

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

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 46, 1974.

An Act to increase the superannuation allowances payable to certain retired members of the police force and certain widows; to constitute the Police Superannuation Board and to define its powers, duties and functions; for these and other purposes to amend the Police Regulation Act, 1899, the Police Regulation (Superannuation) Act, 1906, and the Police Association Employees (Superannuation) Act, 1969; and for purposes connected therewith. [Assented to, 24th April, 1974.]

BE

Police Regulation (Superannuation) Amendment.

No. 46, 1974

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:—

PART 1.**PRELIMINARY.**Short
title.

1. This Act may be cited as the "Police Regulation (Superannuation) Amendment Act, 1974".

Commence-
ment.

2. (1) This Part, Parts 3 and 5, and sections 15 and 17 commence on the date of assent to this Act.

(2) Part 2 shall be deemed to have commenced on 14th December, 1973.

(3) Parts 4 and 6 (sections 15 and 17 excepted) commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division
of Act.

3. This Act is divided, as follows :—

PART 1.—PRELIMINARY—ss. 1–3.

PART 2.—INCREASES IN SUPERANNUATION ALLOWANCES—ss. 4, 5.

PART 3.—RETIREMENTS—ss. 6, 7.

PART 4.—POLICE SUPERANNUATION BOARD—ss. 8–10.

PART

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PART 5.—GENERAL—s. 11.

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PART 6.—SAVINGS AND TRANSITIONAL PROVISIONS—
ss. 12–19.

PART 2.

INCREASES IN SUPERANNUATION ALLOWANCES.

4. (1) Where an amount equal to the sum of—
- (a) the amount of the superannuation allowance that, but for this subsection, would be payable under sections 7 and 7A of the Police Regulation (Superannuation) Act, 1906, to a member of the police force who retired on or before 31st March, 1973, reduced by the amount of any increase under section 7A of that Act included therein; and
- (b) a percentage of the reduced amount referred to in paragraph (a), being a percentage equal to that specified in the Second Column of the Table to this section opposite the period specified in the First Column of that Table that includes the date of retirement of the member,

Increase
in
certain
pensions.

is greater than the amount of that superannuation allowance, the amount of that superannuation allowance is, except to the extent that the Board constituted under that Act otherwise determines in the interest of the member, hereby increased to that greater amount.

(2) Where an amount equal to the sum of—

- (a) the amount of the superannuation allowance that, but for this subsection would be payable to a disabled member of the police force who was discharged on or before 31st March, 1973, reduced by the amount of any increase under section 10 (6) of the Police Regulation (Superannuation) Act, 1906, included therein; and

(b)

Police Regulation (Superannuation) Amendment.

- No. 46, 1974 (b) a percentage of the reduced amount referred to in paragraph (a), being a percentage equal to that specified in the Second Column of the Table to this section opposite the period specified in the First Column of that Table that includes the date of discharge of the member,

is greater than the amount of that superannuation allowance, the amount of that superannuation allowance is, except to the extent that the Board constituted under that Act otherwise determines in the interest of the member, hereby increased to that greater amount.

(3) The sum of the amount of a superannuation allowance and any additional amount paid therewith granted in pursuance of section 12 of the Police Regulation (Superannuation) Act, 1906, consequent upon the death of a member of the police force who died on or before 31st March, 1973, or an ex-member of the police force who was discharged on or before that date, is, except to the extent that the Board constituted under that Act otherwise determines in the interest of the recipient, hereby increased 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 specified in the Second Column of the Table to this section opposite the period specified in the First Column that includes the date of death of the member or discharge of the ex-member, as the case may be.

TABLE.

First Column.	Second Column.
Date of retirement, discharge or death of member or ex-member.	Amount per centum.
1st January, 1973, to 31st March, 1973.	3.0
1st October, 1972, to 31st December, 1972.	5.0
1st July, 1972, to 30th September, 1972.	6.5
1st April, 1972, to 30th June, 1972.	8.0
1st January, 1972, to 31st March, 1972.	9.0
1st November, 1971, to 31st December, 1971.	10.0
Before 1st November, 1971.	12.5

Police Regulation (Superannuation) Amendment.

5. The Police Regulation (Superannuation) Act, 1906, No. 46, 1974 is amended by omitting from section 11B (2) (b) the words "twenty dollars" and by inserting instead the words "twenty-two dollars and fifty cents".

