

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

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 101, 1974.

An Act to provide for the automatic adjustment of certain superannuation allowances payable under the Police Regulation (Superannuation) Act, 1906, and the Police Association Employees (Superannuation) Act, 1969; for this and other purposes to amend those Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 13th December, 1974.]

BE

Police Regulation (Superannuation) Further Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by **No. 101, 1974**
 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 Short title.
 (Superannuation) Further Amendment Act, 1974".

2. (1) This section and section 1 shall commence on the Commence-
 date of assent to this Act. ment.

(2) Sections 3 and 4 shall be deemed to have
 commenced on 20th September, 1974.

3. The Police Regulation (Superannuation) Act, 1906, Amend-
 is amended— ment of
Act No.
28, 1906.

(a) by omitting the heading before section 1 and by Heading
 inserting instead the following headings :— before
sec. 1.

PART I.**PRELIMINARY.**

(b) by inserting after section 1 the following section :— Sec. 1A.

1A. This Act is divided as follows :— Division
of Act.

PART I.—PRELIMINARY—ss. 1–2.

PART II.—POLICE SUPERANNUATION BOARD—
ss. 2A–2G.

PART III.—POLICE SUPERANNUATION FUND—
ss. 3–5.

PART

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PART IV.—BENEFITS—ss. 7–14H.

DIVISION 1.—*Superannuation allowances and gratuities—ss. 7–14.*

DIVISION 2.—*Automatic adjustment of superannuation allowances—ss. 14A–14H.*

PART V.—MISCELLANEOUS—ss. 15–18.

Heading
before
sec. 2A.

- (c) by omitting the heading before section 2A and by inserting instead the following headings :—

PART II.

POLICE SUPERANNUATION BOARD.

Heading
before
sec. 3.

- (d) by omitting the heading before section 3 and by inserting instead the following headings :—

PART III.

POLICE SUPERANNUATION FUND.

Heading
before
sec. 7.

- (e) by omitting the heading before section 7 and by inserting instead the following headings :—

PART IV.

BENEFITS.

DIVISION 1.—*Superannuation allowances and gratuities.*

(f)

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- (f) by inserting after section 11A (1A) the following subsection :—

(1B) Where, but for his death, the superannuation allowance received by, or payable to, a member referred to in subsection (1) would have been reduced, the superannuation allowance payable to his widow pursuant to subsection (1) shall be reduced to an amount equivalent to one-half of the superannuation allowance that would have been received by, or payable to, that member had he not died.

Sec. 11A.
(Grant of superannuation allowance to widow.)

- (g) (i) by omitting section 11B (2) (b) and by inserting instead the following paragraph :—

(b) the appropriate amount per fortnight,

- (ii) by inserting after section 11B (2) the following subsections :—

(2A) For the purposes of this section, the appropriate amount is—

(a) for the period commencing on and including 20th September, 1974, and ending on and including the day preceding the next adjustment date—
\$25.72; or

(b) for any subsequent period commencing on and including the adjustment date for a year and ending on and including

Sec. 11B.
(Grant of superannuation allowance to widows of members dying before 12th April, 1966.)

the

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the day preceding the next adjustment date—

- (i) if there is no adjustment percentage for that year—the appropriate amount for the preceding period (as referred to in this subsection); or
- (ii) if there is an adjustment percentage for that year—the appropriate amount for the preceding period (as so referred to), adjusted by that percentage.

(2B) For the purposes of subsection (2A)—

- (a) “adjustment date”, “adjustment percentage” and “year” have the meanings respectively ascribed thereto in section 14A (1); and
- (b) section 14A (2) applies to and in respect of the adjustment of an amount referred to in subsection (2A) in the same way as it applies to and in respect of the adjustment of a superannuation allowance under Division 2 of Part IV.

(2C) Notwithstanding anything in this section, the superannuation allowance payable to a widow pursuant to this section shall not be reduced below the fortnightly amount that would, if Division 2 of Part IV had not been enacted, have been payable to her.

(h)

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(h) by inserting after section 14 the following No. 101, 1974
Division :—

Part IV,
Div. 2.

*DIVISION 2.—Automatic adjustment of
superannuation allowances.*

14A. (1) In this Division, except in so far as the Interpre-
context or subject-matter otherwise indicates or tation:
requires— Div. 2 of
Part IV.

