

Medical Discharge Benefit for a Former Member of the Police Force (s.10B(2))

General information about the benefit

The Police Superannuation Scheme (PSS) provides benefits for PSS members who have already resigned or retired from the Police Force but who were in fact 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) at the time of resignation or retirement, due to a medical condition arising from a hurt on duty (HOD) injury.

Note: If the former member resigned or retired before 30 June 2006, the test of incapacity is whether at the time of resignation or retirement the person would have been incapable of discharging the duties of his or her office as a police officer.

A 'medical condition' is an infirmity of the body or mind.

An HOD injury is an injury that occurred in connection with work as a police officer, as determined by the Commissioner of Police.

Am I eligible for an HOD pension?

You will be eligible for payment of an HOD pension only if:

1. The Police Superannuation Advisory Committee (PSAC) certifies on behalf of the trustee, SAS Trustee Corporation (STC), that:

- a) you were incapable of personally exercising the functions of a police officer referred to in section 14(1) of the *Police Act 1990* (NSW) (also see **Note** above) at the time of resignation or retirement; 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; and
- c) you notified the Commissioner of Police of the HOD injury within 6 month of its occurrence and before you resigned or retired from the Police Force.

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.

When can I apply?

If you did not become entitled to an HOD pension before 30 June 2006, you will need to apply within 5 years after your resignation or retirement, or before you reach 60 years of age, whichever is the later date. Your application will be refused if you do not apply within this time, unless you are able to satisfy STC that there were reasons for the delay in applying and that all of the circumstances of your case make it desirable for STC to use its discretion to accept your late application.

Note: You will not be eligible for an HOD pension if you have already fully commuted a PSS pension or you received a PSS disengagement benefit.

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.

At what rate is an HOD pension payable?

The minimum rate for an HOD pension is 72.75% of your attributed salary of office at the date of your resignation or retirement.

That rate of pension 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.

Please see **PSS Fact Sheet 14** *Increase for a Hurt on Duty Pension s.10(1A)*.

When does an HOD pension commence to be payable?

If your application is approved, your HOD pension will be paid from the date of application – the date on which a fully completed form and all relevant documentation is received by Mercer. Payment effective from an earlier date will only occur if PSAC is satisfied that there are exceptional circumstances that merit the pension commencing to be payable from an earlier date. You can also nominate a later date for payment of your HOD pension to commence.

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 pension, 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 12), which contain more details about the PSS HOD pension. 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 have already resigned or retired from the Police Force and believe that you might be eligible for an HOD pension you should:

1. carefully read the Notes that accompany the Application Form (PSS Form 12);
2. complete and sign the Application Form (PSS Form 12) and gather any medical records that may assist your application; and
3. send the completed Application Form, together with all the documentation in support of your application to:

State Super (PSS)
GPO Box 2181
Melbourne VIC 3001

Note: As discussed in more detail in the Notes that accompany the Application Form, you are encouraged to provide with your Application Form a report by a medical specialist (at your expense). Mercer, on behalf of STC, will arrange for you to be examined by an appropriate medical specialist to provide information and expert opinion about the matters that PSAC needs to consider in determining your application.

Lump sum option

A former member of the Police Force who is eligible for an HOD pension has an option to commute (convert) all or part of the pension to a lump sum. An election to commute the pension cannot be processed prior to the former member attaining the age of 55, and a person can only make one election to commute any part of their pension. The timeframe for commutation elections varies depending on the age of the former member when the pension commenced to be paid. For details of the lump sum option, please refer to **Fact Sheet PSS 5** *Invalidity retirement (medical discharge)*.

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