

Notes for PSS Form 14

PSS SPIN SAS0101AU

Notes for Application Form for an increase in a hurt on duty pension (s.10(1A))

About these Notes

These Notes provide background information on increases to the PSS hurt on duty (HOD) pension. They are intended to assist you answer the questions in the Application Form for that benefit (**PSS Form 14**).

Please read these Notes carefully and refer to them as you complete the Application Form.

Some terms in the Application Form and in these Notes are in *italics* and are explained in the section below under the heading **Glossary of Terms**.

How your entitlement is determined

To get an increase in an HOD pension, you will need to establish that:

- you are currently receiving an HOD pension
- you are currently incapacitated to some extent for work outside the *Police Force* because of a *medical condition* caused by an *HOD injury*
- that *medical condition* was specified by *PSAC* as causing or contributing to your incapacity to discharge *full operational duties*.

You cannot get an increase in an HOD pension if the only *HOD injury* that caused or contributed to the *medical condition* that caused your incapacity was sustained before 21 November 1979. If this is your situation, please refer to the **PSS Fact Sheet 15**.

The **minimum** rate for an HOD pension is 72.75% of your *attributed salary of office*. That rate can be **increased**:

- by up to 12.25% of your *attributed salary of office*, depending on the extent to which you are incapacitated for work outside the *Police Force*. If you are totally incapable for work outside the *Police Force*, the maximum rate of 85% of your attributed salary is payable.
- by up to 27.25% of your *attributed salary of office*, if you are totally incapacitated for work outside the *Police Force* **and** the *HOD injury* that caused your *medical condition* occurred because you were required to be exposed to risks in your police duties to which members of the general workforce are not normally required to be exposed, commensurate with the risks to which you were required to be exposed. A rate of up to 100% of your *attributed salary of office* may be payable.

The earliest that an HOD pension increase will be payable is from the date of commencement of your HOD pension. Any increase will be payable from the earlier of:

- the *date of application*, or
- if the application for an increase is made within 12 months after the commencement of your HOD pension, the date of commencement of your HOD pension, or
- if *PSAC* is satisfied that special circumstances justify a date earlier than the *date of application*, the date determined by *PSAC* (but no earlier than the date of commencement of your HOD pension).

An HOD pension increase to an amount that is over 85% (special risk) of your *attributed salary of office* will be payable from the date on which any increase to 85% is paid.

Filling in and signing the Application Form

If you are the applicant and are capable of completing and signing the relevant sections of the Application Form, you should do so, providing you understand its contents. However, someone else can complete the form for you, but if another person **signs** the form for you, that person must be authorised to do so and must complete **Part I** of the Application Form.

Where do I get help with the Application Form?

If you need help with an explanation of any of the questions you can contact:

Customer Service

Phone: **1300 130 097** (for the cost of a local call unless you are calling from a mobile or pay phone)

Email: **enquiries@stc.nsw.gov.au**

You could also consider seeking professional assistance, for example, from the Police Association or your solicitor, to assist you with completing the Application Form.

What should I do with the completed Application Form?

Send the **original** completed form, together with **copies** of all your supporting documents to:

Pillar Administration

PSS Team

PO Box 1229

Wollongong NSW 2500

Keep a full copy of all the material you send to Pillar for your own records.



STATE SUPER

SAS Trustee Corporation

ABN 29 239 066 746

Glossary of Terms

Attributed salary of office means the salary in the NSW Police Force payable to you on your last day of service calculated in accordance with the *Police Regulation (Superannuation) Act 1906*.

Commissioner means the NSW Commissioner of Police.

Date of application is the date *Pillar* receives

- 1) a completed and signed Application Form, and
- 2) all relevant documents listed in the checklist on the front of the Application Form.

