

**POLICE REGULATION (SUPERANNUATION AND APPEALS)  
AMENDMENT BILL, 1979**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Police Regulation (Superannuation) Act, 1906 ("the Principal Act") and certain other Acts in relation to benefits payable where members of the police force are hurt on duty, and for other purposes.

Schedule 1 contains amendments to the Principal Act relating to hurt on duty benefits. The objects of those amendments are—

- (a) to define the expression "hurt on duty" by reference to the circumstances in which a worker under the Workers' Compensation Act, 1926, is entitled to compensation under that Act (Schedule 1 (1) (b));
- (b) to provide that the Registrar of the Workers' Compensation Commission of New South Wales shall be an additional member of the Police Superannuation Board in respect of matters arising under the Principal Act by reason of a member of the police force being hurt on duty (Schedule 1 (3) and (4));
- (c) to increase the annual superannuation allowance payable to a disabled member of the police force who was discharged as a result of being hurt on duty to a minimum of 72.75 per cent of his salary of office and a maximum of—
  - (i) 85 per cent of his salary of office where the disabled member is incapacitated for work outside the police force; or
  - (ii) 100 per cent of his salary of office where the disabled member was exposed to certain exceptional risks(Schedule 1 (8));
- (d) to enable a disabled member of the police force to redeem that part of his annual superannuation allowance that is equal to the amount of weekly compensation payments that would have been payable under the Workers' Compensation Act, 1926, if he had been a totally incapacitated worker in the same way as an incapacitated worker under that Act may redeem his weekly compensation payments (Schedule 1 (10)—proposed section 10c);

- (e) to authorise the payment to dependants of a member of the police force who dies as a result of being hurt on duty of a gratuity that does not exceed the lump sum payment authorised to be paid under section 8 of the Workers' Compensation Act, 1926, to the dependants of a deceased worker or a gratuity payable if the member had not died as a result of being hurt on duty, whichever is the greater (Schedule 1 (13)—proposed section 12B);
- (f) to authorise the payment to a member of the police force who was hurt on duty of a gratuity that does not exceed the lump sum payments authorised to be paid under sections 10, 10A, 10B and 16 of the Workers' Compensation Act, 1926 (for medical expenses, loss of limb, etc.) in respect of injuries received by workers under that Act (Schedule 1 (13)—proposed section 12D);
- (g) to provide that where a person has a legal liability to pay damages in respect of a member of the police force who is hurt on duty, those damages are recoverable or gratuities under the Principal Act are payable, but not both (Schedule 1 (13)—proposed section 12E);
- (h) to provide that a superannuation allowance or gratuity is not payable under the Principal Act to or in respect of a member of the police force who is alleged to have been hurt on duty unless the Commissioner of Police has determined that the member was hurt on duty (Schedule 1 (10), (11), (13));
- (i) to provide that the superannuation allowances and gratuities payable under the Principal Act to and in respect of a member of the police force who is hurt on duty are payable to and in respect of a former member of the police force who resigned or retired and who becomes incapacitated or dies as a result of having been hurt on duty when he was a member of the police force (Schedule 1 (8), (10)—(13));
- (j) to authorise the payment of superannuation allowances and gratuities to the de facto wife, and to certain other dependants within the meaning of the Workers' Compensation Act, 1926, of a member of the police force who dies as a result of being hurt on duty (Schedule 1 (11), (13)); and
- (k) to confer a right of appeal to the Workers' Compensation Commission of New South Wales against a decision made by the Police Superannuation Board or the Commissioner of Police on a matter arising under the Principal Act by reason of a member of the police force being hurt on duty (Schedule 1 20)).

Schedule 2 contains miscellaneous amendments to the Principal Act. The objects of those amendments are—

- (a) to clarify the application of section 10 (6) of the Principal Act (Schedule 2 (4));

- (b) to clarify the power of the Police Superannuation Board to suspend part of any superannuation allowance payable under the Principal Act if it is in the interests of the person to whom it is payable to do so (Schedule 2 (1), (5)–(8)); and
- (c) to make other amendments to the Principal Act of a minor, consequential or ancillary nature.

Schedule 3 amends the Police Regulation (Appeals) Act, 1923, in order to remove provisions for appeals to the Crown Employees Appeal Board against a decision of the Commissioner of Police that a member of the police force was not hurt on duty. Under the amendments contained in Schedule 1 (20) an appeal against such a decision will lie to the Workers' Compensation Commission of New South Wales.

Schedule 4 amends the Police Regulation (Superannuation) Amendment Act, 1974, as a consequence of the amendment contained in Schedule 2 (7).

Schedule 5 contains savings, transitional and other provisions relating to amendments made by Schedules 1 and 3. In particular, it specifies that the additional benefits provided by those amendments do not apply to or in respect of a member or former member of the police force who was hurt on duty before those amendments take effect.

Schedule 6 contains validatory, savings and other provisions relating to amendments made by Schedules 2 and 4. In particular it—

- (a) validates previous decisions of the Police Superannuation Board to suspend part of certain superannuation allowances where it was in the interests of the persons to whom they were payable to do so; and
  - (b) provides for the review of superannuation allowances that have been subject to determinations referred to in paragraph (a).
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**PROOF**

**POLICE REGULATION (SUPERANNUATION AND  
APPEALS) AMENDMENT BILL, 1979**

No. , 1979.

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**A BILL FOR**

An Act to amend the Police Regulation (Superannuation) Act, 1906, the Police Regulation (Appeals) Act, 1923, and the Police Regulation (Superannuation) Amendment Act, 1974, in relation to benefits payable where members of the police force are hurt on duty, and for other purposes.

[MR HILLS—11 October, 1979.]

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*Police Regulation (Superannuation and Appeals) 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 :—

- 5 **1.** This Act may be cited as the "Police Regulation Short  
(Superannuation and Appeals) Amendment Act, 1979". title.
- 2.** (1) Except as provided in subsection (2), this Act shall Commence-  
commence on the date of assent to this Act. ment.
- (2) The following provisions of this Act shall commence  
10 on such day as may be appointed by the Governor in respect  
thereof and as may be notified by proclamation published in the  
Gazette :—
- (a) section 5, in its application to Schedule 1, and Schedule  
15 (b) section 6 and Schedule 3;  
(c) section 8 and Schedule 5.
- 3.** The Police Regulation (Superannuation) Act, 1906, is Principal  
referred to in this Act as the Principal Act. Act.
- 4.** This Act contains the following Schedules :— Schedules.
- 20 **SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT  
RELATING TO HURT ON DUTY BENEFITS.**
- SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE  
PRINCIPAL ACT.**
- 25 **SCHEDULE 3.—AMENDMENTS TO THE POLICE REGULA-  
TION (APPEALS) ACT, 1923.**
- SCHEDULE 4.—AMENDMENT TO THE POLICE REGULATION  
(SUPERANNUATION) AMENDMENT ACT, 1974.**

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 1 AND 3.

5 SCHEDULE 6.—VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 2 AND 4.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 28, 1906.

6. The Police Regulation (Appeals) Act, 1923, is amended in 10 the manner set forth in Schedule 3. Amendment of Act No. 33, 1923.

7. The Police Regulation (Superannuation) Amendment Act, 1974, is amended in the manner set forth in Schedule 4. Amendment of Act No. 46, 1974.

8. Schedule 5 has effect. Savings, transitional and other provisions relating to amendments made by Schedules 1 and 3.

9. Schedule 6 has effect. Validatory, savings and other provisions relating to amendments made by Schedules 2 and 4.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT  
ON DUTY BENEFITS.

(1) (a) Section 1 (2), definition of "Commission"—

5 After the definition of "Board", insert :—

"Commission" means the Workers' Compensation  
Commission of New South Wales;

(b) Section 1 (2), definition of "hurt on duty"—

After the definition of "Fund", insert :—

10 "hurt on duty", in relation to a member of the  
police force, means injured in such  
circumstances as would, if he were a worker  
within the meaning of the Workers'  
15 Compensation Act, 1926, entitle him to  
compensation under that Act;

(2) Section 1A—

From the matter relating to Part V, omit "20", insert  
instead "21".

(3) (a) Section 2A (1)—

20 Omit "three", insert instead "four".

(b) Section 2A (3) (b)—

Omit "and".

(c) Section 2A (3) (c)—

Omit "State.", insert instead "State; and".



*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(d) Section 2A (3) (d)—

5 After section 2A (3) (c), insert :—

(d) the Registrar of the Commission.

(e) Section 2A (3A)—

After section 2A (3), insert :—

10 (3A) Notwithstanding anything to the contrary in  
this Act, the Registrar of the Commission shall not  
take part in the proceedings of the Board unless the  
Board is considering a matter that arises under this  
Act by reason of a member of the police force being  
hurt on duty.

15 (f) Section 2A (4)—

Omit “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  
20 occurred” wherever occurring, insert instead “in  
relation to a member or former member of the police  
force who, at the time he ceased to be a member of  
the police force”.

(g) Section 2A (5) (a)—

25 Omit “Public Service Act, 1902”, insert instead  
“Public Service Act, 1979”.

(h) Section 2A (5) (a)—

Omit “or” where secondly occurring.

(i) Section 2A (5) (b)—

30 Omit “Public Service Act, 1902.”, insert instead  
“Public Service Act, 1979; or”.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(j) Section 2A (5) (c)—

5           After section 2A (5) (b), insert :—

(c) in the case of an alternate member for the  
Registrar of the Commission—a person on the  
staff of the Commission.

(4) Section 2D (2), (2A)—

10           Omit section 2D (2), insert instead :—

(2) The number of members of the Board that  
constitutes a quorum at a meeting of the Board is—

15           (a) when the Board is considering a matter that arises  
under this Act by reason of a member of the  
police force being hurt on duty—3 members; or

(b) when the Board is considering any other matter  
—3 members other than the Registrar of the  
Commission or the alternate member for the  
Registrar of the Commission.

20           (2A) 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.

(5) (a) Section 7—

25           Omit “that infirmity having been determined pursuant  
to section 8 (2) not to have been occasioned in the  
circumstances referred to in section 10,”.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(b) Section 7—

5 Omit “to this section”, insert instead “to this subsection”.

(c) Section 7 (2)—

At the end of section 7, insert :—

10 (2) An annual superannuation allowance under subsection (1) shall not be payable to a member of the police force to whom an annual superannuation allowance is payable under section 10.

(6) (a) Section 8 (1)—

Omit “, 10”.

15 (b) Section 8 (2)—

Omit the subsection.

(7) (a) Section 9A (2)—

Omit “before attaining the age of sixty years”.

(b) Section 9A (3)—

20 Omit “retired member”, insert instead “former member”.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(c) Section 9A (4)—

5 After section 9A (3), insert :—

10 (4) Where an annual superannuation allowance is granted under section 10 to a former member of the police force who resigned or retired, the allowance is payable as from the day determined by the Board for that purpose.

