

NSW AMBULANCE DEATH AND INCOME PROTECTION BENEFITS (STATE) REVIEWED AWARD 2022

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act* 1996.

(Case No. 101377 of 2021)

Before Commissioner Sloan

17 November 2022

REVIEWED AWARD

PART A

INTRODUCTION AND INTENTIONS, ARRANGEMENT AND DEFINITIONS

1. Introduction and Intentions

1.1 This Award will be known as the *NSW Ambulance Income Protection and Death Benefits (State) Award 2017*.

1.2 The intentions and commitments of this Award are to provide:

1.2.1 benefits in the event that an on duty or off duty illness or injury results in the death or incapacity of an officer; and

1.2.2 transitional arrangements related to the cessation of lump sum benefits for total and permanent disablement and partial and permanent disablement previously available under the Ambulance Service of NSW Death and Disability (State) Award published 21 October 2016 (380 I.G. 1549) as varied from time to time.

1.2.3 a health and wellness program for officers.

1.3 This Award is in five parts as follows:

Part A - Introduction and Intentions, Arrangement and Definitions.

Part B - Arrangements for Officers Entitled to the Death and Income Protection Benefits Prescribed by this Award.

Part C - Transitional Provisions

Part D - Health and Wellness Program

Part E - Exclusions, Disputes, Anti-Discrimination and Area, Incidence and Duration

2. Arrangement

Clause No.	Subject Matter
1.	Introduction and Intentions
2.	Arrangement
3.	Definitions
4.	Coverage
5.	Other Entitlements Not Affected

6. Insurance
7. Lump Sum Payments for Death
8. Income Protection
9. Officers Covered by the Transitional Provisions
10. Transitional Payments for On Duty Total and Permanent Disability
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12. Rehabilitation, Retraining and Transitional Payments for Officers Who Suffer Partial and Permanent Disability
13. Insurance and Assessment of Entitlement to Transitional Benefits
14. Exclusion
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18. Cost of the Scheme and Award Review
19. Area, Incidence and Duration

Annexure A - Definition of 'Suitable Employment'

Annexure B - Benefits for On Duty Death

Annexure C - Benefits for Off Duty Death

Annexure D - Transitional Benefits

Annexure E - Components of 'Salary'

3. Definitions

"actuary" means an actuary appointed by NSW Ambulance.

"date of disablement" means the last day the officer works in their pre-injury duties.

"NSW Ambulance" means the Ambulance Service of NSW, a Division of the NSW Health Service, as established by the *Health Services Act 1997*.

"off duty injury" means any personal injury or disease which is not an on duty injury.

"officer" means an employee in a classification for which it is an essential requirement that they possess, or undertake the Diploma in Paramedical Science (or an equivalent, or its predecessor qualification). This is confined to classifications under clause 5, Classifications, of the *Paramedics and Control Centre Officers (State) Award 2022* and clause 4, Definitions, of the *Operational Ambulance Managers (State) Award 2022*, as varied or replaced from time to time, but excludes temporary and casual employees of both Awards. For the purpose of this Award, NSW Ambulance positions designated as Health Relationship Manager are included in the definition of officer at the operative date of this Award.

"on duty injury" means an injury (including a disease injury) for which an officer is entitled to compensation under the applicable terms and provisions of the *Workers Compensation Act 1987*, as amended or replaced from time to time.

"partial and permanent disability" means the officer's cessation of employment was substantially due to the permanent physical or mental disability of the officer (not caused by any act or default of the officer intended to produce an injury leading to that disability) and the officer is, when the officer ceases to be employed by NSW Ambulance, permanently unable, by reason of that disability, to perform the duties of the position for which the officer was substantively employed.

"salary" means for officers covered by the *Paramedics and Control Centre Officers (State) Award 2022*, as varied or replaced from time to time, the base salary prescribed by that award (including allowances regarded as part of salary for the purposes of that award) plus 20% and salary plus 3% for officers under the *Operational Ambulance Managers (State) Award 2022*, as varied or replaced from time to time. The award components that

make up "salary" are contained in the schedule at Annexure E - Components of 'Salary'. In the case of officers employed on a full time basis, lump sum benefits payable under this Award will utilise the salary as defined above. In the case of officers who have worked a period of their service on a permanent part-time basis, the benefits will be calculated by applying the relevant part time ratio to the prescribed benefit. This ratio will be calculated by dividing the officer's actual service by the full time equivalent service. The period of service taken into account is from 10 November 2006 or the date employment commenced, whichever is the later.

"State Authorities Superannuation Scheme" means the superannuation scheme established under the *State Authorities Superannuation Act 1987*.