Full operational duties include (but are not limited to) the duties of a police officer in the NSW Police Force referred to in s.14(1) of the *Police Act 1990*. To be capable of discharging full operational duties as a member of the Police Force, a person is expected to be able to undertake the following activities and exercise the following skills:

- engage in effective day-to-day contact with the public (ie demonstrate personal attributes such as patience, conflict resolution and decision-making skills, empathy, tolerance, assertiveness, self-control, emotional stability, ability to work with others etc)
- conduct inquiries about matters of concern
- render a variety of emergency assistance
- demonstrate the ability to:
 - exercise discretion and judgement in the exercise of police powers
 - observe and memorise effectively
 - operate effectively in stressful, physically demanding and rapidly changing situations
- undertake a range of activities including:
 - driving police vehicles
 - getting in and out of cars
 - standing or sitting for long periods
 - running and negotiating obstacles to pursue and effect an arrest of suspected offenders
 - physically restraining someone and taking action to overcome the will of others to resist
 - exercising a range of tactical options from mere presence to lethal force and having the ability to exercise discretion and judgement for that purpose
- communicate effectively.

HOD injury means an injury that occurred while you were at work or is related to or arose out of your work as a member of the *Police Force*, for which the Commissioner has accepted liability.

Injury includes a disease.

Last day of service is the date on which your retirement, resignation or other exit from the *Police Force* took effect.

Medical condition is an infirmity of the body or mind.

Pillar means Pillar Administration which administers the *PSS* on behalf of *STC*.

Police Force means the NSW Police Force.

PSAC means the Police Superannuation Advisory Committee, delegate decision maker of the *STC*.

PSS means the Police Superannuation Scheme established under the *Police Regulation (Superannuation) Act 1906*.

Records and reports include treatment notes, and reports of any kind by a medical practitioner or other health professional, including psychological, psychiatric or other medical or hearing tests, MRIs, CT scans, X-rays etc.

STC, we, us, our means the SAS Trustee Corporation, trustee of the *PSS*.

Notes that relate to the questions on the Application PSS Form 14



The numbers correspond to the relevant question numbers that have been marked with this symbol on the Application Form.

B Your contact details

10 Alternative contact name and telephone number (optional)

The inclusion of the contact details of a family member or friend who is likely to know of your whereabouts will

help if Pillar cannot contact you directly. The alternative contact will not be asked about the content of your application or told any personal details.

C Eligibility to apply

13 Rank

You should provide your rank as at your *last day of service*.

14 Are you currently receiving an HOD pension?

Information that may assist you

You can only apply for an increase in the rate of an HOD pension if you are receiving an HOD pension. If you are not receiving an (HOD) pension you should not be completing the Application Form.

How to answer this question

If you answer yes, that you are in receipt of an HOD pension, please indicate the date the pension commenced payment (approximate if necessary).

15 Have you commuted the whole amount of any PSS pension into a lump sum?

If you were formerly being paid a PSS pension and have commuted the whole amount of that PSS pension into a lump sum, you are not entitled to an increase to any HOD pension. If you answer 'yes' to this question, you should not be completing the application.

If you have previously commuted part of your HOD pension to a lump sum, you may be entitled to an increase to the remaining part of your HOD pension.

If you are uncertain about what benefit you have received from the PSS, you can contact Customer Service for assistance. The details are on the front page of these Notes.

D Education, skills and work history

17 Did you work or were you employed, including self-employed, either paid or unpaid, before you joined the Police Force?

Information that may assist you

Information about your work history before you joined the *Police Force* will assist in making an assessment of your capacity for work outside the *Police Force*, although it may be of limited relevance if it was many years ago. 'Unpaid' work includes any voluntary work done on more than a one-off basis.

How to answer this question

Please include the following for each period of work:

- the nature of the business or organisation in which you worked
- the name of each employer or indicate if you were self-employed
- whether the work was paid or unpaid
- dates or period of employment
- a description of the types of duties you undertook.

While you may not be able to provide much detail, please provide as much information as you can, particularly on your duties.

18 Did you work or were you employed in any other employment while you were in the Police Force?

Again, please include the following for each period of work:

- the nature of the business or organisation in which you worked, including any self employment
- the name of each employer or indicate if you were self-employed
- the dates or period of employment
- a description of the types of duties you undertook
- approximate weekly wage or income.

19 Have you participated in any rehabilitation or injury management program either during your service in, or since you left, the Police Force?

Information that may assist you

You may have undertaken a rehabilitation or injury management program, which could include medication, and information about such rehabilitation or program could assist your application. This could be a program undertaken either with the *Police Force* or since you left the *Police Force*.

