

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

**New South Wales**



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 51, 1970.**

An Act to increase the superannuation allowances payable to certain retired members of the Police Force and widows of retired members, and to provide superannuation allowances for widows of certain retired members; for these purposes to amend the Police Regulation (Superannuation) Act, 1906; and for purposes connected therewith. [Assented to, 14th October, 1970.]

**BE**

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**B**E it enacted by the Queen's Most Excellent Majesty, by **No. 51, 1970** 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:—

1. This Act may be cited as the "Police Regulation (Superannuation) Amendment Act, 1970". Short title.

2. The Police Regulation (Superannuation) Act, 1906, Amendment of Act No. 28, 1906. is amended—

(a) by inserting next after section seven the following New sec. 7A. new section:—

7A. (1) In this section—

"Commonwealth pension" means—

Amount of certain pensions.

- (a) service pension payable under Division 5 of Part III of the Repatriation Act 1920 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament;
- (b) age or invalid pension payable under Part III of the Social Services Consolidation Act 1947 of that Parliament, as so amended;
- (c) widow's pension payable under Part IV of the Social Services Consolidation Act 1947 of that Parliament, as so amended; or
- (d) such other pension, or payment of a like nature, payable under a law of the Commonwealth, as may be prescribed;

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“prescribed superannuation allowance”—

(a) in relation to a married retired member of the Police Force referred to in paragraph (a) of subsection three of this section means—

(i) the maximum superannuation allowance that, if received by that member, would not, under subparagraph (iii) of that paragraph, disqualify that member as a member to whom this section applies; or

(ii) superannuation allowance of thirty-two dollars per fortnight,

whichever is the lesser superannuation allowance;

(b) in relation to spouses referred to in paragraph (b) of that subsection means—

(i) the maximum total superannuation allowance that, if received by those spouses, would not, under subparagraph (iii) of that paragraph, disqualify either of them as a member to whom this section applies; or

(ii) superannuation allowance of thirty-two dollars per fortnight,

whichever is the lesser superannuation allowance; or

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(c) in relation to a retired member No. 51, 1970 referred to in paragraph (c) of that subsection or widow of a retired member referred to in paragraph (d) of that subsection means—

(i) the maximum superannuation allowance that, if received by that member or widow, would not, under the said paragraph (c) or (d), as the case may be, disqualify that member or widow as a member or widow to whom this section applies; or

(ii) superannuation allowance of twenty dollars per fortnight, whichever is the lesser superannuation allowance.

(2) For the purposes of this section a pension or Commonwealth pension payable in respect of a child shall be disregarded.

(3) This section applies to—

(a) a married retired member of the Police Force who is in receipt of an annual superannuation allowance granted pursuant to this Act, where—

(i) the spouse of that retired member is not in receipt of a superannuation allowance under this Act;

(ii) that retired member is in receipt of a superannuation allowance under this Act which is less than thirty-two dollars per fortnight; and

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- (iii) that retired member is in receipt of a class of Commonwealth pension that is the maximum amount of that class of Commonwealth pension that may be paid to the retired member without any deduction on account of means as assessed within the meaning of the law of the Commonwealth pursuant to which the Commonwealth pension is paid;
- (b) a married retired member of the Police Force who is in receipt of an annual superannuation allowance granted pursuant to this Act where—
- (i) the spouse of that retired member is in receipt of a superannuation allowance granted pursuant to this Act;
  - (ii) the total superannuation allowance payable to both spouses under this Act is less than thirty-two dollars per fortnight; and
  - (iii) subparagraph (iii) of paragraph (a) of this subsection applies;
- (c) a retired member of the Police Force who is not married, where—
- (i) that retired member is in receipt of a superannuation allowance granted pursuant to this Act that is less than twenty dollars per fortnight; and
  - (ii) subparagraph (iii) of paragraph (a) of this subsection applies; and
- (d)

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(d) a widow of a retired member of the Police No. 51, 1970  
Force where—

- (i) that widow is in receipt of or is entitled to receive a superannuation allowance granted pursuant to section 11A of this Act that is less than twenty dollars per fortnight; and
- (ii) subparagraph (iii) of paragraph (a) of this subsection applies.

(4) The superannuation allowance payable or granted under this Act to a person to whom this section applies is, subject to subsection five of this section, hereby increased—

- (a) in the case of a married retired member referred to in paragraph (a) of subsection three of this section, to the prescribed superannuation allowance for that person;
- (b) in the case of a married retired member referred to in paragraph (b) of that subsection, to an amount whereby the total produced by adding—
  - (i) the increased superannuation allowance payable to that retired member under this paragraph; and
  - (ii) any increased superannuation allowance payable to the spouse of that retired member under this paragraph,

is the prescribed superannuation allowance for those spouses; and

- (c) in the case of a retired member or widow of a retired member referred to in paragraph (c) or (d) of that subsection to the

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prescribed superannuation allowance for that retired member or widow of a retired member, as the case may be.

(5) Payment of an increase under subsection four of this section shall be made—

- (a) in the case of a retired member or widow of a retired member who, at the commencement of the Police Regulation (Superannuation) Amendment Act, 1970, is eligible for an increase, as from the date the superannuation allowance becomes next payable after such commencement;
- (b) in the case of a widow of a retired member who becomes eligible for an increase after that commencement, on and from the day on which that widow becomes so eligible.

(6) Nothing in this section shall be construed as authorising or requiring any reduction in a superannuation allowance that has been increased under this section.

Sec. 10.  
(Disablement in execution of duty.)

