

File Ref. No:
TRIM Ref. No:

2 October 2012

Mr/Ms X

Dear Firefighter x

Fire & Rescue NSW (FRNSW) has received the medical assessment report of Dr X. A copy of the report is attached for your information.

FRNSW has decided to wholly accept the report of Dr X, who has concluded that you are permanently unfit to perform your ordinary duties. You are therefore considered, for the purposes of the *Death and Disability Award* (the D&D Award), to have suffered partial and permanent incapacity (PPI) as of the date of this letter. This may result in the progressive reduction from this date onward of the D&D benefit payable to you in the event of your medical retirement.

FRNSW has also decided that your incapacity is the result of an off-duty [on-duty] injury, as defined by the D&D Award. This may result in a lesser [higher] D&D benefit being payable than would otherwise be the case (ie. If your incapacity was determined to be the result of on-duty [off-duty] injury).

You may request a review of either or both decisions.

To request a review of the decision to wholly accept the doctor's medical report, you must advise FRNSW of this and provide any additional information that you would like taken into account within 14 days of this letter.

A medical practitioner of your choosing will then be allowed 28 days to:

- a) review all previous reports and documentation relating to the matter; and
- b) confer with a FRNSW-nominated medical practitioner with a view to maximising the areas of agreement and minimising any areas of disagreement between them. In order to facilitate such conferences, FRNSW and the firefighter must, by no later than close of business on the next working day following the firefighter's request for a review, exchange the contact details of their respective nominated medical practitioners and in the case of the firefighter, written authorisation for their nominated medical practitioner to discuss their medical information with the FRNSW-nominated medical practitioner; and
- c) produce a report (and, if the FRNSW-nominated medical practitioner is agreeable, a joint report) of their conclusions.

The Commissioner will then consider all previous reports and documentation relating to the matter, together with any additional information you may supply, and will within 14 days, provide you with a written and final FRNSW determination.

To request an independent review of the decision that your incapacity is the result of an off-duty [on-duty] injury, you must submit the enclosed form to FRNSW within 7 days of the date of this letter.

You may also request assessment for total and permanent incapacity (TPI), in which case you should contact the Death and Disability Superannuation Fund directly.

You should be aware that while all reasonable efforts will be made to redeploy you to a suitable position, FRNSW considers the redeployment prospects of permanently incapacitated firefighters to be limited and as such, a suitable position may not be found. If you wish FRNSW to further explore your rehabilitation/retraining options with you, or you are aware of any potential employment opportunities (current or pending), please advise FRNSW as soon as possible, and in any event by no later than [date (14 days from date of this letter)].

You should also be aware that you may hereafter be medically retired if FRNSW decides that a suitable position is unlikely to be found for you, however this will not occur before you have been given adequate opportunity to consider FRNSW's decision. Alternatively, if you request or consent to medical retirement then your separation date and exit payments (including any PPI benefit) will be confirmed with you and processed within 14 days.

A copy of this letter will be provided to the Fire Brigade Employees' Union on [date (7 days from date this letter)] unless you expressly tell us otherwise before that date.

Should you have any further enquiries concerning this matter, please contact Anne Matthews, HR Consultant, on 9265 2870.

Yours sincerely

Darren Husdell
Director
Human Resources

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FRNSW has also decided that your incapacity is the result of an off-duty [on-duty] injury, as defined by the D&D Award. This may result in a lesser [higher] D&D benefit being payable than would otherwise be the case (ie. if your incapacity was determined to be the result of an on-duty [off-duty] injury).

Retained firefighters who are found to have suffered permanent incapacity will be medically retired, however this will not occur before you have been given adequate opportunity to consider FRNSW's decision.

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A medical practitioner of your choosing will then be allowed 28 days to:

- a) review all previous reports and documentation relating to the matter; and
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- c) produce a report (and, if the FRNSW-nominated medical practitioner is agreeable, a joint report) of their conclusions.

The Commissioner will then consider all previous reports and documentation relating to the matter, together with any additional information you may supply, and will within 14 days, provide you with a written and final FRNSW determination.

To request an independent review of the decision that your incapacity is the result of an off-duty [on-duty] injury, you must submit the enclosed form to FRNSW within 7 days of the date of this letter.

If you do not request a review within 14 days then your separation date and exit payments (including any PPI benefit) will be confirmed with you and processed within 14 days.

You may also request assessment for total and permanent incapacity (TPI), in which case you should contact the Death and Disability Superannuation Fund directly.

A copy of this letter will be provided to the Fire Brigade Employees' Union on [date (7 days from date this letter)] unless you expressly tell us otherwise before that date.

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