



PHONE: (02) 9266 8777

POLICE ASSOCIATION OF NEW SOUTH WALES
PO Box A1097, Sydney South, NSW 1232
FAX: (02) 9266 8788

EAGLENET 67071

PR:KM
1 June 2012

Vanessa Viaggio
Principal Council Officer
Select Committee on the NSW Workers Compensation Scheme
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Ms Viaggio

I write in response to your email dated 30 May 2012 in which you seek any corrections to the transcript of the oral evidence given by myself and representatives of the Police Association of NSW to the inquiry and a response to questions on notice.

In regard to the first issue there are only two minor issues we seek to have corrected. On p74 of the transcript I referred to a Sergeant of Police attached to The Hills. This was an error on my part as the officer in question was a substantive Senior Constable. The other issue is typographical on p71 of the transcript where Senior Constable Kilminster is quoted as suffering "ammonia" it should read "pneumonia".

In regards to the questions on notice we have made inquiries of our counterpart unions/associations interstate and they have provided the attached information as to the issues raised. I rely on their advice in regard to its accuracy.

Yours faithfully

Peter Remfrey
Secretary

Q. JOURNEY CLAIMS

VICTORIA – There are no journey claims through Workers Compensation in Victoria. The Traffic Accident Commission provides for all journey claims. This is a ‘no fault’ scheme. It provides for 80% of pre injury earnings for 80 weeks, lump sums for economic loss and all medical/treatment expenses. Premiums are paid through motor vehicle registration.

SOUTH AUSTRALIA – There are no journey claims through Workers Compensation in South Australia. The Motor Accident Authority provides for all journey claims. Fault must be established. Benefits include loss of earning capacity, permanent impairment/pain & suffering lump sums and medical/treatment expenses. Premiums are paid through motor vehicle registration; benefits may be reduced for contributory negligence (not wearing seat belt, drink driving, etc).

TASMANIA - There are no journey claims through Workers Compensation in Tasmania under their workers compensation legislation – Workers Rehabilitation and Compensation Act 1988. Generally if officers are injured in an accident in a police vehicle they are regarded as on duty therefore workers compensation status provided. All workers are covered under the Motor Accident Insurance Board (MAIB) e.g. third party, and get compensated for loss of wages and medical expenses.

QUEENSLAND - Journey claims are covered in the same fashion as in NSW.

NORTHERN TERRITORY - Journey claims are not specifically covered under workers compensation unless a direct link between on duty police work and the travel can be established. Any other travel is covered by the Motor Accidents Compensation Act (MACA).

AUSTRALIAN FEDERAL POLICE - No journey claims are covered under their workers compensation legislation; however there are provisions for police officers under their agreement that provide for wage assistance if they are injured in a journey claim.

WESTERN AUSTRALIA – Western Australian Police officers are not covered under the state workers compensation scheme. They are self insured by the WA Police for medical expenses both on duty and off duty illness and injury. Their medical benefits are claimed through Medicare and the gap met by the WA Police. Journey claims are covered under this arrangement as WA officers enjoy the same entitlements to medical costs whether injured on duty or off duty.

Q2. WEEKLY BENEFITS

Many of the states enjoy unlimited sick leave top up for police on top of workers compensation payments.

VICTORIA – Weekly benefits are payable as follows; first 13 weeks: 95%, Weeks 13-130: 90% if serious injury, 80% if not serious but no work capacity (majority receive 80%). After week 130: none, unless assessed by the Authority or self-insurer as having no current work capacity and likely to continue indefinitely to have no current work capacity, in which case 80%. Assessment occurs depending upon injured workers age and injury. For example, a young police officer with a psychological injury will be assessed annually; a young officer who is a quadriplegic will only be assessed once. A police officer over 50 will be assessed after a year, then possibly again after 5 years, then not again; weekly benefits expire at age 65.

After 104 weeks the Victorian Police Force can medically discharge the officer, they can seek to obtain an invalidity pension through their superannuation or they can continue to keep receiving weekly workers compensation benefits. Victorian Police continue to be covered by a defined benefit superannuation scheme.

SOUTH AUSTRALIA - Weekly benefits are payable as follows up to 13 weeks: 100%, weeks 13-26: 90% weeks 26-104: 80%. If an officer is seriously injured and unable to work, weekly payments may continue to be paid until retirement age. After 130 weeks, weekly payment entitlements will be reviewed by way of a work capacity review and continue to age 65 providing there was no capacity for work. Police would normally seek access to their superannuation pension or lump sum benefits on the basis of permanent disability and commute workers compensation benefits.

TASMANIA - Weekly benefits are payable as follows; for total incapacity, as per their act, first 26 weeks = 100%, weeks 26-78 =90%, 78 weeks to 9 years = 80%. TAS Police are not treated any differently to any other worker in the workers compensation scheme.

QUEENSLAND - Weekly benefits are payable as follows; first 26 weeks 100% for police officers. From 26 weeks onwards, it is 75% which can be topped up using sick leave. Once they exhaust their sick leave they can apply to access the sick leave bank to continue the top up. The sick leave bank is where officers contribute 1-2 days a year of their leave each year to a pool and there is a committee that meets monthly and assesses claims by officers for access to sick leave from this bank for things such as PTSD, cancer, long term illnesses etc. The weekly earnings are calculated including base plus the operational shift allowance. The benefits are not subject to work capacity testing.

NORTHERN TERRITORY - Weekly benefits are payable as follows; totally incapacitated for work compensation is equal to 100% of normal weekly earnings at the date of injury for the first 26 weeks, partially incapacitated officers are entitled to compensation equal to the difference between what they actually earn normal weekly earnings. After 26 weeks (which is cumulative), compensation will reduce to 75% of normal weekly earnings at the date of injury. The Commissioner of Police then provides for an unlimited period of top up using sick leave, up to 100% of earnings.

AUSTRALIAN FEDERAL POLICE - Weekly benefits are payable as follows; first 45 weeks officers are paid 100% net weekly earnings (based on earnings for 12 wks prior to injury to determine net wage). From week 46 onwards officers are paid 75% of wage if unfit for work (no limit on benefits). If partially incapacitated, officers are paid as follows:

officers working 25% or less = 80% wage

officers working 25-50% = 85% wage

officers working 50-75% = 90% wage

officers working 75-100 = 95%

The payments are not subject to regular work capacity testing however the capacity is available to test in a similar fashion to NSW. There is no time limit on payment of weekly compensation.

WESTERN AUSTRALIA - WA Police officers are not covered under the state workers compensation scheme. They have unlimited sick leave provisions whether on or off duty.