“adjustment date”, in relation to a year, means
the first day of the superannuation allow-
ance pay period that ends on the first super-
annuation allowance pay day in the October
that next follows that year;

“adjustment percentage”, in relation to a year,
means (subject to section 14B (2)) the
percentage for that year, calculated in
accordance with section 14B;

“Index number”, in relation to a June quarter,
means the number for that June quarter
appearing in the Consumer Price Index (All
Groups Index) for Sydney published by the
Commonwealth Statistician under the
Census and Statistics Act 1905–1966 of the
Parliament of the Commonwealth or that
Act as amended from time to time or any
Act of that Parliament passed in substitution
therefor;

“June quarter”, in relation to a year, means the
period commencing on and including 1st
April in that year and ending on and
including 30th June in that year;

“quarter”, in relation to a year, means—

(a) the period commencing on and
including 1st July in that year and
ending on and including 30th
September in that year;

(b)

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- (b) the period commencing on and including 1st October in that year and ending on and including 31st December in that year;
- (c) the period commencing on and including 1st January in that year and ending on and including 31st March in that year; or
- (d) the period commencing on and including 1st April in that year and ending on and including 30th June in that year;

“year” means—

- (a) the period commencing on and including 1st July, 1973, and ending on and including 30th June, 1974; or
- (b) a subsequent period commencing on and including 1st July and ending on and including 30th June next following.

(2) Where a superannuation allowance is to be adjusted under this Division by reference to the adjustment percentage for a year, a reference (however expressed) in this Division to adjusting the allowance is a reference to—

- (a) where the adjustment percentage is calculated in accordance with the formula set out in section 14B (1) (a)— increasing the allowance; or

(b)

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- (b) where the adjustment percentage is ^{No. 101, 1974} calculated in accordance with the formula set out in section 14B (1) (b)—reducing the allowance.

14B. (1) For the purposes of the definition of “adjustment percentage” in section 14A (1), the percentage for a year shall be calculated— ^{Calculation of adjustment percentage.}

- (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (C - L)}{L}$$

- (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (L - C)}{L}$$

where—

P is the percentage to be obtained;

C is the Index number for the June quarter in that year; and

L is the Index number for the immediately preceding June quarter.

(2)

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(2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum; or
- (b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter, there shall be deemed to be no adjustment percentage for that year.

(3) Where there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the percentage for the next year—

- (a) the Index number for the June quarter in the firstmentioned year shall be deemed not to have been published; and
- (b) the Index number for that quarter shall be deemed to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after commencement of this Division, the Commonwealth Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

- (a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

(b)

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(b) if the Minister so directs—regard shall, No. 101, 1974
 after the direction is given, be had to the
 later and not to the earlier Index number,
 for the purposes of this Division.

(5) Notwithstanding subsection (4), if at any time after the commencement of this Division the Commonwealth Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Division after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

14c. (1) Subject to this Division, where there is an adjustment percentage for a year, the super-^{Adjustment of allowances: general cases.}annuation allowance payable pursuant to section 7 on the adjustment date for that year to a member of the police force who retired before 1st July in that year is hereby adjusted, on and from that adjustment date, by that percentage.

(2) Subject to this Division, where—

(a) there is an adjustment percentage for a year calculated in accordance with the formula set out in section 14B (1) (a); and

(b) an amount equal to the sum of—

(i) the amount of the superannuation allowance that, but for the operation of this subsection in relation to that year, would be payable pursuant to section 10 on the adjustment date

for

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for that year to a disabled member of the police force who was discharged before 1st July in that year, reduced by the amount of any increase under section 10 (6) included therein; and

- (ii) a percentage of the reduced amount referred to in subparagraph (i), being a percentage equal to the adjustment percentage for that year,

is greater than the amount of that superannuation allowance,

the amount of that superannuation allowance is hereby increased, on and from that adjustment date, to that greater amount.

(3) Subject to this Division, where there is an adjustment percentage for a year calculated in accordance with the formula set out in section 14B (1) (b), the amount of the superannuation allowance payable pursuant to section 10 on the adjustment date for that year to a disabled member of the police force who was discharged before 1st July in that year (other than a superannuation allowance that includes the amount of an increase under section 10 (6)) is hereby reduced, on and from that adjustment date, by a percentage equal to that adjustment percentage.

(4) Subject to this Division, where there is an adjustment percentage for a year, the sum of the amount of the superannuation allowance (and any additional amount paid therewith) granted pursuant to section 12 consequent upon the death of—

- (a) a member of the police force who died before 1st July in that year; or

(b)

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- (b) an ex-member of the police force who was No. 101, 1974 discharged before that date,

being in either case a superannuation allowance payable on the adjustment date for that year, is hereby adjusted, on and from that adjustment date, by an amount which is a percentage of the amount of that superannuation allowance (excluding any such additional amount), being a percentage equal to that adjustment percentage.

14D. (1) Subject to this Division, where there is an adjustment percentage for a year (in subsection (5) referred to as "the particular year"), the superannuation allowance payable pursuant to section 7 on the adjustment date for that year to a member of the police force who retired on or after 1st July in that year but on or before 31st March in that year is hereby adjusted, on and from that adjustment date, by a percentage equal to the percentage calculated in accordance with the formula set out in subsection (5). ^{Adjustment of allowances: partial adjustment.}

(2) Subject to this Division, where—

- (a) there is an adjustment percentage for a year (in subsection (5) referred to as "the particular year") calculated in accordance with the formula set out in section 14B (1) (a); and

(b) an amount equal to the sum of—

- (i) the amount of the superannuation allowance that, but for the operation of this subsection in relation to that year, would be payable pursuant to section 10 on the adjustment date

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for that year to a disabled member of the police force who was discharged on or after 1st July in that year but on or before 31st March in that year, reduced by the amount of any increase under section 10 (6) included therein; and

- (ii) a percentage of the reduced amount referred to in subparagraph (i), being a percentage equal to the percentage calculated in accordance with the formula set out in subsection (5),

is greater than the amount of that superannuation allowance,

the amount of that superannuation allowance is hereby increased, on and from that adjustment date, to that greater amount.

