

**POLICE REGULATION (SUPERANNUATION)
AMENDMENT ACT, 1981, No. 24**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 24, 1981.

An Act to amend the Police Regulation (Superannuation) Act, 1906, to increase contributions to the Police Superannuation Fund, to provide superannuation allowances to members of the police force who voluntarily retire at or after 55 years of age, to increase superannuation allowances payable to widows, and for other purposes. [Assented to, 14th May, 1981.]

See also Police Regulation (Retirement) Amendment Act, 1981; Police Association Employees (Superannuation) Amendment Act, 1981.

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, 1981".

Commencement.

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

(2) Except as provided in this section, this Act shall 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.

(3) Section 4, in its application to Schedule 1 (5), (10) (b) and (10) (c), and Schedule 1 (5), (10) (b) and (10) (c) shall be deemed to have commenced on 1st November, 1977.

(4) Section 4, in its application to Schedule 1 (11) (b), and Schedule 1 (11) (b) shall be deemed to have commenced on 7th February, 1980.

(5) Section 4, in its application to Schedule 1 (13) (a), and Schedule 1 (13) (a) shall be deemed to have commenced on 21st November, 1979.

Principal Act.

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

Amendment of Act No. 28, 1906.

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

Police Regulation (Superannuation) Amendment.

Savings and transitional provisions.

5. (1) In this section, “appointed day” means the day appointed and notified under section 2 (2).

(2) Notwithstanding the amendment made by Schedule 1 (3), section 5 of the Principal Act, as in force immediately before the appointed day, shall continue to apply to the deductions made from the pay and salary of members of the police force until the end of the fortnightly pay period during which the appointed day occurs.

(3) Notwithstanding the amendments made by Schedule 1 (9) (a), section 11A (1)–(1B) of the Principal Act, as in force immediately before the appointed day, shall continue to apply to the superannuation allowance payable to a widow until the end of the fortnightly superannuation allowance pay period during which the appointed day occurs.

(4) The references in sections 7A (3) (a) (iii) and 11B (1) (e) of the Principal Act, as in force between 25th November, 1976, and 31st October, 1977, both dates inclusive, to any deduction on account of means as assessed within the meaning of the law of the Commonwealth pursuant to which a Commonwealth pension is paid shall be deemed to have been references to any reduction in the pension on account of income or property or both pursuant to that law.

SCHEDULE 1.
AMENDMENTS TO THE PRINCIPAL ACT.

(Sec. 4.)

(1) (a) Section 1A—

From the matter relating to Part V, omit “15–22”, insert instead “16–23”.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 1A—

At the end of the section, insert:—

SCHEDULE 3.—ALLOWANCE ON RETIREMENT BETWEEN
THE AGES OF 55 AND 60 YEARS.

(2) Section 2F (1)—

After “section 7”, insert “, 7AA”.

(3) Section 5—

Omit the section, insert instead:—

Contributions to Fund.

5. (1) Subject to subsection (2), 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 6 per cent of that pay and salary.

(2) Subsection (1), in its application to a member of the police force who—

(a) immediately before the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1981, was the Commissioner, the Deputy Commissioner, the Senior Assistant Commissioner or an Assistant Commissioner; and

(b) has on that day attained, or thereafter attains, the age of 60 years,

shall be construed as if the reference in subsection (1) to 6 per cent were a reference to 2 per cent.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 7AA—

After section 7, insert:—

Superannuation allowance on early retirement.

7AA. (1) In this section, “salary of office”, in relation to a member of the police force, means—

- (a) except as provided in paragraph (b)—his salary of office at the date of his retirement; or
- (b) where by or under the Principal Act members of the police force are not eligible to be promoted or recommended for promotion to a specified rank within a specified period before they attain the age of 60 years and the member was promoted to that rank within that specified period before the date of his retirement—the salary of office he would have received at the date of his retirement if he had not been so promoted.

(2) The annual superannuation allowance for a member of the police force who—

- (a) has served for 30 years or more; and
- (b) retires upon or after attaining the age of 55 years and before attaining the age of 60 years,

is an amount equal to a percentage of his salary of office, being a percentage equal to that specified in Column 2 of Schedule 3 opposite the age specified in Column 1 of Schedule 3 that the member attained at the date of his retirement.

