

FIRST PRINT

POLICE REGULATION (SUPERANNUATION) (WORKERS COMPENSATION) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Workers Compensation Bill 1987.

The object of this Bill is to amend the Police Regulation (Superannuation) Act 1906 as a consequence of the enactment of the Workers Compensation Act 1987. The effect of the amendments is to ensure that those hurt on duty entitlements of members of the police force that are based on the entitlements of workers under the Workers' Compensation Act 1926 reflect the changes to be made by the Workers Compensation Act 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on such day as may be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 is a transitional provision to ensure that the amendments do not affect entitlements for existing injuries.

Schedule 1 (1) and (2) make consequential amendments.

Schedule 1 (3) deletes special provisions for additional pension payments based on weekly payments of compensation for incapacitated workers. As a result of movements in wages and changes to the workers compensation legislation the provisions have become obsolete.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

Schedule 1 (4) replaces the entitlement for redemption of the hurt on duty pension with the proposed new provision for limited commutation of a worker's right to weekly payments of compensation.

Schedule 1 (5) makes a consequential amendment.

Schedule 1 (6) ensures that the increased weekly payments for dependent children of deceased workers are payable in respect of members of the police force who die as a result of being hurt on duty.

Schedule 1 (7) ensures that the increased lump sum payable to the dependants of deceased workers is payable to the dependants of members of the police force who die as a result of being hurt on duty.

Schedule 1 (8) ensures that the increased payments for permanent injuries suffered by workers ("table of maims") and for the new benefit for pain and suffering apply to members of the police force who are hurt on duty.

Schedule 1 (9)-(11) make consequential amendments.

Schedule 1 (12) confers jurisdiction in hurt on duty matters on workers compensation commissioners instead of the Compensation Court in line with the changes under the Workers Compensation Act 1987.

POLICE REGULATION (SUPERANNUATION) (WORKERS COMPENSATION) AMENDMENT BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 28, 1906
4. Transitional provision

SCHEDULE 1—AMENDMENTS TO THE POLICE REGULATION (SUPER-
ANNUATION) ACT 1906

**POLICE REGULATION (SUPERANNUATION) (WORKERS
COMPENSATION) AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Police Regulation (Superannuation) Act 1906 as a consequence of and in connection with the enactment of the Workers Compensation Act 1987.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Police Regulation (Superannuation) (Workers Compensation) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 28, 1906

15 3. The Police Regulation (Superannuation) Act 1906 is amended in the manner set forth in Schedule 1.

Transitional provision

4. The amendments made by this Act to sections 10, 10C, 12, 12A, 12B, 12D, 14C and 14D of the Police Regulation (Superannuation) Act 1906 do
20 not apply to or in respect of a member of the police force who is hurt on duty before the commencement of this Act.

SCHEDULE 1

(Sec. 3)

**25 AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906**

(1) Section 1 (Short title, commencement and interpretation)—

(a) Section 1 (2), definition of "Court"—

Omit the definition.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (b) Section 1 (2), definitions of “hurt on duty”, “State Compensation Board”—

Omit “Workers’ Compensation Act, 1926” wherever occurring, insert instead “Workers Compensation Act 1987”.

- 5 (2) Section 2F (**Delegation**)—

Section 2F (1) (b)—

Omit “section 16 of the Workers’ Compensation Act, 1926”, insert instead “Division 4 of Part 3 of the Workers Compensation Act 1987”.

- 10 (3) Section 10 (**Superannuation allowance where member hurt on duty**)—

Section 10 (6), (6A)—

Omit the subsections.