Amendment
of Act No.
28, 1906.
Sec. 11B.
(Grant of
superannua-
tion
allowance
to widows
of members
dying
before 12th
April,
1966.)

PART 3.

RETIREMENTS.

6. The Police Regulation Act, 1899, is amended—
- (a) by inserting in section 4 (3) after the word "years" the words "but may, with the approval of the Governor, retire on or after the day upon which he attains the age of sixty years and before the day upon which he attains the age of sixty-five years";
- (b) by omitting from section 12c the words "Any annual superannuation allowance to which a member of the police force is entitled under the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts, or which may be granted to any such member under that Act as so amended, shall commence from the date upon which his extended leave, if taken, would have commenced.";
- (c) by omitting section 29.

Amendment
of Act No.
20, 1899.

Sec. 4.
(Appoint-
ment and
authority
of Com-
missioner.)

Sec. 12c.
(Gratuity
in lieu of
extended
leave.)

Sec. 29.
(Officers
how super-
annuated.)

7.

Police Regulation (Superannuation) Amendment.

No. 46, 1974 **7.** The Police Regulation (Superannuation) Act, 1906.
is further amended—

Further
amendment
of Act No.
28, 1906.

Sec. 7.

(a) by omitting section 7 and by inserting instead the following section :—

Amount of
super-
annuation
allowance
on retire-
ment or
discharge
on medical
grounds.

7. The annual superannuation allowance for a member of the police force who has served for twenty years or more and retires upon or after attaining the age of sixty years or, being under that age, is discharged after being certified, pursuant to section 8 (1) to be incapable, from infirmity of body or mind, of discharging the duties of his office, that infirmity having been determined pursuant to section 8 (2) not to have been occasioned in the circumstances referred to in section 10, is an amount equal to a percentage of his salary of office at the date of his retirement or discharge, being a percentage equal to that specified in the Second Column of the Table to this section opposite the number of years of service specified in the First Column of that Table that has been completed by that member.

TABLE.

First Column.	Second Column.
Completed years of service of member.	Amount per centum.
20	48.500
21	50.925
22	53.350
23	55.775
24	58.200
25	60.625
26	63.050
27	65.475
28	67.900
29	70.325
30 or more	72.750

(b)

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(b) by inserting after section 9 the following section:— **No. 46, 1974**

Sec. 9A.

9A. (1) Where an annual superannuation allowance is granted under this Act to a member of the police force who retires on or after attaining the age of sixty years, the allowance is payable as from the day that next succeeds the day on which he retires. **Commence-
ment of
pension.**

(2) Where an annual superannuation allowance is granted under this Act to a member of the police force who is discharged before attaining the age of sixty years, the allowance is payable as from the day that next succeeds the day on which all leave of absence (other than extended leave) due to him immediately before his discharge would have expired if, instead of being discharged, he had taken that leave of absence on and from the day that next succeeds the day of his discharge.

(3) Where an annual superannuation allowance is granted under this Act in consequence of the death of a member, or a retired member of the police force, the allowance is payable as from the day that next succeeds the day of his death.

PART 4.

POLICE SUPERANNUATION BOARD.

8. The Police Regulation Act, 1899, is further amended— **Further
amendment
of Act No.
20, 1899.**

(a) by omitting from section 1 the matter relating to Part III and by inserting instead the following matter :— **Sec. 1.
(Short title
and
contents.)**

PART III.—GENERAL.

(b)

Police Regulation (Superannuation) Amendment.

- No. 46, 1974
Sec. 10A.
(Member of police force resigning to contest Commonwealth election.)
- (b) by omitting section 10A (1) (f) and by inserting instead the following paragraph :—
(f) furnishes with that application a certificate signed by the secretary of the Police Superannuation Board specifying that the money, if any, paid to him pursuant to section 17 of the Police Regulation (Superannuation) Act, 1906, has been repaid by him to the Fund and that he has also paid to the Fund an amount equal to the amount that would have been deducted from his pay and salary pursuant to section 5 of that Act if he had not resigned,;
- Sec. 12.
(Rules.)
- (c) by omitting from section 12 the words “or any amendment thereof” and by inserting instead the words “and the Police Regulation (Superannuation) Act, 1906”;
- Sec. 12c.
(Gratuity in lieu of extended leave.)
- (d) by omitting from section 12c the words “otherwise entitled” and by inserting instead the words “entitled under the Police Regulation (Superannuation) Act, 1906”;
- Part IIb.
(Women Police (Transitory Provisions).)
- (e) by omitting Part IIb.
- Part III.
- (f) by omitting the headings to Part III and by inserting instead the following headings :—
PART III.
GENERAL.
- Sec. 28.
(Police Superannuation and Reward Fund.)
- (g) by omitting section 28;
- Sec. 29A.
(Refund of deductions.)
- (h) by omitting section 29A;

(i)

Police Regulation (Superannuation) Amendment.