- (b) by inserting at the end of section ten the following new subsection :—

(6) (a) Where a disabled member of the Police Force is in receipt of an annual superannuation allowance under this section that is less than the amount that is applicable to him pursuant to this subsection such allowance shall be increased to that amount.

(b) The amount applicable to a disabled member of the Police Force referred to in paragraph (a) of this subsection shall, subject to any deduction hereinafter specified, be—

- (i) such amount as is determined by the Governor not exceeding the amount, calculated on an annual basis, which would  
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be payable to him by way of weekly payments as compensation under the Workers' Compensation Act, 1926, were he a totally incapacitated person entitled to compensation under that Act together with an addition thereto, calculated on an annual basis, as provided by that Act in respect of a spouse and children or stepchildren totally or mainly dependent for support on that member; or

- (ii) the salary of his office at the date of his retirement as increased in the manner provided by subsection (1A) of section nine of the said Act in respect of the average weekly earnings of a worker;

whichever is the less.

The deduction hereinbefore referred to shall be the amount by which all the income of the disabled member from any source whatsoever, other than—

- (i) sums received from medical or hospital benefits, funds, lodges or other similar sources as reimbursement in whole or part for medical, hospital or funeral expenses;
- (ii) payments made under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament in respect of any child or stepchild of the disabled member; or
- (iii) the amounts of any scholarships paid for or towards the education of any such child or stepchild at a school, college or university.

during the period of twelve months preceding the increase or any review of the increase as hereinafter provided exceeds three hundred and twelve dollars or where some other amount is fixed by the Governor such other amount.

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(c) For the purpose of determining the amount under subparagraph (i) of paragraph (b) of this subsection the provisions of the Workers' Compensation Act, 1926, shall apply mutatis mutandis to such determination.

(d) Payment of any increase in the superannuation allowance to a member of the Police Force pursuant to paragraph (a) of this subsection shall be made—

- (i) in the case of a disabled member of the Police Force who, at the commencement of the Police Regulation (Superannuation) Amendment Act, 1970, is eligible for an increase, as from the date the superannuation allowance becomes next payable after such commencement;
- (ii) in the case of a disabled member of the Police Force who becomes eligible for an increase after such commencement as from the date the superannuation allowance becomes next payable after he becomes so eligible.

(e) Any superannuation allowance increased pursuant to paragraph (a) of this subsection shall be reviewed as at the thirtieth day of June and the thirty-first day of December in each year and the amount of the superannuation allowance shall be adjusted, if necessary, having regard to the foregoing provisions of this subsection, as from the date the superannuation allowance becomes next payable after the date of the review :

Provided that any alteration of the amount of the allowance shall be determined by the Governor.

(f) The superannuation allowance as increased or adjusted as aforesaid shall not be paid or continue to be paid to a disabled member unless

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he has furnished such information as may be required relating to his income and the income and property of his spouse and children and stepchildren. No. 51, 1970

(g) If the information referred to in paragraph (f) of this subsection is not furnished in the manner and within the time required, the Commissioner of Police may direct that payment of the amount by which any superannuation allowance has been increased pursuant to this subsection shall be suspended :

Provided that if such information is subsequently furnished to the satisfaction of the Commissioner, payment of the amount by which the superannuation allowance is so increased shall be resumed as from the date of suspension or such later date as may be determined by the Governor.

(h) If a disabled member provides false information as to his income and the income of his spouse and children and stepchildren and as a result an overpayment of allowance occurs, the amount of such overpayment shall be a debt due by the disabled member to the Police Superannuation and Reward Fund and may be deducted from amounts due or which may become due to the disabled member from the Fund in such manner as may be agreed upon between the disabled member and the Police Superannuation and Reward Fund Board and in the event of no such agreement as may be determined by that Board.

(c) by inserting next after section 11A the following new section :— New sec.  
11B.

11B. (1) Subject to subsection two of this section, where— Grant of  
superannua-  
tion allow-  
ance to

(a) a member of the Police Force to whom a superannuation allowance had been granted widows  
of members  
dying before  
12th April,  
1966.

died

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died before the commencement of the Police Regulation (Superannuation) Further Amendment Act, 1966;

- (b) that member was married at the date of his death;
- (c) his widow was his wife at the date of his retirement (whether by disablement or otherwise);
- (d) his widow has not remarried; and
- (e) his widow is in receipt of a class of Commonwealth pension (as defined in subsection one of section 7A of this Act) that is the maximum amount of that class of Commonwealth pension that may be paid to her without any deduction on account of means as assessed within the meaning of the law of the Commonwealth pursuant to which the Commonwealth pension is paid.

there may be paid to his widow upon her so making application the superannuation allowance hereinafter prescribed.

(2) For the purposes of this section the prescribed superannuation allowance shall be—

- (a) the maximum superannuation allowance that if received by the widow would not affect her eligibility to continue to receive the maximum amount of the class of Commonwealth pension she is in receipt of as referred to in paragraph (e) of subsection one of this section; or
  - (b) twenty dollars per fortnight,
- whichever is the less.

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(3) The superannuation allowance under No. 51, 1970 subsection two of this section—

- (a) shall be payable to the applicant therefor as from the date application was made;
- (b) shall not be payable to a widow to whom an allowance is being paid under section eleven of this Act until such allowance ceases : Provided that a widow who is in receipt of an allowance under that section may elect to forfeit that allowance and to be paid in lieu a superannuation allowance in pursuance of subsection one of this section;
- (c) shall not be payable to a widow to whom a superannuation allowance is payable under any other provision of this Act; and
- (d) shall cease and determine if the widow remarries.