Such program may or may not have related to any of the injuries that caused your medical discharge from the *Police Force*. This information will allow PSAC to get a full picture of your *medical condition* and your incapacity for work outside the *Police Force*.

Rehabilitation might include treatment under an injury management program and include physiotherapy, hydrotherapy and occupational therapy while you were in the *Police Force* or since.

How to answer this question

If you answer yes, please identify the injury or *medical condition* (whether HOD related or not) in relation to which you have received rehabilitation and describe:

- a) the nature of the rehabilitation or injury management you undertook
- b) the period of treatment, and
- c) the outcome of the treatment.

Please also provide a copy of any report made following your participation in the program. You should also indicate if you were, or are now, taking any medication for any *medical conditions*.

20 Since leaving the *Police Force*, have you:

- a) regularly participated in any interests, hobbies, pastimes or pursuits?
- b) given up any interests, hobbies, pastimes or pursuits?

Information that may assist you

The information sought in this question is to get an understanding of the physical and mental activities you regularly participate in. Activities that might be relevant could include gardening, swimming, golf, lawn bowls, bush walking, bridge or other card games and social activities, including travel.

If you participate in pastimes or pursuits that could be regarded as hazardous, such as motor sports, scuba diving, parachuting or competitive football, it is also important to mention these. What kind of interests, hobbies, pastimes or pursuits and the period and frequency over which you undertake them may indicate the kinds of activities you are able to perform, your physical and mental capacity to undertake them and your present *medical condition*.

You should also indicate what interests, hobbies, pastimes or pursuits you used to participate in but do not any longer participate in. You should give the reason for no longer participating in those activities and explain how your *medical condition* has impacted on your ability to undertake those activities.

How to answer this question

If you answer yes, please indicate in part (a) the activities you regularly participate in and the period over which you participated in any such activities.

In answering part (b), you should describe the activities you no longer participate in and explain how your *medical condition* has impacted on your ability to undertake those activities and when you gave up those activities.

21 Since leaving the *Police Force*, have you worked or been employed at any time?

Information that may assist you

Information about your work history and the tasks and activities you undertook in any work or employment since leaving the *Police Force* may provide information about the kinds of activities you have been able to undertake since leaving the *Police Force*.

The type of employment or work you are asked to provide in your answer includes any self employment or work that is paid or unpaid. 'Unpaid' work includes any voluntary work done on more than a one-off basis.

How to answer this question

If you answer yes, please provide to the extent you can, the following information in relation to each period of work you have undertaken since leaving the *Police Force*:

- a) the nature of the business or organisation in which you worked
- b) the name of the employer or indicate if you were self-employed
- c) whether the work was paid or unpaid
- d) the dates or periods of employment
- e) a description of the types of duties you undertook
- f) whether the work was part-time or full-time
- g) approximate hours worked each week
- h) approximate weekly wage or income.

22 Since leaving the *Police Force*, have you unsuccessfully attempted to find work?

Information that may assist you

Information about any attempt you have made to work since leaving the *Police Force* is relevant to assessing both your incapacity for work outside the *Police Force* and the extent of that incapacity. If there is little or no evidence of any attempt to find employment since leaving the *Police Force*, it is more difficult for PSAC to be satisfied that any such incapacity exists or that it is caused by your *medical condition*.

How to answer this question

If you answer yes, please provide the following information in relation to your **attempts to find work**:

- a) the name of each potential employer
- b) the nature of the duties involved
- c) the approximate likely wage/pay
- d) the approximate date on which you applied
- e) whether you were given an interview
- f) the reason you were not successful in each case (if known)
- g) whether you believe you were unsuccessful because of your *medical condition* and if so, why.

If you have **tried to establish your own business**, please provide the following information:

- a) the nature of the business
- b) for what period was/or has it been in operation
- c) what the earnings were/are
- d) whether it continues or why it is no longer in operation.

If you have found yourself **unable to apply** for employment or a particular position because of the limitations of your *medical condition*, please provide the following information:

- a) the kinds of work that you were interested in and qualified to do or apply for
- b) the likely wage/rate of pay
- c) why you thought that kind of work would suit you
- d) why you believe that your *medical condition* prevented you from applying or being found suitable
- e) any other reason why you were prevented from applying or were found not suitable.

