

Hurt On Duty Pension Increase

This document is to be provided to a service provider who is requested by Mercer Administration on behalf of SAS Trustee Corporation (STC) to provide a report on a functional capacity and/or vocational capacity assessment of a pensioner member of the Police Superannuation Scheme (PSS) who is seeking an increase in a hurt on duty (HOD) pension.

1. Pension increases that are payable

An HOD pension is payable to a former member of the NSW Police Force who:

- is medically discharged from the *Police Force* after STC certified that he or she was incapable of personally exercising the *functions of a police officer*; or
- resigned or retired from the *Police Force* but where STC subsequently certified that he or she was incapable of personally exercising the *functions of a police officer* at the time of resignation or retirement,

and only where the incapacity to personally exercise the *functions of a police officer* was due to a specified *medical condition* that is determined by the Commissioner of Police to have been caused by an HOD (ie work-related) *injury* (an **HOD medical condition**).

In the case of a former member of the *Police Force* who resigned or retired, he or she must have notified the Commissioner of Police of the HOD *injury* within 6 months of receiving the *injury* and before the resignation or retirement in order to be eligible for an HOD pension.

For the purposes of assessment of eligibility for an HOD pension, the *functions of a police officer* include (but are not limited to) the functions of a constable.

The minimum rate for an HOD pension is 72.75% of the salary payable on the pensioner's last day of service in the *Police Force*. The minimum rate can be increased:

- By up to 12.25% of that salary, depending on the extent to which the pensioner is incapacitated for work **outside** the *Police Force* because of an HOD *medical condition*. If the pensioner is totally incapable for work **outside** the *Police Force* because of an HOD *medical condition*, the maximum rate of 85% of that salary is payable.

- By up to 27.25% of that salary, if the pensioner is **totally** incapacitated for work outside the *Police Force* and the incapacity is due to the *medical condition* that the Commissioner determined was caused by an HOD *injury*, **and** the HOD *injury* occurred because while in the *Police Force* the pensioner was 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, commensurate with the risks to which he or she was required to be exposed. A rate of up to 100% of that salary may be payable.

2. Criteria for entitlement to a pension increase of up to 12.25%

For an applicant to be entitled to an increase of pension above the minimum rate of 72.75% of salary by a rate of up to 12.25%, STC must determine that the applicant is currently incapacitated for work outside the *Police Force* to some extent i.e. the applicant cannot, **because of an HOD medical condition or conditions**, earn in a labour market that is reasonably open to the applicant as much as a person with the applicant's skills, education, experience, qualifications and age **but without any HOD medical condition** could earn in such a labour market.

The percentage difference between what the applicant, with their HOD *medical condition*, is or could be earning and what a person with the applicant's skills, education, experience, qualifications and age but without their HOD *medical condition* could be earning, will generally be the percentage increase in the HOD pension to which the applicant is determined to be entitled.

An applicant will only be entitled to an increase of 12.25% (i.e. to 85% of salary) if they are **totally** incapacitated for work outside the *Police Force* because of an HOD *medical condition*. However, it is important to note that the test for **total** incapacity for work outside the *Police Force* is not the same as for total and permanent incapacity.

3. Opinion to be based on probability

STC, in making a decision as to whether an applicant is incapable of working outside the *Police Force*, may have regard to medical advice and/or a vocational assessment.

The report that will assist *STC* make a decision should provide an opinion that is based on the **probability** of a certain matter, rather than the mere **possibility** of it.

If you are unable to make an assessment on a particular matter, you should say so in the report and explain why.

4. Matters to consider when providing the written report

You are asked to provide a written report drawing on the following:

1. a detailed history from the applicant;
2. a full examination of the applicant and outcome of any physical, functional or any other tests;
3. any medical documents or other information provided to you, including those that relate to the time that the applicant left the *Police Force*;
4. the information provided in and with the applicant's Application (PSS Form 14) that is provided to you; and
5. your examination and interview of the applicant.

Please refer to any reports that you rely upon in arriving at an opinion.

5. Questions to be answered and suggested report format

You should provide your report on your letterhead.

A suggested format is provided for you to include the relevant information in your report. If you would like to use this format, you can download a Word document from the website at www.statesuper.nsw.gov.au.

