



**New South Wales
Police Force**

Applying for hardship payments

Professional Standards Command

Document Control Sheet

Document Properties

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Version #	Version approval date	Author/Position	Summary of changes
1	April 2013	Professional Standards Command	Addition of paragraph regarding partner's income and core living expenses and the requirement to provide evidence of both.
2	October 2015	Professional Standards Command	Changes to Police Regulation 2008 to reflect update to Police Regulation 2015 Transfer to corporate template
3	July 2016	Professional Standards Command	Changes in process due to electronic system Management Action, Suspension and Charges (MASC) introduced.
4	December 2017	Professional Standards Command	Update of document classification under GIPA Act 2009
5	August 2020	Professional Standards Command	Review of all procedures to align with the Police Act and Police Regulations
	12 January 2021	Professional Standards Command	Document updated with new Information Management Marker (IMM)

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1. Suspension without pay and hardship payments

Suspension of a police officer is a risk minimisation strategy used by the NSW Police Force where it has been assessed that the officer's continued performance of duty would involve too great a risk to the NSW Police Force, other employees or the subject officer. In line with this fundamental and overriding principle both Premier's Memorandum 94-35 and Clause 52 of the *Police Regulation 2015* allow for hardship (maintenance) payments of up to 100% of salary and / or approval for secondary employment to officers who have been suspended without pay.

This is based on the premise that an officer or their dependents should not suffer undue hardship as a result of risk management action taken by the NSW Police Force. That is, the NSW Police Force has a duty of care to ensure the officer can meet 'core living expenses'. At the same time, the officer has an obligation to disclose honestly and accurately their financial status as a result of other means of financial assistance / shared expenses / income.

If evidence exists that an officer seeking hardship payments has not accurately disclosed their financial status the Commissioners delegate may agree to payments covering a lesser portion of the expenses outlined by the officer.

In relation to hardship payments, Clause 52 of the Police Regulation states:

- 2) *If it is established to the satisfaction of the Commissioner that a police officer under suspension from office without pay is suffering undue hardship, the Commissioner may approve of the officer obtaining other employment for such period as the Commissioner may direct.*

- 3) *If it is established to the satisfaction of the Commissioner that the officer or the officer's family will suffer undue hardship because of the suspension from pay, the Commissioner may approve a maintenance payment of not more than 100% of the salary of the officer at the time of suspension.*

Further information on hardship payments and police officer suspensions can be found in the suspension of a police officer policy statement and suspension procedures for police officers.

2. Hardship payment reports

Hardship payment requests are submitted by the suspended officer directly to their commander, who will ensure a hardship application is created on the Management Action, Suspension and Charges (MASC) system. Forms provided by the suspended officer to support the hardship application are to be imported onto the MASC system prior to hardship being electronically forwarded through the chain of command.

(See Local Command User Manual under documents within MASC system)

The onus is on the officer to establish that undue hardship exists. In order to assess an application for hardship payments the suspended officer **must** ensure all relevant documentation has been provided including:

- details of hardship
- copies of current bills (gas, electricity, water etc)
- details of current expenses / expenditure. (It may not be possible for a copy of an invoice to be provided in some circumstances. If a reasonable excuse exists for not supplying the copy this should be noted in the report)
- details of all income.

An example of a hardship payment application is located on page 9 of this document.

Ensuring all relevant documentation has been provided reduces the likelihood that the application will be returned for further information or rejected.

When detailing core living expenses and income the suspended officer **must** ensure documentary evidence is provided to support the claim.

If the officer is in a dual income situation, their partner's income and core living expenses will be taken into consideration. Pay advices pertaining to the partner's income as well as documentary evidence of their core living expenses needs to be supplied.

3. Core living expenses

Core living expenses generally fall into the categories listed below but are not limited to those categories. If an expense exists that does not fall into a listed category it will be assessed on whether it can be categorised as a 'core living expense'.

3.1 Accommodation

Rent – a copy of a current rental receipt is required. Alternatively, a letter from the rental agent will suffice.

Mortgage – a copy of a financial institution mortgage statement is required. Alternatively, a letter from that financial institution will suffice.

3.2 Utilities

Water rates – a copy of a current water rates invoice from the water authority is required.

Land rates – a copy of a current land rates invoice from the local government is required.

Electricity - a copy of a current electricity supply invoice from the electricity authority is required.

Gas - a copy of a current gas supply invoice from the gas authority is required.

Telephone (one land line phone) - a copy of a telephone invoice from the telephone service provider is required.

Mobile phone – mobile phone services are not generally considered a ‘core’ living expense, however if the mobile phone service is the officer’s primary or only phone service it should be submitted for consideration. A copy of a current mobile phone bill from the service provider is required.

3.3 Vehicle (one only)

Vehicle expenses (repayments) - a copy of a financial institution statement is required. Alternatively, a letter from that financial institution will suffice.

Vehicle expenses (fuel and servicing) – an estimate of fortnightly fuel usage is required along with a copy of a recent service invoice.

Vehicle expenses (registration) – a copy of the current vehicle registration papers showing the registration costs is required.

Vehicle expenses (insurance) – a copy of both the third party and comprehensive vehicle insurance documents with payment invoices is required.

3.4 Insurances

House insurance – a copy of the house insurance documents with payment invoice is required.

Home contents insurance – a copy of the home contents insurance documents with payment invoice is required.

Private health insurance – a copy of the private health insurance documents with payment invoice is required.

3.5 Living expenses

Groceries – a copy of a current grocery bill is required, however, general guidelines for grocery expenses have been calculated previously and increase in accordance with inflation and the Consumer Price Index.