23 Since leaving the *Police Force*, have you undertaken any re-training or vocational training or are you planning to?

Information that may assist you

This information could be relevant to assessing your capacity for work outside the *Police Force* and what kind of work you could undertake or have the potential to undertake.

How to answer this question

If you answer yes, please provide the following information:

- a) the nature of the re-training (in a skill you already have) or vocational training (in a new skill)
- b) who provided it or is providing it
- c) the date it was undertaken or when it commenced (can be approximate)
- d) the length of training
- e) whether it resulted or should result in any qualifications, and if so, what they are
- f) the nature of any training you are planning, when it will commence and for what period.

25 Since leaving the *Police Force*, have you suffered any illness that lasted more than 2 weeks or suffered any injury from which it took more than 2 weeks to recover?

Information that may assist you

Information you can provide on any illnesses or injuries you have had since leaving the *Police Force* that have lasted more than 2 weeks or from which it took more than 2 weeks to fully recover will help the medical specialists better understand your *medical condition* and whether it is the cause of your incapacity to work outside the *Police Force*. If you are still recovering from such an illness or injury, you should include it in your answer.

In particular, if you still have the *medical condition* that caused your incapacity to perform *full operational duties* and that was determined by the *Commissioner* to have been caused by an *HOD injury*, an illness or injury that occurred since leaving the *Police Force* may be directly relevant to whether there was a later exacerbation of your *medical condition*. Any deterioration in your *medical condition* since leaving the *Police Force* and how such deterioration occurred or whether it was expected, should assist to determine your incapacity for work outside the *Police Force*.

How to answer this question

If you answer yes, please provide the following information in respect of each injury or illness (only provide this information in respect of illnesses lasting more than 2 weeks or injuries from which it took longer than 2 weeks to recover):

- a) describe any illness or injury that you have had since leaving the *Police Force* and, if it is an injury, how it occurred
- b) indicate when the illness or injury occurred
- c) indicate how long it took to recover from the illness or injury and, if relevant, if you are still affected, and
- d) if you had medical treatment, describe what kind of treatment, from whom, over what period and the outcome.

E Incapacity for work

26 What medical condition/s caused or contributed to your incapacity to discharge full operational duties in the Police Force?

Information that may assist you

The *medical condition* will be the one that PSAC certified as having caused or contributed to your incapacity to discharge *full operational duties* at the time you left the *Police Force* **and** that the *Commissioner* certified as having been caused by an *HOD injury*.

Information about the *medical condition* that caused or contributed to your incapacity to discharge *full operational duties* is necessary because it is only if **that medical condition** is also the cause of your incapacity for work outside the *Police Force* that an increase to an HOD pension might be payable.

How to answer this question

In answering this question, you should list the *medical condition/s* that were determined by PSAC as having caused or contributed to your incapacity to discharge *full operational duties* on your *last day of service* and that were subsequently determined by the *Commissioner* to have been caused by an *HOD injury*.

27 Are you currently incapacitated for work outside the Police Force to any extent?

Information that may assist you

If you answer 'no' to this question, you should **not** be completing the application.

The **minimum** rate for an HOD pension is 72.75% of your *attributed salary of office*. An increase of up to 12.25% of that salary can be paid relative to your incapacity for work outside the *Police Force*, ie a pension amount of up to 85% of that salary can be paid if you are totally incapable of working outside the *Police Force*.

In order to decide what amount of pension you should get, PSAC has to determine the percentage (within 12.25%) that is 'commensurate' with your incapacity for work outside the *Police Force*.

Your degree of incapacity for work outside the *Police Force* is determined by PSAC assessing the difference between:

1. what a person with your education, experience, qualifications and skills (but without your *medical condition*) could earn in a labour market that is reasonably open to you, and
2. what you are actually earning or could be earning with your *medical condition* in that labour market.

The percentage determined by PSAC depends on the degree of your incapacity for work outside the *Police Force*. For instance, if you can only earn 50% of what a person with your education, experience, qualifications and skills could earn in a labour market reasonably available to you because of your *medical condition*, your incapacity for work outside the *Police Force* is likely to be determined as 50%. If you are receiving the minimum rate of HOD pension of 72.75% of your *attributed salary of office*, this would then translate into a percentage increase of $50\% \times 12.25\%$, giving an increase of 6.125% of

your *attributed salary of office* and taking your HOD pension up to 78.875% of that salary (ie $72.75\% + 6.125\% = 78.875\%$).

