

Medical Discharge Benefit for Members of the Police Force (s.8/s.10B(1))

General information about the benefits

The Police Superannuation Scheme (PSS) provides medical discharge benefits for PSS members who are incapable of discharging their duties of office in the NSW Police Force due to a medical condition. The kind of benefit payable will depend on whether your incapacity was caused by a medical condition that:

1. is not work-related, in which case a non hurt on duty (NHOD) benefit is payable, which may be a pension or lump sum depending on your length of service, or
2. was caused by a hurt on duty (HOD) injury, in which case an HOD pension is payable.

A 'medical condition' is an infirmity of the body or mind. An HOD injury is one that occurred in connection with work as a police officer, as determined by the Commissioner of Police.

Who can apply?

You can apply for a medical discharge benefit if you satisfy **all** of the following. You:

1. joined the Police Force before 1 April 1988,
2. are still in the Police Force, and
3. are a contributor to the PSS.

How is your entitlement determined?

To get a medical discharge benefit, you will need to establish that:

1. you are now incapable of personally exercising the functions of a police officer referred to in section 14(1) of the *Police Act 1990* (NSW) (which include but are not limited to the functions of a constable); and

2. your incapacity was caused by a medical condition; and
3. if you are applying for an HOD pension, an HOD injury that was sustained on or after 21 November 1979 caused or contributed to your medical condition (subject to what is said below about pre 21 November 1979 injuries).

You will be paid a NHOD medical discharge benefit if the Police Superannuation Advisory Committee (PSAC) certifies on behalf of the trustee, SAS Trustee Corporation (STC), that you are incapable of personally exercising the functions of a police officer referred to in section 14(1) of the *Police Act 1990* (NSW) because of a medical condition.

You will be paid an HOD pension only if:

1. PSAC certifies on STC's behalf that:
 - a) you are incapable of personally exercising the functions of a police officer referred to in section 14(1) of the *Police Act 1990* (NSW); and
 - (b) your incapacity was caused by a specified medical condition; and
2. the Commissioner of Police then determines that:
 - a) an injury caused or contributed to your medical condition, and
 - b) the injury was an HOD injury sustained on or after 21 November 1979.

If the only HOD injury that caused or contributed to your medical condition occurred before 21 November 1979, an HOD pension may be payable. The test to be applied in deciding any eligibility for this benefit is slightly different to that described in this fact sheet. If this is your situation, you should refer to PSS Fact Sheet 15 *Pre 21 November 1979 Benefits Arising from Work Related Injuries* or contact Mercer.

The STC schemes are administered by Mercer Administration Services (Australia) Pty Ltd on behalf of the schemes' trustee, SAS Trustee Corporation (STC). STC is governed by the *Superannuation Act 1916*, the *State Authorities Superannuation Act 1987*, the *State Authorities Non-contributory Superannuation Act 1987*, the *Superannuation Administration Act 1996* and the *Police Regulation (Superannuation) Act 1906*. The schemes are also subject to Commonwealth superannuation and tax legislation.

STC has published this fact sheet. STC is not licenced to provide financial product advice in relation to the STC schemes or to their members.

Reasonable care has been taken in producing the information in this fact sheet and nothing in it is intended to be or should be regarded as personal advice. If there is any inconsistency between the information in this fact sheet and the relevant scheme legislation, the scheme legislation will prevail. In preparing this fact sheet, STC has not taken into account your objectives, financial situation or needs. You should consider your personal circumstances, and possibly seek professional advice, before making any decision that affects your future.

To the extent permitted by law, STC, its directors and employees do not warrant the accuracy, reliability or completeness of the information contained or omitted from this fact sheet.

If the Commissioner determines that you have not participated in an approved injury management program after being given a reasonable opportunity to do so, an HOD pension will not be payable even if you are otherwise entitled to one.

What NHOD benefit is payable?

If you are determined as incapacitated and your medical condition is caused by an injury or illness that was not HOD, the form of benefit payable to you will depend on the length of your service in the Police Force.