(8) (a) Section 10 (1), (1A), (1B), (1C)—

Omit section 10 (1) and (1A), insert instead :—

(1) In this section—

“disabled member of the police force” means—

15 (a) a member of the police force who is discharged after being certified, pursuant to section 10B (1), to be incapable, from a specified infirmity of body or mind, of discharging the duties of his office; or

20 (b) a former member of the police force who resigned or retired and who, according to a certificate given pursuant to section 10B (2) at any time after his resignation or retirement, would have been incapable, from an infirmity of body or mind, of

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*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (c) where the disabled member is totally  
incapacitated for work outside the police  
force and, in the opinion of the Board, he  
was hurt on duty because he was required  
10 to be exposed to risks to which members  
of the general work-force would normally  
not be required to be exposed in the course  
of their employment, an additional amount  
that is—

15 (i) not less than 12.25 per cent and not  
more than 27.25 per cent of his  
salary of office; and

(ii) commensurate, in the opinion of the  
Board, with the risks to which he  
was so required to be exposed.

20 (1B) An annual superannuation allowance may be  
granted under this section to a disabled member of the  
police force whatever his length of service.

25 (1C) Where a former member of the police force  
who resigned or retired is granted an annual super-  
annuation allowance under this section, 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  
30 provision of this Act if it had been granted when the  
former member resigned or retired.

(b) Section 10 (6) (b) (ii)—

Omit “the salary of his office at the date of his retire-  
ment”, insert instead “his salary of office”.

*Police Regulation (Superannuation and Appeals) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

## (9) Section 10A—

5 Omit the section.

## (10) Sections 10B, 10C—

Before section 11A, insert :—

10 10B. (1) An annual superannuation allowance shall not be granted under section 10 to a member of the police force who is discharged unless 2 medical practitioners appointed by the Governor for the purpose have certified the member to be incapable, from a specified infirmity of body or mind, of discharging the duties of his office.

Medical examination of disabled member and determination of whether hurt on duty.

15 (2) An annual superannuation allowance shall not be granted under section 10 to a former member of the police force who resigned or retired unless—

20 (a) the former member notified the Commissioner of Police, before his resignation or retirement and within 6 months of receiving the injury which has caused his infirmity of body or mind, of the nature of that injury; and

25 (b) 2 medical practitioners appointed by the Governor for the purpose have certified that the former member would have been incapable, from that infirmity of body or mind, of discharging the duties of his office at the time of his resignation or retirement.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (3) Where a member or former member of the  
police force is duly certified under subsection (1) or (2),  
the Commissioner of Police shall—

10 (a) decide whether or not the infirmity to which the  
certificate relates was caused by the member  
being hurt on duty or the former member having  
been hurt on duty when he was a member of the  
police force, as the case may be; and

(b) notify the member or former member of that  
decision.

15 10c. (1) In this section, “prescribed part”, in relation  
to an annual superannuation allowance granted under  
section 10 to a disabled member of the police force, means  
an amount, calculated on an annual basis, that, in the  
opinion of the Board, would have been payable to him—

Redemption  
of super-  
annuation  
allowance  
granted to  
disabled  
member.

20 (a) in the case of a member of the police force who  
is discharged—at the date of his discharge; or

(b) in the case of a former member of the police  
force who resigned or retired—at the date of his  
resignation or retirement,

25 by way of weekly payments as compensation under the  
Workers’ Compensation Act, 1926, were he a totally  
incapacitated person entitled to compensation under that  
Act in respect of a period of incapacity occurring after a  
period of incapacity of 26 weeks.

30 (2) The liability of the Fund in respect of the  
prescribed part of any annual superannuation allowance  
granted under section 10 to a disabled member of the  
police force may, with the consent of the disabled member,



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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

- 5 be redeemed either in whole or in part by the payment  
from the Fund of a lump sum, determined by the Board,  
having regard to—
- (a) the nature of the injury received by the disabled  
member;
  - 10 (b) the age of the disabled member at the time he  
was injured; and
  - (c) the diminished ability of the disabled member to  
compete in an open labour market.
- (11) (a) Section 12 (1), (1A), (1B), (2), (3)—  
Omit the subsections, insert instead :—
- 15 (1) Subject to this section, where—
- (a) a member of the police force dies; or
  - (b) a former member of the police force dies,
- 20 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 the widow,  
widower, father, mother, children or other relatives  
25 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  
30 member at the time of his death or earlier discharge,  
resignation or retirement.

*Police Regulation (Superannuation and Appeals) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (1A) A reference in subsection (1) to other relatives includes a reference to dependants within the meaning of section 6 (1) of the Workers' Compensation Act, 1926.

(b) Section 12 (6)—

Omit "ex-member", insert instead "former member".

10 (12) (a) Section 12A (1), definition of "child"—

Omit "ex-member" wherever occurring, insert instead "former member".

(b) Section 12A (2)—

15 Omit "ex-member" wherever occurring, insert instead "former member".

(c) Section 12A (2)—

Omit "referred to in section 12 is killed, or dies", insert instead "dies under circumstances referred to in section 12".

20 (d) Section 12A (4)—

Omit "ex-member", insert instead "former member".

(13) Sections 12B–12E—

After section 12A, insert :—

25 12B. (1) In this section, "dependant" has the meaning ascribed thereto in section 6 (1) of the Workers' Compensation Act, 1926.

Gratuities where members die as a result of being hurt on duty.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON DUTY BENEFITS—*continued.*

5 (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 dependent on him, the Board may pay to those dependants a gratuity of such amount as the Board determines, not exceeding—

10 (a) the amount that, in the opinion of the Board, would have been payable under section 8 (sub-section (1) (b) excepted) of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for  
15 the purposes of that Act; or

(b) the maximum amount of the gratuity payable under section 13,

whichever is the greater amount.

20 (3) Where a member or former member of the police force dies under circumstances referred to in section 12 and the member or former member does not leave any dependants wholly or partly dependent on him, the Board may pay an amount to meet his burial or cremation expenses that, in the opinion of the Board, would have been  
25 payable under section 8 (4) of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for the purposes of that Act.

12c. (1) Where a member of the police force dies, the Commissioner of Police shall—

- 30 (a) decide whether or not the member's death was caused by the member being hurt on duty; and  
(b) notify the Board of that decision.

Determination of whether deceased member or former member died as a result of being hurt on duty.

*Police Regulation (Superannuation and Appeals) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (2) Where a former member of the police force dies, the Commissioner of Police shall, at the request of the Board—

10 (a) decide whether or not the former member's death was caused by the former member having been hurt on duty when he was a member of the police force; and

(b) notify the Board of that decision.

15 12D. (1) The Board may pay to a member of the police force who is hurt on duty or to a former member of the police force who was hurt on duty when he was a member of the police force a gratuity of such amount as the Board determines, not exceeding the amount that, in the opinion of the Board, would have been payable to the member or former member under sections 10, 10A, 10B and 16 of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for the purposes of that Act.

Gratuities to members hurt on duty in respect of loss of limb, etc.

25 (2) The Board may pay a gratuity to a member of the police force under this section notwithstanding that the member is not discharged from the police force as a result of being hurt on duty.

(3) The Board shall not grant a gratuity under this section to a member or former member of the police force unless—

30 (a) an annual superannuation allowance is payable to the member or former member under section 10; or

(b) where an annual superannuation allowance is not so payable, the injury to which the claim for the gratuity relates is determined, pursuant to

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 subsection (4) or on appeal, to have been caused  
by the member being hurt on duty or the former  
member having been hurt on duty when he was  
a member of the police force.

10 (4) Where a member or former member of the  
police force who is not entitled to an annual superannuation  
allowance under section 10 claims a gratuity under this  
section, the Commissioner of Police shall, at the request of  
the Board—

15 (a) decide whether or not the injury to which the  
claim relates was caused by the member being  
hurt on duty or the former member having been  
hurt on duty when he was a member of the  
police force; and

(b) notify the Board of that decision.

20 12E. (1) Where a member of the police force is hurt  
on duty in circumstances creating a legal liability in some  
person to pay damages in respect thereof and those damages  
are recovered, a gratuity shall not be payable under this  
Act to the person who recovered the damages or, if a  
25 gratuity under this Act has already been paid to the person  
who recovered the damages, he shall be liable to repay to  
the Board out of those damages the amount of the gratuity  
so paid.

30 (2) In subsection (1), “damages” does not  
include any sum ordered or directed to be paid pursuant to  
any provision of the Crimes Act, 1900, by way of compen-  
sation for injury, but any such sum so paid to a person  
shall be deducted from any gratuity subsequently payable  
to the person under this Act in respect of the injury.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(14) (a) Section 13 (1)—

5 Omit “When any such member has died under circum-  
stances other than those referred to in section 12”,  
insert instead “When a member of the police force  
dies”.

(b) Section 13 (4)—

10 After section 13 (3), insert :—

(4) A gratuity is not payable under this section to  
or on behalf of a person if a gratuity is payable to or  
on behalf of the person under section 12B as a  
consequence of the death of a member of the police  
15 force.

(15) Section 14 (1)—

Omit “duly certified to be unfit for service,”, insert instead  
“discharged after being certified, pursuant to section 8 (1)  
or on appeal, to be incapable, from an infirmity of body or  
20 mind, of discharging the duties of his office and if he is  
not entitled to an annual superannuation allowance under  
section 10”.

(16) (a) Section 14A (3) (a)—

Omit “Act; and”, insert instead “Act;”.

25 (b) Section 14A (3) (b)—

Omit “section 7.”, insert instead “section 7 (1); and”.

(c) Section 14A (3) (c)—

After section 14A (3) (b), insert :—

30 (c) the discharge of a member of the police force  
includes a reference to the retirement or  
resignation of such a member, as referred to in  
section 10.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

## (17) Section 14C (4) (b)—

5 Omit “an ex-member”, insert instead “a former member”.

## (18) Section 14D (4) (b), (5)—

Omit “an ex-member” wherever occurring, insert instead “a former member”.

## (19) Section 17 (4)—

10 After section 17 (3), insert :—

15 (4) Where a former member of the police force who, after his resignation, received the amount payable to him under subsection (1) is thereafter entitled to a superannuation allowance or gratuity by reason of his having being hurt on duty when he was a member of the police force, the amount paid under subsection (1) shall be deducted from the superannuation allowance or gratuity in such instalments and at such times as the Board may determine.

## (20) Section 21—

20 After section 20, insert :—

21. (1) A person who considers himself aggrieved by—  
(a) a decision made by the Board on a matter that arises under this Act by reason of a member of the police force being hurt on duty; or

Determina-  
tion by  
Commission.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (b) a decision made by the Commissioner of Police  
under section 10B (3) (a), 12c (1) (a), 12c  
(2) (a) or 12D (4) (a),

may apply to the Commission for a determination in  
relation to that decision.

