

POLICE AMENDMENT (DEATH AND DISABILITY) BILL 2011

Amendments made by Legislative Council on 24 November 2011.

- No. 1 Page 4, Schedule 1 [1], proposed section 199E, line 22. Insert “long-term” before “cost”.
- No. 2 Pages 4 and 5, Schedule 1 [1], proposed section 199F, line 28 on page 4 to line 4 on page 5. Omit all words on those lines. Insert instead:

199F Contributions by police officers to cost of approved insurance policy

- (1) Police officers are required to make the same contribution to the cost to the State of an approved death and disability insurance policy as the contribution police officers 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to make under the *Crown Employees (Police Officers Death and Disability) Award 2005* if that Award had not been rescinded by the *Police Amendment (Death and Disability) Act 2011*.
Note. On the rescission of the Award, the contribution required to be made by police officers was 1.8% of their remuneration.
- (2) The contribution is to be made by way of salary sacrifice.
- No. 3 Page 6, Schedule 1 [1], lines 17–31. Omit all words on those lines. Insert instead:
- (3) If:
- (a) immediately before the Bill for the *Police Amendment (Death and Disability) Act 2011* was agreed to by both Houses of Parliament, a police officer had been unfit for duty because of a disability for a total period of at least 4 months during the previous 8 months and the NSW Police Force had 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, and
- (b) the police officer had not been discharged from the NSW Police Force before the commencement of this Part because of that disability,
- the provisions of the former death and disability award relating to payments for temporary or partial incapacity continue to apply in respect of that disability of that police officer despite the rescission of the award.
- No. 4 Page 7, Schedule 1 [1]. Insert after line 10:
- (5) If on the commencement of this Part there is no approved death and disability insurance policy that provides income protection benefits to replace the benefits for partial and permanent disability under the former death and disability award, income protection benefits are to be paid to police officers (until there is such a policy) in accordance with the insurance proposal provided to First State Super by TAL Life Limited and tabled in the Legislative Council by or on behalf of the Minister for Police and Emergency Services during consideration by the Legislative Council of the Bill for the *Police*

Amendment (Death and Disability) Act 2011 (subject to subsection (6)).

- (6) On duty income protection rates under the insurance proposal referred to in subsection (5) are to be increased in accordance with adjustments to the insurance proposal that are tabled with the insurance proposal by or on behalf of the Minister for Police and Emergency Services.

No. 5 Page 7, Schedule 1 [1], line 15. Omit “6 months”. Insert instead “9 months”.

No. 6 Page 7, Schedule 1 [1], line 31. Omit all words on that line. Insert instead:

- (1) A committee (comprising of the Commissioner of Police and a representative of the Police Association of NSW nominated by that Association) is to keep under review the cost to the State and fairness to police

No. 7 Page 7, Schedule 1 [1], line 34. Omit “The Commissioner”. Insert instead “The committee”.

No. 8 Page 7, Schedule 1 [1]. Insert after line 36:

- (3) The Commissioner is to ensure that the representative of the Police Association of NSW on the committee has access to such information as may be necessary to enable the committee to conduct the review under this section.

No. 9 Page 9, Schedule 2 [2], line 15. Insert “(together with an additional period of the following 13 weeks)” after “*Workers Compensation Act 1987*”.

No. 10 Page 12, Schedule 4 [2], proposed section 146D. Insert after line 29:

- (c) in proceedings by an incapacitated police officer for the enforcement of obligations of the NSW Police Force under applicable employment policies and practices to provide restricted or other duties to the incapacitated officer, or