



New South Wales

# State Authorities Superannuation Amendment (Police Officers) Regulation 2012

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

GREG PEARCE, MLC  
Minister for Finance and Services

## Explanatory note

Part 9B of the *Police Act 1990*, as inserted by the *Police Amendment (Death and Disability) Act 2011 (the amending Act)*, provides for death and disability payments to police officers in accordance with an approved insurance policy. That Part does not generally apply to police officers who are contributors to the State Authorities Superannuation Fund and are covered for the additional benefit for incapacity under the *State Authorities Superannuation Act 1987 (the Act)*; however, an approved insurance policy may provide for income protection payments to such contributors. Part 5D of the Act, as inserted by the amending Act, provides for the making of regulations to enable police officers to elect to be covered fully under an approved insurance policy and relinquish coverage for the additional benefit. The objects of this Regulation are:

- (a) to enable police officers to elect to relinquish coverage for the additional benefit so that they may be covered in respect of death and disability under an approved insurance policy, and
- (b) to set out the period within which such elections must be made and when coverage for the additional benefit ceases, and
- (c) to allow the SAS Trustee Corporation to provide to the NSW Police Force and FSS Trustee Corporation information it obtains about a police officer in the administration of the Act, but only with the consent of the officer and for the purposes of complying with or giving effect to the provisions of Part 9B of the *Police Act 1990* and the insurance policy approved under that Part.

## **2012 No 42**

State Authorities Superannuation Amendment (Police Officers) Regulation 2012

Explanatory note

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This Regulation is made under the Act, including sections 46AK and 55 (the general regulation-making power). Section 46AK of the Act enables regulations to be made that are inconsistent with Part 3 of the Act for the purpose of compliance with or giving effect to Part 9B of the *Police Act 1990* or an insurance policy approved under that Part.

## **State Authorities Superannuation Amendment (Police Officers) Regulation 2012**

under the

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### **1 Name of Regulation**

This Regulation is the *State Authorities Superannuation Amendment (Police Officers) Regulation 2012*.

### **2 Commencement**

This Regulation commences on the commencement of Schedule 3 to the *Police Amendment (Death and Disability) Act 2011* and is required to be published on the NSW legislation website.

**2012 No 42**

State Authorities Superannuation Amendment (Police Officers) Regulation 2012

Schedule 1

Amendment of State Authorities Superannuation Regulation 2010

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**Schedule 1      Amendment of State Authorities  
Superannuation Regulation 2010**

**Part 6**

Omit the Part. Insert instead:

**Part 6      Police officers—death and disability**

**36      Definitions**

In this Part:

*approved death and disability insurance policy* has the meaning it has in Part 9B of the *Police Act 1990*.

**37      Provision of information**

For the purposes of complying with or giving effect to Part 9B of the *Police Act 1990* and an approved death and disability insurance policy, and only with the consent of the relevant employee, STC may provide to the NSW Police Force or FTC information about the employee obtained in the administration of the Act.

**38      Certain police officers may not apply for additional benefit**

- (1) This clause applies to an employee who:
  - (a) was a police officer on 30 January 2006 and who had not, before that date, had an application for additional benefit cover approved under section 22 of the Act, or
  - (b) was not a police officer immediately before 30 January 2006 and who had not had an application for additional benefit cover approved under that section at the time of commencing employment as a police officer.
- (2) Despite section 20 of the Act, a person to whom this clause applies is not entitled to be covered for the additional benefit while employed as a police officer.

**39 Police officers may elect to relinquish cover for additional benefit**

- (1) A police officer may elect to relinquish cover for the additional benefit on or before:
  - (a) 31 May 2012, if the police officer was a police officer immediately before 2 March 2012, or
  - (b) the day that is 3 months after the day on which the police officer becomes a police officer, if the police officer was not a police officer immediately before 2 March 2012.
- (2) Despite section 22 of the Act, if a police officer so elects:
  - (a) the police officer ceases to be liable to pay the additional benefit levy in relation to any subsequent period during which the police officer is not covered for the additional benefit, and
  - (b) STC must effect the cessation of the additional benefit cover of the person on and from the date that the Commissioner of Police advises STC is the first day on which the police officer is covered in respect of death or disability under an approved death and disability insurance policy.
- (3) The Commissioner of Police may, by notice in writing to STC, extend the period within which a police officer may elect to relinquish cover for the additional benefit.