

# New South Wales Police Legacy

## BENEFICIARY POLICY



### Version Control

#### Purpose

The purpose of this document is to define who will be considered beneficiaries of services and benefits offered by NSW Police Legacy.

#### Distribution Control

Version Number	V 6
Release Date	December 2017
Copies	Unrestricted
Confidentiality	Non Confidential – Contains no private or commercial in confidence material.
Release Restrictions	General Release
File Name	Legacy Beneficiary Policy
File Location	
File Reference Number	
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Status (Draft/Out of Draft)	Out of Draft

**Review Date** 1 August 2019

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## **1.0 POLICY SUMMARY**

This policy identifies the criteria which will be applied by the Board of NSW Police Legacy in determining if a person is entitled to receive benefits and/or services provided by NSW Police Legacy.

A number of additional beneficiaries are included in this revised policy in respect of those who have not been in receipt of entitlements under previous policies.

The overarching principle of the revised policy provides, amongst other things, the Board of Directors with discretion to accept or decline applications for benefits and services offered by NSW Police Legacy.

## 1.1 INTRODUCTION

The aim of NSW Police Legacy is to honour the service and sacrifice of NSW Police Officers and their families. NSW Police Legacy provides benefits and services to confirmed beneficiaries.

Beneficiaries include:

1. NSW Police legatees (see definition below)
2. Serving and former members of the NSW Police Force, who are in necessitous circumstances generally, at the sole discretion of the Board
3. Special Constables
4. Beneficiaries of Trust Funds provided by the Police Association of NSW as part of the Death Benefit Scheme
5. Beneficiaries of the Police Benevolent Fund (as per the Rules of the Police Benevolent Fund)
6. Approved Beneficiaries of fundraising facilitation services provided by NSW Police Legacy
7. Former Police Officers and their families through the BACKUP for Life program
8. Parents of deceased NSW Police Officers

The benefits and services offered by NSW Police Legacy include and are not restricted to:

- The funding of grief and trauma counselling
- Welfare-related services through the BACKUP for Life Program
- Provision of education grants
- Awarding of a range of scholarships
- Referrals for professional advice
- Management of trust funds for police legatee children (up to 25 years of age)
- Organising social functions to help family members stay in touch with the police family
- Organising and running camps for school age police legatees (junior and senior), and
- Providing birthday and Christmas gifts for police legatee children.

## **2.0 ELIGIBILITY**

The following persons will be eligible to receive benefits and services from NSW Police Legacy and will be known as police legatees:

### **2.1 DEATH OF A SERVING OR FORMER POLICE OFFICER OR SPECIAL CONSTABLE**

- The spouse of a SERVING OR RETIRED POLICE OFFICER OR SPECIAL CONSTABLE who dies whether on or off duty.
- Children of a SERVING OR RETIRED POLICE OFFICER OR SPECIAL CONSTABLE who dies whether on or off duty, regardless of the age of the children (including adult children).

### **2.2 DEATH OF A RESIGNED POLICE OFFICER OR SPECIAL CONSTABLE**

- Not eligible as a default position however;
- Circumstances of resignation can be taken into consideration by the Board of NSW Police Legacy in considering eligibility on an individual basis. Due regard should be provided by the Board to:
  - The circumstances of the resignation
  - Length of service of the Officer
  - Length of time since the officer had resigned
  - Any other circumstances relevant to the Officer's resignation

### **2.3 DEATH OF A DISMISSED (OR REMOVED UNDER PROVISIONS OF SECTION 181D, POLICE ACT NSW 1990) POLICE OFFICER OR SPECIAL CONSTABLE**

- Not eligible.

## **3 DISCRETION**

### **3.1 NSW POLICE LEGACY BOARD OF DIRECTORS**

The Board of Directors of NSW Police Legacy maintain overall discretion in the decision as to who is accepted as a police legatee or recipient of benefits and services provided by NSW Police Legacy.

The grounds for any decisions to accept or decline police legatees or recipients of benefits and services outside the parameters of this policy will be documented in the minutes of the respective Board meeting at the time the decision is made.

## **4 ADDITIONAL CONSIDERATIONS**

### **4.1 POLICE OFFICERS**

'Police Officer' has the same meaning as provided in Section 3 of the *Police Act 1990 (NSW)* including any amendment or re-enactment thereof for the time being in force.

Special Constable are as appointed under Section 82L of the Police Act NSW 2015.

### **4.2 SPOUSES**

When the term 'Spouse' is used it refers only to the current spouse of the officer. The definition of spouse is as defined by the Australian Taxation Office (ATO) being:

*"Another person (whether of the same or opposite sex):*

- *With whom you were in a relationship with and that was registered under a prescribed State or Territory law, or*
- *Who, although not legally married to you, lived with you on a genuine domestic basis in a relationship as a couple".*

### **4.3 CHILDREN FROM EXISTING OR SUBSEQUENT RELATIONSHIPS**

In circumstances where a recipient of benefits and services remarries or forms a de-facto (common law) relationship and the new partner has children from a previous relationship, those children will NOT be considered as police legatees and will not receive benefits and services from NSW Police Legacy.

### **4.4 GRANDFATHER CLAUSE**

This policy will take effect as and from the date the policy is approved (including the date of the renewal of the policy) by the Board of Directors, NSW Police Legacy, and in the course of their normal deliberations.

Changes to prior policy will NOT be retrospective in regard to the automatic inclusion of persons not previously accepted as police legatees or eligible applicants. Individual circumstances will remain the discretion of the Board of Directors of NSW Police Legacy.

Current recipients of benefits and services that would no longer be eligible to qualify for benefits and services under this policy will retain their eligibility.

## **5.0 POLICY REVIEW**

This NSW Police Legacy Beneficiary Policy will be reviewed every two (2) years by the Chair of the relevant subcommittee, a second member of the Board of Directors, and the Executive Manager. Any changes to the documents will be submitted to the Board for their approval.