(3) An annual superannuation allowance under subsection (2) shall not be payable—

- (a) to a member of the police force who, at the date of his retirement, was the Commissioner, the Deputy Commissioner, the Senior Assistant Commissioner or an Assistant Commissioner; or

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) to a member of the police force to whom an annual superannuation allowance is payable under section 7 or 10.
- (5) (a) Section 7A (1), definition of “prescribed superannuation allowance”—
- Omit the definition, insert instead:—
- “prescribed superannuation allowance”—
- (a) in relation to a married retired member of the police force referred to in subsection (3) (a) who has not attained the age of 70 years, means—
- (i) the maximum total superannuation allowance that, if received by that member, would not, under subsection (3) (a) (iii) (A), disqualify that member as a member to whom this section applies; or
- (ii) superannuation allowance of \$32 per fortnight,
- whichever is the lesser superannuation allowance;
- (b) in relation to a married retired member of the police force referred to in subsection (3) (a) who has attained the age of 70 years, means superannuation allowance of \$32 per fortnight;
- (c) in relation to spouses referred to in subsection (3) (b) who have not both attained the age of 70 years, means—
- (i) the maximum total superannuation allowance that, if received by those spouses, would not, under subsection (3) (b) (iii), disqualify either of them as a member to whom this section applies; or

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) superannuation allowance of \$32 per fortnight,

whichever is the lesser superannuation allowance;

- (d) in relation to spouses referred to in subsection (3) (b) who have both attained the age of 70 years, means superannuation allowance of \$32 per fortnight;

- (e) in relation to a retired member of the police force referred to in subsection (3) (c), or widow of a retired member of the police force referred to in subsection (3) (d), who has not attained the age of 70 years, means—

- (i) the maximum superannuation allowance that, if received by that member or widow, would not, under subsection (3) (c) or (d), as the case may be, disqualify that member or widow as a member or widow to whom this section applies; or

- (ii) superannuation allowance of \$20 per fortnight,

whichever is the lesser superannuation allowance; or

- (f) in relation to a retired member of the police force referred to in subsection (3) (c), or widow of a retired member of the police force referred to in subsection (3) (d), who has attained the age of 70 years, means superannuation allowance of \$20 per fortnight.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 7A (3) (a) (iii)—

Omit the subparagraph, insert instead:—

(iii) that retired member is—

(A) in the case of a retired member who has not attained the age of 70 years—in receipt of a class of Commonwealth pension that is the maximum amount of that class of Commonwealth pension that may be paid to that retired member, without any reduction on account of income or property or both pursuant to the law of the Commonwealth under which the Commonwealth pension is paid; or

(B) in the case of a retired member who has attained the age of 70 years—in receipt of a Commonwealth pension;

(6) Section 9—

Omit the section.

(7) Section 9A (1)—

Omit “on or after attaining the age of sixty years”.

(8) Section 10 (1), definition of “retired”—

After the definition of “disabled member of the police force”, insert:—

“retired” includes discharged as referred to in section 7 or 14;

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (9) (a) Section 11A (1), (1A), (1B)—
Omit “one-half” wherever occurring, insert instead “62.5 per cent”.
- (b) Section 11A (2)—
Omit the subsection, insert instead:—
(2) A superannuation allowance under subsection (1)—
(a) shall not be payable to a widow to whom a superannuation allowance is payable under section 12 or to whom a gratuity is payable under section 12 (1A); and
(b) is subject to section 23.
- (10) (a) Section 11B (1) (d)—
Omit the paragraph, insert instead:—
(d) his widow is not married; and
- (b) Section 11B (1) (e)—
Omit the paragraph, insert instead:—
(e) his widow is—
(i) in the case of a widow who has not attained the age of 70 years—in receipt of a class of Commonwealth pension (as defined in section 7A (1)) that is the maximum amount of that class of Commonwealth pension that may be paid to her, without any reduction on account of income or property or both pursuant to the law of the Commonwealth under which the Commonwealth pension is paid; or

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) in the case of a widow who has attained the age of 70 years—in receipt of a Commonwealth pension (as so defined),

(c) Section 11B (2)—

Omit the subsection, insert instead:—

(2) For the purposes of this section, the prescribed superannuation allowance shall be—

- (a) in the case of a widow who has not attained the age of 70 years—

- (i) the maximum superannuation allowance that if received by the widow would not affect her eligibility to continue to receive the maximum amount of the class of Commonwealth pension she is in receipt of as referred to in subsection (1) (e) (i); or

- (ii) the appropriate amount per fortnight,

whichever is the lesser; or

- (b) in the case of a widow who has attained the age of 70 years—the appropriate amount per fortnight.