- (4) Section 10C (**Commutation of superannuation allowance granted to a disabled member**)—

- 15 (a) Section 10C (1)—

Omit “by way of weekly payments as compensation under the Workers’ Compensation Act, 1926, were he a totally incapacitated person entitled to compensation under that Act in respect of a period of incapacity occurring after a period of incapacity of 26 weeks”, insert instead “by way of weekly payments of compensation under Division 2 of Part 3 of the Workers Compensation Act 1987 if the disabled worker were a person entitled to compensation under that Division in respect of a period of total incapacity for work occurring after the first 26 weeks of incapacity”.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

(b) Section 10C (1A)—

After section 10C (1), insert:

(1A) This section applies in the following cases to a liability of the Fund in respect of the prescribed part of any annual superannuation allowance granted under section 10 to a disabled member of the police force:

(a) in the case of an injury received before the commencement of the Police Regulation (Superannuation) (Workers Compensation) Amendment Act 1987;

(b) in the case of a disabled member of the police force who has reached 55 years of age (but only in respect of 40 per cent of the prescribed part of the annual superannuation allowance payable for a period of 5 years);

(c) in any case prescribed by the regulations and to the extent so prescribed;

(d) in the case of a particular disabled member of the police force approved by the Board in special circumstances and to the extent so approved.

(c) Section 10C (2)—

Omit the subsection, insert instead:

(2) A liability of the Fund to which this section applies may, with the consent of the disabled member, be commuted (either in whole or in part) to a lump sum payment, determined by the Board, having regard to—

(a) the nature of the injury received by the disabled member;

(b) the age of the disabled member; and

(c) the diminished ability of the disabled member to compete in an open labour market.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (5) Section 12 (**Superannuation allowance where member dies as a result of being hurt on duty**)—

Section 12 (1) (d)—

- 5 Omit “section 6 (1) of the Workers’ Compensation Act, 1926”,
insert instead “Division 1 of Part 3 of the Workers Compensation
Act 1987”.

- (6) Section 12A (**Allowance in respect of certain children**)—

Section 12A (2)—

- 10 Omit “section 8 (1) (b) of the Workers’ Compensation Act, 1926”,
insert instead “Division 1 of Part 3 of the Workers Compensation
Act 1987”.

- (7) Section 12B (**Gratuities where member dies as a result of being hurt on duty**)—

- (a) Section 12B (1)—

- 15 Omit the subsection, insert instead:

(1) In this section—

“dependant” has the same meaning as it has in Division 1 of
Part 3 of the Workers Compensation Act 1987.

- (b) Section 12B (2)—

- 20 Omit “section 8 (subsection (1) (b) excepted) of the Workers’
Compensation Act, 1926”, insert instead “Division 1 of Part 3
of the Workers Compensation Act 1987 (except an amount
payable in respect of a dependent child)”.

- (c) Section 12B (3)—

- 25 Omit “burial or cremation expenses that, in the opinion of the
Board, would have been payable under section 8 (4) of the
Workers’ Compensation Act, 1926”, insert instead “funeral
expenses that, in the opinion of the Board, would have been
payable under Division 1 of Part 3 of the Workers Compensation
30 Act 1987”.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (8) Section 12D (**Gratuities to members hurt on duty in respect of loss of limbs, medical expenses etc.**)—

Section 12D (1)—

- 5 Omit “sections 10, 10A, 10B and 16 of the Workers’ Compensation Act, 1926,” insert instead “Divisions 3, 4 and 5 of Part 3 of the Workers Compensation Act 1987”.

- (9) Section 14C (**Adjustment of allowances: general cases**)—

Section 14C (2), (3)—

Omit the subsections, insert instead:

- 10 (2) Subject to this Division, where there is an adjustment percentage for a year, the amount of the superannuation allowance payable pursuant to section 10 on the adjustment date for that year to a disabled member of the police force who was discharged before 1st July in that year is hereby adjusted, on and from that
15 adjustment date, by a percentage equal to that adjustment percentage.

- (10) Section 14D (**Adjustment of allowances: partial adjustment**)—

Section 14D (2), (3)—

Omit the subsections, insert instead:

- 20 (2) Subject to this Division, where there is an adjustment percentage for a year (in subsection (5) referred to as “the particular year”), the amount of the superannuation allowance payable pursuant to section 10 on the adjustment date for that year to a disabled member of the police force who was discharged on or after 1st July in that year but on or before 31st March in
25 that year is hereby adjusted, on and from that adjustment date, by a percentage equal to the percentage calculated in accordance with the formula set out in subsection (5).