An NHOD pension is payable if you have served 20 years or more. The rate of the pension depends on your number of years service greater than 20 years. Maximum NHOD pension is payable after 30 years service.

If you have served less than 20 years, a NHOD lump sum is payable ascertained by reference to your attributed salary of office at the time you leave the Police Force.

At what rate is an HOD pension payable?

The minimum rate for an HOD pension is 72.75% of your attributed salary of office on your last day of service. 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 incapacitated for work outside the Police Force, the maximum rate of 85% of your attributed salary is payable.
- 27.25% of your attributed salary of office, if you are totally incapacitated for work outside the Police Force and your 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 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, 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.

How do I demonstrate my incapacity?

To be considered for a medical discharge benefit, you will need to complete **PSS Form 11 Application Form for Medical Discharge Benefit (s.8/s.10B(1))** that is available on the State Super website at www.statesuper.nsw.gov.au or from Customer Service on 1300 130 097.

You will also 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 included in your application.

The medical specialist will provide a report to STC that addresses questions that have been determined as relevant to an entitlement for a medical discharge benefit. The report will be paid for by STC. A copy of the general questions that a medical specialist will be asked to address is available on the State Super website.

You will have the opportunity to see the medical report obtained by STC if the conclusions in that report do not support your application.

If you provide a medical report at your own expense, PSAC would prefer that medical report to:

1. be provided by a medical specialist who specialises in the area relevant to your medical condition,
2. be based on a medical examination of you,
3. address the questions that have been determined as relevant to an entitlement for a PSS medical discharge benefit (available on the State Super website), and
4. have been prepared, preferably, within the 12 months prior to the application being made.

What happens if the Commissioner applies for my medical discharge?

A medical discharge application may be initiated by the Commissioner of Police if you have been on sick leave for at least 12 months during the previous 18 months. In such a case, the Commissioner will give you a copy of the application and time to reply. The Commissioner may submit the application with your personal and health information to STC with or without your consent, and STC is authorised to determine the application. The NSW Police Force policy is available from the Police Human Resources Branch.

When does payment of an HOD pension commence?

If your application for an HOD pension is approved, the date of commencement is normally the day immediately following your last day of service, unless PSAC is satisfied that there are exceptional circumstances that merit the pension commencing to be payable from an earlier date.

Right to dispute a decision about a NHOD application

If you are aggrieved with a decision made by PSAC about an application for a NHOD medical discharge benefit, you may dispute that decision directly with STC. A notice of dispute must be served on STC within 2 years after you have been notified in writing of the decision and the right to dispute it. A dispute will be determined by STC's Member Services Committee. If you are still aggrieved after the determination of the dispute by STC, you may appeal to the Supreme Court of NSW within 6 months of being notified of STC's determination or within such further period as the Court allows.

Right to apply to District Court from a decision about an HOD application

If you are aggrieved with a decision made by PSAC about an application for an HOD medical discharge benefit, you may apply to the District Court for a determination in relation to the decision. You may also apply to the District Court for a determination if you are aggrieved by a decision of the Commissioner of Police about whether a certified medical condition was caused by a HOD injury. Section 21 of the *Police Regulation (Superannuation) Act 1906* (NSW) provides that you have 6 months after being notified of an applicable HOD decision to apply to the District Court for a determination in relation to the decision.

Where do I get more information?

There are Notes that accompany the Application Form (PSS form 11), which contain more detail about the benefit and the process for determining entitlement. The Application Form and Notes are available from the State Super website at www.statesuper.nsw.gov.au or from Customer Service on 1300 130 097.

How do I apply?

If you are applying for a medical discharge benefit, you should:

1. refer to the Notes that accompany the Application Form (**PSS Form 11**),
2. complete and sign the Application Form and gather any medical records that may assist your application, and
3. send the completed Application Form, together with all the documentation you are providing to:

State Super (PSS)
GPO Box 2181
Melbourne VIC 3001

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