"State Superannuation Scheme" means the superannuation scheme established under the *Superannuation Act 1916*.

"suitable employment" means the same as the definition prescribed in the applicable provisions of the *Workers Compensation Act 1987*, as amended or replaced from time to time. The applicable definition that has application from the commencement of this Award is contained at Annexure A - Definition of 'Suitable Employment' to this Award.

"total and permanent disability" means:

- a) An officer suffers the loss of:

the use of two limbs, or

the sight of both eyes, or

the use of one limb and the sight of one eye

where limb is defined as the whole hand or the whole foot: or

- b) An officer working 15 hours each week or more

The officer having been absent from his/her occupation with the employer through injury or illness for six consecutive months and becoming incapacitated to such an extent as to render the officer unlikely to ever engage in any gainful profession, trade or occupation for which the officer is reasonably qualified by reason of education, training or experience.

- c) An officer working less than 15 hours each week

The officer, because of injury or illness becomes permanently unable to perform the basic activities normally undertaken as part of everyday life as evidenced by the officer being unable to undertake any two of the activities listed below:

i) Bathing - to shower or bathe

ii) Dressing - to dress or undress

iii) Toileting - to use the toilet including getting on or off

iv) Feeding - to eat and drink

v) Mobility - to get in or out of his/her wheelchair

vi) Continence - to control bladder and bowel function

If the officer can perform the activity on his/her own by using special equipment the officer is not to be considered unable to perform the activity.

"Union/s" means Health Services Union NSW ('HSU') and/or Australian Paramedics Association (NSW) ('APA').

PART B

ARRANGEMENTS FOR OFFICERS ENTITLED TO THE DEATH AND INCOME PROTECTION BENEFITS PRESCRIBED BY THIS AWARD

4. Coverage

- 4.1 This Award applies to all officers with the following exceptions:
 - 4.1.1 members of the State Superannuation Scheme; and
 - 4.1.2 officers aged 65 years and over.
- 4.2 Officers who are members of the State Authorities Superannuation Scheme who have additional benefit cover are not entitled to the death benefits provided by clause 7, Lump Sum Payments for Death, of this Award. However, such officers are entitled to income protection benefits provided by clause 8, Income Protection, of this Award.

5. Other Entitlements Not Affected

- 5.1 The benefits conferred upon officers by this Award do not affect:
 - 5.1.1 any compensation payable under the *Workers Compensation Act 1987*; or
 - 5.1.2 any superannuation entitlements.

6. Insurance

- 6.1 NSW Ambulance must establish with Aware Super, a superannuation scheme to pay the benefits prescribed by clause 7, Lump Sum Payments for Death, of this Award.
- 6.2 NSW Ambulance must take out an insurance policy to pay the benefits prescribed by clause 8, Income Protection, of this Award.
- 6.3 An officer
 - 6.3.1 who suffers a disability arising from an injury before the commencement date of the insurance policy described at subclause 6.2; and
 - 6.3.2 who is not covered by the insurance policy described at subclause 6.2 in respect of that disability; and
 - 6.3.3 who is not entitled to a payment under Part C - Transitional Provisions of this Award; and
 - 6.3.4 who would have been covered and eligible for benefits in respect of that disability under the Ambulance Service of NSW Death and Disability (State) Award, is entitled to be paid by NSW Ambulance in respect of that disability such amounts as are equivalent to the amounts that the officer would have been paid under the new insurance policy described at subclause 6.2, if that policy had covered the officer.

7. Lump Sum Payments for Death

- 7.1 Officers will be entitled to a lump sum payment in accordance with Annexure B - Benefits for On Duty Death to this Award in the event that an on duty injury results in an officer's death.

- 7.2 Lump sum benefits payable under subclause 7.1 of this Award will be calculated utilising the salary as defined in this Award.
- 7.3 Officers will be entitled to a lump sum payment in accordance with Annexure C - Benefits for Off Duty Death to this Award in the event that an off duty injury results in an officer's death. The lump sum amounts specified at Annexure C will be increased in accordance with general increases in salaries prescribed in *Paramedics and Control Centre Officers (State) Award 2021* or the *Operational Ambulance Managers (State) Award 2022*, as varied or replaced from time to time.
- 7.4 For the purposes of this clause, an officer's age will be his/her age at the date of death.
- 7.5 Entitlements to receive a lump sum benefit from the Aware Super insurance superannuation scheme will be assessed in accordance with the applicable trust deed and policy document that applies at such time. Any dispute will be assessed in accordance with the Aware superannuation scheme's Disputes and Complaints procedure, as varied or replaced from time to time. This includes any dispute as to entitlement to receive a lump sum payment from the Aware Insurance Superannuation Scheme.

