

There was no corresponding amendment made to the 1969 Act, which means the STC cannot certify Police Association employees without the advice of 2 members of the Police Medical Board.

STC prefers the flexibility of nominating practitioners with specialist expertise in the type of illness the subject of any claim for early retirement on medical grounds. The Police Medical Board was not able to provide the same standard of specialist assessment.

As a result, the Police Medical Board is no longer used for medical assessments and the appointment of Board members has lapsed, meaning that there are no longer 2 members of the Board who can provide advice as to whether a Police Association employee is incapable of performing their duties. This means that officers who are incapable of performing their duties are unable to access their annual superannuation allowance.

This has not been an issue until recently, as no relevant Police Association employee has ever sought a medical assessment for the purposes of accessing the allowance.

However, a well-respected and long-serving employee of the Association has recently suffered serious heart disease and has had to cease his duties. He is unable to access his superannuation allowance, which is a cause of some stress. This is obviously particularly undesirable, given his medical condition.

The bill therefore amends the 1969 Act to bring it into line with the 1906 Act, enabling the STC to nominate the medical practitioner or practitioners that will advise on whether a relevant Police Association employee is unfit for service.

All affected parties believe this amendment is preferable to reconstituting the Police Medical Board to deal with this one matter, given the Board does not have the same expertise as specialist STC assessors and the Association employee would have to submit to two medical examinations, rather than one.

The bill still maintains the option of matters being assessed by the Police Medical Board, as does the 1906 Act, this being necessary to deal with any medical conditions that may have had their genesis prior to 1988.

The Government has given consideration to the issues to be considered by the Legislative Review Committee in scrutinising bills, and is of the view that the bill will not raise any issues of concern for the Committee.

Whilst the Government would normally introduce non-controversial amendments of this kind through the Statute Law Revision Program, it does not wish to wait until later this session, given the immediate needs of the Police Association

employee in question.

I commend the bill to the House.

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