10 (2) Not less than 21 days' notice of application  
under this section shall be given by the applicant—

(a) in the case of a decision made by the Board, to  
the Board; or

15 (b) in the case of a decision made by the  
Commissioner of Police, to the Commissioner of  
Police.

(3) The Board or the Commissioner of Police, as  
the case may be, is entitled to be represented at the hearing  
of an application under this section.

20 (4) The Commission, after considering an  
application under this section, may make a determination  
that the decision of the Board or the Commissioner of  
Police, as the case may be, in respect of which the  
application was made—

(a) be confirmed; or

25 (b) be set aside and replaced by a different decision  
made by the Commission.

30 (5) The Commission shall not make a decision  
referred to in subsection (4) (b) unless the Board or the  
Commissioner of Police, as the case may be, could pursuant  
to this Act make that decision.



*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (6) Where the Commission makes a decision referred to in subsection (4) (b), that decision shall, for the purposes of this Act, be deemed to be made by the Board or the Commissioner of Police, as the case may be, and shall be carried into effect.

10 (7) Subject to this section, the provisions of sections 34, 36 (1)–(3), 37 and 38 (a) and (b) of the Workers' Compensation Act, 1926, and of any rules made under section 38 (e) of that Act apply to and in respect of the Commission and its hearing of an application under this section as if—

15 (a) a reference in section 34 of that Act to an inquiry, investigation or hearing under that Act were a reference to the hearing of an application under this section;

20 (b) a reference in section 36 (1) of that Act to matters and questions arising under that Act were a reference to applications under this section; and

25 (c) a reference in section 37 (1) and (2) of that Act to an award of the Commission were a reference to a determination of the Commission under subsection (4).

30 (8) The Commission, after hearing an application under this section, may assess the costs of the successful party to the application (including costs of representation and witness expenses, if any) and order that the costs so assessed or any part of them be paid to the successful party by any other party within a time specified in the order.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5           (9) The Commission shall not order the payment of costs under subsection (8) by the applicant for a determination under this section unless it is satisfied that his application was frivolous or vexatious or was made fraudulently or without proper justification.

10           (10) Where costs assessed under subsection (8) are not paid within the time specified in the order made under that subsection in respect of them, the person in whose favour the order was made may recover the costs in a court of competent jurisdiction as a debt due to him by the person against whom the order was made.

15           (11) The functions given to the Commission by or under this section may be performed by a single member of the Commission.

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SCHEDULE 2.

Sec. 5.

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

20 (1) Section 1A—

From the matter relating to Part V, omit “19”, insert instead “20”.

(2) Section 7A (1), definition of “Commonwealth pension”—

25           After “prescribed” in paragraph (d), insert “by rules made under the Principal Act”.

*Police Regulation (Superannuation and Appeals) Amendment.*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

- (3) Section 9—
- 5 After “Minister”, insert “administering the Principal Act”.
- (4) (a) Section 10 (6) (b)—
- Omit “deduction hereinafter specified”, insert instead “deduction specified in paragraph (b1)”.
- (b) Section 10 (6) (b)—
- 10 After “under that Act”, insert “in respect of a period of incapacity occurring after a period of incapacity of 26 weeks”.
- (c) Section 10 (6) (b)—
- 15 Omit “The deduction hereinbefore referred to”, insert instead “(b1) The deduction referred to in paragraph (b)”.
- (d) Section 10 (6) (b)—
- Omit “disabled member; or”, insert instead “disabled member;”.
- 20 (e) Section 10 (6) (b) (iii)—
- Omit “university;”, insert instead “university; or”.
- (f) Section 10 (6) (b) (iv)—
- After section 10 (6) (b) (iii), insert :—
- (iv) the amount of the annual superannuation allowance payable under this section,
- 25

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

## (5) Section 11A (1A)—

- 5 Omit “, except to the extent that the Board otherwise directs in the interest of that widow,”.

## (6) Section 14E—

Omit the section.

## (7) Section 20—

- 10 After section 19, insert :—

15 20. (1) Notwithstanding anything in this Act, where a person entitled to receive a superannuation allowance payable under this Act (including any increase payable under this Act) would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person, the amount of the allowance shall be such lesser amount than that provided for under this Act as the Board determines.

Suspension of part of allowance in certain circumstances.

20 (2) The Board may, from time to time, vary or revoke any determination under subsection (1), and any such variation or revocation shall take effect on the day the Board so varies or revokes the determination or on such earlier or later day as the Board determines.

25 (3) Where the Board, under this section, reduces the amount of an increase payable under this Act, the amount of the increase as determined by the Board shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

5 (4) A part of a superannuation allowance that is not paid to a person because of a determination made by the Board under this section shall, for the purposes of calculating any increase under this Act, be taken into account as if it had been payable.

10 (5) A part of a superannuation allowance that is not paid to a person because of a determination made by the Board under this section shall, for the purpose of calculating a superannuation allowance payable to the person's widow in her capacity as such, be taken into account as if it had been payable.

15 (8) Schedule 1—

Omit clause 7.

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SCHEDULE 3.

Sec. 6.

AMENDMENTS TO THE POLICE REGULATION (APPEALS)  
ACT, 1923.

20 (1) Section 6 (1) (b)—

After "transfer;", insert "or".

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE POLICE REGULATION (APPEALS)  
ACT, 1923—*continued.*

(2) Section 6 (1) (c)—

5 Omit the paragraph, insert instead :—

(c) to grant or refuse leave of absence on full pay to a member of the police force during any period of absence caused by that member being hurt on duty within the meaning of section 1 (2) of the  
10 Police Regulation (Superannuation) Act, 1906,

(3) Section 6 (1) (d)—

Omit the paragraph.

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SCHEDULE 4.

**Sec. 7.**

15 AMENDMENT TO THE POLICE REGULATION (SUPERANNUATION)  
AMENDMENT ACT, 1974.

Section 4—

Omit “, except to the extent that the Board constituted under that Act otherwise determines in the interest of the member,” wherever occurring.

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*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 5.

Sec. 8.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 1 AND 3.

5 1. The Principal Act and the Police Regulation (Appeals) Act, 1923, as respectively in force before the commencement of Schedules 1 and 3, apply to and in respect of injuries received by a member of the police force before that commencement as if Schedules 1 and 3 had not been enacted.

Preservation of benefits payable, etc., in respect of members injured before Schedules 1 and 3 commence.

10 2. The Principal Act and the Police Regulation (Appeals) Act, 1923, as respectively amended by Schedules 1 and 3, apply to and in respect of injuries received by a member of the police force after but not before the commencement of Schedules 1 and 3.

Benefits not payable pursuant to amendments made by Schedules 1 and 3 in respect of members injured before Schedules 1 and 3 commence.

SCHEDULE 6.

Sec. 9.

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 2 AND 4.

15 1. (1) Where, at any time before the commencement of Schedules 2 and 4, the Governor or the Police Superannuation Board had, under the Principal Act or any Act amending that Act, power to make a determination or give a direction to the effect that a part only of an increase in a superannuation allowance was payable—

Validation and savings— Schedules 2 (5)–(8) and 4.

20 (a) the power shall be deemed to have, at all material times before that commencement, extended to include power to make a determination or give a direction to the effect that no part of such an increase was payable; and

*Police Regulation (Superannuation and Appeals) Amendment.*SCHEDULE 6—*continued.*VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS  
MADE BY SCHEDULES 2 AND 4—*continued.*

- 5 (b) any such determination or direction referred to in paragraph (a) is, to the extent of any invalidity, accordingly validated.
- (2) Subject to clause 2 (3), a determination or direction, made or given under the Principal Act or any Act amending that Act, to the effect that—
- 10 (a) a part only of an increase in a superannuation allowance is payable; or
- (b) no part of such an increase is payable,
- 15 being a determination or direction (including a determination or direction referred to in subclause (1) (a) of this clause) subsisting at the commencement of Schedules 2 and 4, shall continue to have force and effect after that commencement as if Schedules 2 and 4 had not been enacted.
- 20 2. (1) Subject to subclause (2) of this clause, where the amount of a superannuation allowance payable on a day to be appointed by the Police Superannuation Board (being a day within 3 months after the commencement of Schedules 2 and 4) would have been greater had no determinations or directions of the kind referred to in clause 1 (whether or not subsisting at that commencement) ever been made or given, the allowance is hereby increased, on and from that day, to the greater amount.
- 25 (2) Section 20 of the Principal Act, as amended by this Act, applies to an increase payable by virtue of this clause in the same way as it applies to an increase payable under the Principal Act, as so amended.
- (3) On the day appointed under subclause (1) of this clause, all determinations and directions referred to in clause 1 (2) shall cease to have any force or effect.
- 30 (4) Where a superannuation allowance is to be increased pursuant to this clause on a date on which the allowance is adjusted pursuant to the Principal Act, as amended by this Act, the allowance to be so adjusted is the allowance as so increased.
- 35 3. Any act, matter or thing—
- (a) that was done or omitted before the commencement of Schedules 2 and 4; and

Review of  
certain  
superannua-  
tion  
allowances.

Validation—  
Schedule  
2 (4).



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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 6—*continued.*

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS  
MADE BY SCHEDULES 2 AND 4—*continued.*

- 5       (b) that would have been validly done or omitted had the amendments  
made by Schedule 2 (4) been in force at all material times before  
that commencement,

is, to the extent of any invalidity, accordingly validated.

Police Department (Subcommittee on and others), testimony.

