



New South Wales

Police Amendment (Death and Disability) Regulation 2011

under the

Police Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Act 1990*.

MICHAEL GALLACHER, MLC
Minister for Police and Emergency Services

Explanatory note

Part 9B of the *Police Act 1990*, as inserted by the *Police Amendment (Death and Disability) Act 2011 (the amending Act)*, rescinds the *Crown Employees (Police Officers Death and Disability) Award 2005* and provides for death and disability payments to police officers in accordance with an approved death and disability insurance policy. The amending Act makes savings and transitional provisions for the continuation of existing death and disability payments, subject to any savings or transitional regulations. The objects of this Regulation are to amend the *Police Regulation 2008*:

- (a) to specify the minimum scale for calculating total and permanent disability payments to police officers that must be provided under an approved death and disability insurance policy, and
- (b) to alter the savings and transitional provisions so as to extend the continuation of lump sum payments for partial and permanent disability for police officers who had been medically assessed but not discharged before the commencement of the amending Act (and to restrict those provisions to police officers who are discharged within 12 months after the commencement of the amending Act), and
- (c) to confirm that police officers who are contributors to the State Authorities Superannuation Fund and are covered by the additional benefit under the *State Authorities Superannuation Act 1987* are required to contribute to the cost of an approved death and disability insurance policy in order to receive income protection coverage under such a policy (and to confirm that they and other police officers to whom the policy is to apply are required to contribute from the commencement of the amending Act), and

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- (d) to extend the savings and transitional provisions relating to existing payments to police officers who are contributors to the State Authorities Superannuation Fund and are covered by the additional benefit under the *State Authorities Superannuation Act 1987*.

This Regulation is made under the *Police Act 1990*, including sections 199G and 219 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Police Amendment (Death and Disability) Regulation 2011*.

2 Commencement

This Regulation commences on the commencement of Part 9B of the *Police Act 1990* and is required to be published on the NSW legislation website.

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Schedule 1 Amendment of Police Regulation 2008

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Part 6A

Insert after Part 6:

Part 6A Death and disability payments

131A TPD minimum scale to be included in approved death and disability insurance policy

For the purposes of section 199G of the Act, an approved death and disability insurance policy must provide for payments for total and permanent disability for police officers that are not less than the payments determined in accordance with the following scale:

Age at last birthday before total and permanent disablement	Lump sum as multiple of officer's salary on total and permanent disablement
18	4.80
19	4.80
20	4.79
21	4.73
22	4.65
23	4.58
24	4.54
25	4.45
26	4.38
27	4.17
28	4.05
29	3.95
30	3.81
31	3.77
32	3.71
33	3.61
34	3.57
35	3.47

Age at last birthday before total and permanent disablement	Lump sum as multiple of officer's salary on total and permanent disablement
36	3.39
37	3.26
38	3.21
39	3.04
40	2.88
41	2.73
42	2.49
43	2.44
44	2.30
45	2.06
46	1.90
47	1.74
48	1.61
49	1.48
50	1.37
51	1.20
52	1.19
53	1.04
54	0.95
55	0.91
56	0.78
57	0.76
58	0.64
59	0.62
60	0.50
61	0.43
62	0.38
63	0.38
64	0.36

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131B Transitional arrangements for partial and permanent disability payments to apply for limited period

- (1) The provisions of the *Crown Employees (Police Officers Death and Disability) Award 2005* (rescinded by the *Police Amendment (Death and Disability) Act 2011*) relating to payments for partial and permanent disability continue to apply, despite the rescission of that Award, in respect of the disability of a police officer in any of the following cases if the police officer has not been discharged from the NSW Police Force before the commencement of Part 9B of the Act:
 - (a) The police officer had been unfit for duty because of the disability for a total period of at least 4 months during the previous 8 months before 30 November 2011 and the NSW Police Force had, on or before that date, received a report or certificate from the police officer's nominated treating medical practitioner indicating that:
 - (i) the police officer had reached maximum medical improvement, and
 - (ii) the police officer should be discharged from the NSW Police Force.
 - (b) The NSW Police Force had, on or before 25 November 2011, arranged an independent medical examination of the police officer to determine whether the police officer was permanently incapacitated for work as a police officer as a result of the disability.
 - (c) The NSW Police Force had, on or before 30 November 2011, received a report of an independent medical examination of the police officer and the report indicated that the police officer was permanently incapacitated for work as a police officer as a result of the disability.
- (2) Subclause (1) applies instead of the provisions of section 199K (3) of the Act, and those provisions cease to have effect.
- (3) Subclause (1) ceases to have effect on 9 December 2012. This subclause does not apply to a police officer who has been discharged from the NSW Police Force before that date because of a disability.
- (4) In this clause, *independent medical examination* means a medical examination of a police officer by a medical practitioner who is engaged under arrangements made by the NSW Police Force with respect to the medical examination of police officers.

131C Salary sacrifice contributions by police officers

- (1) Police officers who are contributors to the State Authorities Superannuation Fund and who are covered by the additional benefit under the *State Authorities Superannuation Act 1987* are required to contribute to the cost to the State of an approved death and disability insurance policy within the meaning of Part 9B of the Act.

The required contribution is:

- (a) to be the same as the contribution that police officers covered by the additional benefit would have been required to make under the *Crown Employees (Police Officers Death and Disability) Award 2005* if that Award had not been rescinded by the *Police Amendment (Death and Disability) Act 2011*, and
- (b) to be made by way of salary sacrifice.

Note. On the rescission of the Award, the contribution required to be made by police officers was 0.88% of their remuneration.

- (2) The contribution required by section 199F of the Act or subclause (1) is also required to be made from the commencement of Part 9B of the Act and until there is an approved death and disability insurance policy in force under that Part.

131D Death and disability payments for contributors to SASS who are covered by the additional benefit

- (1) In this clause, *SASS additional benefit contributor* means a police officer who is a contributor to the State Authorities Superannuation Fund and who is covered by the additional benefit under the *State Authorities Superannuation Act 1987*.
- (2) The payments to which a police officer who is not a SASS additional benefit contributor is entitled under clause 131B or under section 199K (5), (6) and (7) of the Act are also payable to a police officer who is a SASS additional benefit contributor.
- (3) If the amount payable as the additional benefit under the *State Authorities Superannuation Act 1987* to or in respect of a police officer who dies or is totally and permanently disabled is less than the amount that would have been payable if the police officer was not a SASS additional benefit contributor, the NSW Police Force is required to supplement the additional benefit by the amount of the difference.

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Schedule 1 Amendment of Police Regulation 2008

- (4) Subclause (3) ceases to have effect if the police officer concerned is given the right to elect to cease being covered by the additional benefit (and to be fully covered by Part 9B of the Act) and the police officer does not make that election by the due date.