

**POLICE ASSOCIATION EMPLOYEES
(SUPERANNUATION) ACT.**

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 33, 1969.

An Act to provide for certain employees of the Police Association of New South Wales and certain other persons to receive payments out of the Police Superannuation and Reward Fund; for this purpose to amend the Police Regulation Act, 1899, and the Police Regulation (Superannuation) Act, 1906, as subsequently amended; and for purposes connected therewith. [Assented to, 9th April, 1969.]

BE

Police Association Employees (Superannuation).

No. 33, 1969 **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 Association Employees (Superannuation) Act, 1969".

Interpretation. 2. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Association" means the Police Association of New South Wales;

"Fund" means the Police Superannuation and Reward Fund;

"member of the police force" has the meaning ascribed thereto in section three of the Principal Act, but does not include the Commissioner of Police or an Assistant Commissioner of Police;

"pay and salary" has the meaning ascribed thereto in section three of the Principal Act;

"Principal Act" means the Police Regulation Act, 1899, as subsequently amended;

"rules" means the rules made under the Principal Act.

(2) In this Act, a reference to normal progression in order of seniority as a member of the police force does not include a reference to progression beyond the rank of superintendent.

Employees of Association transferring from police force. 3. (1) (a) Where, after the commencement of this Act, any person resigns his office as a member of the police force in accordance with the Principal Act, and—

(i) transfers without break in service to the employment of the Association; and

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- (ii) has, before he so resigns, requested the Minister by No. 33, 1969 notice in writing that the provisions of subsection one of section 29A of the Principal Act not apply to him,

the provisions of this section shall have effect in respect of that person (who is in this section referred to as "the prescribed person").

(b) Without affecting the generality of paragraph (a) of this subsection, a person shall for the purposes of that paragraph be deemed to have transferred without break in service to the employment of the Association if, after the commencement of this Act, he resigns his office as a member of the police force and on the working day of the Association next following the date on which his resignation takes effect commences in the employment of the Association.

(c) The provisions of subsection one of section 29A of the Principal Act shall not apply to the prescribed person.

(2) Subject to and conditionally upon—

- (a) the payment, in such manner as the Minister may direct, by the prescribed person into the Fund of sums equivalent to the deductions which would have been made from his pay and salary under section twenty-eight of the Principal Act had he—
- (i) not resigned his office as a member of the police force;
 - (ii) passed the examinations prescribed by the rules, been certified as being medically fit in the manner provided by the rules and been otherwise qualified for promotion; and
 - (iii) received promotion in accordance with what would have been his normal progression in order of seniority as a member of the police force; and

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(b) the payment, in such manner as the Minister may direct, by the Association into the Fund of sums equivalent to one and one-half times the sums referred to in paragraph (a) of this subsection,

the Governor may, subject to this section, approve of the payment of—

(c) such annual superannuation allowance to the prescribed person; or

(d) such gratuity to the prescribed person, or to or on behalf of some other person,

as the case may require, out of the Fund as would be payable to the prescribed person or that other person under section seven, thirteen or fourteen, as the case may require, of the Police Regulation (Superannuation) Act, 1906, as subsequently amended, had the prescribed person been a member of the police force in the rank attained in accordance with such progression and had he or that other person, as the case may require, been eligible for such payment thereunder.

(3) No payment shall be made under paragraph (a) or (b) of subsection two of this section by or in respect of the prescribed person after he attains the age of sixty years, and no period of employment with the Association after he has attained that age shall be taken into account for calculating any annual superannuation allowance or gratuity payable under that subsection.

(4) Subject to this section, service by the prescribed person as a member of the police force, as well as service by him as an employee of the Association, shall be taken into account for calculating any annual superannuation allowance or gratuity payable under subsection two of this section.

(5) Where the prescribed person resigns or is dismissed or discharged from the employment of the Association before he attains the age of sixty years, there shall,
irrespective

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irrespective of the cause of his resignation, dismissal or discharge, be paid to him from the Fund a lump sum equal to the difference between—

- (a) the total amount of—
 - (i) the sums deducted under section twenty-eight of the Principal Act from the pay and salary of the prescribed person before he resigned his office as a member of the police force; and
 - (ii) the sums (if any) paid by him under paragraph (a) of subsection two of this section, but without any addition by way of interest or dividends; and
- (b) any amount received by the prescribed person when he was a member of the police force or after he transferred to the employment of the Association as pension or gratuity before his resignation, dismissal or discharge from the Association.

The amount payable to the prescribed person under this subsection shall not be less than the total amount of sums so deducted or so paid since any amount was last received by him under the Principal Act, or under this Act, as pension or gratuity.

- (6) Where the prescribed person—
 - (a) has resigned, or has been dismissed or discharged, from the employment of the Association before he attained the age of sixty years;
 - (b) has received the amount payable to him under subsection five of this section; and
 - (c) is thereafter re-employed by the Association,

he shall not be entitled by virtue of this Act to claim any further benefit from the Fund in respect of his previous service in the police force or employment by the Association unless that amount is repaid into the Fund before his re-employment by the Association.