- (i) by omitting from section 35 (1) the words “and Reward”.

Sec. 35.
(Unclaimed goods in possession of police may be sold by Commissioner and proceeds applied to Police Superannuation Fund.)

9. The Police Regulation (Superannuation) Act, 1906, is further amended—

Further amendment of Act No. 28, 1906.

- (a) (i) by inserting in section 1 after the words “Principal Act” where firstly occurring the words “, as if it formed part thereof”;
- (ii) by inserting at the end of section (1) the following subsection :—

Sec. 1.
(Short title, commencement, and interpretation.)

(2) In this Act, except to the extent that the context or subject-matter otherwise indicates or requires—

“Board” means the Police Superannuation Board constituted by this Act;

“Fund” means the Police Superannuation Fund established by this Act;

“secretary” means the secretary of the Board.

- (b) by inserting after section 2 the following heading and new sections :—

Police Superannuation Board.

2A. (1) There is hereby constituted the “Police Superannuation Board” consisting of three official members and one Association representative.

Police Superannuation Board.

(2)

Police Regulation (Superannuation) Amendment.

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(2) Except in relation to the content of a recommendation or report made by it to the Minister, the Board is under the direction and control of the Minister.

(3) The official members of the Board are—

- (a) subject to sections 4A, 4C and 4D of the Principal Act, the Commissioner of Police;
- (b) the Government Actuary; and
- (c) the Permanent Head of the Minister's Department of State.

(4) The member of the Board who is the Association representative is—

- (a) when the Board is considering a matter that arises under this Act by reason of the retirement, discharge or death of a member of the police force, or the death of a retired member of the police force, who, at the time of his retirement, discharge or death, whichever first occurred, held the rank of inspector or a higher rank—a member of the police force of or above the rank of inspector nominated, by instrument in writing lodged with the secretary, by the Public Service Association of New South Wales; or
- (b) when the Board is considering a matter that arises under this Act by reason of the retirement, discharge or death of a member of the police force, or the death of a retired member of the police force, who, at the time of his retirement, discharge or death, whichever first occurred, held a rank below the rank of inspector—a member of the police force below the rank of inspector nominated,

by

Police Regulation (Superannuation) Amendment.

by instrument in writing lodged with the No. 46, 1974
secretary, by the Police Association of New
South Wales.

(5) An official member (other than the Commissioner of Police) may, by instrument in writing lodged with the secretary, nominate one or more alternate members, in order of priority, to act in his place as a member of the Board, being—

- (a) in the case of an alternate member for the Government Actuary—a person employed in his office under the Public Service Act, 1902, who has a knowledge of actuarial matters or matters relating to superannuation; or
- (b) in the case of an alternate member for the Permanent Head of the Minister's Department of State—a person employed in that Department under the Public Service Act, 1902.

(6) An organisation nominating a member of the Board referred to in subsection (3) shall, by instrument in writing lodged with the secretary, nominate one or more alternate members, in order of priority, to act in the place of a member so referred to, being—

- (a) in the case of a nomination by the Public Service Association of New South Wales—a member of the police force of or above the rank of inspector; or
- (b) in the case of a nomination by the Police Association of New South Wales—a member of the police force below the rank of inspector.

(7)

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(7) An alternate member of the Board may, in the absence (whether by reason of a vacancy in office or otherwise) of the member for whom he is the alternate member, act in the place of the absent member and, while so acting, shall have the powers, authorities, duties and functions of the absent member as a member of the Board.

(8) An Association representative, or an alternate member of the Board, vacates his office if—

(a) he ceases to hold the qualification by virtue of which he was eligible for nomination; or

(b) his nomination is revoked.

(9) Where a vacancy occurs in the office as a member of the Board of an Association representative or his alternate member and the organisation entitled to nominate a person to fill the vacant office fails to make such a nomination within one month after the occurrence of the vacancy, the Minister may make the nomination on behalf of the organisation.