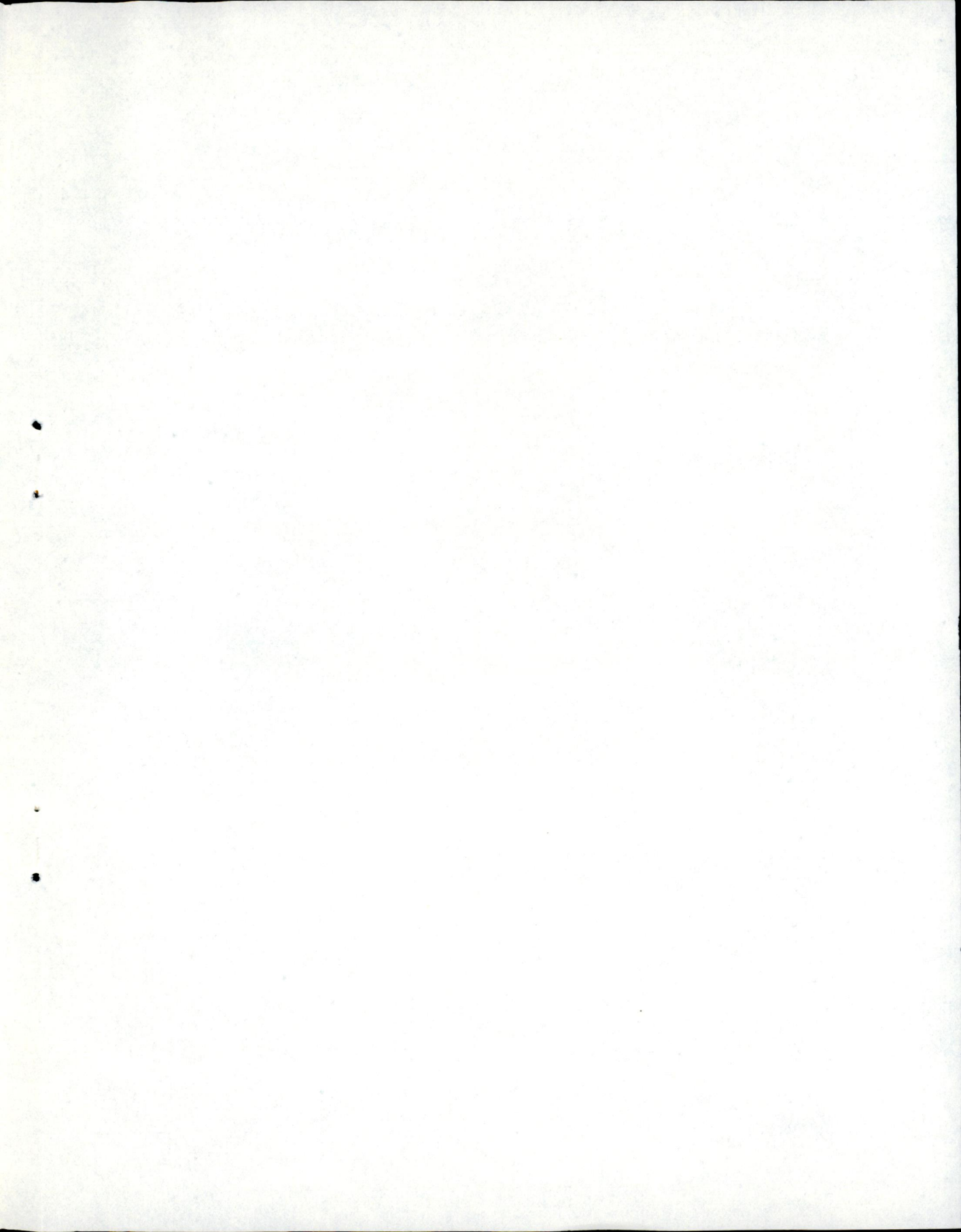
SECTION 2—continued.

LABORATORY, STATE, AND OTHER PERSONS, R. 1979, 1979.  
Made by Sections 2 and 4—continued.

(c) that would have been validly done or omitted had the amendments made by schedule 1 (1) been in force at all material times before that commencement.

is to the extent of any inconsistency accordingly validated.

BY AUTHORITY OF THE GOVERNMENT OF WEST AUSTRALIA  
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## **POLICE REGULATION (SUPERANNUATION AND APPEALS) AMENDMENT BILL, 1979**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Police Regulation (Superannuation) Act, 1906 ("the Principal Act") and certain other Acts in relation to benefits payable where members of the police force are hurt on duty, and for other purposes.

Schedule 1 contains amendments to the Principal Act relating to hurt on duty benefits. The objects of those amendments are—

- (a) to define the expression "hurt on duty" by reference to the circumstances in which a worker under the Workers' Compensation Act, 1926, is entitled to compensation under that Act (Schedule 1 (1) (b));
- (b) to provide that the Registrar of the Workers' Compensation Commission of New South Wales shall be an additional member of the Police Superannuation Board in respect of matters arising under the Principal Act by reason of a member of the police force being hurt on duty (Schedule 1 (3) and (4));
- (c) to increase the annual superannuation allowance payable to a disabled member of the police force who was discharged as a result of being hurt on duty to a minimum of 72.75 per cent of his salary of office and a maximum of—
  - (i) 85 per cent of his salary of office where the disabled member is incapacitated for work outside the police force; or
  - (ii) 100 per cent of his salary of office where the disabled member was exposed to certain exceptional risks(Schedule 1 (8));
- (d) to enable a disabled member of the police force to redeem that part of his annual superannuation allowance that is equal to the amount of weekly compensation payments that would have been payable under the Workers' Compensation Act, 1926, if he had been a totally incapacitated worker in the same way as an incapacitated worker under that Act may redeem his weekly compensation payments (Schedule 1 (10)—proposed section 10c);

- (e) to authorise the payment to dependants of a member of the police force who dies as a result of being hurt on duty of a gratuity that does not exceed the lump sum payment authorised to be paid under section 8 of the Workers' Compensation Act, 1926, to the dependants of a deceased worker or a gratuity payable if the member had not died as a result of being hurt on duty, whichever is the greater (Schedule 1 (13)—proposed section 12B);
- (f) to authorise the payment to a member of the police force who was hurt on duty of a gratuity that does not exceed the lump sum payments authorised to be paid under sections 10, 10A, 10B and 16 of the Workers' Compensation Act, 1926 (for medical expenses, loss of limb, etc.) in respect of injuries received by workers under that Act (Schedule 1 (13)—proposed section 12b);
- (g) to provide that where a person has a legal liability to pay damages in respect of a member of the police force who is hurt on duty, those damages are recoverable or gratuities under the Principal Act are payable, but not both (Schedule 1 (13)—proposed section 12E);
- (h) to provide that a superannuation allowance or gratuity is not payable under the Principal Act to or in respect of a member of the police force who is alleged to have been hurt on duty unless the Commissioner of Police has determined that the member was hurt on duty (Schedule 1 (10), (11), (13));
- (i) to provide that the superannuation allowances and gratuities payable under the Principal Act to and in respect of a member of the police force who is hurt on duty are payable to and in respect of a former member of the police force who resigned or retired and who becomes incapacitated or dies as a result of having been hurt on duty when he was a member of the police force (Schedule 1 (8), (10)–(13));
- (j) to authorise the payment of superannuation allowances and gratuities to the de facto wife, and to certain other dependants within the meaning of the Workers' Compensation Act, 1926, of a member of the police force who dies as a result of being hurt on duty (Schedule 1 (11), (13)); and
- (k) to confer a right of appeal to the Workers' Compensation Commission of New South Wales against a decision made by the Police Superannuation Board or the Commissioner of Police on a matter arising under the Principal Act by reason of a member of the police force being hurt on duty (Schedule 1 20)).

Schedule 2 contains miscellaneous amendments to the Principal Act. The objects of those amendments are—

- (a) to clarify the application of section 10 (6) of the Principal Act (Schedule 2 (4));

- (b) to clarify the power of the Police Superannuation Board to suspend part of any superannuation allowance payable under the Principal Act if it is in the interests of the person to whom it is payable to do so (Schedule 2 (1), (5)–(8)); and
- (c) to make other amendments to the Principal Act of a minor, consequential or ancillary nature.

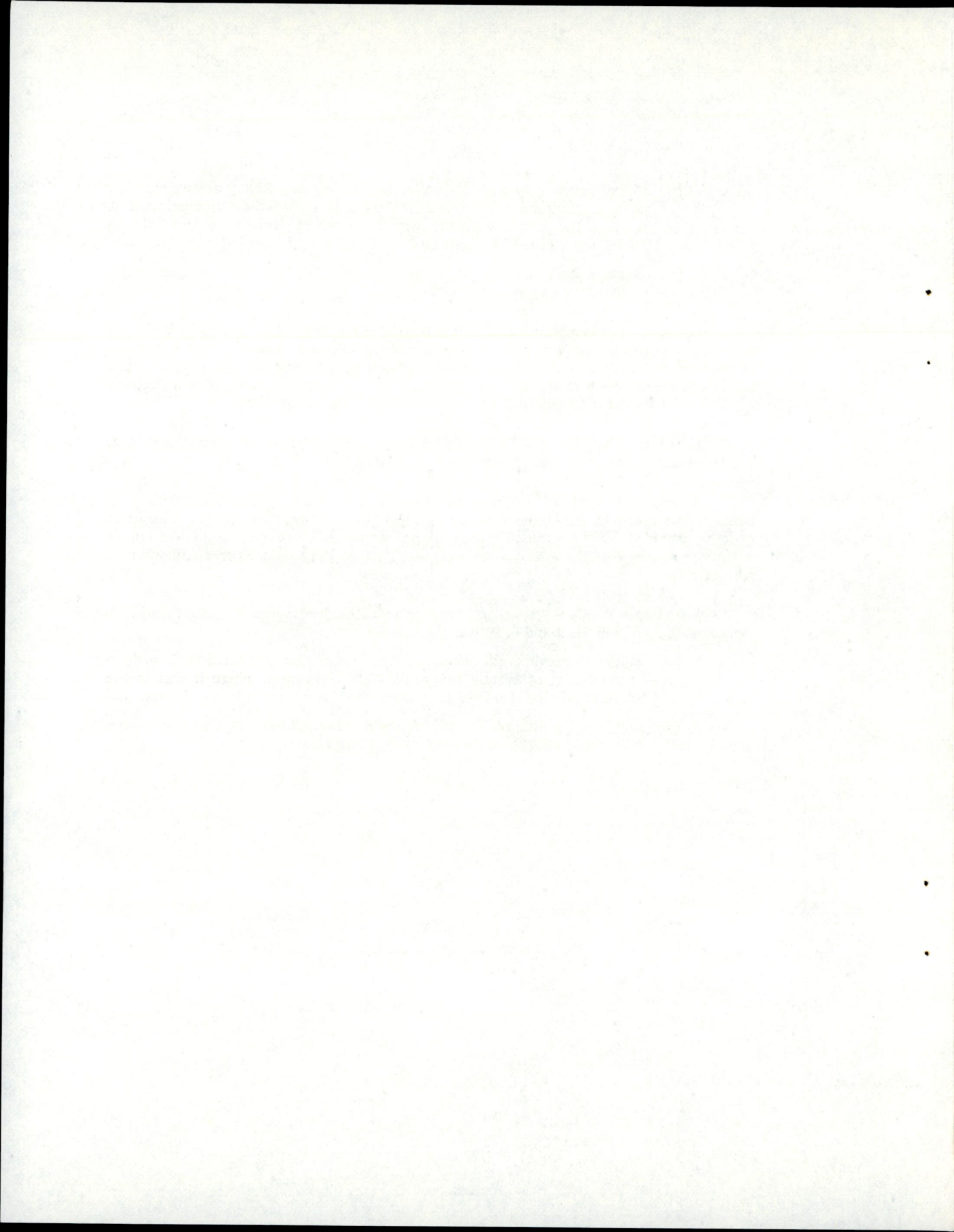
Schedule 3 amends the Police Regulation (Appeals) Act, 1923, in order to remove provisions for appeals to the Crown Employees Appeal Board against a decision of the Commissioner of Police that a member of the police force was not hurt on duty. Under the amendments contained in Schedule 1 (20) an appeal against such a decision will lie to the Workers' Compensation Commission of New South Wales.

