

Pre 21 November 1979 Benefits Arising from Work-Related Injuries

What is a work-related injury?

The Police Superannuation Scheme (PSS) provides a number of benefits for PSS members arising out of the occurrence of a work-related injury. The type of benefit depends on whether the injury occurred before 21 November 1979, or it occurred on or after that date.

Benefits arising from work-related injuries similar to workers compensation benefits (Hurt on Duty) became available to PSS members on 21 November 1979.

Hurt on duty benefits

Benefits arising from hurt on duty injuries on or after 21 November 1979 are explained in the following PSS Fact Sheets.

- Fact Sheet 6 - *Death Benefits*
- Fact Sheet 11 - *Medical Discharge Benefit for Members of the Police Force*
- Fact Sheet 12 - *Medical Discharge Benefit for a Former Member of the Police Force (s10B(2))*
- Fact Sheet 13 - *Partial Commutation of Hurt on Duty (HOD) Invalidity Pension under section 10C*
- Fact Sheet 14 - *Increase for a Hurt on Duty Pension (S10(1A))*

What are the benefits for a pre 21 November 1979 injury?

The PSS provides a limited range of benefits for work-related injuries that are not HOD injuries because they occurred **before** 21 November 1979. The criteria for payment of these benefits are different from the criteria for those benefits available in relation to the HOD injuries described in the previous section.

The pre 21 November 1979 benefits are described below.

1. Medical discharge pension

A medical discharge pension may be payable at a rate of 72.75% of your salary of office at the time of leaving the Police Force, if you are discharged from the Police Force as incapable of personally exercising the functions of a police officer if the injury causing the incapacity is a wound or injury received before 21 November 1979 and the Commissioner determines that the wound or injury occurred:

- (a) in the actual execution of your duty of office, or
- (b) on your daily or other periodic journeys to and from work, provided there was no substantial interruption or deviation (or if there was, the risk of wound or injury was not materially increased for that reason) and it occurred without serious or wilful conduct, or
- (c) while you were temporarily absent from duty during a recess, provided it occurred without serious or wilful conduct and you did not voluntarily subject yourself to any abnormal risk of wound or injury.

2. Pension payable to widow, widower, father, mother etc.

A pension may be payable on your death to the widow, widower, father, mother, children or other relative wholly or partly dependent on you at the time of your death if:

- (a) while still serving in the Police Force, you die at any time from any wound or injury received in the actual execution of your duty of office before 21 November 1979, or
- (b) while receiving a medical discharge pension because of a wound or injury suffered prior to 21 November 1979, you die as a result of that wound or injury.

The Police Superannuation Scheme (PSS) is administered by Mercer Administration Services (Australia) Pty Ltd on behalf of the Trustee, SAS Trustee Corporation (STC). PSS is governed by the *Police Regulation (Superannuation) Act 1906*, the *State Authorities Non-contributory Superannuation Act 1987* and the *Superannuation Administration Act 1996*. The scheme is also subject to Commonwealth superannuation and tax legislation.

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3. Allowance for children and students

An allowance may be payable on your death to any of your children under 18 years (or until they are 21 for so long as they are full-time students) if:

- (a) while still serving in the Police Force, you die at any time from any wound or injury received prior to 21 November 1979 in the actual execution of your duty of office, or
- (b) while receiving a medical discharge pension because of a wound or injury suffered prior to 21 November 1979, you die as a result of that wound or injury.

4. Benefits not payable for pre 21 November 1979 injuries

It is not possible to get any of the following benefits under the PSS:

- (a) a medical discharge pension because of a wound or injury received before 21 November 1979 if you have already retired or resigned from the Police Force even if you were in fact incapable of discharging your duties of office at the time of your exit
- (b) an increase to a medical discharge pension (payable because of a pre-21 November 1979 injury) by reference to any incapacity for work outside the Police Force
- (c) any compensation for permanent impairment, pain and suffering or medical expenses in respect of a wound or injury received before 21 November 1979.

How relevant are pre 21 November 1979 injuries now?

The medical discharge pension payable because of a pre 21 November 1979 wound or injury is unlikely to be of any relevance today as it would be payable only if you are still serving and can demonstrate that any incapacity to discharge your current duties was caused by an injury or wound that occurred more than 30 years ago.

If you are already receiving such a pension, a benefit might be payable to your widow/widower, child or dependant in the event that your death is the result of the pre 21 November 1979 wound or injury.

Fact Sheets about related topics:

PSS 6: *Death benefits*

PSS 11: *Medical discharge benefit for Members of the police force (s8/s10b(1))*

PSS 12: *Medical Discharge Benefit for a former Member of the Police Force (s10B(2))*

PSS 13: *Partial Commutation of Hurt On Duty Pension Under Section 10C*

PSS 14: *Increase for a Hurt on Duty Pension (S.10(1A))*

More information

If you need more information, please contact us:

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