(10) A member of the Board, other than an official member, and an alternate member who is not the alternate member for an official member, may be removed from office by the Governor if, without reasonable excuse, he neglects or refuses to sit as a member of the Board at a meeting of the Board at which he is required, by notice given by the secretary, to attend.

(11)

Police Regulation (Superannuation) Amendment.

(11) A person who makes a nomination, No. 46, 1974 or on whose behalf a nomination is made, for the purposes of this section may—

- (a) in the case of the nomination of an Association representative or an alternate member for that representative—revoke the nomination in the same way as he is authorised to make it if another person is, by the instrument of revocation, nominated for those purposes in the place of the person whose nomination is revoked; or
- (b) in any other case—revoke the nomination in the same way as he is authorised to make it.

2B. Where a member, or an alternate member, of the Board is the holder of another office and, by or under an Act or the terms of his employment, he is required to devote the whole of his time to the duties of that other office, or is prohibited from engaging in employment outside the duties of that other office, his duties as a member of the Board shall, for the purposes of that Act or those terms of employment, be deemed to be part of the duties of that other office. Acting as Board member does not affect other employment.

2C. (1) Subject to sections 4A, 4C and 4D of the Principal Act, the Chairman of the Board is the Commissioner of Police. Chairman of Board.

(2) A meeting of the Board shall be convened by the secretary at the direction of the Chairman.

(3) It is the duty of the Chairman to ensure that, when considering an item of business, the Board is, having regard to section 2A (4), properly constituted to consider that item of business.

2D.

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Proceedings
of Board.

2D. (1) The procedure for the calling of meetings of the Board and for the conduct of those meetings shall, subject to this Act, be as determined by the Board.

(2) Three members of the Board constitute a quorum at a meeting of the Board and a decision of the majority of the members present at a meeting of the Board at which a quorum is present is a decision of the Board.

(3) Where the voting on a question at a meeting of the Board is equal, the secretary shall refer the question to the Minister and the decision of the Minister on the question is the decision of the Board and shall be so recorded under subsection (4).

(4) The Board shall cause to be kept a record of its decisions and full and accurate minutes of the proceedings at its meetings.

Secretary.

2E. (1) The secretary of the Board is the person who for the time being holds office as the secretary of the Police Department.

(2) The secretary shall—

- (a) subject to this Act, convene the meetings of the Board; and
- (b) cause to be maintained such records relating to benefits granted under this Act and the persons to or in respect of whom they are granted as the Board may direct.

Delegation
by Board.

2F. (1) The Board may, by instrument in writing, delegate to the secretary the exercise or performance of any power, authority, duty or function conferred or imposed on the Board by the operation of section 7, 11A, 11B, 13, 14 or 17 and may, by a like instrument, revoke any such delegation.

(2)

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(2) A decision of the secretary made in his capacity as a delegate of the Board is a decision of the Board. No. 46, 1974

(3) A delegation under this section does not prevent the exercise or performance by the Board of the power, authority, duty or function delegated.

2G. The Board shall, as soon as practicable after the thirtieth day of June in each year, submit a report to the Minister on its operations during the year ending on that day. Report
by Board.

(c) by omitting section 3 and the heading thereto and by inserting instead the following section and heading :—

Police Superannuation Fund.

3. (1) There is hereby established the "Police Superannuation Fund" which, subject to this Act, is under the control of the Board. Police
Super-
annuation
Fund.

(2) The Fund consists of—

- (a) the amount that, immediately before the constitution of the Board, stood to the credit of the Police Superannuation and Reward Fund;
- (b) the deductions made under section 5;
- (c) amounts appropriated from the Consolidated Revenue Fund under section 4; and
- (d) any other moneys received by the Board pursuant to this Act.