Schedule 4 amends the Police Regulation (Superannuation) Amendment Act, 1974, as a consequence of the amendment contained in Schedule 2 (7).

Schedule 5 contains savings, transitional and other provisions relating to amendments made by Schedules 1 and 3. In particular, it specifies that the additional benefits provided by those amendments do not apply to or in respect of a member or former member of the police force who was hurt on duty before those amendments take effect.

Schedule 6 contains validatory, savings and other provisions relating to amendments made by Schedules 2 and 4. In particular it—

- (a) validates previous decisions of the Police Superannuation Board to suspend part of certain superannuation allowances where it was in the interests of the persons to whom they were payable to do so; and
  - (b) provides for the review of superannuation allowances that have been subject to determinations referred to in paragraph (a).
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**POLICE REGULATION (SUPERANNUATION AND  
APPEALS) AMENDMENT BILL, 1979**

No. , 1979.

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**A BILL FOR**

**An Act to amend the Police Regulation (Superannuation) Act, 1906, the Police Regulation (Appeals) Act, 1923, and the Police Regulation (Superannuation) Amendment Act, 1974, in relation to benefits payable where members of the police force are hurt on duty, and for other purposes.**

[MR HILLS—11 October, 1979.]

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*Police Regulation (Superannuation and Appeals) 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 :—

5 1. This Act may be cited as the "Police Regulation (Superannuation and Appeals) Amendment Act, 1979". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

(2) The following provisions of 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 :—

(a) section 5, in its application to Schedule 1, and Schedule 1;

15 (b) section 6 and Schedule 3;

(c) section 8 and Schedule 5.

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

4. This Act contains the following Schedules :— Schedules.

20 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON DUTY BENEFITS.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

25 SCHEDULE 3.—AMENDMENTS TO THE POLICE REGULATION (APPEALS) ACT, 1923.

SCHEDULE 4.—AMENDMENT TO THE POLICE REGULATION (SUPERANNUATION) AMENDMENT ACT, 1974.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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**SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 1 AND 3.**

5 **SCHEDULE 6.—VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 2 AND 4.**

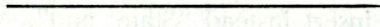
5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 28, 1906.

6. The Police Regulation (Appeals) Act, 1923, is amended in 10 the manner set forth in Schedule 3. Amendment of Act No. 33, 1923.

7. The Police Regulation (Superannuation) Amendment Act, 1974, is amended in the manner set forth in Schedule 4. Amendment of Act No. 46, 1974.

8. Schedule 5 has effect. Savings, transitional and other provisions relating to amendments made by Schedules 1 and 3.

9. Schedule 6 has effect. Validatory, savings and other provisions relating to amendments made by Schedules 2 and 4.



*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT  
ON DUTY BENEFITS.

(1) (a) Section 1 (2), definition of "Commission"—

5 After the definition of "Board", insert :—

"Commission" means the Workers' Compensation  
Commission of New South Wales;

(b) Section 1 (2), definition of "hurt on duty"—

After the definition of "Fund", insert :—

10 "hurt on duty", in relation to a member of the  
police force, means injured in such  
circumstances as would, if he were a worker  
within the meaning of the Workers'  
15 Compensation Act, 1926, entitle him to  
compensation under that Act;

(2) Section 1A—

From the matter relating to Part V, omit "20", insert  
instead "21".

(3) (a) Section 2A (1)—

20 Omit "three", insert instead "four".

(b) Section 2A (3) (b)—

Omit "and".

(c) Section 2A (3) (c)—

Omit "State.", insert instead "State; and".

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

- (d) Section 2A (3) (d)—  
5           After section 2A (3) (c), insert :—  
            (d) the Registrar of the Commission.
- (e) Section 2A (3A)—  
            After section 2A (3), insert :—  
10           (3A) Notwithstanding anything to the contrary in  
            this Act, the Registrar of the Commission shall not  
            take part in the proceedings of the Board unless the  
            Board is considering a matter that arises under this  
            Act by reason of a member of the police force being  
            hurt on duty.
- 15           (f) Section 2A (4)—  
            Omit “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  
20           of his retirement, discharge or death, whichever first  
            occurred” wherever occurring, insert instead “in  
            relation to a member or former member of the police  
            force who, at the time he ceased to be a member of  
            the police force”.
- 25           (g) Section 2A (5) (a)—  
            Omit “Public Service Act, 1902”, insert instead  
            “Public Service Act, 1979”.
- (h) Section 2A (5) (a)—  
            Omit “or” where secondly occurring.
- 30           (i) Section 2A (5) (b)—  
            Omit “Public Service Act, 1902.”, insert instead  
            “Public Service Act, 1979; or”.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(j) Section 2A (5) (c)—

5 After section 2A (5) (b), insert :—

(c) in the case of an alternate member for the Registrar of the Commission—a person on the staff of the Commission.

(4) Section 2D (2), (2A)—

10 Omit section 2D (2), insert instead :—

(2) The number of members of the Board that constitutes a quorum at a meeting of the Board is—

15 (a) when the Board is considering a matter that arises under this Act by reason of a member of the police force being hurt on duty—3 members; or

(b) when the Board is considering any other matter—3 members other than the Registrar of the Commission or the alternate member for the Registrar of the Commission.

20 (2A) 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.

(5) (a) Section 7—

25 Omit “that infirmity having been determined pursuant to section 8 (2) not to have been occasioned in the circumstances referred to in section 10,”.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

- (b) Section 7—  
5 Omit “to this section”, insert instead “to this subsection”.
- (c) Section 7 (2)—  
At the end of section 7, insert :—  
10 (2) An annual superannuation allowance under subsection (1) shall not be payable to a member of the police force to whom an annual superannuation allowance is payable under section 10.
- (6) (a) Section 8 (1)—  
Omit “, 10”.
- 15 (b) Section 8 (2)—  
Omit the subsection.
- (7) (a) Section 9A (2)—  
Omit “before attaining the age of sixty years”.
- (b) Section 9A (3)—  
20 Omit “retired member”, insert instead “former member”.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(c) Section 9A (4)—

5 After section 9A (3), insert :—

10 (4) Where an annual superannuation allowance is granted under section 10 to a former member of the police force who resigned or retired, the allowance is payable as from the day determined by the Board for that purpose.

(8) (a) Section 10 (1), (1A), (1B), (1C)—

Omit section 10 (1) and (1A), insert instead :—

(1) In this section—

“disabled member of the police force” means—

- 15 (a) a member of the police force who is discharged after being certified, pursuant to section 10B (1), to be incapable, from a specified infirmity of body or mind, of discharging the
- 20 duties of his office; or
- 25 (b) a former member of the police force who resigned or retired and who, according to a certificate given pursuant to section 10B (2) at any time after his resignation or retirement, would have been incapable, from an infirmity of body or mind, of





*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON DUTY BENEFITS—*continued.*

5 (c) where the disabled member is totally incapacitated for work outside the police force and, in the opinion of the Board, he was hurt on duty because he was required to be exposed to risks to which members of the general work-force would normally not be required to be exposed in the course of their employment, an additional amount that is—

- 10
- 15 (i) not less than 12.25 per cent and not more than 27.25 per cent of his salary of office; and
- (ii) commensurate, in the opinion of the Board, with the risks to which he was so required to be exposed.

20 (1B) An annual superannuation allowance may be granted under this section to a disabled member of the police force whatever his length of service.

25 (1C) Where a former member of the police force who resigned or retired is granted an annual superannuation allowance under this section, 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 resigned or retired.

30

(b) Section 10 (6) (b) (ii)—

Omit “the salary of his office at the date of his retirement”, insert instead “his salary of office”.

Police Regulation (Superannuation and Appeals) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON DUTY BENEFITS—continued.

(9) Section 10A—

5 Omit the section.

(10) Sections 10B, 10C—

Before section 11A, insert :—

10 10B. (1) An annual superannuation allowance shall not be granted under section 10 to a member of the police force who is discharged unless 2 medical practitioners appointed by the Governor for the purpose have certified the member to be incapable, from a specified infirmity of body or mind, of discharging the duties of his office.

Medical examination of disabled member and determination of whether hurt on duty.

15 (2) An annual superannuation allowance shall not be granted under section 10 to a former member of the police force who resigned or retired unless—

20 (a) the former member notified the Commissioner of Police, before his resignation or retirement and within 6 months of receiving the injury which has caused his infirmity of body or mind, of the nature of that injury; and

25 (b) 2 medical practitioners appointed by the Governor for the purpose have certified that the former member would have been incapable, from that infirmity of body or mind, of discharging the duties of his office at the time of his resignation or retirement.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON DUTY BENEFITS—*continued.*

(3) Where a member or former member of the police force is duly certified under subsection (1) or (2), the Commissioner of Police shall—

(a) decide whether or not the infirmity to which the certificate relates was caused by the member being hurt on duty or the former member having been hurt on duty when he was a member of the police force, as the case may be; and

(b) notify the member or former member of that decision.

10c. (1) In this section, "prescribed part", in relation to an annual superannuation allowance granted under section 10 to a disabled member of the police force, means an amount, calculated on an annual basis, that, in the opinion of the Board, would have been payable to him—

Redemption of superannuation allowance granted to disabled member.

(a) in the case of a member of the police force who is discharged—at the date of his discharge; or

(b) in the case of a former member of the police force who resigned or retired—at the date of his resignation or retirement,

by way of weekly payments as compensation under the Workers' Compensation Act, 1926, were he a totally incapacitated person entitled to compensation under that Act in respect of a period of incapacity occurring after a period of incapacity of 26 weeks.

(2) The liability of the Fund in respect of the prescribed part of any annual superannuation allowance granted under section 10 to a disabled member of the police force may, with the consent of the disabled member,

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

- 5 be redeemed either in whole or in part by the payment  
from the Fund of a lump sum, determined by the Board,  
having regard to—
- (a) the nature of the injury received by the disabled  
member;
  - 10 (b) the age of the disabled member at the time he  
was injured; and
  - (c) the diminished ability of the disabled member to  
compete in an open labour market.
- (11) (a) Section 12 (1), (1A), (1B), (2), (3)—  
Omit the subsections, insert instead :—
- 15 (1) Subject to this section, where—
- (a) a member of the police force dies; or
  - (b) a former member of the police force dies,
- 20 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 the widow,  
widower, father, mother, children or other relatives  
25 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  
30 member at the time of his death or earlier discharge,  
resignation or retirement.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (1A) A reference in subsection (1) to other relatives includes a reference to dependants within the meaning of section 6 (1) of the Workers' Compensation Act, 1926.