(3) Subject to this Division, where there is an adjustment percentage for a year (in subsection (5) referred to as "the particular year") calculated in accordance with the formula set out in section 14B (1) (b), the amount of the superannuation allowance payable pursuant to section 10 on the adjustment date for that year to a disabled member of the police force who was discharged on or after 1st July in that year but on or before 31st March in that year (other than a superannuation allowance that includes the amount of an increase under section 10 (6)) is hereby reduced, on and from that adjustment date, by a percentage equal to the percentage calculated in accordance with the formula set out in subsection (5).

(4)

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(4) Subject to this Division, where there ^{No. 101, 1974} is an adjustment percentage for a year (in subsection (5) referred to as "the particular year"), the sum of the amount of the superannuation allowance granted pursuant to section 12 consequent upon the death of—

- (a) a member of the police force who died on or after 1st July in that year but on or before 31st March in that year; or
- (b) an ex-member of the police force who was discharged on or after 1st July in that year but on or before 31st March in that year,

being in either case a superannuation allowance payable on the adjustment date for that year, is hereby adjusted, on and from that adjustment date, by an amount which is a percentage of the amount of that superannuation allowance, being a percentage equal to the percentage calculated in accordance with the formula set out in subsection (5).

(5) The formula referred to in subsections (1), (2), (3) and (4) is—

$$A = P \times \frac{Q}{4}$$

where—

A is the percentage by which the superannuation allowance is to be adjusted;

P is the adjustment percentage for the particular year; and

Q

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Q is the number of whole quarters of the particular year, being whole quarters after—

- (a) in the case of a person referred to in subsection (1)—he last retired;
- (b) in the case of a person referred to in subsection (2) or (3)—he was discharged;
- (c) in the case of a member of the police force referred to in subsection (4)—his death; or
- (d) in the case of an ex-member of the police force referred to in subsection (4)—he was discharged.

Increases not payable in certain circumstances.

14E. Where the operation of the provisions of this Division would, but for this section, increase the superannuation allowance payable to a person, the amount of the increase shall, if the Board so determines in the interest of that person, be such lesser amount than that provided under this Division as the Board specifies.

Minimum amount to which allowances may be reduced.

14F. Notwithstanding anything in this Division, a superannuation allowance shall not be reduced below the fortnightly amount that would, if this Division had not been enacted, have been payable.

Certain increases under section 7A.

14G. Where an increase in superannuation allowance becomes payable to a person under section 7A after the date of commencement of this Division, then, as on and from the date on which the increase is payable, the rate at which it is payable shall be that at which it would be payable to him had he been in receipt of the increase at that commencement.

14H.

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14H. Where a percentage that is to be calculated under this Division is or includes a fraction of one-tenth of one per centum—

No. 101, 1974
Calculation
of
percentages.

- (a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and
- (b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

- (i) by inserting before section 15 the following headings :—

Heading
before
sec. 15.

PART V.

MISCELLANEOUS.

- (j) by inserting after section 17 the following section :—

Sec. 18.

18. Where there is payable to a person as a benefit under this Act an amount that includes a fraction of a cent, the fraction shall be ignored and, where the fraction is one-half or more, the amount payable after ignoring the fraction shall be increased by one cent.

Benefit
payable not
to include
fraction of
a cent.

4. The Police Association Employees (Superannuation) Act, 1969, is amended—

Amendment
of Act No.
33, 1969.

- (a) (i) by inserting in section 3 (2A) after the word “increased” where firstly occurring the words “or reduced”;

Sec. 3.
(Employees
of
Association
transferring
from police
force.)

(ii)

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- (ii) by inserting in section 3 (2A) after the word "increased" where secondly occurring the words "or reduced, as the case may be,";
- (iii) by inserting in section 3 (10A) after the word "increased" where firstly occurring the words "or reduced";
- (iv) by inserting in section 3 (10A) after the word "increased" where secondly occurring the words "or reduced, as the case may be,";

Sec. 4.
(Payment
of super-
annuation
allowance to
F.C. Laut or
his widow.)

- (b) (i) by inserting in section 4 (1A) after the word "increased" where firstly occurring the words "or reduced";
- (ii) by inserting in section 4 (1A) after the word "increased" where secondly occurring the words "or reduced, as the case may be,";
- (iii) by inserting in section 4 (5A) after the word "increased" where firstly occurring the words "or reduced";
- (iv) by inserting in section 4 (5A) after the word "increased" where secondly occurring the words "or reduced, as the case may be,".

REFERRAL