(3) There shall be paid from the Fund—

- (a) the benefits provided by this Act; and

(b)

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- No. 46, 1974 (b) any other moneys authorised to be paid under this Act.
- Sec. 4. (d) by omitting section 4 and by inserting instead the following section :—
- Fund deficiencies charged against Consolidated Revenue. 4. If at any time the amount at credit of the Fund is insufficient to meet the superannuation allowances and other amounts payable under this Act, the amount of the deficiency is a charge against the Consolidated Revenue Fund.
- Sec. 5. (e) by omitting section 5 and by inserting instead the following section :—
- Contributions to Fund. 5. (1) Subject to this section, there shall be deducted from the pay and salary of each member of the police force and paid to the Fund an amount equal to four per centum of that pay and salary.
- (2) Subsection (1) ceases to apply to a member of the police force—
- (a) in the case of the Commissioner, the Deputy Commissioner, the Senior Assistant Commissioner or an Assistant Commissioner— at the end of the fortnightly pay period next succeeding that during which he attains the age of sixty years ;
- (b) in the case of an officer whose services are retained under section 9—as if he were an officer specified in paragraph (a) ; and
- (c) in any other case—on the day on which he commences to receive a superannuation allowance under this Act.
- Sec. 6. (f) by omitting section 6 ;
- (g)
- (Payments into and out of Fund.)

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- (g) (i) by omitting section 10 (1) and by inserting No. 46, 1974 instead the following subsections :—

Sec. 10.

(Disable-
ment in
execution
of duty.)

(1) Where a member of the police force is discharged after being certified pursuant to section 8 (1) to be incapable, from infirmity of body or mind, of discharging the duties of his office and the infirmity is determined, pursuant to section 8 (2), or on appeal, to have been occasioned—

- (a) by a wound or injury received in the actual execution of the duty of his office; or
- (b) by a wound or injury received, without his serious and wilful misconduct, on any of the daily or other periodic journeys referred to in section 10A (1) or any of the other journeys referred to in section 10A (2), which wound or injury was not received—
 - (i) during or after any substantial interruption of, or substantial deviation from, any such journeys made for a reason unconnected with his attendance at a place referred to in section 10A (2) (a); or
 - (ii) during or after any other break in any such journey which, having regard to all the circumstances, was not reasonably incidental to any such journey; or
- (c) by a 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 other

place

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place to which he had been detailed to perform duty—

- (i) while he was temporarily absent therefrom on that day during any ordinary recess; and
- (ii) if he had not during that absence voluntarily subjected himself to any abnormal risk of wound or injury,

there may be granted to that member (in this section referred to as “disabled member”) such a gratuity or annual superannuation allowance, not exceeding 72.75 per centum of the salary of his office at the date of his discharge, as, in the opinion of the Board, is commensurate with the nature of the wound or injury received.

(1A) A gratuity or annual superannuation allowance as provided by subsection (1) may be granted to a disabled member of the police force whatever his length of service and, in the case of a wound or injury referred to in subsection (1) (b), 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 that substantial interruption, substantial deviation or other break.

- (ii) by omitting section 10 (2);
- (iii) by omitting section 10 (3);
- (iv) by omitting section 10 (4);
- (v) by omitting section 10 (5);

(vi)

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- (vi) by omitting from section 10 (6) (b) (i) the word "Governor" and by inserting instead the word "Board";
- (vii) by omitting from section 10 (6) (b) the words "fixed by the Governor such" and by inserting instead the words "prescribed by rules made under the Police Regulation Act, 1899, that";
- (viii) by omitting section 10 (6) (e) and by inserting instead the following paragraph :—
 - (e) A superannuation allowance increased pursuant to paragraph (a) shall, as soon as practicable after the thirtieth day of June and the thirty-first day of December in each year, be reviewed by the Board as at those days and shall, subject to subsection (6A), be adjusted to the extent considered necessary by the Board having regard to the provisions of this subsection.
- (ix) by omitting from section 10 (6) (g) the word "Governor" and by inserting instead the word "Board";
- (x) by omitting from section 10 (6) (h) the words "Police Superannuation and Reward Fund" where firstly occurring and by inserting instead the word "Fund";
- (xi) by omitting from section 10 (6) (h) the words "Police Superannuation and Reward Fund" where secondly occurring;
- (xii) by omitting from section 10 (6) (h) the words "that Board" and by inserting instead the words "the Board";
- (xiii) by inserting after section 10 (6) the following subsection :—
 - (6A) An adjustment of a superannuation allowance made by the Board pursuant to subsection (6) (e) takes effect as from the commencement

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commencement of the fortnightly superannuation allowance pay period that next succeeds—

- (a) where the adjustment is made as the result of a review as at the thirtieth day of June—
 - (i) the meeting of the Board at which the decision to make the adjustment is made; or
 - (ii) the fifteenth day of September that next succeeds that thirtieth day of June,

whichever first occurs; or

- (b) where the adjustment is made as the result of a review as at the thirty-first day of December—
 - (i) the meeting of the Board at which the decision to make the adjustment is made; or
 - (ii) the fifteenth day of March that next succeeds that thirty-first day of December,

whichever first occurs;

(xiv) by omitting section 10 (7);

Sec. 11.
(Death within five years after grant of allowance.)

