



New South Wales

Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005

under the

Police Regulation (Superannuation) Act 1906

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Regulation (Superannuation) Act 1906*.

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

The object of this Regulation is to amend the *Police Superannuation Regulation 2000* to include a provision of a transitional nature consequent on the enactment of the *Superannuation Legislation Amendment Act 2005 (the amending Act)*.

The amending Act removed from section 12D of the *Police Regulation (Superannuation) Act 1906 (the principal Act)* the requirement that the SAS Trustee Corporation (*STC*) must request the Commissioner of Police to determine whether a claimant for a gratuity under that section has been hurt on duty. Such a determination enables a gratuity to be paid under that section.

After the insertion of clause 26 in Schedule 6 to the principal Act by the amending Act, a gratuity granted under section 12D before the commencement of the amendments made to section 12D (4) is taken to have been validly granted whether or not the Commissioner of Police made the relevant decision at the request of *STC*.

This Regulation inserts a transitional provision to provide that *STC* may, in determining whether to grant a gratuity under section 12D of the principal Act, rely on a decision of the Commissioner of Police made under that section before its amendment whether or not the Commissioner of Police made the relevant decision at the request of *STC*.

This Regulation is made under the *Police Regulation (Superannuation) Act 1906*, including section 12D and section 24 (the general regulation-making power) and clause 1 of Schedule 6.

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Clause 1 Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005

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Police Regulation (Superannuation) Act 1906

1 Name of Regulation

This Regulation is the *Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005*.

2 Commencement

This Regulation commences on 8 July 2005.

3 Amendment of Police Superannuation Regulation 2000

The *Police Superannuation Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clause 25

Insert after clause 24:

25 Hurt on duty benefits—transitional provision

- (1) This clause is made for the purposes of clause 1 of Schedule 6 to the Act consequent on the enactment of the *Superannuation Legislation Amendment Act 2005 (the amending Act)*.
- (2) STC may, in determining whether to grant a gratuity under section 12D of the Act, rely on a decision of the Commissioner of Police made under that section before its amendment by the amending Act.
- (3) Subclause (2) applies whether or not the Commissioner made the relevant decision at the request of STC.