An increase to 85% will only be granted if you are totally incapacitated for work outside the *Police Force*.

To demonstrate your incapacity for work outside the *Police Force* you must be able to show that, because of your *medical condition*, what you can now earn outside the *Police Force* (in a labour market that is reasonably open to you) **is less than** what a person with your education, experience, qualifications and skills but without your *medical condition* could earn in the same labour market.

Your current earnings might be one indication that you are earning less because of your *medical condition* but it is open to PSAC to look at what you could be earning, even with your *medical condition*, given your education, experience, qualifications and skills.

You may be suffering from a number of *medical conditions* that are contributing to your incapacity for work. For example, you may have a heart condition or diabetes, which are not connected with your *medical condition* as certified by PSAC and the *Commissioner*. You may also have post traumatic stress disorder and if the PTSD is work related but the heart condition or diabetes are not work related, then the PTSD is the only *medical condition* taken into account in determining your incapacity for work outside the *Police Force*. The increase in your HOD pension is designed to compensate you only for *medical conditions* determined to be related to your work in the *Police Force*.

It is therefore important that you disclose all of your *medical conditions* so your application can be properly assessed. You will be required to undergo a medical examination (as explained more fully in the Note for Questions 34 & 35) and the medical specialist will be asked to report on your general health.

How to answer this question

If you believe you are incapacitated for work outside the *Police Force* to any extent, you should answer yes. You should then briefly describe:

- a) all the *medical conditions* you are currently suffering from,
- b) what are the symptoms of your current medical conditions,
- c) how each of your *medical conditions* is causing or contributing to your incapacity,
- d) how you are incapacitated for work outside the *Police Force*,
- e) what work you can do now,
- f) how many hours you can work and how much you can earn, and
- g) what work you could have done without the *medical condition* that you cannot now do, how much you could earn doing that work and how much you can now earn with the *medical condition*.

If you provide a medical report as discussed in the Note for Q34, that report may assist you to describe your *medical conditions* and how they are causing or contributing to your incapacity for work outside the *Police Force*.

28 Are you seeking to have the pension increase commence from a date that is earlier than the date of application?

Information that may assist you

The **earliest date** from which an increase to your pension is payable is the *date of application* for the increase unless:

- your application for an increase is made within 12 months after the commencement of your HOD pension, in which case the date of commencement of the increase will be the date of commencement of your HOD pension, or
- there are good reasons why you can justify a commencement date earlier than the date of application, in which case the date of commencement of the increase will be a date determined by PSAC, but no earlier than the date of commencement of the HOD pension.

Not being aware before now that you could apply for an increase in your HOD pension is not sufficient reason to justify a date earlier than the *date of application*. Nor can an earlier date be justified if your *medical condition* has deteriorated over time, which could have affected when you became incapacitated for work outside the *Police Force*.

An HOD pension increase to an amount that is over 85% (special risk) of your *attributed salary of office* will be payable from the date on which the increase to 85% is paid.

How to answer this question

In answering this question, you are asked to indicate:

- a) the date from which you are seeking to have any increase paid
- b) the reason for selecting that date. If you are trying to justify a date earlier than the date of application (but not earlier than when your HOD pension commenced), you should provide the evidence that demonstrates that you were incapacitated for work outside the *Police Force* to the relevant extent on that date and explain why you did not apply for the increase at that time.

F Deterioration of capacity for work

29 Have you previously applied for a pension increase and are now in receipt of a pension amount of less than 85% of your attributed salary of office?

If yes;

- a) please indicate the date your most recent application was determined (approximate if necessary), and
- b) please describe how your capacity for work outside the *Police Force* has deteriorated since that application was determined.

Information that may assist you

Part (a) of this question is asking you to indicate when your most recent application for an HOD pension was determined.

You need to answer this question **only** if you have previously applied for an increase to your HOD pension (whether or not an increase was granted) and are now making a further application for an increase up to 85% of your *attributed salary of office*.