8. Income Protection

- 8.1 NSW Ambulance will take out and maintain an income protection insurance policy that provides insurance cover that applies where, due to illness or injury incurred either on or off duty, an officer is unable to perform the duties of the position for which they are substantively employed and they are under the care of a medical practitioner.
- 8.2 NSW Ambulance will take out an insurance policy that includes the following terms at a minimum:
- A disability benefit which tops up any other income received by the officer so that the officer receives 75% of pre-disability salary.
- A waiting period of 90 days before any benefit is payable in the case of an Off Duty Injury, or 26 weeks in the case of an On Duty Injury.
- A maximum benefit period of five years for on duty injuries, and two years for off duty injuries.
- An officer is not forced to use their accrued sick leave during waiting periods.
- If an officer's employment is terminated as a result of illness or injury during the benefit period, the termination of the employment does not affect benefits to which the officer is otherwise entitled.
- 8.3 Entitlements to income protection benefits will be assessed in accordance with the terms of the insurance policy. Any associated dispute will be assessed in accordance with the Disputes and Complaints procedure as contained in the insurance policy.

PART C

TRANSITIONAL PROVISIONS

9. Officers Covered by the Transitional Provisions

- 9.1 This Part of the Award applies to officers who as at 19 August 2016 contributed a percentage of their salary towards the benefits formerly provided under the Ambulance Service of NSW Death and Disability (State) Award as follows:
- 9.1.1 Officers who contributed 1.8 per cent of their salary are entitled to the provisions of clauses 10, 11 and 12 of this Award.
- 9.1.2 Officers who contributed 0.92 per cent of their salary are entitled to the provisions of clauses 10 and 11 of this Award.

- 9.1.3 Officers who contributed 0.88 per cent of their salary are entitled to the provisions of clause 12 of this Award.

10. Transitional Payments for on Duty Total and Permanent Disability

- 10.1 Officers specified at subclauses 9.1.1 and 9.1.2 of this Award and whose date of disablement is on or prior to 19 August 2016 will be entitled to a lump sum payment in accordance with Table 1 of Annexure D - Transitional Benefits to this Award in the event that an on duty injury results in an officer suffering total and permanent disability.
- 10.2 For the purposes of this clause, an officer's age will be his/her age at the date of disablement.

11. Transitional Payments for Off Duty Total and Permanent Disability

- 11.1 Officers specified at 9.1.1 and 9.1.2 of this Award and whose date of disablement is on or prior to 19 August 2016 will be entitled to a lump sum payment in accordance with the scale set out in Table 2 of Annexure D - Transitional Benefits to this Award in the event that an off duty injury results in their total and permanent disability. Any such lump sum payment will be at the rate effective at the date of disablement.
- 11.2 For the purposes of this clause, an officer's age will be his/her age at the date of disablement or at such earlier date as may be determined by the parties in accordance with clause 16.1.
- 11.3 The lump sum amounts prescribed at Table 2 of Annexure D - Transitional Benefits to this Award will be increased in accordance with general increases in salaries prescribed by the *Paramedics and Control Centre Officers (State) Award 2021* or the *Operational Ambulance Managers (State) Award 2022*, as varied or replaced from time to time.

12. Rehabilitation, Retraining and Transitional Payments for Officers who Suffer Partial and Permanent Disability

- 12.1 The lump sum payments prescribed by this clause may be payable to officers:
- 12.1.1 specified at subclauses 9.1.1 and 9.1.3 of this Award; and
 - 12.1.2 who are medically unfit for their pre-injury duties on 19 August 2016; and
 - 12.1.3 whose date of disablement is on or prior to 19 August 2016.
- 12.2 An officer who returns to pre-injury duties on or after 20 August 2016 is not entitled to the provisions of this clause. For this purposes of this subclause, an officer who returns to their substantive position with restrictions under a supervised return to work plan as part of the rehabilitation processes as outlined in this clause, is not considered to have returned to pre-injury duties.
- 12.3 In order to be entitled to a benefit pursuant to this clause an officer must engage in the provisions outlined within this clause.
- 12.4 There is a mutual obligation on both NSW Ambulance and the injured officer to identify suitable employment. However, it is the injured officer's responsibility to accept a reasonable offer of a suitable employment made by NSW Ambulance, which may include transfer to another location. A failure to accept one of three offers of suitable employment will jeopardise any benefits or entitlements payable under this Award and may result in termination of employment.
- 12.5 An officer who suffers an on duty injury will receive rehabilitation/retraining consistent with the following NSW Ambulance policies and procedures:
- a. Workers Compensation and Recovery at Work Operating Procedure (PRO2019-002);

- b. Redeployment of Injured Workers Under Workers Compensation Operating Procedure (PRO2017-044);

as varied or replaced from time to time, leading to a return to pre-injury employment wherever possible.