(b) Section 12 (6)—

Omit "ex-member", insert instead "former member".

10 (12) (a) Section 12A (1), definition of "child"—

Omit "ex-member" wherever occurring, insert instead "former member".

(b) Section 12A (2)—

15 Omit "ex-member" wherever occurring, insert instead "former member".

(c) Section 12A (2)—

Omit "referred to in section 12 is killed, or dies", insert instead "dies under circumstances referred to in section 12".

20 (d) Section 12A (4)—

Omit "ex-member", insert instead "former member".

(13) Sections 12B–12E—

After section 12A, insert :—

25 12B. (1) In this section, "dependant" has the meaning ascribed thereto in section 6 (1) of the Workers' Compensation Act, 1926.

Gratuities where members die as a result of being hurt on duty.

Police Regulation (Superannuation and Appeals) Amendment.SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (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 dependent on him, the Board may pay to those dependants a gratuity of such amount as the Board determines, not exceeding—

10 (a) the amount that, in the opinion of the Board, would have been payable under section 8 (sub-section (1) (b) excepted) of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for  
15 the purposes of that Act; or

(b) the maximum amount of the gratuity payable under section 13,

whichever is the greater amount.

20 (3) Where a member or former member of the police force dies under circumstances referred to in section 12 and the member or former member does not leave any dependants wholly or partly dependent on him, the Board may pay an amount to meet his burial or cremation expenses that, in the opinion of the Board, would have been  
25 payable under section 8 (4) of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for the purposes of that Act.

12c. (1) Where a member of the police force dies, the Commissioner of Police shall—

30 (a) decide whether or not the member's death was caused by the member being hurt on duty; and

(b) notify the Board of that decision.

Determi-  
nation of  
whether  
deceased  
member  
or former  
member  
died as a  
result of  
being hurt  
on duty.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON DUTY BENEFITS—*continued.*

5 (2) Where a former member of the police force dies, the Commissioner of Police shall, at the request of the Board—

10 (a) decide whether or not the former member's death was caused by the former member having been hurt on duty when he was a member of the police force; and

(b) notify the Board of that decision.

15 12D. (1) The Board may pay to a member of the police force who is hurt on duty or to a former member of the police force who was hurt on duty when he was a member of the police force a gratuity of such amount as the Board determines, not exceeding the amount that, in the opinion of the Board, would have been payable to the member or former member under sections 10, 10A, 10B and 16 of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for the purposes of that Act.

Gratuities to members hurt on duty in respect of loss of limb, etc.

25 (2) The Board may pay a gratuity to a member of the police force under this section notwithstanding that the member is not discharged from the police force as a result of being hurt on duty.

(3) The Board shall not grant a gratuity under this section to a member or former member of the police force unless—

30 (a) an annual superannuation allowance is payable to the member or former member under section 10; or

(b) where an annual superannuation allowance is not so payable, the injury to which the claim for the gratuity relates is determined, pursuant to



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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 subsection (4) or on appeal, to have been caused by the member being hurt on duty or the former member having been hurt on duty when he was a member of the police force.

10 (4) Where a member or former member of the police force who is not entitled to an annual superannuation allowance under section 10 claims a gratuity under this section, the Commissioner of Police shall, at the request of the Board—

15 (a) decide whether or not the injury to which the claim relates was caused by the member being hurt on duty or the former member having been hurt on duty when he was a member of the police force; and

(b) notify the Board of that decision.

20 12E. (1) Where a member of the police force is hurt on duty in circumstances creating a legal liability in some person to pay damages in respect thereof and those damages are recovered, a gratuity shall not be payable under this Act to the person who recovered the damages or, if a gratuity under this Act has already been paid to the person who recovered the damages, he shall be liable to repay to the Board out of those damages the amount of the gratuity so paid. **Repayment to Board in certain cases.**

30 (2) In subsection (1), “damages” does not include any sum ordered or directed to be paid pursuant to any provision of the Crimes Act, 1900, by way of compensation for injury, but any such sum so paid to a person shall be deducted from any gratuity subsequently payable to the person under this Act in respect of the injury.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(14) (a) Section 13 (1)—

5 Omit “When any such member has died under circum-  
stances other than those referred to in section 12”,  
insert instead “When a member of the police force  
dies”.

(b) Section 13 (4)—

10 After section 13 (3), insert :—

(4) A gratuity is not payable under this section to  
or on behalf of a person if a gratuity is payable to or  
on behalf of the person under section 12B as a  
consequence of the death of a member of the police  
15 force.

(15) Section 14 (1)—

Omit “duly certified to be unfit for service,” insert instead  
“discharged after being certified, pursuant to section 8 (1)  
or on appeal, to be incapable, from an infirmity of body or  
20 mind, of discharging the duties of his office and if he is  
not entitled to an annual superannuation allowance under  
section 10”.

(16) (a) Section 14A (3) (a)—

Omit “Act; and”, insert instead “Act;”.

25 (b) Section 14A (3) (b)—

Omit “section 7.”, insert instead “section 7 (1); and”.

(c) Section 14A (3) (c)—

After section 14A (3) (b), insert :—

30 (c) the discharge of a member of the police force  
includes a reference to the retirement or  
resignation of such a member, as referred to in  
section 10.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

## (17) Section 14C (4) (b)—

5 Omit “an ex-member”, insert instead “a former member”.

## (18) Section 14D (4) (b), (5)—

Omit “an ex-member” wherever occurring, insert instead “a former member”.

## (19) Section 17 (4)—

10 After section 17 (3), insert :—

15 (4) Where a former member of the police force who, after his resignation, received the amount payable to him under subsection (1) is thereafter entitled to a superannuation allowance or gratuity by reason of his having being hurt on duty when he was a member of the police force, the amount paid under subsection (1) shall be deducted from the superannuation allowance or gratuity in such instalments and at such times as the Board may determine.

## (20) Section 21—

20 After section 20, insert :—

21. (1) A person who considers himself aggrieved by—  
(a) a decision made by the Board on a matter that arises under this Act by reason of a member of the police force being hurt on duty; or

Determina-  
tion by  
Commission.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (b) a decision made by the Commissioner of Police  
under section 10B (3) (a), 12c (1) (a), 12c  
(2) (a) or 12D (4) (a),  
may apply to the Commission for a determination in  
relation to that decision.

10 (2) Not less than 21 days' notice of application  
under this section shall be given by the applicant—

(a) in the case of a decision made by the Board, to  
the Board; or  
15 (b) in the case of a decision made by the  
Commissioner of Police, to the Commissioner of  
Police.

(3) The Board or the Commissioner of Police, as  
the case may be, is entitled to be represented at the hearing  
of an application under this section.

20 (4) The Commission, after considering an  
application under this section, may make a determination  
that the decision of the Board or the Commissioner of  
Police, as the case may be, in respect of which the  
application was made—

(a) be confirmed; or  
25 (b) be set aside and replaced by a different decision  
made by the Commission.

30 (5) The Commission shall not make a decision  
referred to in subsection (4) (b) unless the Board or the  
Commissioner of Police, as the case may be, could pursuant  
to this Act make that decision.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (6) Where the Commission makes a decision referred to in subsection (4) (b), that decision shall, for the purposes of this Act, be deemed to be made by the Board or the Commissioner of Police, as the case may be, and shall be carried into effect.

10 (7) Subject to this section, the provisions of sections 34, 36 (1)–(3), 37 and 38 (a) and (b) of the Workers' Compensation Act, 1926, and of any rules made under section 38 (e) of that Act apply to and in respect of the Commission and its hearing of an application under this section as if—

15 (a) a reference in section 34 of that Act to an inquiry, investigation or hearing under that Act were a reference to the hearing of an application under this section;

20 (b) a reference in section 36 (1) of that Act to matters and questions arising under that Act were a reference to applications under this section; and

25 (c) a reference in section 37 (1) and (2) of that Act to an award of the Commission were a reference to a determination of the Commission under subsection (4).

30 (8) The Commission, after hearing an application under this section, may assess the costs of the successful party to the application (including costs of representation and witness expenses, if any) and order that the costs so assessed or any part of them be paid to the successful party by any other party within a time specified in the order.

*Police Regulation (Superannuation and Appeals) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

5 (9) The Commission shall not order the payment of costs under subsection (8) by the applicant for a determination under this section unless it is satisfied that his application was frivolous or vexatious or was made fraudulently or without proper justification.

10 (10) Where costs assessed under subsection (8) are not paid within the time specified in the order made under that subsection in respect of them, the person in whose favour the order was made may recover the costs in a court of competent jurisdiction as a debt due to him by the person against whom the order was made.

15 (11) The functions given to the Commission by or under this section may be performed by a single member of the Commission.

## SCHEDULE 2.

Sec. 5.

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

20 (1) Section 1A—

From the matter relating to Part V, omit "19", insert instead "20".

(2) Section 7A (1), definition of "Commonwealth pension"—

25 After "prescribed" in paragraph (d), insert "by rules made under the Principal Act".

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(3) Section 9—

5 After “Minister”, insert “administering the Principal Act”.

(4) (a) Section 10 (6) (b)—

Omit “deduction hereinafter specified”, insert instead  
“deduction specified in paragraph (b1)”.

(b) Section 10 (6) (b)—

10 After “under that Act”, insert “in respect of a period  
of incapacity occurring after a period of incapacity  
of 26 weeks”.

(c) Section 10 (6) (b)—

15 Omit “The deduction hereinbefore referred to”, insert  
instead “(b1) The deduction referred to in paragraph  
(b)”.

(d) Section 10 (6) (b)—

Omit “disabled member; or”, insert instead “disabled  
member;”.

20 (e) Section 10 (6) (b) (iii)—

Omit “university;”, insert instead “university; or”.

(f) Section 10 (6) (b) (iv)—

After section 10 (6) (b) (iii), insert :—

25 (iv) the amount of the annual superannuation  
allowance payable under this section,

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(5) Section 11A (1A)—

5 Omit “, except to the extent that the Board otherwise directs  
in the interest of that widow,”.

(6) Section 14E—

Omit the section.

(7) Section 20—

10 After section 19, insert :—

15 20. (1) Notwithstanding anything in this Act, where a  
person entitled to receive a superannuation allowance payable  
under this Act (including any increase payable under this Act)  
would, in the opinion of the Board, thereby be prejudicially  
affected in respect of any benefits otherwise receivable by  
that person, the amount of the allowance shall be such lesser  
amount than that provided for under this Act as the Board  
determines.

Suspension  
of part of  
allowance  
in certain  
circum-  
stances.

