

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

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 27, 1973.

An Act to regulate the payment of certain gratuities and superannuation allowances payable to certain members of the police force on retirement; to provide certain rights of appeal from decisions of the Commissioner of Police; for these and other purposes to amend the Police Regulation (Superannuation) Act, 1906, the Police Regulation (Appeals) Act, 1923; and for purposes connected therewith. [Assented to, 2nd May, 1973.]

BE

Police Regulation (Superannuation and Appeals) Amendment.

No. 27, 1973 **B**E 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. 1. This Act may be cited as the "Police Regulation (Superannuation and Appeals) Amendment Act, 1973".

Amendment of Act No. 28, 1906. Subst. sec. 8. 2. The Police Regulation (Superannuation) Act, 1906, is amended by omitting section 8 and by inserting instead the following section:—

Retirement under age of 60 years.

8. (1) A superannuation allowance or gratuity shall not be granted or paid under section 7, 10 or 14 to a member of the police force who—

- (a) is discharged after the commencement of the Police Regulation (Superannuation and Appeals) Amendment Act, 1973; and
- (b) at the time of his discharge is under the age of sixty years,

unless two medical practitioners appointed by the Governor for the purpose have certified the member to be incapable, from infirmity of body or mind, of discharging the duties of his office.

(2) Where a member of the police force is discharged by reason of the infirmity to which a certificate referred to in subsection (1) relates the Commissioner shall—

- (a) decide whether or not the infirmity to which the certificate relates was occasioned by a wound or injury referred to in subsection (1) of section 10; and
- (b) notify the person to whom the certificate relates of that decision.

3.

Police Regulation (Superannuation and Appeals) Amendment.

3. The Police Regulation (Appeals) Act, 1923, is amended by omitting section 6 (1) and by inserting instead the following subsection :—

No. 27, 1973

Amendment
of Act No.
33, 1923.

Sec. 6.

(Appeal to
Board and
procedure
thereon.)

- (1) Where the Commissioner decides—
- (a) to grant or refuse promotion to a member of the police force;
- (b) to punish a member of the police force—
- (i) by imposing a fine;
- (ii) by a reduction in rank or pay; or
- (iii) by suspension, dismissal, discharge or transfer;
- (c) to grant or refuse leave of absence on full pay to a member of the police force during any period of absence occasioned by a wound or injury received in the same circumstances as those in which subsection (1) of section 10 of the Police Regulation (Superannuation) Act, 1906, would authorise the payment or grant of a gratuity or superannuation allowance to the member if he were disabled by the wound or injury; or
- (d) in the case of a person who was discharged from the police force while under the age of sixty years by reason of his being duly certified, as provided by subsection (1) of section 8 of the Police Regulation (Superannuation) Act, 1906, to be incapable, from infirmity of body or mind, of discharging the duties of his office—that the infirmity was not occasioned by a wound or injury referred to in subsection (1) of section 10 of the Police Regulation (Superannuation) Act, 1906,

that member or person may appeal to the Board against the decision of the Commissioner.

4.

Police Regulation (Superannuation and Appeals) Amendment.

No. 27, 1973 **4.** A member of the police force may appeal to the Board against a decision of the Commissioner of the nature referred to in section 6 (1) (c) of the Police Regulation (Appeals) Act, 1923, as amended by this Act, if he was notified of the decision on or after 10th April, 1969, and before the commencement of this Act, and he may so appeal as if he had been first notified of the decision immediately after that commencement.

Right of appeal against certain decisions made before commencement of this Act.

5. Where, on or after 10th April, 1969, and before the commencement of this Act, a person who was a member of the police force within the meaning of section 3 of the Police Regulation Act, 1899—

Right of appeal against certain other decisions.

- (a) was certified by two medical practitioners appointed by the Governor for the purpose to be incapable, from infirmity of body or mind, of discharging the duties of his office;
- (b) was discharged while under the age of sixty years by reason of that infirmity;
- (c) within three months after his discharge claimed to be entitled to a superannuation allowance pursuant to section 10 of the Police Regulation (Superannuation) Act, 1906; and
- (d) was granted or paid a superannuation allowance or gratuity pursuant to section 7 or 14 of that Act,

section 8 (2) of the Police Regulation (Superannuation) Act, 1906, as amended by this Act, and section 6 (1) (d) of the Police Regulation (Appeals) Act, 1923, as so amended, apply as if that person had been discharged immediately after the commencement of this Act, while under the age of sixty years, by reason of the infirmity referred to in paragraph (a).

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