12.5.1 Where a return to pre-injury employment is not possible, as determined by a medical assessor contracted by NSW Ambulance, the officer will be declared as suffering a partial and permanent disability and opportunities for permanent placement in suitable employment will be sought.

12.5.2 If permanent placement in suitable employment within NSW Ambulance is not possible the employment of the officer may be terminated. In such circumstances the officer, subject to eligibility being established, will be paid a lump sum payment in accordance with Table 3 of Annexure D - Transitional Benefits to this Award.

- 12.6 An officer who suffers an off duty related injury/illness will receive rehabilitation/retraining consistent with the non work related injuries/illness section/s of the NSW Ambulance's 'Workers Compensation and Recovery at Work Operating Procedure (PRO2019-002)', as varied or replaced from time to time, leading to a return to pre-injury employment wherever possible.

12.6.1 No medical or rehabilitation costs will be met by NSW Ambulance for off duty injuries.

12.6.2 Where a return to pre-injury employment is not possible as determined by the medical assessor, the officer will be declared as suffering a partial and permanent disability and opportunities for permanent placement in suitable employment will be sought wherever reasonably practical. Suitable employment can include redeployment to an administrative position.

12.6.3 If permanent placement in suitable employment within NSW Ambulance is not possible the employment of the officer may be terminated and, in such circumstances, the officer will be paid a lump sum payment equivalent to the unexpired portion of the two-year full salary or full salary to age 60 (whichever is the lesser). In the case of permanent part time officers, the entitlements under this sub clause are calculated on a pro rata basis. The two-year period commences when medical evidence indicates that an officer is not able to return to their pre-injury employment.

- 12.7 The objective of the rehabilitation/retraining program creates mutual obligations, which is for every officer who suffers partial and permanent disability to be placed in suitable employment with NSW Ambulance, wherever reasonably practical

- 12.8 An adequate opportunity will be given to the officer concerned and the Union (unless the officer expressly declines to agree to the Union being informed) to consider the NSW Ambulance's opinion that no suitable employment is available and to put that opinion into dispute in accordance with clause 16, Grievance Mechanism, of this Award prior to cessation of employment. Such opportunity will also be given in situations where it is disputed that any alternate employment is genuinely suitable. Suitable employment does not include employment that is merely token in nature and does not involve useful work in relation to the activities of NSW Ambulance, or is demeaning in nature having regard to the officer's incapacity and pre-injury employment, age, education, skills and work experience. The officer's place of residence will also be considered when determining suitable employment.

13. Insurance and Assessment of Entitlement to Transitional Benefits

- 13.1 The benefits prescribed by clauses 10 and 11 of this Award will be paid from Aware Super superannuation scheme which was established under the terms of the *Ambulance Service of NSW Death and Disability (State) Award*. Provided that NSW Ambulance will administer and pay for any benefits under clauses 10 and 11 of this Award for officers who are not covered by the scheme's trust deed and policy document
- 13.2 The benefits prescribed by clause 12 of this Award will be administered and paid by NSW Ambulance.

- 13.3 Officers can only receive one transitional benefit either a "partial and permanent disability benefit" or "total and permanent disability benefit". An officer will be required to sign a deed of undertaking when making a claim for benefits for partial and permanent disability. This deed ensures that any benefits obtained under partial and permanent disability will be repaid to NSW Ambulance should the officer be successful in claiming total and permanent disability.
- 13.4 Entitlement to benefits to be provided by NSW Ambulance pursuant to this Part may be assessed by an assessment provider engaged by NSW Ambulance, or by NSW Ambulance. Any dispute can be initially assessed in accordance with clause 16, Grievance Mechanism, of this Award.
- 13.5 Entitlement to receive a lump sum benefit under clauses 10 and 11 from the Aware Super superannuation scheme will be assessed in accordance with the terms of the Aware Super superannuation scheme Trust Deed and Policy Document. Any dispute will be assessed in accordance with the Aware Super superannuation scheme's Disputes and Complaints procedure.
- 13.6 Lump sum benefits payable under this Part will be calculated utilising the salary as defined in this Award.
- 13.7 Officers covered by the transitional provisions under clause 10, 11 or 12 of this Award cannot receive both a transitional payment and income protection benefits under subclause 6.3 or clause 8, Income Protection, of this Award. If such officers claim an income protection benefit they will be required to sign a deed of undertaking when making that claim. This deed ensures that any benefits obtained under income protection will be repaid to NSW Ambulance should the officers be successful in claiming transitional total and permanent disability payments or transitional partial and permanent disability payments.