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (11) Section 20B (**Appeals—other than hurt on duty cases**), as inserted by Act No. 129, 1986.

Section 20B (1) (b)—

Omit the paragraph.

- 5 (12) Section 21 (**Determination by workers compensation commissioner**)—

(a) Section 21 (1)—

Omit “the Court”, insert instead “a workers compensation commissioner under the Workers Compensation Act 1987”.

(b) Section 21 (4), (5), (8), (9)—

- 10 Omit “The Court” wherever occurring, insert instead “A workers compensation commissioner”.

(c) Section 21 (4) (b), (6)—

Omit “the Court” wherever occurring, insert instead “the workers compensation commissioner”.

- 15 (d) Section 21 (7)—

Omit the subsection.

(e) Section 21 (9)—

Omit “it is”.

**POLICE REGULATION (SUPERANNUATION) (WORKERS
COMPENSATION) AMENDMENT ACT 1987 No. 81**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 28, 1906
4. Transitional provision

**SCHEDULE 1—AMENDMENTS TO THE POLICE REGULATION (SUPER-
ANNUATION) ACT 1906**

**POLICE REGULATION (SUPERANNUATION) (WORKERS
COMPENSATION) AMENDMENT ACT 1987 No. 81**

NEW SOUTH WALES



Act No. 81, 1987

An Act to amend the Police Regulation (Superannuation) Act 1906 as a consequence of and in connection with the enactment of the Workers Compensation Act 1987. [Assented to 10 June 1987]

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Police Regulation (Superannuation) (Workers Compensation) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 28, 1906

3. The Police Regulation (Superannuation) Act 1906 is amended in the manner set forth in Schedule 1.

Transitional provision

4. The amendments made by this Act to sections 10, 10C, 12, 12A, 12B, 12D, 14C and 14D of the Police Regulation (Superannuation) Act 1906 do not apply to or in respect of a member of the police force who is hurt on duty before the commencement of this Act.

SCHEDULE 1

(Sec. 3)

**AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906**

(1) Section 1 (**Short title, commencement and interpretation**)—

(a) Section 1 (2), definition of "Court"—

Omit the definition.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (b) Section 1 (2), definitions of “hurt on duty”, “State Compensation Board”—

Omit “Workers’ Compensation Act, 1926” wherever occurring, insert instead “Workers Compensation Act 1987”.

- (2) Section 2F (**Delegation**)—

Section 2F (1) (b)—

Omit “section 16 of the Workers’ Compensation Act, 1926”, insert instead “Division 4 of Part 3 of the Workers Compensation Act 1987”.

- (3) Section 10 (**Superannuation allowance where member hurt on duty**)—

Section 10 (6), (6A)—

Omit the subsections.

- (4) Section 10C (**Commutation of superannuation allowance granted to a disabled member**)—

- (a) Section 10C (1)—

Omit “by way of weekly payments as compensation under the Workers’ Compensation Act, 1926, were he a totally incapacitated person entitled to compensation under that Act in respect of a period of incapacity occurring after a period of incapacity of 26 weeks”, insert instead “by way of weekly payments of compensation under Division 2 of Part 3 of the Workers Compensation Act 1987 if the disabled worker were a person entitled to compensation under that Division in respect of a period of total incapacity for work occurring after the first 26 weeks of incapacity”.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

(b) Section 10C (1A)—

After section 10C (1), insert:

(1A) This section applies in the following cases to a liability of the Fund in respect of the prescribed part of any annual superannuation allowance granted under section 10 to a disabled member of the police force:

- (a) in the case of an injury received before the commencement of the Police Regulation (Superannuation) (Workers Compensation) Amendment Act 1987;
- (b) in the case of a disabled member of the police force who has reached 55 years of age (but only in respect of 40 per cent of the prescribed part of the annual superannuation allowance payable for a period of 5 years);
- (c) in any case prescribed by the regulations and to the extent so prescribed;
- (d) in the case of a particular disabled member of the police force approved by the Board in special circumstances and to the extent so approved.

