

**POLICE REGULATION (SUPERANNUATION)
AMENDMENT ACT, 1978, No. 174**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 174, 1978.

An Act to amend the Police Regulation (Superannuation) Act, 1906, for the purpose of increasing certain superannuation allowances payable under that Act, and to validate certain matters. [Assented to, 29th December, 1978.]

Police Regulation (Superannuation) Amendment.

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.

1. This Act may be cited as the "Police Regulation (Superannuation) Amendment Act, 1978".

Commence-
ment.

2. (1) This section and sections 1 and 6 and Schedule 2 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall be deemed to have commenced on 31st March, 1978.

Principal
Act.

3. The Police Regulation (Superannuation) Act, 1906, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

**SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT,
RELATING TO THE INCREASE OF CERTAIN SUPER-
ANNUATION ALLOWANCES.**

**SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT, BY
WAY OF STATUTE LAW REVISION.**

Amendment
of Act No.
28, 1906.

5. The Principal Act is amended in the manner set forth in Schedule 1.

Further
amendment
of Act No.
28, 1906.

6. The Principal Act is further amended in the manner set forth in Schedule 2.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO THE INCREASE OF CERTAIN SUPERANNUATION ALLOWANCES.

(1) (a) Section 1A—

From the matter relating to Part V, omit “18”, insert instead “19”.

(b) Section 1A—

After the matter relating to Part V, insert :—

SCHEDULE 1.—INCREASES IN CERTAIN
ALLOWANCES.

(2) (a) Section 11B (2A) (b) (ii)—

Omit “percentage.”, insert instead “percentage.”.

(b) Section 11B (2A)—

At the end of the subsection, insert “but the appropriate amount for the period commencing on and including 29th September, 1978, and ending on and including the day preceding the next adjustment date, is \$42.53.”.

(3) Section 14A (3)—

After section 14A (2), insert :—

(3) A reference in this Division to —

(a) a superannuation allowance payable under a section of this Act is, and shall be deemed always to have been, a reference to the allowance so payable, as varied by or under any of the provisions of this or any other Act; and

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
INCREASE OF CERTAIN SUPERANNUATION ALLOWANCES—
continued.

- (b) the retirement of a member of the police force includes, and shall be deemed always to have included, a reference to the discharge of such a member, as referred to in section 7.

(4) Section 19—

After section 18, insert :—

19. Schedule 1 has effect.

Increases
in certain
allowances.

(5) Schedule 1—

At the end of the Act, insert :—

Sec. 19.

SCHEDULE 1.

INCREASES IN CERTAIN ALLOWANCES.

Interpreta-
tion.

1. (1) In this Schedule—

“Column” means a Column of the Table set out in clause 2;

“eligibility date”, in relation to a person to whom a superannuation allowance to which clause 3, 4, 5 or 6 applies, means the first day of the period referred to in clause 3 (1), 4 (1), 5 (1) or 6 (1) (a) or (b), as the case may require, that relates to the person;

“relevant period”, in relation to a person, means the period (specified in Column 1) that includes the person's eligibility date;

“section 7A component”, in relation to a superannuation allowance, means the sum of—

(a) the amount of any increase under section 7A included in the allowance; and

(b) so much of any other increases in the allowance effected by or under this or any other Act as is referable to increases in the amount referred to in paragraph (a).

*Police Regulation (Superannuation) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
INCREASE OF CERTAIN SUPERANNUATION ALLOWANCES—
continued.

(2) A reference in this Schedule to—

(a) a superannuation allowance payable under a section of this Act is a reference to the allowance so payable, as varied by or under any of the provisions of this or any other Act; and

(b) the retirement of a member of the police force includes a reference to the discharge of such a member, as referred to in section 7.

