

**FIRST REVIEW OF THE WORKERS COMPENSATION  
SCHEME**

**Name:** Name suppressed  
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Partially  
Confidential

## ***Parliamentary Inquiry into Workers Compensation***

I am a current serving member of the New South Wales Police Force (NSWPF) and have in excess of twenty eight years service having been attested after April 1988. For this reason I would prefer that my name is kept confidential.

The NSWPF is a rewarding occupation and has many highs and unfortunately lows. Policing has become considerably harder and in recent times a potentially more dangerous occupation than it once was. Thankfully there are members of the community who are called to perform this duty and do so with the best intentions.

Prior to the 1<sup>st</sup> of April 1988 there was a scheme known as the Police Pension Scheme (PPS). This scheme was sold off by members of the New South Wales Police Association (NSWPA) for an increase in wages, however, they did not lose their entitlements but traded them off against future members of the NSWPF.

Members of this scheme are either known as pre '88ers. They were required to contribute 6% of their fortnightly wage to the fund. The average length of service for a member of the pre '88 clan is approximately twenty-three years where they exit the NSWPF on a pension of in excess of 72% based on the average of their last two years of salary as well as ongoing medical treatment for the injury. As stated that is only an average, and usually the last eighteen months to two years of service is realistically on Hurt on Duty (HOD) sick leave. Some of these officers are able to seek an increase to their pension up to somewhere in the amount of 80% so they can continue to seek other employment.

On top of this they are able to take civil action against the NSWPF in the tort of negligence where their pension is not considered as able to mitigate against loss of future income due to their early exit from the NSWPF. Although the payments made are confidential it is submitted that the amounts awarded are comparative to those payments made to post '88ers under the 'Mortgage Buster' scheme. Further, many of this group who could no longer work for NSWPF are able to work in very similar occupations for other law enforcement agencies, judicial roles as barristers, solicitors and magistrates, corporate security roles, or other high ranking executive government positions while in receipt of their pension.

Then comes every employee who was attested after the 1<sup>st</sup> of April 1988 known as post '88ers. There was a State Authorities Superannuation Scheme until 1992. Then followed First State Super. Neither scheme allows for a member to exit with an HOD pension at an average of twenty three years and the reality of both superannuation systems and alterations in retirement ages is that a career in policing will be in excess of thirty, thirty-five and forty years and more for any member. This is by far in excess of the average length of service by a pre '88er. This may be achievable for the minority, but sadly the majority will suffer some sort of injury or illness over their career, be it physical, psychiatric, or general health which could either be work or non work related.

These police officers may not in reality be able to come back to work but in essence have to because they have no other career paths, job opportunities or financial support to maintain the costs of family and day to day living. This is not a healthy system to promote and they genuinely need a fair and viable option that will allow them to disengage with some dignity. Some others as you may well be aware will take that fateful step and either contemplate or carry out self-harm. Others may just give up and say enough and lose all sense of pride.

There is so much money spent in the NSWPF on injury management and the amount of time spent trying to get officers back into the workplace, the majority of which may never be quite right. If they do make it back into the workplace in some capacity they have to be managed and that in itself is very taxing to those required to supervise and assist them in their endeavours to return to full duties. Where officers are genuinely seeking a return to work and are able to, that is fantastic. Where it is just a process of going through the motions because they are broken and probably never be fixed, and will continually break down, how does that really help the individual or those they work with and under?

The NSWPA fought for a scheme to protect those not covered by the PPS which was named the Death and Disability Fund (D&D) where it was compulsory for each post '88er had to contribute money into on a fortnightly basis. The current Police Blue Ribbon (PBR) scheme still requires each member to make a compulsory contribution to assist the NSWPF cover the premiums. The D&D fund was unsustainable and became known as the 'mortgage buster' due to the large cash payments police with limited policing careers received. The scheme was abandoned much to the corporate amusement of the upper police hierarchy consisting of pre '88ers.

The money contributed to both funds eventually impacted on individual officer's superannuation funds and led to unpaid taxes having to be met. Thankfully this issue has been amended by the current Federal Liberal National Party Government.

The current situation is that post '88ers will go through the workers compensation process and injury management. If they are unable to return to work they get nine months at full pay and the final six years and three months at 75% and then it is turned off. What do they do then? If they are incapable of any meaningful or rewarding work they must resort to social security benefits. To get to that process they have to satisfy the insurance company who ultimately pays the money and is motivated by profit and not the welfare and safety of the individual police officer.

It is then left up to the individual officer to take civil action against the NSWPF in the tort of negligence. The number of civil suits by former police as plaintiffs against the NSWPF has seen a remarkable increase in the past years. Added legal costs, court costs, time and the impending court action which the former officer is enduring

cannot be a healthy situation for anybody. Such costs are only set to increase and cost the individual plaintiff, NSWPF and government excessive amounts.

This also has a domino effect impacting current serving police who are being subjected to interviews by solicitors and private enquiry agents being asked to recount stressful events. These police officers are asked to comment on whether or not the former member is legitimate. This is completely inappropriate and beyond the professional training to determine how these horrendous events have impacted on the claimant. This is a matter for medical practitioners and it is causing significant stress on current serving staff being forced to come involved in former colleagues medical claims.

To add insult to injury the NSWPF and NSWPA brought out

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It would be interesting to consult Psychiatrist Doctor who has had the opportunity to treat many former and current police officers. He may well be able to give an honest medical opinion as to a realistic duration of service for police officers.

Unfortunately that is not the reality or position in NSWPF. There is no opportunity for dignified disengagement at twenty-five or thirty years. Not every police officer will seek it, but those who need to should be able to. When former Police Commissioner Peter Ryan mooted such an idea it was slammed by the NSWPA. Such an option would be a reward for police who have done their time and need to be redeployed in vocation and life. Nor would the payments be expected to be as generous, anything from 55-65% would be sufficient and allow for individuals to seek alternative employment and contribute to a superannuation fund.

It is believed that there have been studies commissioned by the NSWPA where actuaries propose a self-funded pension scheme that could not be accessed until after twenty-five years service but required contribution from all members from their first day of employment. To make this scheme viable a tax exemption would be required, however, this was not granted.

The question needs to be asked, What is the inherent difference between a pre '88er and post '88er? The answer is the post '88er has to be more resilient as they have no choice. I was not aware that the human gene pool changed so significantly after the 1<sup>st</sup> of April 1988. It is perhaps a wry sense of humour that saw that particular date chosen as the cut off day for the PPS.

The career of a police officer has changed significantly since the 1970's, 1980's, 1990's and 2000's. The rewards and challenges may not have altered that much. It is more stressful and harder than when I joined and for the operational officer there is always the ongoing process of reviews, questions against decisions made,

complaints, enquiries, and that is on top of just trying to do your job. I have friends and former colleagues who were in the PPS and when they were no longer okay were able to receive their HOD pension. It is a reality that separation from the NSWPF can see a real improvement in the individual's health situation. To continue to make a person who is a post '88er remain in the NSWPF can be quite destructive to their psychological health. Is that what is sought? Everybody may well have been normal at the time they joined the NSWPF, but sadly, there will be a lot who are not by the time they leave.

There is no strategic planning to reward officers who have done their time and served their community. It is as though the NSWPF hierarchy do not care as they are covered by the PPS so will be okay every day. Those who are not privy to a similar arrangement have no option but to try and be okay even if they are not.

Regards,