20 (2) The Board may, from time to time, vary or  
revoke any determination under subsection (1), and any  
such variation or revocation shall take effect on the day  
the Board so varies or revokes the determination or on  
such earlier or later day as the Board determines.

25 (3) Where the Board, under this section, reduces  
the amount of an increase payable under this Act, the  
amount of the increase as determined by the Board shall  
be payable in respect of such periods or at such times by  
way of lump sum or otherwise as the Board from time to  
time determines.



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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

5 (4) A part of a superannuation allowance that is not paid to a person because of a determination made by the Board under this section shall, for the purposes of calculating any increase under this Act, be taken into account as if it had been payable.

10 (5) A part of a superannuation allowance that is not paid to a person because of a determination made by the Board under this section shall, for the purpose of calculating a superannuation allowance payable to the person's widow in her capacity as such, be taken into account as if it had been payable.

15 (8) Schedule 1—

Omit clause 7.

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SCHEDULE 3.

Sec. 6.

AMENDMENTS TO THE POLICE REGULATION (APPEALS)  
ACT, 1923.

20 (1) Section 6 (1) (b)—

After "transfer;", insert "or".

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE POLICE REGULATION (APPEALS)  
ACT, 1923—*continued.*

(2) Section 6 (1) (c)—

5 Omit the paragraph, insert instead :—

(c) to grant or refuse leave of absence on full pay to a member of the police force during any period of absence caused by that member being hurt on duty within the meaning of section 1 (2) of the  
10 Police Regulation (Superannuation) Act, 1906,

(3) Section 6 (1) (d)—

Omit the paragraph.

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SCHEDULE 4.

**Sec. 7.**

15 AMENDMENT TO THE POLICE REGULATION (SUPERANNUATION)  
AMENDMENT ACT, 1974.

Section 4—

Omit “, except to the extent that the Board constituted under that Act otherwise determines in the interest of the member,” wherever occurring.

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*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 5.

Sec. 8.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 1 AND 3.

1. The Principal Act and the Police Regulation (Appeals) Act, 1923, as 5 respectively in force before the commencement of Schedules 1 and 3, apply to and in respect of injuries received by a member of the police force before that commencement as if Schedules 1 and 3 had not been enacted.

Preservation of benefits payable, etc., in respect of members injured before Schedules 1 and 3 commence.

2. The Principal Act and the Police Regulation (Appeals) Act, 1923, as 10 respectively amended by Schedules 1 and 3, apply to and in respect of injuries received by a member of the police force after but not before the commencement of Schedules 1 and 3.

Benefits not payable pursuant to amendments made by Schedules 1 and 3 in respect of members injured before Schedules 1 and 3 commence.

SCHEDULE 6.

Sec. 9.

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 2 AND 4.

15 1. (1) Where, at any time before the commencement of Schedules 2 and 4, the Governor or the Police Superannuation Board had, under the Principal Act or any Act amending that Act, power to make a determination or give a direction to the effect that a part only of an increase in a superannuation allowance was payable— Validation and savings— Schedules 2 (5)–(8) and 4.

20 (a) the power shall be deemed to have, at all material times before that commencement, extended to include power to make a determination or give a direction to the effect that no part of such an increase was payable; and

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 6—*continued.*

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS  
MADE BY SCHEDULES 2 AND 4—*continued.*

5 (b) any such determination or direction referred to in paragraph (a) is, to the extent of any invalidity, accordingly validated.

(2) Subject to clause 2 (3), a determination or direction, made or given under the Principal Act or any Act amending that Act, to the effect that—

10 (a) a part only of an increase in a superannuation allowance is payable; or

(b) no part of such an increase is payable,

15 being a determination or direction (including a determination or direction referred to in subclause (1) (a) of this clause) subsisting at the commencement of Schedules 2 and 4, shall continue to have force and effect after that commencement as if Schedules 2 and 4 had not been enacted.

20 2. (1) Subject to subclause (2) of this clause, where the amount of a superannuation allowance payable on a day to be appointed by the Police Superannuation Board (being a day within 3 months after the commencement of Schedules 2 and 4) would have been greater had no determinations or directions of the kind referred to in clause 1 (whether or not subsisting at that commencement) ever been made or given, the allowance is hereby increased, on and from that day, to the greater amount. Review of certain superannuation allowances.

25 (2) Section 20 of the Principal Act, as amended by this Act, applies to an increase payable by virtue of this clause in the same way as it applies to an increase payable under the Principal Act, as so amended.

(3) On the day appointed under subclause (1) of this clause, all determinations and directions referred to in clause 1 (2) shall cease to have any force or effect.

30 (4) Where a superannuation allowance is to be increased pursuant to this clause on a date on which the allowance is adjusted pursuant to the Principal Act, as amended by this Act, the allowance to be so adjusted is the allowance as so increased.

3. Any act, matter or thing—

35 (a) that was done or omitted before the commencement of Schedules 2 and 4; and

Validation—  
Schedule  
2 (4).

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 6—*continued.*

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS  
MADE BY SCHEDULES 2 AND 4—*continued.*

- 5 (b) that would have been validly done or omitted had the amendments made by Schedule 2 (4) been in force at all material times before that commencement,

is, to the extent of any invalidity, accordingly validated.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

[64c]