Please return the attached list of questions, your report based on those questions and the privacy statement to:

State Super (PSS)
GPO Box 2181
Melbourne VIC 3001

(on service provider's letterhead)

Report on HOD pension increase applicant

History and findings

Date of examination: ...

Applicant's details (name, DOB, address): ...

General history of the applicant (including education, qualifications, skills, work experience, attempts to find work, date of injuries/medical conditions, brief history of circumstances of injuries/medical conditions, rehabilitation, retraining etc): ...

Clinical history of applicant (summary of injuries received/medical conditions experienced and diagnoses made, summary of all treatment provided, details and dates of clinical investigations carried out, details of any previous or subsequent injuries, condition or abnormality): ...

Test/assessment findings (outcomes of tests, assessments etc, findings on examination including negative findings, comments on consistency of presentation, and where appropriate, how this compares to reports and other material sighted): ...

Answers to questions*

STC requests that you analyse all the information available to you and then answer the following questions with respect to the applicant. Your answers to the questions should be incorporated into your report to STC.

1. What kind of work could the applicant currently undertake in a labour market that is reasonably open to him or her, taking into account the applicant's skills, education, experience, qualifications, interests, aptitude, age and any non-HOD *medical conditions*, and his or her HOD *medical condition*?
2. Is the applicant capable of working on a full-time basis or only on a part-time basis? If the latter, please indicate the number of hours per week.
3. What could the applicant reasonably earn a week in such work? (identify a range).
4. What kind of work could a person with the applicant's skills, education, experience, qualifications, interests, aptitude, age and any non HOD *medical conditions* (but without the applicant's HOD *medical condition*) undertake in a labour market that is reasonably open to the applicant?
5. What could such a person reasonably earn a week in such work? (identify a range).
6. Where this is not the applicant's first application for an increase, a medical specialist has been asked to advise on whether there has been any change in the applicant's HOD *medical condition* since the time of the applicant's most recent application for an increase was decided.

Taking the specialist's advice into account, what difference (if any) is there between what the applicant could have earned at the time of that decision and your answer to Question 3 (ie what the applicant could earn now) due to the change in the applicant's HOD *medical condition* identified by the specialist?
7. Given the prognosis of the applicant's HOD *medical condition* as set out in the report of the medical specialist and the specialist's opinion of the applicant's likely capacity to undertake work in the future, what potential do you think the applicant has for obtaining work, or obtaining more remunerative work, in the next 12 months or at a later time?
8. Would that potential be greater with any additional rehabilitation and/or training? If so:
 - a) please specify the rehabilitation/training and
 - b) estimate how much the applicant could earn if that potential was realised (identify a range).
9. Please comment on any other matters that you think relevant to the applicant's current or future likely capacity for work.

* Please refer to the *Notes for answering the Questions (PSS Report 14)* on page 4.

NOTES FOR ANSWERING THE QUESTIONS (PSS REPORT 14)

Question 1: What kind of work could the applicant currently undertake in a labour market that is reasonably open to him or her, taking into account the applicant's skills, education, experience, qualifications, interests, aptitude, age and any non-HOD *medical conditions*, and his or her HOD *medical condition*?

Matters to take into account

- a. It is important to note that any increase to an HOD pension is determined on the basis of the extent to which the applicant's current incapacity to work outside the *Police Force* is caused by an HOD *medical condition/s*. The applicant may currently have other non-HOD *medical conditions* and any impact they may have on the applicant's capacity to work should be explained.
- b. The HOD *medical conditions* identified by the applicant as having caused their incapacity – refer to the answer to Q26 of the Application Form.
- c. Information provided to you during your interview with the applicant including information about current employment.
- d. Information contained in Sections D and E in the applicant's Application Form (PSS Form 14).
- e. The report/s of any medical specialist; in particular, answers relating to any restrictions or limitations on the applicant's capacity to work due to the relevant HOD *medical condition*.

If you are of the opinion that the applicant is totally incapacitated for work, please state your opinion and any relevant explanation.

09/2024

More information

If you need more information, please contact us:

Telephone: **1300 130 097** (for the cost of a local call, unless calling from a mobile or pay phone)
8.30 am to 5.30 pm, Monday to Friday.

Personal interviews: Please phone 1300 130 097 to make an appointment.

Postal address: State Super, GPO Box 2181, Melbourne VIC 3001

Internet: www.statesuper.nsw.gov.au

Email: enquiries@stc.nsw.gov.au