(d) Section 11B (2A)—

Omit “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”, insert instead “but the appropriate amount is—

- (c) for the period commencing on and including 29th September, 1978, and ending on and including the day preceding the next adjustment date—\$42.53; and

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (d) for the period commencing on and including the first day of the superannuation allowance pay period that next succeeds the superannuation allowance pay period during which the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1981, occurs, and ending on and including the day preceding the next adjustment date—\$64.77.
- (e) Section 11B (2B)—
- (i) From paragraph (a), omit “and” where lastly occurring.
 - (ii) From paragraph (b), omit “Part IV.”, insert instead “Part IV; and”.
 - (iii) After paragraph (b), insert:—
 - (c) a reference in subsection (2A) to the appropriate amount for the preceding period is, where the preceding period includes the period referred to in subsection (2A) (d), a reference to \$64.77.
- (f) Section 11B (3) (c)—
- Omit “under any other provision of this Act”, insert instead “under section 11A or 12 or to whom a gratuity is payable under section 12 (1A)”.
- (g) Section 11B (3) (d)—
- Omit the paragraph, insert instead:—
- (d) is subject to section 23.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(11) (a) Section 12 (1), (1A), (1B), (1C)—

Omit section 12 (1) and (1A), insert instead:—

(1) Subject to this section, where—

- (a) a member of the police force dies; or
- (b) a former member of the police force dies,

and his death is determined, pursuant to section 12C or on appeal, to have been caused by the member being hurt on duty or by the former member having been hurt on duty when he was a member of the police force, as the case may be, the Board may authorise the payment to or on behalf of—

- (c) the widow, widower, father, mother or children; or
- (d) any other relatives (including dependants within the meaning of section 6 (1) of the Workers' Compensation Act, 1926) wholly or partly dependent upon the member or former member at the time of his death,

of an annual superannuation allowance of such amount as the Board determines, not exceeding 55 per cent of the salary of office of the deceased member or former member at the time of his death or earlier discharge, resignation or retirement.

(1A) A person who is granted an annual superannuation allowance under this section may elect, by notice in writing served on the Board within the time specified by it, to be paid a gratuity equivalent to the gratuity prescribed by section 13 (2) and, if the person so elects, he shall be paid that gratuity instead of that allowance.

(1B) For the purposes of subsection (1A), a reference in section 13 (2), in its application to a former member of the police force, to the rate of his salary at the date of his death shall be construed as a reference to the rate of salary that he would have received at the date of his death had he continued in the police force without promotion.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(1C) Where 2 or more persons are each granted part of an annual superannuation allowance under this section and some but not all of those persons make an election under subsection (1A), all or none of those persons shall be deemed to have made that election, whichever the Board determines.

(b) Section 12 (3A)—

Before section 12 (4), insert:—

(3A) Where a person is granted an annual superannuation allowance under this section as a consequence of the death of a former member of the police force, the allowance shall, at the time it first becomes payable, be increased or reduced, as the case may require, by the total amount (if any) that it would have been increased or reduced under Division 2 or any other provision of this Act if it had been granted when the former member was discharged, or resigned or retired, from the police force.

(c) Section 12 (6)—

Omit “ceases to be payable if she remarries”, insert instead “is subject to section 23”.

(12) Section 12A (2A)—

After section 12A (2), insert:—

(2A) An allowance under this section shall not be payable to a person to whom a gratuity is payable under section 12 (1A).

(13) (a) Section 12B (2)—

Omit the subsection, insert instead:—

(2) Where a member or former member of the police force dies under circumstances referred to in section 12 and the member or former member leaves dependants wholly or partly

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

dependent on him, the Board may pay to those dependants a gratuity of such amount as the Board determines, not exceeding the amount that, in the opinion of the Board, would have been payable under section 8 (subsection (1) (b) excepted) of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for the purposes of that Act.

(b) Section 12B (2A)—

After section 12B (2), insert:—

(2A) A gratuity under subsection (2) shall not be payable to a person to whom a gratuity is payable under section 12 (1A).

(14) Section 12E—

Omit "under this Act" wherever occurring, insert instead "under section 12B or 12D".

(15) Section 13—

Omit the section, insert instead:—

Gratuity where deceased member not hurt on duty.

13. (1) Where a member of the police force dies otherwise than under circumstances referred to in section 12, the Board may authorise the payment of the gratuity prescribed by subsection (2) to or on behalf of—

- (a) the widow, widower, father, mother or children; or
- (b) any other relatives wholly or partly dependent on the member at the time of his death.

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) The prescribed gratuity for the purposes of subsection (1) is—

- (a) in the case of a member of the police force who has served for a period of 17 years or less—a gratuity not exceeding 24 months' pay at the rate of his salary at the date of his death; or
- (b) in the case of a member of the police force who has served for a period of more than 17 years—a gratuity not exceeding—
 - (i) 24 months' pay at that rate plus 2 months' pay at that rate for each year of service after the seventeenth year; or
 - (ii) 60 months' pay at that rate,
 whichever is the less.