Any further application for an increase up to 85% can only be made after your appeal rights to the earlier PSAC decision have been exhausted. In other words, you cannot apply again for an increase to 85% within 6 months of the determination by PSAC of your previous application or while you have any appeal against the PSAC decision in progress in the District Court.

If you were not satisfied with PSAC's decision on your last application, you had the opportunity to appeal to the District Court. If you have appealed, that is the correct place to have the matter determined, rather than submitting a new application for an increase. If you did

not appeal or you were unsuccessful in your appeal, the law regards the PSAC decision as correct. If you successfully appealed the PSAC decision, then the law regards that decision as correct, even if it did not satisfy your expectations.

It is the last decision of PSAC or the District Court from which you are now seeking a further increase.

Part (b) of this question addresses the deterioration in your capacity to work since your most recent application was determined.

In making an application for a further increase up to 85% of your *attributed salary of office*, you must be able to show that your capacity for work outside the *Police Force* has deteriorated due to your *medical condition* since your most recent application was determined. The *medical condition* in question must be the one that PSAC determined as causing your incapacity to perform *full operational duties* in the *Police Force* and that was subsequently determined by the *Commissioner* as being caused by an *HOD injury*.

You may have other *medical conditions* that have caused your capacity for work to deteriorate. Those *medical conditions* will not be taken into account when considering your request for an increase to your HOD pension but must be identified in your application.

To demonstrate that your capacity for work outside the *Police Force* has deteriorated, you must be able to show that, because of a deterioration in your *medical condition*, what you now earn or could earn outside the *Police Force* (in a labour market that is reasonably open to you) is less than what you did or could have earned at the time

of your last determination (by PSAC or the District Court). In other words, you must be able to show that the gap between what you can earn and what another person (with the same education, experience, qualifications and skills) could earn has widened because of a deterioration in your *medical condition*.

What you are currently earning is relevant but it is open to PSAC to look at what you could be earning, even with your medical condition, given your education, experience, qualifications and skills.

To establish that your *medical condition* has deteriorated, you will be required to undergo an examination with a medical specialist and possibly a vocational assessor nominated by and paid for by STC. You may also provide such a report if you wish. Further information on vocational and medical reports is provided in the Notes to Questions 33, 34 and 35.

How to answer this question

In answering part (a), you should indicate the date (approximate if necessary) your last application for an HOD pension increase was determined.

If it is less than 6 months since the PSAC decision was made on your last application for an HOD pension increase, or if you are currently appealing that decision, you should not be completing this Application Form.

In answering part (b) of this question, please describe how your capacity for work outside the *Police Force* has deteriorated since your most recent application for an increase was determined. If you provide a medical report to support your application as discussed in the Note for Q34, that report may assist you in explaining how your capacity for work has decreased because of the deterioration in your *medical condition*.

You should also indicate, as best you can, the degree of your current incapacity for work outside the *Police Force*.

G Special Risk (pension increase over 85%)

30 Information that may assist you

31 You can apply for an increase to an amount greater than
32 85% of your *attributed salary of office* even if this is your first application for an increase in your HOD pension.

You can get an increase of more than 85% of your *attributed salary of office* only if:

- a) you are currently totally incapacitated for work outside the *Police Force*, and
- b) while in the *Police Force* you were required to be exposed to risks of physical or psychological injury to which members of the general workforce are not normally required to be exposed, and
- c) it was because of that exposure to risk that your *HOD injury* occurred.

The *HOD injury* must be an *HOD injury* determined by the *Commissioner* to have caused the *medical condition* that led to your incapacity to perform *full operational duties* in the *Police Force*. It must also be the **same** *HOD injury* that is now the cause of your incapacity for work outside the *Police Force*.

In order to decide what percentage increase above 85% of your *attributed salary of office* you should get, PSAC has to determine a percentage that is 'commensurate' with the requirement for you to be exposed to risks at the time your *HOD injury* occurred – the greater the risk of injury, the greater the increase.