(h) by omitting section 11;

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

(i) by omitting from section 11A (1A) the word "Governor" and by inserting instead the word "Board";

(j)

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(j) (i) by omitting section 12 (1) and by inserting No. 46, 1974
instead the following subsections :—

Sec. 12.
(Member
killed in
execution
of duty.)

(1) Subject to this section, where—

- (a) a member of the police force is killed in the actual execution of the duty of his office, or dies from any wound or injury received in the actual execution of the duty of his office;
- (b) a person (in this section referred to as “ex-member of the police force”) who was a member of the police force and who, at the date of his death, was entitled to an annual superannuation allowance under this Act, dies from any wound or injury received, while a member of the police force, in the actual execution of the duty of his office;
- (c) a member of the police force is, without his serious and wilful misconduct, killed or dies from any wound or injury received, without his serious and wilful misconduct, on any of the daily or other periodic journeys referred to in section 10A (1) or any of the other journeys referred to in section 10A (2); or
- (d) a person (in this section referred to as “ex-member of the police force”) who was a member of the police force and who, at the date of his death, was entitled to an annual superannuation allowance under this Act, dies from any wound or injury received, while a member of the police force and without his serious and wilful misconduct, on any of the daily or other periodic journeys referred to in section 10A (1) or any of the other journeys referred to in section 10A (2),

the

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the Board may authorise the payment to or on behalf of the widow, widower, father, mother, children or other relatives wholly or partly dependent upon the member, or ex-member, of the police force at the date of his death a gratuity or annual superannuation allowance as provided by this section.

(1A) Subject to subsection (2), subsection (1) does not apply where the occurrence resulting in the death happened, or the wound or injury was received—

- (a) during or after any substantial interruption of, or substantial deviation from, a journey referred to in subsection (1) made for a reason not connected with his duty; or
- (b) during or after any other break in such a journey which, having regard to all the circumstances, was not reasonably incidental to any such journey.

(1B) The gratuity or annual superannuation allowance referred to in subsection (1) is a gratuity or annual superannuation allowance of such amount as the Board determines, not exceeding fifty-five per centum of the salary of office of the deceased member, or ex-member, of the police force at the date of his death or earlier discharge.

- (ii) by omitting from section 12 (3) the words “or police call box or other place to which he was attached or at a point or place” and by inserting instead the words “or other place”;
- (iii) by inserting after section 12 (3) the following subsections :—

(4) The Board may authorise the payment of an annual superannuation allowance under this section upon such conditions, and for such time, as the Board determines.

(5)

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(5) The Board may adjust or discontinue an annual superannuation allowance granted under this section before or after the commencement of Part 4 of the Police Regulation (Superannuation) Amendment Act, 1974. No. 46, 1974

(6) Any annual superannuation allowance paid under this section to the widow of a member, or ex-member, of the police force ceases to be payable if she remarries.

(k) by inserting after section 12 the following section :— Sec. 12A.

12A. (1) In this section—

“child” in relation to a member, or ex-member, of the police force includes a step-child of the member or ex-member and any person to whom he stands in the place of a parent;

Allowance
in respect
of certain
children.

“student” means a person receiving full-time education at a school, college or university approved by the Board.

(2) Where, after the commencement of Part 4 of the Police Regulation (Superannuation) Amendment Act, 1974, a member, or ex-member, of the police force referred to in section 12 is killed, or dies, leaving a child, the Board may, subject to this section, pay to the widow of the member or ex-member or, if there is no such widow, to the guardian of the child or, if there is no such widow or guardian, to such person as the Board may determine, an annual allowance in respect of the child equivalent to the amount of the weekly payment from time to time prescribed by section 8 (1) (b) of the Workers' Compensation Act, 1926, in respect of a dependent child of a worker under that Act.

(3)

Police Regulation (Superannuation) Amendment.

No. 46, 1974

(3) Except as provided by subsection (4), an allowance under subsection (2) is payable only in respect of a child under the age of eighteen years and ceases to be payable if the child dies under that age.