Medical expenses – it may be difficult to obtain copies of current medical expense accounts due to privacy concerns, however, a list of medical services provided, and costs included in the report should suffice.

3.6 Education expenses

School fees – a copy of a current invoice from the education provider is required.

Childcare - a copy of a current invoice from the childcare provider is required.

Self-education – a copy of a current invoice from the education provider is required.

3.7 Other core living expenses

Union fees – a copy of a recent pay slip or similar indicating union fees is required.

Death and disability payments - a copy of a recent pay slip or similar indicating payments is required.

Partner's expenses – If the suspended officer has a partner with whom they share expenses, then the partner's core living expenses will be taken into consideration when determining hardship payments.

4. Income

In order to accurately and fairly assess applications for hardship payments a suspended officer must provide details of all income.

Income can take many forms but can be grouped in the following categories.

4.1 Employment income

Secondary employment income – if the suspended officer has approved secondary employment, they must declare all income derived from that employment. A copy of a pay slip or similar is required.

Other government service income – many NSW Police Force employees actively undertake other employment with local, state and federal agencies as a supplementary source of income. Many of these activities do not require the lodgement of a secondary employment application, however, the employer must be made aware of the officer's involvement. These include, but are not limited to, NSW Fire Brigades, NSW Rural Fire Service, Australian Defence Force Reserves (Army, Navy, Air Force) and Australian Defence Force Cadets. Income derived from employment in those activities must be declared.

Partner's employment income – if the suspended officer has a partner with whom they share expenses, then that partner's income must be taken into account when determining hardship payments.

4.2 Investment income

Shares / dividend income - any regular payments received by the suspended officer as a result of share trading or dividend payments must be taken into account when determining hardship payments.

Investment property income – income derived from investment properties owned by the suspended officer must be taken into account when determining hardship payments.

Rental income – income derived from rent payments made directly to the suspended officer, eg; by a flatmate or partner.

Company directorship payment income – income derived from remuneration received as part of company directorship activities performed by the suspended officer must be taken into account when determining hardship payments.

Investment / interest income - any payments received by the suspended officer as a result of investments or interest received on bank term deposits must be taken into account when determining hardship payments.

4.3 Government benefit income

Family Tax Benefit A or B – government payments such as the family tax benefits are classified as income and should be taken into account when determining hardship payments.

Child support payments – If the suspended officer receives registered payments as part of child support they must be taken into account when determining hardship payments.

5. Tabulating core living expenses and income

In order to properly assess the application for hardship payments for a suspended officer, the core living expenses must be entered within the tabulated fields within MASC.

5.1 Example of hardship submission for core living expenses and income.

Mortgage – a copy of a financial institution mortgage statement is required

Rent – a copy of a current rental receipt is required.

Water rates – a copy of a current water rates invoice from the water authority is required.

Land rates – a copy of a current land rates invoice from the local government is required.

Electricity - a copy of a current electricity supply invoice from the electricity authority is required.

Gas - a copy of a current gas supply invoice from the gas authority is required.

Telephone (one land line phone or mobile) - a copy of a telephone invoice from the telephone service provider is required.

Vehicle expenses (repayments, fuel, registration, insurance) - a copy of a financial institution statement is required. One vehicle only.

House / Contents insurance – copies of the insurance documents with payment invoice are required.

Health insurance – documents with payment invoice are required.

Food / General Living – copies of current expenses are required.

Medical expenses – provide documents for medical services and costs.

School fees / Childcare - a copy of a current invoice is required.

Union fees / Death and disability payments – SAP will reflect status.

Partner's expenses – the partner's core living expenses can be taken into consideration when determining hardship payments.

Partner's income – partner's income must be taken into account when determining hardship payments.

Secondary employment income – must declare all income derived from that employment. A copy of a pay slip or similar is required.

Shares / dividend / Investment property / Rental / interest - any regular payments received by the suspended officer as must be taken into account.

Government payments / Child Support – To be taken into account when determining hardship payments.

Other expenses – please specify.

Copy of hardship report

Issue: Application by Constable Billy BLOGGS, Registered Number 99999 of Rossiville Local Area Command, for Hardship Payment under Clause 52(3) of the Police Regulation 2015 as a result of suspension without pay pursuant to Clause 52 of the Police Regulation.

Background: On 1 April 2012 I was suspended with pay by the Commissioner's Delegate as a result of being charged with a serious criminal offence. On 3 June 2012 I pleaded guilty and was convicted at the Rossiville Local Court, receiving a 2-year good behavior bond, a \$750 fine and \$56 in court costs. As a result of that conviction I was suspended without pay on 4 June 2012.

Prior to being suspended without pay I was earning approximately \$1824.00 net per fortnight.

Comment: Since being suspended without pay both my family and I have suffered significant financial hardship. My partner is currently employed on a part time basis; however, her income is not enough to cover the fortnightly core living expenses of our family of two adults and three children. I have attempted to gain secondary employment which has been approved however I have not been successful in this endeavor.

I have attached copies of my current bills and a budget of my fortnightly core living expenses and income for your information.

Recommendation: I recommend that favorable consideration be given to this application for hardship payments.

B. Bloggs
Constable
Rossiville LAC
5 June 2012

1. Supervisor, Team 1, ROSSIVILLE LAC
2. Duty Officer, Team 1, ROSSIVILLE LAC
3. Commander, ROSSIVILLE LAC
4. Commander, Management Action Workplace Services - PROFESSIONAL STANDARDS COMMAND