How to answer this question

In answering these questions, you are asked to provide the following information:

- Q30 Describe the circumstances of the events which led to your *HOD injury* occurring. The circumstances you describe should include:
- a) the date on which the injury occurred (or the period during which it occurred if the *HOD injury* is a psychological injury),
 - b) the environment that existed at the time of the injury,
 - c) the sequence of events and who was involved (not by name) at the time of the injury,
 - d) the nature of the police duties you were performing when the *HOD injury* occurred (or during the period that the injury occurred).
- Q31 Describe the nature of the risk of physical or psychological injury to which you were required to be exposed at the time the injury occurred.
- Q32 Explain as best you can how the risk to which you were required to be exposed, as described in your answer to Q31, was one to which members of the general work force are not normally required to be exposed.

H Vocational & Medical Reports

33 Are you providing any vocational or other reports in support of your application that address your incapacity for work outside the *Police Force*?

Information that may assist you

PSAC may need expert vocational advice about your capacity for work outside the *Police Force*. This would include information about the following:

- a) what kind of work that a person with your education, experience, qualifications and skills could undertake if they did not have your *medical condition* and were in the same labour market as you, and how much they could earn,
- b) what kind of work is available to a person **without** your *medical condition* in a labour market reasonably open to you and what could be earned,
- c) whether and how your *medical condition* is impacting on your capacity to undertake such work. Examples could be how your physical limitations in performing work are due to your *medical condition* or how your lack of concentration or bad memory due to your *medical condition* impacts on your ability to hold down a job,
- d) what kind of work is available to you, with your *medical condition* in a labour market reasonably open to you, and what could you earn.

Depending on your circumstances, you may be required to undertake a vocational assessment by a vocational assessor nominated and paid for by *STC*. The vocational assessment report will address questions that have been determined are relevant to an entitlement for an increase to an HOD pension. A copy of the general questions that a vocational assessor will be asked to address that are relevant to this application is available from the website at www.statesuper.nsw.gov.au or by calling Customer Service on 1300 130 097.

To assist your claim, you are encouraged to provide with your application a vocational assessment report at your own expense. If you do provide a vocational assessment report in support of your application, it will need to:

- be provided by a vocational assessor with appropriate expertise in making such judgements,
- be based on a discussion with you,
- address the questions that have been determined are relevant to claims of this kind, and
- have been prepared, preferably, within the last 12 months.

Whether you provide a report from a vocational assessor or not, you will have the opportunity to see the report of the vocational assessor obtained by *STC* if the conclusions in that report do not support your application or are inconsistent with any vocational assessment report that you do provide. You will have the opportunity to provide an additional report that addresses those inconsistencies.

You should be aware that when making a decision about whether you are entitled to an increase to your HOD pension, PSAC will place more weight on the opinion of a vocational assessment that addresses the questions relevant to that entitlement.

How to answer this question

If you answer yes, please list for each report, which could include Police incident reports:

- a) the name of the author
- b) the author's area of expertise
- c) the date of the report.

34 Medical reports

35 Information that may assist you

To have your application for an increase to your HOD pension assessed you will be required to undergo a medical examination with a medical specialist nominated by *STC*. The medical specialist will be one that specialises in the area of medicine relevant to the *medical condition* that was determined by PSAC and the *Commissioner* as causing your incapacity to discharge *full operational duties*.

In respect of a psychiatric *medical condition*, the appropriate medical specialist is a psychiatrist (a psychologist is not a medical practitioner).

The medical report obtained by *STC* will address questions that have been determined are relevant to an entitlement for an increase to an HOD pension and, specifically, that address your incapacity for work outside the *Police Force*. The report will be paid for by *STC*. A copy of the general questions that a medical specialist will be asked to address that are relevant to this application is available from the website at www.statesuper.nsw.gov.au or by calling Customer Service on 1300 130 097.

To assist your claim, you are encouraged to provide with your application a medical report from a relevant medical specialist at your own expense.

You are also asked to provide any reports from your treating doctor that are relevant to the assessment and treatment of each of your *medical conditions*.

If you do provide a medical report in **support** of your application, it will need to:

- be provided by a medical specialist specialising in the area relevant to your *medical condition*;
- be based on an examination of you;
- address the questions that have been determined are relevant to an entitlement for an increase to an HOD pension (that are available on www.statesuper.nsw.gov.au or by calling Customer Service on 1300 130 097); and
- have been prepared, preferably, within the last 12 months.

