

**POLICE REGULATION (SUPERANNUATION AND
APPEALS) AMENDMENT ACT.**

Act No. 2, 1958.

Elizabeth II, No. 2, 1958. An Act to make further provision with respect to superannuation allowances and gratuities payable to members of the Police Force; for this and other purposes to amend the Police Regulation (Superannuation) Act, 1906, the Police Regulation (Appeals) Act, 1923, and certain other Acts; and for purposes connected therewith. [Assented to, 28th March, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
citation,

1. (1) This Act may be cited as the "Police Regulation (Superannuation and Appeals) Amendment Act, 1958".

(2) The Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation (Superannuation) Act, 1906-1958.

(3) The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation (Appeals) Act, 1923-1958.

Amendment
of Act No.
28, 1906.

2. The Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts, is amended—

Sec. 10.
(Disable-
ment
in execution
of duty.)

(a) (i) by omitting from paragraph (b) of subsection one of section ten the words "own default or wilful act" and by inserting in lieu thereof the words "serious and wilful misconduct"; (ii)

- (ii) by omitting from the same paragraph the words "section 10A of this Act" and by inserting in lieu thereof the words "subsection one of section 10A of this Act or any of the other journeys referred to in subsection two of the same section";
- (iii) by inserting in subparagraph (i) of the same paragraph after the word "duty" the words "or unconnected with his attendance at the place referred to in paragraph (a) of subsection two of section 10A of this Act";
- (iv) by inserting at the end of the same paragraph the following word and new paragraph:—
- "or
- (e) by any wound or injury received, without his serious and wilful misconduct, on any day on which he had, in the actual execution of the duty of his office, attended at a police station or police call box or other place to which he was attached or at a point or place to which he had been detailed to perform duty—
- (i) whilst he was temporarily absent therefrom on that day during any ordinary recess, and
- (ii) if he had not during such absence voluntarily subjected himself to any abnormal risk of wound or injury";
- (v) by inserting at the end of the same subsection the words "and in the case of any wound or injury referred to in paragraph (b) of this

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this subsection, notwithstanding that the wound or injury was received during or after any substantial interruption of, or substantial deviation from or other break in any such journey, if, in the circumstances of the particular case, the risk of wound or injury was not materially increased by reason only of such substantial interruption, substantial deviation or other break”;

Sec. 10A.
(Daily or other periodic journeys.)

(b) by inserting at the end of section 10A the following new subsection:—

(2) The other journeys referred to in paragraph (b) of subsection one of section ten and in section twelve of this Act shall be—

(a) between the place of residence of the member of the police force or the police station or police call box or other place to which he is attached or any point or place to which he has been detailed to perform duty and any other place, where the journey is made for the purpose of obtaining a medical certificate or receiving medical, surgical or hospital advice, attention or treatment in connection with any wound or injury received in circumstances to which paragraph (a), (b) or (c) of subsection one of section ten of this Act is applicable and whether or not the member of the police force is disabled thereby;

(b) between any camp or place, where the member of the police force is required or expected to reside temporarily in the course of performing duty or where it is reasonably necessary or convenient that he shall temporarily reside for any purpose

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purpose in connection with the performance of duty, and the place of residence of the member of the police force when not so residing. No. 2, 1958.

- (c) (i) by omitting from section twelve the words "injuries received" wherever occurring and by inserting in lieu thereof the words "any wound or injury received"; Sec. 12. (Member killed in execution of duty.)
- (ii) by omitting from the same section the words "own default or wilful act" wherever occurring and by inserting in lieu thereof the words "serious and wilful misconduct";
- (iii) by omitting from the same section the words "section 10A of this Act" wherever occurring and by inserting in lieu thereof the words "subsection one of section 10A of this Act or any of the other journeys referred to in subsection two of the same section";
- (iv) by inserting in the same section immediately before the words "in any of such cases" the words "subject to subsection two of this section";
- (v) by omitting from the same section the words "such injuries were" and by inserting in lieu thereof the words "such wound or injury was";
- (vi) by inserting at the end of the same section the following new subsections:—

(2) Where, without the serious and wilful misconduct of a member of the police force or ex-member of the police force, the occurrence resulting in the death of such member or the wound or injury from which such member or ex-member died was received on any of the daily or other periodic journeys referred to in subsection one of section 10A of this Act or any of the other journeys referred to in subsection two of

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of the same section, there may be paid under and in accordance with the provisions of subsection one of this section an annual superannuation allowance or gratuity notwithstanding that such occurrence happened or wound or injury was received during or after any substantial interruption of, or substantial deviation from or other break in any such journey, if, in the circumstances of the particular case, the risk of the occurrence resulting in death or of wound or injury was not materially increased by reason only of such substantial interruption, substantial deviation or other break.

(3) An annual superannuation allowance or gratuity may be paid under and in accordance with the provisions of subsection one of this section in any case where, without his serious and wilful misconduct—

- (a) a member of the police force has been killed, or
- (b) a member of the police force has died from any wound or injury received, or
- (c) a person who had been a member of the police force and who, at the date of his death, was entitled to an annual superannuation allowance under this Act, has died from any wound or injury received,

on any day on which he had, in the actual execution of the duty of his office as a member of the police force, attended at a police station or police call box or other place to which he was attached or at a point or place to which he had been detailed to perform duty—

- (i) whilst he was temporarily absent therefrom on that day during any ordinary recess, and

(ii)

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- (ii) if he had not during such absence **No. 2, 1958.** voluntarily subjected himself to any abnormal risk of the occurrence resulting in such death or of wound or injury.

3. The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts, is amended by omitting from subsection one of section six the words "received, without his own default or wilful act, on any of the daily or other periodic journeys referred to in section 10A of the Police Regulation (Superannuation) Act, 1906-1944, which wound or injury is not received—

- (a) during or after any substantial interruption of, or substantial deviation from, any such journey made for a reason unconnected with his duty; or
- (b) during or after any other break in any such journey which, having regard to all the circumstances, is not reasonably incidental to any such journey,"

and by inserting in lieu thereof the words "being a wound or injury received in circumstances to which paragraph (b) or (c) of subsection one of section ten of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts, is applicable and whether or not the member of the police force is disabled thereby,".

4. (1) The Attachment of Wages Limitation Act, 1957, is amended—

- (a) (i) by omitting from subsection one of section eight the figures and letter "12B" and by inserting in lieu thereof the figures and letter "12c";
- (ii) by omitting from the same subsection the figures and letter "12c" and by inserting in lieu thereof the figures and letter "12D";
- (b)

Scaffolding and Lifts (Amendment) Act.**No. 2, 1958.**

Sec. 10.

(Attachment
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due to
employees of
and contrac-
tors to
certain
employing
authorities.)

(b) by omitting from paragraph (d) of the definition of "employee" in subsection twelve of section ten the figures and letter "12c" and by inserting in lieu thereof the figures and letter "12D".

(2) Subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-seven.