(16) Section 14—

Omit the section, insert instead:—

Gratuity for discharged members not hurt on duty.

14. (1) Where a member of the police force—

- (a) has served for a period less than 20 years;
- (b) is discharged after being certified, pursuant to section 8 (1) or on appeal, to be incapable, from an infirmity of body or mind, of discharging the duties of his office; and
- (c) is not entitled to be granted an annual superannuation allowance under section 10,

the Board may pay to the member a gratuity not exceeding 24 months' pay at the rate of his salary at the date of his discharge.

(2) Where a former member of the police force who, after his discharge, received the gratuity payable to him under subsection (1) is thereafter entitled to an annual superannuation allowance or a

Police Regulation (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

gratuity by reason of his having been hurt on duty when he was a member of the police force, the amount of the gratuity paid under subsection (1) shall be deducted from the annual superannuation allowance or gratuity in such instalments and at such times as the Board may determine.

(17) Sections 14C (1), 14D (1)—

After “section 7” wherever occurring, insert “or 7AA”.

(18) Section 15—

Omit the section.

(19) Section 23—

After section 22, insert:—

Widows: miscellaneous provisions.

23. (1) A superannuation allowance payable under section 11A, 11B or 12 to the widow of a member or former member of the police force is suspended during any period she is married.

(2) Where a superannuation allowance which is suspended by reason of subsection (1) would have been increased or reduced, as the case may require, pursuant to this Act but for the enactment of subsection (1), the superannuation allowance shall be so increased or reduced, but nothing in this subsection operates so as to authorise or require the payment of the superannuation allowance or any part thereof during the period that it is so suspended.

(3) Subsections (1) and (2) apply to a superannuation allowance that, before the commencement of those subsections, had ceased and determined by reason of the remarriage of the widow as if the allowance were suspended under subsection (1) during the period before that commencement or during the period of the remarriage, whichever is the longer.

*Police Regulation (Superannuation) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Where, but for this subsection, a widow would be entitled to more than 1 superannuation allowance under section 11A or more than 1 superannuation allowance under section 12, the widow shall be entitled to only 1 of those superannuation allowances, being (where they are not equal) the greater or greatest of them.

(20) Schedule 2, clause 3 (3)—

After clause 3 (2), insert:—

(3) In the application of subclause (1) to a widow referred to in section 23 (3), the reference in that subclause to 1st April, 1980, shall be construed as a reference to such date, after the commencement of section 23, as the Board may determine.

(21) Schedule 3—

At the end of the Act, insert:—

SCHEDULE 3.

(Sec. 7AA (2).)

ALLOWANCE ON RETIREMENT BETWEEN THE AGES OF 55 AND 60 YEARS.

Column 1.		Column 2.	Column 1 — <i>continued.</i>		Column 2 — <i>continued.</i>
Age at retirement.		Percentage of final salary.	Age at retirement.		Percentage of final salary.
Years.	Completed months.		Years.	Completed months.	
55	0	50.00	55	8	52.80
55	1	50.35	55	9	53.15
55	2	50.70	55	10	53.51
55	3	51.04	55	11	53.87
55	4	51.39	56	0	54.22
55	5	51.74	56	1	54.58
55	6	52.09	56	2	54.94
55	7	52.45	56	3	55.31

*Police Regulation (Superannuation) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*SCHEDULE 3—*continued.*ALLOWANCE ON RETIREMENT BETWEEN THE AGES OF 55 AND 60 YEARS—*continued.*

Column 1.		Column 2.	Column 1 — <i>continued.</i>		Column 2 — <i>continued.</i>
Age at retirement.		Percentage of final salary.	Age at retirement.		Percentage of final salary.
Years.	Completed months.		Years.	Completed months.	
56	4	55.67	58	2	63.93
56	5	56.03	58	3	64.32
56	6	56.40	58	4	64.71
56	7	56.76	58	5	65.10
56	8	57.13	58	6	65.50
56	9	57.50	58	7	65.89
56	10	57.87	58	8	66.28
56	11	58.24	58	9	66.68
57	0	58.61	58	10	67.08
57	1	58.98	58	11	67.47
57	2	59.36	59	0	67.87
57	3	59.73	59	1	68.27
57	4	60.11	59	2	68.67
57	5	60.49	59	3	69.08
57	6	60.86	59	4	69.48
57	7	61.24	59	5	69.88
57	8	61.62	59	6	70.29
57	9	62.01	59	7	70.70
57	10	62.39	59	8	71.11
57	11	62.77	59	9	71.52
58	0	63.16	59	10	71.93
58	1	63.55	59	11	72.34