2. For the purposes of this Schedule, the Table is as follows :— Table of percentages.

TABLE.

| Column 1. | Column 2. | Column 3. | Column 4. | Column 5. |
|--|--|--|---|---|
| Date of emergence of allowance. | Percentage increase payable on 31st March, 1978. | Percentage increase payable on 29th September, 1978. | Percentage increase payable on 22nd June, 1979. | Percentage increase payable on 20th June, 1980. |
| On or before 12th August, 1948 | 33.6 | .. | .. | .. |
| 13th August, 1948, to 24th September, 1948 | 31.8 | .. | .. | .. |
| 25th September, 1948, to 10th February, 1949 | 22.6 | .. | .. | .. |
| 11th February, 1949, to 5th May, 1949 | 22.1 | .. | .. | .. |
| 6th May, 1949, to 11th August, 1949 | 20.7 | .. | .. | .. |
| 12th August, 1949, to 3rd November, 1949 | 19.3 | .. | .. | .. |
| 4th November, 1949, to 9th February, 1950 | 18.5 | .. | .. | .. |
| 10th February, 1950, to 4th May, 1950 | 17.2 | .. | .. | .. |
| 5th May, 1950, to 10th August, 1950 | 15.9 | .. | .. | .. |
| 11th August, 1950, to 2nd November, 1950 | 14.3 | .. | .. | .. |
| 3rd November, 1950, to 30th November, 1950 | 12.6 | .. | .. | .. |
| 1st December, 1950, to 31st December, 1950 | 5.1 | .. | .. | .. |
| 1st January, 1951, to 31st December, 1963 | .. | 5.1 | .. | .. |
| 1st January, 1964, to 31st December, 1970 | .. | 1.7 | 1.7 | 1.6 |

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
INCREASE OF CERTAIN SUPERANNUATION ALLOWANCES—
continued.

Increases
in sec. 7
allowances.

3. (1) This clause applies to a superannuation allowance payable under section 7 (whether or not the allowance includes a section 7A component) to a member of the police force that first became payable in respect of a period commencing on or before 31st December, 1970, but does not apply to a superannuation allowance to which clause 4 applies.

(2) Where—

(a) a superannuation allowance to which this clause applies is payable to a person on the date specified in Column 2, 3, 4 or 5; and

(b) a percentage is specified in that Column opposite the person's relevant period,

the allowance is hereby increased, on and from that date, by that percentage.

Increases
in sec. 7
allowances
—special
cases.

4. (1) This clause applies to a superannuation allowance payable under section 7 to a member of the police force who retired, being an allowance that—

(a) first became payable in respect of a period commencing on or before 30th November, 1950; and

(b) includes a section 7A component.

(2) Where a superannuation allowance to which this clause applies is payable to a person on 31st March, 1978, the allowance is hereby increased, on and from that date, by—

(a) 5.1 per cent of the allowance; or

(b) a percentage of the allowance that would have been payable had section 7A not been enacted, being the percentage equal to that specified in Column 2 opposite the person's relevant period,

whichever results in the greater allowance.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
INCREASE OF CERTAIN SUPERANNUATION ALLOWANCES—
continued.

5. (1) This clause applies to a superannuation allowance payable under section 10 to a disabled member of the police force that first became payable in respect of a period commencing on or before 31st December, 1970. Increases
in sec. 10
allowances.

(2) Where—

- (a) a superannuation allowance to which this clause applies is payable to a person on the date specified in Column 2, 3, 4 or 5;
- (b) a percentage is specified in that Column opposite the person's relevant period; and
- (c) an amount equal to the sum of—
 - (i) the amount of the allowance that, but for the operation of this clause, would be payable, 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 the percentage equal to that referred to in paragraph (b),

is greater than the amount of the allowance,

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

6. (1) This clause applies to—

- (a) a superannuation allowance granted pursuant to section 12 consequent upon the death of a member of the police force that first became payable in respect of a period commencing on or before 31st December, 1970; and
- (b) a superannuation allowance granted pursuant to section 12 consequent upon the death of an ex-member of the police force, where a superannuation allowance first became payable to the ex-member under this Act in respect of a period commencing on or before 31st December, 1970.

Increases
in sec. 12
allowances.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
INCREASE OF CERTAIN SUPERANNUATION ALLOWANCES—
*continued.***

(2) Where—

- (a) a superannuation allowance to which this clause applies is payable to a person on the date specified in Column 2, 3, 4 or 5; and
- (b) a percentage is specified in that Column opposite the person's relevant period,

the allowance is hereby increased, on and from that date, by that percentage.

Increases
not pay-
able in
certain
circum-
stances.

7. Where the operation of the provisions of this Schedule would, but for this clause, increase the superannuation allowance payable to a person, the amount of the increase shall, if the Board so determines in the interests of that person, be such lesser amount than that provided under this Schedule as the Board specifies.