(4) Subject to any conditions (including conditions as to duration) imposed by the Board, an allowance under subsection (2) may be continued in respect of a child who is a student at the time he attains the age of eighteen years or commenced in respect of a child who was a student at the time of the death of the member or ex-member of the police force but an allowance continued or commenced under this subsection ceases, unless sooner discontinued, to be payable if the child ceases to be a student or sooner dies.

(5) The Board may adjust or discontinue, or may vary the conditions applicable to, an annual allowance payable under this section.

(6) An annual allowance in respect of a child that, immediately before the commencement of Part 4 of the Police Regulation (Superannuation) Amendment Act, 1974, was being paid under section 12 (1) of this Act as enacted before that commencement shall be deemed to be an allowance payable under this section.

Sec. 13.
(Member
otherwise
dying.)

(1) (i) by omitting from section 13 (1) the words "mentioned in the last-preceding section" and by inserting instead the words "referred to in section 12";

(ii) by omitting from section 13 (3) the word "Governor" and by inserting instead the word "Board";

Sec. 16.
(Medical
examina-
tion.)

(m) (i) by omitting from section 16 the word "Governor" wherever occurring and by inserting instead the word "Board";

(ii)

Police Regulation (Superannuation) Amendment.

- (ii) by omitting from section 16 the word "person" ^{No. 46, 1974} and by inserting instead the words "retired member of the police force";
- (n) by inserting after section 16 the following ^{Sec. 17.} section :—

17. (1) Subject to this section, where a member of the police force resigns, or is dismissed, or a probationary member, not being entitled to be granted a gratuity or annual superannuation allowance under this Act, is discharged, there shall be paid to him from the Fund a lump sum equal to the difference between—

- (a) the amount deducted under this Act from his pay and salary (but without any addition by way of interest or dividends); and
- (b) any amount received by him as superannuation allowance or gratuity before his resignation, dismissal or discharge.

(2) The amount payable to a member or probationary member of the police force under subsection (1) shall be not less than the amount of deductions made from his pay and salary after any amount was last received by him under this Act as superannuation allowance or gratuity.

(3) Where any member or probationary member of the police force who has resigned, or has been dismissed or discharged and has received the amount payable to him under subsection (1), is thereafter re-appointed to the police force, he shall not be entitled to claim any further benefit from the Fund in respect of his previous service in the police force unless that amount is repaid to the Fund before his re-appointment.

Police Regulation (Superannuation) Amendment.

No. 46, 1974 **10.** The Police Association Employees (Superannuation) Act, 1969, is amended—

Amend-
ment of
Act No.
33, 1969.

Sec. 2.
(Interpre-
tation.)

- (a) by omitting from the definition of "Fund" in section 2 (1) the words "and Reward";

Sec. 3.
(Employees
of Associa-
tion trans-
ferring
from
police
force.)

- (b) (i) by omitting from section 3 (1) the words "subsection one of section 29A of the Principal Act" wherever occurring and by inserting instead the words "section 17 (1) of the Police Regulation (Superannuation) Act, 1906,";
- (ii) by omitting from section 3 (2) (a) the word "Minister" and by inserting instead the word "Board";
- (iii) by omitting from section 3 (2) (a) the words "section twenty-eight of the Principal Act" and by inserting instead the words "section 5 of the Police Regulation (Superannuation) Act, 1906,";
- (iv) by omitting from section 3 (2) (b) the word "Minister" and by inserting instead the word "Board";
- (v) by omitting from section 3 (2) the word "Governor" and by inserting instead the word "Board";
- (vi) by inserting in section 3 (2) (c) after the words "prescribed person" the words "and a refund of payments made into the Fund pursuant to paragraph (a)";
- (vii) by omitting from section 3 (2) the words "seven, thirteen or fourteen" and by inserting instead the matter "7, 13 or 14";
- (viii) by inserting in section 3 (5) after the word "years" the words "and is not entitled to be granted a superannuation allowance under this Act";

(ix)

Police Regulation (Superannuation) Amendment.

- (ix) by omitting from section 3 (5) (a) (i) the words "section twenty-eight of the Principal Act" and by inserting instead the words "section 5 of the Police Regulation (Superannuation) Act, 1906.";
- (x) by omitting from section 3 (5) the words "Principal Act" where secondly occurring and by inserting instead the words "Police Regulation (Superannuation) Act, 1906";
- (xi) by omitting section 3 (7) and by inserting instead the following subsection :—
- (7) Subject to subsection (4), section 9A of the Police Regulation (Superannuation) Act, 1906, applies to and in respect of the prescribed person in the same way as it applies to and in respect of a member of the police force.
- (xii) by inserting in section 3 (9) (d) after the words "sixty years" the words "or earlier died".