You may also provide with your application any medical records or reports that **already exist** that relate to your injuries or your *medical condition* or your incapacity for work outside the *Police Force* that:

- were made at the time of occurrence of your injuries,
- relate to the assessment or treatment of your *medical condition* or injuries;
- were prepared at the time you left the *Police Force*,
- were provided by you in support of any previous application for a PSS benefit, including your application for an HOD pension, or

- were prepared after you left the *Police Force* but address your incapacity for work.

You should be aware that when making a decision about whether you are entitled to an increase to your HOD pension, *PSAC* will place more weight on the opinion of the report of a medical specialist that addresses the issues that are specifically relevant to that entitlement.

Whether you provide a report from a medical specialist or not, you will have the opportunity to see the report of the medical specialist obtained by *STC* if the conclusions in that report do not support your application or are inconsistent with any medical specialist's report that you do provide. You will have the opportunity to provide an additional report that addresses those inconsistencies.

How to answer these questions

Questions 34 and 35 are asking you to identify medical reports that **you are providing** with your application.

In particular, Question 34 is asking you to list:

- any medical reports that you are providing that **support** your application, ie ones that address the questions that are relevant to an entitlement to an increase to an HOD pension (that are available on www.statesuper.nsw.gov.au or by calling Customer Service on 1300 130 097), and
- any existing medical records or reports that you are providing with your application that relate to your injuries or your *medical condition* or your incapacity for work outside the *Police Force*.

Question 35 asks you to list any medical *records or reports* that **you are not providing** with your application but are aware of that may assist your application. You may not have these reports in your possession but be able to indicate where they are located so that *Pillar* can obtain them if they appear to be relevant.

Please also refer to the definition of records and reports under the **Glossary of Terms** to be clear on what types of reports are sought.

I Authorised Person

Information that may assist you

If the applicant is capable of completing and signing all the relevant sections of the form, they should do so, providing they understand its contents. Someone else can complete the form for the applicant, but if someone else **signs** the Application Form **on behalf of the applicant**, that person must complete Part I of the Form.

How to answer this question

If you are not the applicant but are signing the Application Form on behalf of the applicant you will need to provide

your personal details as indicated. We also require you to provide documentation demonstrating that you hold the legal authority to act for the applicant.

Please:

- 1) indicate the nature of the authorisation – power of attorney, guardianship order or other authorisation, and
- 2) provide a **certified copy** of the authorisation document with the application.

J Privacy Statement and Declaration

Information that may assist you

It is important that you read the Privacy Statement set out in Part J of the Application Form.

The Application Form **cannot** be accepted by *Pillar* if it is not signed and dated.

There is a lot of information set out in these Notes, including information and background material about many of the questions in the Application Form. You should read these Notes carefully before you complete the Application Form.

If you sign this declaration, we will be justified in assuming you were aware of and understood all that information when you completed the Form.

In particular, you should be aware that:

- a) the information sought in the Application Form has been requested by *STC* and, accordingly, you are required by law to supply that information,
- b) in collecting the information in the Application Form, *STC* can use that information to determine your entitlement to any PSS benefit,

- c) in providing your consent, *STC* will be able to obtain medical or other reports you have identified in the Application Form and any medical or other reports that may be referred to in any other report provided to *STC* by you, and
- d) in providing your authority, any doctor or other person who has treated or examined you is authorised to give to *STC* any medical information or reports that relate to any *medical condition* or injuries you have mentioned in the Application Form.

We are required under the law to inform you that giving false or misleading information is a serious offence. Section 307A of the *Crimes Act 1900* (NSW) makes it an offence for a person to make a statement in connection with an application for a benefit under a NSW law, where the person knows or is reckless as to whether:

- a) the statement is false or misleading in a material particular, or
- b) omits any matter or thing without which the statement is misleading in a material particular.

Section 307B of that Act makes it an offence for a person to provide information in connection with a NSW law, knowing that the information:

- a) is false or misleading in a material particular, or
- b) omits any matter or thing without which the information is misleading in a material particular.

A 'material particular' is one that is relevant to the question of whether or not you get an HOD pension (for instance, including an incorrect phone number without checking the Application Form for errors might be reckless and false but that information would not normally be 'material' to your application).

How to complete the declaration

You, as the applicant (or authorised person, if applicable), need to enter your name, make the declarations, consents and authorisations as indicated and sign and date the form in the space provided.