Increases
under this
Schedule
to be cumu-
lative.

8. Where a superannuation allowance is to be increased pursuant to this Schedule on a date on which the allowance is adjusted pursuant to Division 2 of Part IV, the allowance to be so increased is the allowance as so adjusted.

Police Regulation (Superannuation) Amendment.

SCHEDULE 2.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE LAW
REVISION.

(1) Section 1 (1)—

Omit “as amended by the Police Regulation (Amendment) Act, 1927”.

(2) (a) Section 7A (1), definition of “prescribed superannuation allowance”—

(i) From paragraph (a), omit “Police Force”, insert instead “police force”.

(ii) From paragraph (a), omit “paragraph (a) of subsection (3)”, insert instead “subsection (3) (a)”.

(iii) From paragraph (a) (i), omit “subparagraph (iii) of that paragraph”, insert instead “subsection (3) (a) (iii)”.

(iv) From paragraph (b), omit “paragraph (b) of that subsection”, insert instead “subsection (3) (b)”.

(v) From paragraph (b) (i), omit “subparagraph (iii) of that paragraph”, insert instead “subsection (3) (b) (iii)”.

(vi) From paragraph (c), omit “paragraph (c) of that subsection”, insert instead “subsection (3) (c)”.

(vii) From paragraph (c), omit “paragraph (d) of that subsection”, insert instead “subsection (3) (d)”.

(viii) From paragraph (c) (i), omit “the said paragraph (c) or (d)”, insert instead “subsection (3) (c) or (d)”.

Police Regulation (Superannuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE LAW
REVISION—*continued.*

(b) Section 7A (3)—

Omit “Police Force” wherever occurring, insert instead “police force”.

(c) Section 7A (3)—

Omit “subparagraph (iii) of paragraph (a)” wherever occurring, insert instead “paragraph (a) (iii)”.

(d) Section 7A (4) (a)—

Omit “paragraph (a) of subsection (3)”, insert instead “subsection (3) (a)”.

(e) Section 7A (4) (b)—

Omit “paragraph (b) of that subsection”, insert instead “subsection (3) (b)”.

(f) Section 7A (4) (c)—

Omit “paragraph (c) or (d) of that subsection”, insert instead “subsection (3) (c) or (d)”.

(3) Section 8 (2) (a)—

Omit “referred to in subsection (1) of section 10”, insert instead “received in circumstances referred to in section 10”.

(4) Section 9, proviso—

Omit “subsection (3) of section 4A or subsection (3) of section 4B”, insert instead “section 4A (3) or 4B (3)”.

Police Regulation (Superannuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE LAW
REVISION—*continued.*

(5) (a) Section 10 (6)—

Omit "Police Force" wherever occurring, insert instead "police force".

(b) Section 10 (6) (b) (ii)—

Omit "subsection (1A) of section 9 of the said Act", insert instead "section 9 (1A) of the Workers' Compensation Act, 1926,".

(c) Section 10 (6) (b) (ii)—

Omit "worker;", insert instead "worker,".

(d) Section 10 (6) (c)—

Omit "subparagraph (i) of paragraph (b)", insert instead "paragraph (b) (i)".

(6) (a) Section 10A (2)—

Omit "paragraph (b) of subsection (1) of section 10", insert instead "section 10 (1) (b)".

(b) Section 10A (2) (a)—

Omit "paragraph (a), (b) or (c) of subsection (1) of section 10", insert instead "section 10 (1) (a), (b) or (c)".

(7) (a) Section 11B (1) (a)—

Omit "Police Force", insert instead "police force",

Police Regulation (Superannuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT; BY WAY OF STATUTE LAW
REVISION—*continued.*

(b) Section 11B (1) (e)—
Omit “subsection (1) of section 7A”, insert instead
“section 7A (1)”.

(c) Section 11B (2) (a)—
Omit “paragraph (e) of subsection (1)”, insert
instead “subsection (1) (e)”.

(8) (a) Section 12 (2)—
Omit “subsection (1) of section 10A”, insert instead
“section 10A (1)”.

(b) Section 12 (2)—
Omit “subsection (2) of the same section”, insert
instead “section 10A (2)”.

(9) Section 14A (1), definition of “Index number”—
Omit “—1966”.