14. Exclusion

- 14.1 An officer otherwise entitled to benefits provided by Part C - Transitional Provisions of this Award will not be entitled to such benefits in relation to an injury (or consequent disability) directly caused by the taking of disciplinary action that may lead to removal from NSW Ambulance. However, if:
- 14.1.1 the initiation of or conduct of such disciplinary action by NSW Ambulance was not reasonable; or
- 14.1.2 the officer is not ultimately removed from NSW Ambulance as a consequence of the disciplinary action, then the officer will continue to be eligible to claim benefits for such injury.

PART D

HEALTH AND WELLNESS PROGRAM

15. Health and Wellness Program

- 15.1 NSW Ambulance will implement a Health and Wellness Program in accordance with the following objectives:
- 15.1.1 to promote health and wellness of paramedics and to assist them in meeting the occupational requirements of their job
- 15.1.2 to provide practical support, education and assistance to paramedics through structured health and wellness programs.
- 15.2 Nothing in the Health and Wellness Program will give rise to any additional payment, allowance or any other financial benefit to any officer. The Program will not give rise to any additional leave entitlements to any officer.
- 15.3 1.9% of the Government's maximum contribution as stipulated at subclause 18.2 of this Award will be used to fund initiatives under the Health and Wellness Program.

For example: If the Government's maximum contribution pursuant to subclause 18.2 of this Award was \$10 million, then subclause 15.3 of this clause provides a fund of \$190,000 for initiatives under the Health and Wellness Program.

- 15.4 NSW Ambulance must provide the unions with a yearly breakdown of the expenditure of the 1.9% of the Government's contribution on health and wellness initiatives.
- 15.5 Prior to funds identified in subclause 15.3 of this clause being applied, NSW Ambulance are to consult with unions on how such funds will be applied to initiatives under the Health and Wellness Program.

PART E

GRIEVANCE MECHANISM, ANTI-DISCRIMINATION, AWARD REVIEW AND AREA, INCIDENCE AND DURATION

16. Grievance Mechanism

- 16.1 A committee will be formed comprised of equal representatives of APA, HSU and NSW Ambulance to consider grievances that arise from the application of this award. The Unions, NSW Ambulance or individual officers may refer such matters to the committee.
- 16.2 With the exception of the procedures outlined in subclauses 7.5, 8.3 or 13.5 of this Award, if an issue gives rise to a dispute, it must be dealt with in accordance with the issue resolution procedures in *Paramedics and Control Centre Officers (State) Award 2021* and the Operational Ambulance Managers (State) Award 2021, as varied or replaced from time to time.

17. Anti-Discrimination

- 17.1 It is the intention of the parties bound by this Award to seek to achieve the object in section 3(f) of the *Industrial Relations Act 1996* to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.
- 17.2 It follows that in fulfilling their obligations under clause 16, Grievance Mechanism, of this Award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this Award are not directly or indirectly discriminatory in their effect. It will be consistent with the fulfilment of these obligations for the parties to make an application to vary any provision of this Award, which by its terms or operation, has direct or indirect discriminatory effect.
- 17.3 Under the *Anti-Discrimination Act 1977*, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- 17.4 Nothing in this clause is taken to affect any conduct or act which is specifically exempted from anti-discrimination legislation; offering or providing junior rates of pay to persons under 21 years of age; any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*; and/or a party to this Award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- 17.5 This clause does not create legal rights or obligations in addition to those imposed upon the parties by legislation referred to in this clause.

18. Cost of the Scheme and Award Review

- 18.1 There will be yearly actuarial and financial reviews conducted on the death and income protection scheme and the transitional provisions of this Award. The actuarial and financial reports created as part of these reviews are to be provided to the HSU and APA within four weeks of receipt by NSW Ambulance.

- 18.2 The long term cost to Government of benefits, rehabilitation and administrative costs for injury and the health and wellness program provided under this Award are to be a maximum of 3.6% of salaries as defined by this Award. If the results of the actuarial and financial reviews referred to above or if in any 12-month period:

18.2.1 the insurance premium/s quoted for the next 12 months, and/or

18.2.2 the claims experience of the preceding 12 months

are such that, in the opinion of the actuary and NSW Ambulance, the long term cost to the Government is likely to exceed 3.6% of salaries, there will be an immediate review of the scheme. Appropriate steps must then be taken by the parties to implement a revised scheme that maintains a maximum cost to Government of 3.6% of salaries.