(c) Section 10C (2)—

Omit the subsection, insert instead:

(2) A liability of the Fund to which this section applies may, with the consent of the disabled member, be commuted (either in whole or in part) to a lump sum payment, determined by the Board, having regard to—

- (a) the nature of the injury received by the disabled member;
- (b) the age of the disabled member; and
- (c) the diminished ability of the disabled member to compete in an open labour market.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (5) Section 12 (**Superannuation allowance where member dies as a result of being hurt on duty**)—

Section 12 (1) (d)—

Omit “section 6 (1) of the Workers’ Compensation Act, 1926”, insert instead “Division 1 of Part 3 of the Workers Compensation Act 1987”.

- (6) Section 12A (**Allowance in respect of certain children**)—

Section 12A (2)—

Omit “section 8 (1) (b) of the Workers’ Compensation Act, 1926”, insert instead “Division 1 of Part 3 of the Workers Compensation Act 1987”.

- (7) Section 12B (**Gratuities where member dies as a result of being hurt on duty**)—

- (a) Section 12B (1)—

Omit the subsection, insert instead:

- (1) In this section—

“dependant” has the same meaning as it has in Division 1 of Part 3 of the Workers Compensation Act 1987.

- (b) Section 12B (2)—

Omit “section 8 (subsection (1) (b) excepted) of the Workers’ Compensation Act, 1926”, insert instead “Division 1 of Part 3 of the Workers Compensation Act 1987 (except an amount payable in respect of a dependent child)”.

- (c) Section 12B (3)—

Omit “burial or cremation expenses that, in the opinion of the Board, would have been payable under section 8 (4) of the Workers’ Compensation Act, 1926”, insert instead “funeral expenses that, in the opinion of the Board, would have been payable under Division 1 of Part 3 of the Workers Compensation Act 1987”.

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (8) Section 12D (**Gratuities to members hurt on duty in respect of loss of limbs, medical expenses etc.**)—

Section 12D (1)—

Omit “sections 10, 10A, 10B and 16 of the Workers’ Compensation Act, 1926,” insert instead “Divisions 3, 4 and 5 of Part 3 of the Workers Compensation Act 1987”.

- (9) Section 14C (**Adjustment of allowances: general cases**)—

Section 14C (2), (3)—

Omit the subsections, insert instead:

(2) Subject to this Division, where there is an adjustment percentage for a year, the amount of the superannuation allowance payable pursuant to section 10 on the adjustment date for that year to a disabled member of the police force who was discharged before 1st July in that year is hereby adjusted, on and from that adjustment date, by a percentage equal to that adjustment percentage.

- (10) Section 14D (**Adjustment of allowances: partial adjustment**)—

Section 14D (2), (3)—

Omit the subsections, insert instead:

(2) Subject to this Division, where there is an adjustment percentage for a year (in subsection (5) referred to as “the particular year”), the amount of the superannuation allowance payable pursuant to section 10 on the adjustment date for that year to a disabled member of the police force who was discharged on or after 1st July in that year but on or before 31st March in that year is hereby adjusted, on and from that adjustment date, by a percentage equal to the percentage calculated in accordance with the formula set out in subsection (5).

*Police Regulation (Superannuation) (Workers Compensation) Amendment
1987*

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION
(SUPERANNUATION) ACT 1906—*continued*

- (11) Section 20B (**Appeals—other than hurt on duty cases**), as inserted by Act No. 129, 1986.
- Section 20B (1) (b)—
- Omit the paragraph.
- (12) Section 21 (**Determination by workers compensation commissioner**)—
- (a) Section 21 (1)—
- Omit “the Court”, insert instead “a workers compensation commissioner under the Workers Compensation Act 1987”.
- (b) Section 21 (4), (5), (8), (9)—
- Omit “The Court” wherever occurring, insert instead “A workers compensation commissioner”.
- (c) Section 21 (4) (b), (6)—
- Omit “the Court” wherever occurring, insert instead “the workers compensation commissioner”.
- (d) Section 21 (7)—
- Omit the subsection.
- (e) Section 21 (9)—
- Omit “it is”.