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(7) No annual superannuation allowance shall be payable to the prescribed person under subsection two of this section until the day after the day on which he ceases to be employed by the Association.

(8) (a) No annual superannuation allowance shall be granted under subsection two of this section to the prescribed person if he ceases to be employed by the Association while under the age of sixty years, unless he is certified to be incapable, from infirmity of body or mind, to perform his duties as an employee of the Association.

(b) No gratuity shall be granted under subsection two of this section to the prescribed person, unless he is certified to be unfit for service as such an employee.

(c) In this subsection, "certified" means certified by two legally qualified medical practitioners appointed under section eight of the Police Regulation (Superannuation) Act, 1906, as subsequently amended.

(9) Where the prescribed person dies—

- (a) after attaining the age of sixty years but before his employment by the Association ceases; or
- (b) after his employment by the Association ceases but before an annual superannuation allowance is granted to him under subsection two of this section,

and provided that—

- (c) he was married at the date of his death; and
- (d) his widow was his wife at the date when he attained the age of sixty years,

there shall be paid to his widow, subject to subsection eleven of this section, such sum by way of annual superannuation allowance as is equivalent to one-half of the annual superannuation allowance which would but for his death have been payable to him.

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(10) Where the prescribed person dies after an annual superannuation allowance has been granted to him under subsection two of this section and provided that—

- (a) he was married at the date of his death; and
- (b) his widow was his wife at—
 - (i) where the allowance was granted to him before he attained the age of sixty years— the date when he was granted the allowance; or
 - (ii) where the allowance was granted to him after he attained the age of sixty years— the date when he attained that age,

there shall be paid to his widow, subject to subsection eleven of this section, such sum by way of annual superannuation allowance as is equivalent to one-half of the annual superannuation allowance received by or payable to him.

(11) An annual superannuation allowance payable under subsection nine or ten of this section shall cease and determine if the widow remarries.

(12) Where the prescribed person has commenced to pay into the Fund the sums referred to in paragraph (a) of subsection two of this section, he shall not contribute to or be entitled to receive any benefit from any retirement gratuity or provident fund established by the Association and to which the Association is or is to be a contributor.

4. (1) Subject to and conditionally upon the payment into the Fund by Francis Charles Laut when demanded by the Minister of a sum equivalent to the deductions which would have been made from his pay and salary under section twenty-eight of the Principal Act had he—

Payment of
superan-
nuation
allowance to
F. C. Laut or
his widow.

- (a) not resigned his office as a member of the police force with effect from the twenty-seventh day of January, one thousand nine hundred and forty-seven;

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- (b) passed the examinations prescribed by the rules, been certified as being medically fit in the manner provided by the rules and been otherwise qualified for promotion; and
- (c) received promotion in accordance with what would have been his normal progression in order of seniority as a member of the police force,

there shall be paid to him an annual superannuation allowance out of the Fund equivalent to the annual superannuation allowance which, as from the twenty-third day of February, one thousand nine hundred and sixty-eight, would have been payable to him under section seven of the Police Regulation (Superannuation) Act, 1906, as subsequently amended, had he been a member of the police force retiring at the age of sixty years in the rank attained in accordance with such progression and had he been eligible for such payment thereunder.

(2) Service by the said Francis Charles Laut as a member of the police force, as well as service by him as an employee of the Association, shall be taken into account for calculating an annual superannuation allowance payable to him under subsection one of this section.

(3) An annual superannuation allowance shall not be payable to the said Francis Charles Laut under subsection one of this section until the day after the day on which he ceases to be employed by the Association.

(4) If, after the commencement of this Act, the said Francis Charles Laut dies—

- (a) before his employment by the Association ceases; or
- (b) after his employment by the Association ceases but before an annual superannuation allowance is paid to him under subsection one of this section,

and provided that—

- (c) the sum referred to in subsection one of this section had been paid by him into the Fund;

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- (d) he was married at the date of his death; and
- (e) his widow was his wife at the date when he attained the age of sixty years,

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there shall be paid to his widow, subject to subsection six of this section, such sum by way of annual superannuation allowance as is equivalent to one-half of the annual superannuation allowance which but for his death would have been payable to him.

(5) If the said Francis Charles Laut dies after an annual superannuation allowance has been paid to him under subsection one of this section and provided that—

- (a) he was married at the date of his death; and
- (b) his widow was his wife at the date when he attained the age of sixty years,

there shall be paid to his widow, subject to subsection six of this section, such annual superannuation allowance as is equivalent to one-half of the annual superannuation allowance received by or payable to him.

(6) An annual superannuation allowance payable under subsection four or five of this section shall cease and determine if the widow remarries.

(7) Upon the payment into the Fund by the said Francis Charles Laut of the sum referred to in subsection one of this section, he shall not contribute to or be entitled to receive any benefit from any retirement gratuity or provident fund established by the Association and to which the Association is or is to be a contributor, but nothing in this subsection prevents the refund of any amount contributed by or in respect of him thereto, together with any interest that has accrued and that is attributable to that amount.

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