- 18.3 If the results of the actuarial and financial reviews referred to above or if in any 12-month period:

18.3.1 the insurance premium/s quoted for the next 12 months, and/or

18.3.2 the claims experience of the preceding 12 months

are such that, in the opinion of the actuary and NSW Ambulance, the long term cost to the Government is likely to be less than 3% of salaries, there will be an immediate review of the scheme. Appropriate steps will then be taken by the parties to increase the benefits available to officers under a scheme that maintains a maximum cost to Government of 3.6% of salaries.

- 18.4 After the receipt of the actuarial and financial reports outlined in subclause 18.1 of this clause, any party may request a meeting to discuss the implication of the reports on the benefits available to officers.

19. Area, Incidence and Duration

- 19.1 This Award will apply to all officers as defined in clause 3, Definitions, of this Award who are employed in NSW Ambulance by the Secretary of the Ministry of Health and this Award is binding on the Secretary of the Ministry of Health.
- 19.2 This Award follows the expiry of the NSW Ambulance Death & Income Protection Benefits Interim (State) Award published 20 October 2018 (382 I.G. 896) and take effect from 17 November 2022.
- 19.3 This Award commenced on 20 August 2017 and remains in force until it is rescinded, replaced or made obsolete by the Commission.
- 19.4 The parties to this Award are the Secretary of the Ministry of Health, the Health Services Union NSW and the Australian Paramedics Association (NSW).

ANNEXURE A

Definition of 'Suitable Employment' pursuant to section 43A of the *Workers Compensation Act 1987*

- (1) Suitable employment in relation to a worker, means employment in work for which the worker is suited, having regard to the following:
- (a) the nature of the worker's incapacity and pre-injury employment,
 - (b) the worker's age, education, skills and work experience,
 - (c) the worker's place of residence,
 - (d) the details given in the medical certificate supplied by the worker,
 - (e) the provisions of any injury management plan for the worker,

- (f) any suitable employment for which the worker has received rehabilitation training,
 - (g) the length of time the worker has been seeking suitable employment,
 - (h) any other relevant circumstances.
- (2) In the case of employment provided by the worker's employer, suitable employment includes:
- (a) employment in respect of which:
 - (i) the number of hours each day or week that the worker performs work, or
 - (ii) the range of duties the worker performs, is suitably increased in stages (in accordance with a rehabilitation plan or return-to-work plan or otherwise), and
 - (b) if the employer does not provide employment involving the performance of work duties-suitable training of a vocationally useful kind provided:
 - (i) by the employer at the workplace or elsewhere, or
 - (ii) by any other person or body under arrangements made with the employer, but only if the employer pays an appropriate wage or salary to the worker in respect of the time the worker attends the training concerned.
- (3) However, in any such case, suitable employment does not include:
- (a) employment that is merely of a token nature and does not involve useful work having regard to the employer's trade or business, or
 - (b) employment that is demeaning in nature, having regard to subsection (1)(a) and (1)(b) and to the worker's other employment prospects.
- (4) A worker is to be regarded as suitably employed if:
- (a) the worker's employer provides the worker with, or the worker obtains, suitable employment, or
 - (b) the worker has been reinstated to the worker's former employment under Part 7 of Chapter 2 of the *Industrial Relations Act 1996*.

ANNEXURE B

BENEFITS FOR ON DUTY DEATH

Entitlements to receive lump sum benefits will be in accordance with the applicable Aware Superannuation Scheme Trust Deed and Policy Document.

The lump sum benefits shown in the table below are payable from the Aware Super insurance superannuation scheme in accordance with the scheme's trust deed. Where an on duty benefit is less than the off-duty benefit, the higher benefit would be payable.

Age At Death or Disablement	Lump Sum as Multiple of Salary (salary effective at date of disablement)
Less than 45 years of age	8.50
45	8.20
46	7.95
47	7.69
48	7.42
49	7.15

50	6.88
51	6.59
52	6.29
53	5.98
54	5.67
55	5.35
56	5.02
57	4.69
58	4.34
59	4.00
60	3.71

ANNEXURE C

Entitlements to receive lump sum benefits will be in accordance with the applicable Aware Superannuation Scheme Trust Deed and Policy Document. The lump sum benefits shown in the table below are payable from the Aware Super insurance superannuation scheme in accordance with the scheme's trust deed. Where an on duty benefit is less than the off-duty benefit, the higher benefit would be payable.