PART 5.

GENERAL.

11. The Police Regulation Act, 1899, is further amended—

- (a) by omitting from section 17 the words "Any person" and by inserting instead the words "Subject to subsection (2), any person";
- (b) Further amendment of Act No. 20, 1899.
Sec. 17. (Penalty for unlawful possession of accoutrements or wearing uniform, &c.)

Police Regulation (Superannuation) Amendment.

- No. 46, 1974**
- (b) by omitting from section 17 the matter “(c) or (d) of this section:” and by inserting instead the matter “(c) or (d).”;
- (c) by omitting from section 17 the words “Provided that members of the Investigation Section of the Department of Railways may, with the approval of the Commissioner first had and obtained, use the designation ‘Railway Detective.’ ” and by inserting instead the following subsection :—
- (2) Subsection (1) does not operate to prevent a member of the Crime Detection Section of the Public Transport Commission of New South Wales from assuming or using, with the approval of the Commissioner of Police, the designation “Detective” when it is coupled with other words indicating his connection with that Commission.

PART 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

- Principal Act.** **12.** In this Part, the Police Regulation (Superannuation) Act, 1906, is referred to as the Principal Act.
- Implementation of certain decisions.** **13.** A decision of the Governor or the Police Superannuation and Reward Fund Board made, but not implemented, under the Principal Act before the commencement of Part 4, or made after that commencement under the Principal Act and section 8 of the Interpretation Act, 1897, shall be implemented by the Police Superannuation Board constituted under the Principal Act, as amended by this Act.
- Existing superannuation allowances to continue.** **14.** Any superannuation or other allowance that, immediately before the commencement of Part 4 was being paid under the Principal Act shall, subject to the Principal Act, as amended

Police Regulation (Superannuation) Amendment.

amended by this Act, continue to be paid by the Board after **No. 46, 1974** that commencement as if the payment thereof had been authorised under the Principal Act, as so amended.

15. (1) The Minister may, before the commencement of Part 4, cause notice to be given to the Public Service Association of New South Wales and the Police Association of New South Wales requiring each association to make nominations referred to in section 2A (4) and section 2A (6) of the Principal Act, as amended by Part 4, before a day specified in the notice, being a day that is earlier than the day on which Part 4 commences.

Nomination
as
Association
representative.

(2) Where an association fails to comply with the requirement of a notice given under subsection (1), the Minister may, before the commencement of Part 4, make the required nominations on behalf of the association.

(3) At the commencement of Part 4 the persons nominated under subsection (1) or (2) take office as Association representatives or as alternate members, as the case may be, on the Board constituted by section 2A of the Principal Act as amended by Part 4.

16. For the purposes of the Principal Act, as amended by this Act, a payment made under section 29A (1) of the Police Regulation Act, 1899, shall be deemed to have been made under section 17 of the Principal Act, as amended by Part 4.

Characterisation
of
certain
payments.

17. Where a superannuation allowance was, before the commencement of this Part or is, after that commencement, reviewed under section 10 (6) (e) of the Principal Act as at 31st December, 1973, any adjustment made to the allowance shall be deemed to have taken effect as at the beginning of the fortnightly superannuation allowance pay period that next succeeds—

Adjustment
of certain
super-
annuation
allowances.

(a) the making of the decision as to the amount of the adjustment; or

(b)

Police Regulation (Superannuation) Amendment.

No. 46, 1974 (b) 15th March, 1974,
whichever first occurred.

Certain
deductions
to continue.

18. Notwithstanding the repeal by this Act of the provisions of Part IIB of the Police Regulation Act, 1899—

(a) the deductions that, immediately before the commencement of Part 4, were being made under the repealed provisions from the pay and salary of a member of the police force shall continue to be made, and paid into the Fund, after that commencement as if Part 4 had not been enacted; and

(b) any deduction that, but for the repeal of those provisions, might have been made in a manner directed by the Governor from any gratuity or superannuation allowance payable to a person to whom that Part applied may be made in a manner directed by the Police Superannuation Board.

Savings in
Interpre-
tation Act,
1897, not
affected.

19. Nothing in this Part affects any saving made by the Interpretation Act, 1897.