BENEFITS FOR OFF DUTY DEATH

Age	Lump Sum Effective from the first pay period to commence on or after 1 July 2017
Less than 61 years of age	\$386,493
At age 61 to less than 62 years	\$309,194
At age 62 to less than 63 years	\$231,896
At age 63 to less than 64 years	\$154,597
At age 64 to less than 65 years	\$77,296

ANNEXURE D

TRANSITIONAL BENEFITS

TABLE 1

BENEFITS FOR ON DUTY TOTAL AND PERMANENT DISABILITY

Age At Disablement	Lump Sum As Multiple of Salary (salary effective at date of disablement)
Less than 45 years of age	8.50
45	8.20
46	7.95
47	7.69
48	7.42
49	7.15
50	6.88
51	6.59
52	6.29
53	5.98
54	5.67
55	5.35
56	5.02
57	4.69
58	4.34
59	4.00
60	3.71

TABLE 2**BENEFITS FOR OFF DUTY TOTAL AND PERMANENT DISABILITY**

Age at Disablement	Lump Sum Effective from the first pay period to commence on or after 1 July 2017
Less than 61 years of age	\$386,493
At age 61 to less than 62 years	\$309,194
At age 62 to less than 63 years	\$231,896
At age 63 to less than 64 years	\$154,597
At age 64 to less than 65 years	\$77,296

TABLE 3**BENEFITS FOR ON DUTY PARTIAL AND PERMANENT DISABILITY**

Where an on duty benefit is less than the off duty benefit, the higher benefit would be payable.

Age at Disablement	Lump Sum as Multiple of Salary (salary effective at date of disablement)
20	8.33
21	8.22
22	8.11
23	7.99
24	7.87
25	7.75
26	7.62
27	7.49
28	7.35
29	7.21
30	7.07
31	6.92
32	6.76
33	6.61
34	6.44
35	6.28
36	6.11
37	5.93
38	5.75
39	5.56
40	5.36
41	5.16
42	4.96
43	4.75
44	4.53
45	4.30
46	4.07
47	3.83
48	3.59
49	3.34
50	3.08
51	2.81
52	2.53
53	2.25
54	1.95
55	1.65

56	1.34
57	1.02
58	0.69
59	0.35
60	0.00

ANNEXURE E

PARAMEDICS

Components of Salary	Components of 20%
Base Salary (Stafflink Element)	Penalties (Stafflink Element)
AR916R AWD ASN Operation Centre Allowance	AN646N ASN Relocation Disturbance Allowance
AR919R AWD ASN Broken Hill Advanced Life Support	AN001N On Call Weekly
AR920R AWD ASN Broken Hill Paramedic Allowance	AN001N On Call
AR923R AWD ASN Broken Hill Allowance	AR564R Broken Hill Climatic and Isolation Allowance
AR937R AWD ASN Specialist Allowance	AN945N ASN Living Away Sustenance After Tax
zzzAR938R ASN Standby Rescue Allowance	PL001 Penalty 10 Percentage
AR941R AWD ASN Duty Operations Centre Air Ambulance	PL002 Penalty 12 and half Percentage
zzzAR942R AWD ASN Ambulance Studies Certificate	PL003 Penalty 15 Percentage
AN944R AWD Operations Centre Standby	PL006 Penalty Saturday 50 Percentage
EA001 Normal Hours	PL008 Penalty Sunday 75 Percentage
LP004 Sick Leave Payment	PL010 Public Holiday Penalty 50 Percentage
LP006 Annual Leave Entitlement Payment	PL011 Public Holiday Penalty 100 Percentage
LP006 Annual Leave Entitlement Payment	PL012 Public Holiday Penalty 150 Percentage
LP009 Extra Leave Payment	EA037 Public Holiday
LP011 Long Service Leave Payment	EA001 Normal Hours HGD
LP016 Time in Lieu Payment	PL007 Penalty 100 Percentage
WC044 Full Incapacity	PL001 Penalty 10 Percentage HGD
WC045 Partial Incapacity	PL002 Penalty 12 and half Percentage HGD
WC046 Statutory Incapacity	PL003 Penalty 15 Percentage HGD
WC047 Section 38	PL006 Penalty Saturday 50 Percentage HGD
WC048 Suitable Duty Full Hours	PL008 Penalty Sunday 75 Percentage HGD
WC048 Suitable Duty Full Hours HGD	PL010 Public Holiday Penalty 50 Percentage HGD
WC049 Suitable Duty Partial Hours	PL011 Public Holiday Penalty 100 Percentage HGD
WC049 Suitable Duty Partial Hours HGD	PL012 Public Holiday Penalty 150 Percentage HGD
WC050 Statutory Make Up	PL007 Penalty 100 Percentage HGD
WC051 Partial Incapacity No Time Lost	EA140 Crib Break Penalty
WC063 Workers Comp Public Holiday	
WC064 Totally Unfit Pd 1 Wks 1 to 13 PC 95	
WC065 Totally Unfit Pd 2 Wks 14 to 52 PC 80	
WC066 Totally Unfit Pd 3 Wks 53 to 130 PC 80	
WC067 Totally Unfit Wks 131 to 260 PC 80	
WC068 Totally Unfit greater than 260 Wks PC 80	
WC069 Suitable Duties Pd 1 Wks 1 to 13 PC 95	
WC070 Suitable Duties Pd 2 Wks 14 to 52 GTR 15 PC 95	
WC071 Suitable Duties Pd 2 Wks 14 to 52 LESS 15 PC 80	
WC072 Suitable Duties Pd 3 Wks 53 to 130 GTR 15 PC 95	
WC073 Suitable Duties Pd 3 Wks 53 to 130 LESS 15 PC 80	
WC074 Suitable Duties Wks 131 to 260 PC 80	
WC075 Suitable Duties greater than 260 Wks PC 80	
WC076 Surgery after 143 Wks PC 80	
WC077 Partial Incapacity No Time Lost	
LE039 ADO in Hours Leave	
LP052 FACS Leave Payment	

LP055 Crown Witness Leave Payment
 LP056 Jury Duty Leave Payment
 LP612 Parental Leave Payment
 LP611 Parental Leave Half Pay Payment
 LP060 Defence Leave Payment
 LP631 NAIDOC Leave Payment
 LP633 Special Leave Payment
 LP064 TESL Payment
 LP068 Union Leave Payment
 LP067 Examination Leave Payment
 LP066 Short Course Leave Payment
 LP063 SES Leave Payment

OPERATIONAL AMBULANCE MANAGERS

Component of Salary	Components of 3%
Base Salary (Stafflink Element)	Penalties (Stafflink Element)
EA001 Normal Hours	PL010 Public Holiday Penalty 50 Percentage
LP004 Sick Leave Payment	PL011 Public Holiday Penalty 100 Percentage
LP006 Annual Leave Entitlement Payment	PL012 Public Holiday Penalty 150 Percentage
LP006 Annual Leave Entitlement Payment	EA001 Normal Hours HGD
LP009 Extra Leave Payment	PL010 Public Holiday Penalty 50 Percentage HGD
LP011 Long Service Leave Payment	PL011 Public Holiday Penalty 100 Percentage HGD
LP016 Time in Lieu Payment	PL012 Public Holiday Penalty 150 Percentage HGD
WC044 Full Incapacity	AN945N ASN Living Away Sustenance After Tax
WC045 Partial Incapacity	EA001 Normal Hours HGD
WC046 Statutory Incapacity	
WC047 Section 38	
WC048 Suitable Duty Full Hours	
WC048 Suitable Duty Full Hours HGD	
WC049 Suitable Duty Partial Hours	
WC049 Suitable Duty Partial Hours HGD	
WC050 Statutory Make Up	
WC051 Partial Incapacity No Time Lost	
WC063 Workers Comp Public Holiday	
WC064 Totally Unfit Pd 1 Wks 1 to 13 PC 95	
WC065 Totally Unfit Pd 2 Wks 14 to 52 PC 80	
WC066 Totally Unfit Pd 3 Wks 53 to 130 PC 80	
WC067 Totally Unfit Wks 131 to 260 PC 80	
WC068 Totally Unfit greater than 260 Wks PC 80	
WC069 Suitable Duties Pd 1 Wks 1 to 13 PC 95	
WC070 Suitable Duties Pd 2 Wks 14 to 52 GTR 15 PC 95	
WC071 Suitable Duties Pd 2 Wks 14 to 52 LESS 15 PC 80	
WC072 Suitable Duties Pd 3 Wks 53 to 130 GTR 15 PC 95	
WC073 Suitable Duties Pd 3 Wks 53 to 130 LESS 15 PC 80	
WC074 Suitable Duties Wks 131 to 260 PC 80	
WC075 Suitable Duties greater than 260 Wks PC 80	
WC076 Surgery after 143 Wks PC 80	
WC077 Partial Incapacity No Time Lost	
LE039 ADO in Hours Leave	
LP052 FACS Leave Payment	
LP055 Crown Witness Leave Payment	
LP056 Jury Duty Leave Payment	
LP612 Parental Leave Payment	
LP611 Parental Leave Half Pay Payment	
LP060 Defence Leave Payment	
LP631 NAIDOC Leave Payment	
LP633 Special Leave Payment	

LP064 TESL Payment
LP068 Union Leave Payment
LP067 Examination Leave Payment
LP066 Short Course Leave Payment
LP063 SES Leave Payment

D. SLOAN, *Commissioner*

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