Police Regulation (Special Constables) Amendment

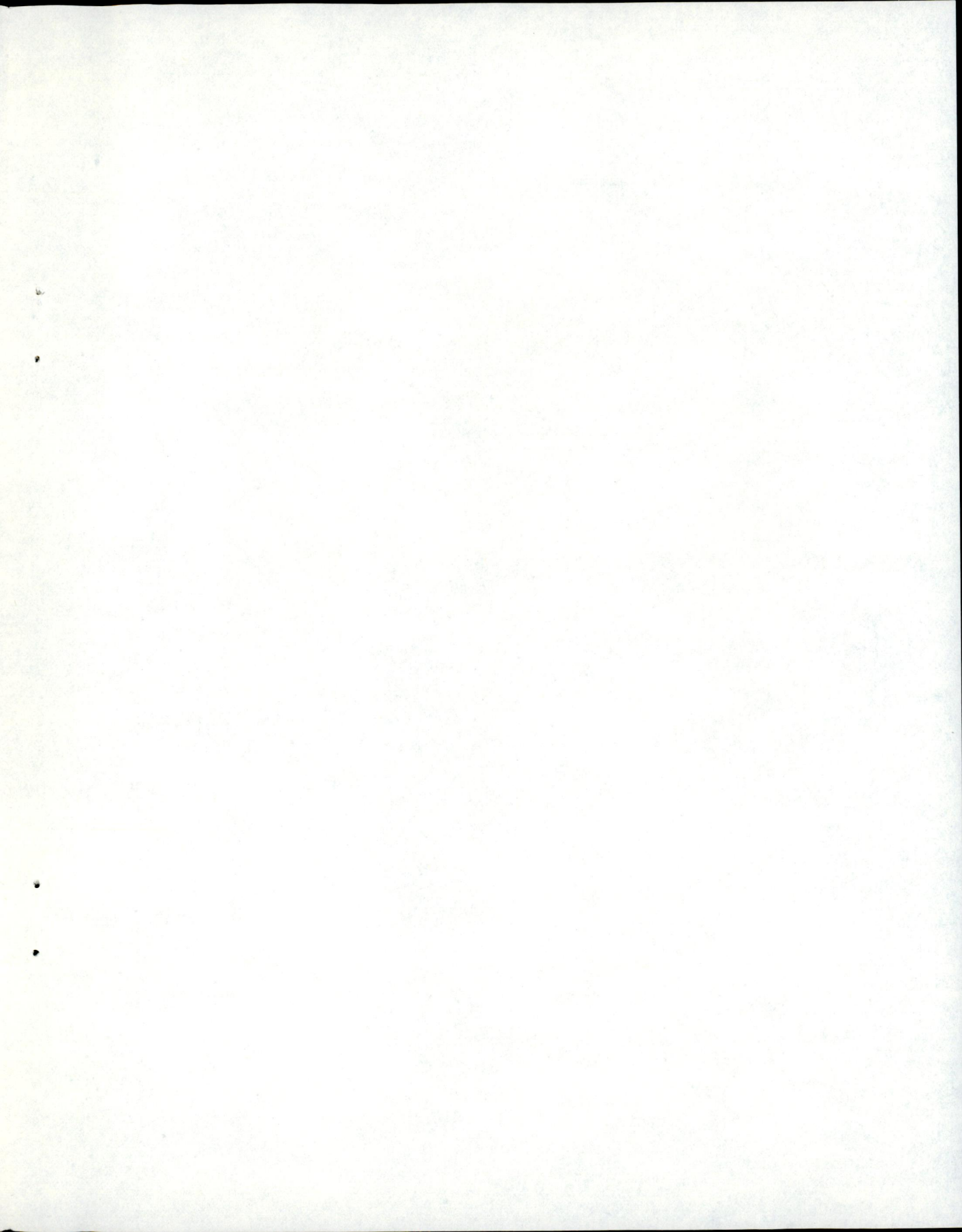
SCHEDULE 3—continued

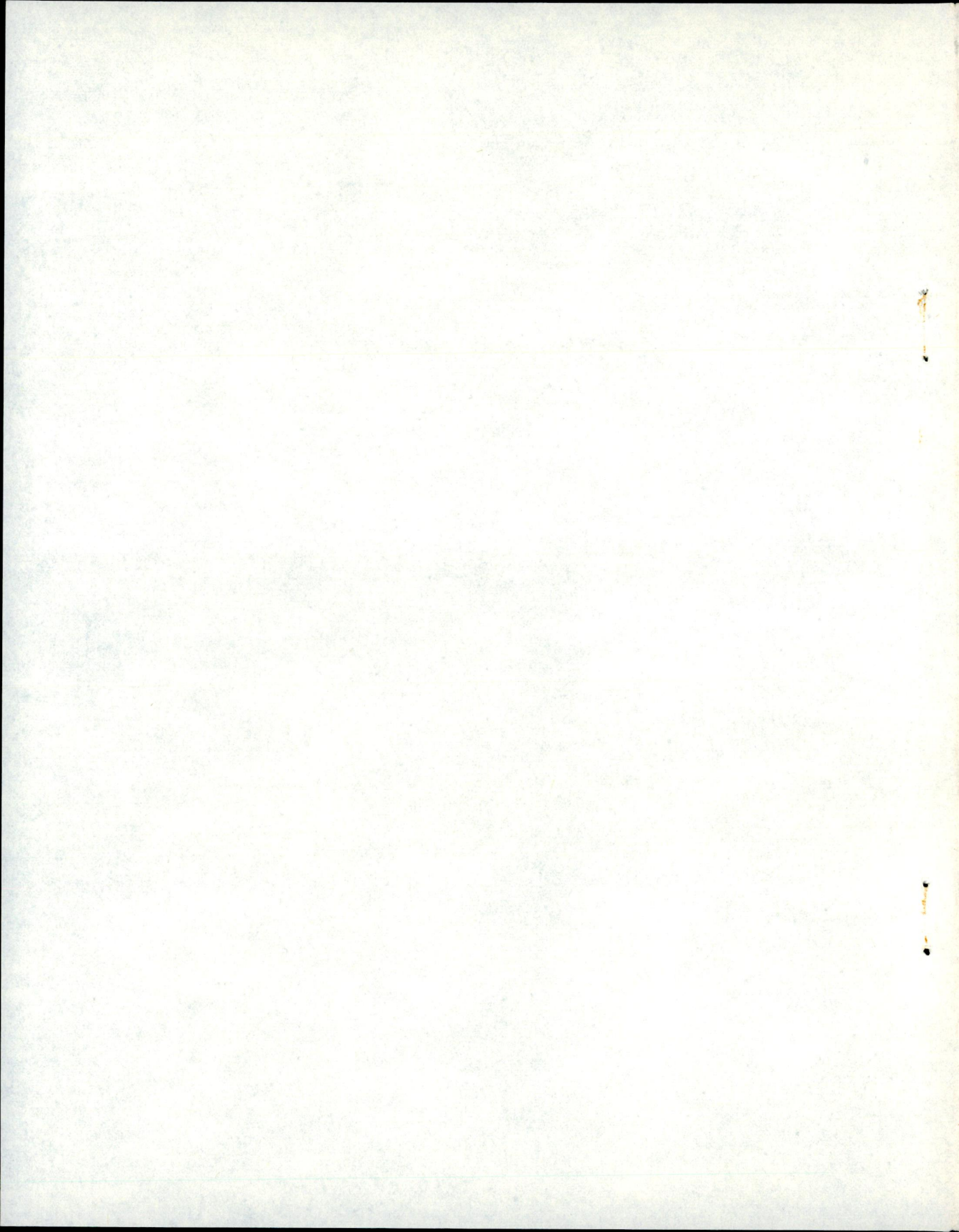
VARIOUS SERVICES AND OTHER PROVISIONS MADE BY SCHEDULES 2 AND 4—continued

For that would have been validly done or continuing from the commencement of the Act, Schedule 2 has been inserted in force as if it had been made before the commencement of the Act, according to the provisions of the Act.

BY APPOINTMENT, SECRETARY OF STATE FOR THE HOME DEPARTMENT

[Signature]







**POLICE REGULATION (SUPERANNUATION AND  
APPEALS) AMENDMENT ACT, 1979, No. 133**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 133, 1979.**

An Act to amend the Police Regulation (Superannuation) Act, 1906, the Police Regulation (Appeals) Act, 1923, and the Police Regulation (Superannuation) Amendment Act, 1974, in relation to benefits payable where members of the police force are hurt on duty, and for other purposes. [Assented to, 13th November, 1979.]

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*Police Regulation (Superannuation and Appeals) Amendment.*

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**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 and Appeals) Amendment Act, 1979".

Commence-  
ment.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) The following provisions of 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 :—

- (a) section 5, in its application to Schedule 1, and Schedule 1;
- (b) section 6 and Schedule 3;
- (c) section 8 and Schedule 5.

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 HURT ON DUTY BENEFITS.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO THE POLICE REGULATION (APPEALS) ACT, 1923.

SCHEDULE 4.—AMENDMENT TO THE POLICE REGULATION (SUPERANNUATION) AMENDMENT ACT, 1974.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 1 AND 3.

SCHEDULE 6.—VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 2 AND 4.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 28, 1906.

6. The Police Regulation (Appeals) Act, 1923, is amended in the manner set forth in Schedule 3. Amendment of Act No. 33, 1923.

7. The Police Regulation (Superannuation) Amendment Act, 1974, is amended in the manner set forth in Schedule 4. Amendment of Act No. 46, 1974.

8. Schedule 5 has effect. Savings, transitional and other provisions relating to amendments made by Schedules 1 and 3.

9. Schedule 6 has effect. Validatory, savings and other provisions relating to amendments made by Schedules 2 and 4.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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Sec. 5.

## SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT  
ON DUTY BENEFITS.

- (1) (a) Section 1 (2), definition of "Commission"—

After the definition of "Board", insert :—

"Commission" means the Workers' Compensation  
Commission of New South Wales;

- (b) Section 1 (2), definition of "hurt on duty"—

After the definition of "Fund", insert :—

"hurt on duty", in relation to a member of the  
police force, means injured in such  
circumstances as would, if he were a worker  
within the meaning of the Workers'  
Compensation Act, 1926, entitle him to  
compensation under that Act;

- (2) Section 1A—

From the matter relating to Part V, omit "20", insert  
instead "21".

- (3) (a) Section 2A (1)—

Omit "three", insert instead "four".

- (b) Section 2A (3) (b)—

Omit "and".

- (c) Section 2A (3) (c)—

Omit "State.", insert instead "State; and".

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(d) Section 2A (3) (d)—

After section 2A (3) (c), insert :—

(d) the Registrar of the Commission.

(e) Section 2A (3A)—

After section 2A (3), insert :—

(3A) Notwithstanding anything to the contrary in this Act, the Registrar of the Commission shall not take part in the proceedings of the Board unless the Board is considering a matter that arises under this Act by reason of a member of the police force being hurt on duty.

(f) Section 2A (4)—

Omit “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” wherever occurring, insert instead “in relation to a member or former member of the police force who, at the time he ceased to be a member of the police force”.

(g) Section 2A (5) (a)—

Omit “Public Service Act, 1902”, insert instead “Public Service Act, 1979”.

(h) Section 2A (5) (a)—

Omit “or” where secondly occurring.

(i) Section 2A (5) (b)—

Omit “Public Service Act, 1902.”, insert instead “Public Service Act, 1979; or”.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(j) Section 2A (5) (c)—

After section 2A (5) (b), insert :—

(c) in the case of an alternate member for the Registrar of the Commission—a person on the staff of the Commission.

(4) Section 2D (2), (2A)—

Omit section 2D (2), insert instead :—

(2) The number of members of the Board that constitutes a quorum at a meeting of the Board is—

(a) when the Board is considering a matter that arises under this Act by reason of a member of the police force being hurt on duty—3 members; or

(b) when the Board is considering any other matter—3 members other than the Registrar of the Commission or the alternate member for the Registrar of the Commission.

(2A) 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.

(5) (a) Section 7—

Omit “that infirmity having been determined pursuant to section 8 (2) not to have been occasioned in the circumstances referred to in section 10,”.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(b) Section 7—

Omit “to this section”, insert instead “to this subsection”.

(c) Section 7 (2)—

At the end of section 7, insert :—

(2) An annual superannuation allowance under subsection (1) shall not be payable to a member of the police force to whom an annual superannuation allowance is payable under section 10.

(6) (a) Section 8 (1)—

Omit “, 10”.

(b) Section 8 (2)—

Omit the subsection.

(7) (a) Section 9A (2)—

Omit “before attaining the age of sixty years”.

(b) Section 9A (3)—

Omit “retired member”, insert instead “former member”.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

## (c) Section 9A (4)—

After section 9A (3), insert :—

(4) Where an annual superannuation allowance is granted under section 10 to a former member of the police force who resigned or retired, the allowance is payable as from the day determined by the Board for that purpose.

## (8) (a) Section 10 (1), (1A), (1B), (1C)—

Omit section 10 (1) and (1A), insert instead :—

## (1) In this section—

“disabled member of the police force” means—

- (a) a member of the police force who is discharged after being certified, pursuant to section 10B (1), to be incapable, from a specified infirmity of body or mind, of discharging the duties of his office; or
- (b) a former member of the police force who resigned or retired and who, according to a certificate given pursuant to section 10B (2) at any time after his resignation or retirement, would have been incapable, from an infirmity of body or mind, of



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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

discharging the duties of his office  
at the time of his resignation or  
retirement,

that infirmity being determined, pursuant to  
section 10B (3) or on appeal, to have been  
caused by the member being hurt on duty or  
the former member having been hurt on  
duty when he was a member of the police  
force, as the case may be;

“salary of office” means—

- (a) in relation to a member of the police  
force who is discharged—his salary  
of office at the date of his discharge;  
or
- (b) in relation to a former member of  
the police force who resigned or  
retired—his salary of office at the  
date of his resignation or retirement.

(1A) Subject to this section, the annual super-  
annuation allowance for a disabled member of the  
police force is—

- (a) an amount that is equal to 72.75 per cent of  
his salary of office;
- (b) except where paragraph (c) applies, an  
additional amount that is—
  - (i) not more than 12.25 per cent of his  
salary of office; and
  - (ii) commensurate, in the opinion of the  
Board, with his incapacity for work  
outside the police force; and

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(c) where the disabled member is totally incapacitated for work outside the police force and, in the opinion of the Board, he was hurt on duty because he was required to be exposed to risks to which members of the general work-force would normally not be required to be exposed in the course of their employment, an additional amount that is—

- (i) not less than 12.25 per cent and not more than 27.25 per cent of his salary of office; and
- (ii) commensurate, in the opinion of the Board, with the risks to which he was so required to be exposed.

(1B) An annual superannuation allowance may be granted under this section to a disabled member of the police force whatever his length of service.

(1C) Where a former member of the police force who resigned or retired is granted an annual superannuation allowance under this section, 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 resigned or retired.

(b) Section 10 (6) (b) (ii)—

Omit “the salary of his office at the date of his retirement”, insert instead “his salary of office”.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(9) Section 10A—

Omit the section.

(10) Sections 10B, 10C—

Before section 11A, insert :—

10B. (1) An annual superannuation allowance shall not be granted under section 10 to a member of the police force who is discharged unless 2 medical practitioners appointed by the Governor for the purpose have certified the member to be incapable, from a specified infirmity of body or mind, of discharging the duties of his office.

Medical examination of disabled member and determination of whether hurt on duty.

(2) An annual superannuation allowance shall not be granted under section 10 to a former member of the police force who resigned or retired unless—

(a) the former member notified the Commissioner of Police, before his resignation or retirement and within 6 months of receiving the injury which has caused his infirmity of body or mind, of the nature of that injury; and

(b) 2 medical practitioners appointed by the Governor for the purpose have certified that the former member would have been incapable, from that infirmity of body or mind, of discharging the duties of his office at the time of his resignation or retirement.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(3) Where a member or former member of the police force is duly certified under subsection (1) or (2), the Commissioner of Police shall—

- (a) decide whether or not the infirmity to which the certificate relates was caused by the member being hurt on duty or the former member having been hurt on duty when he was a member of the police force, as the case may be; and
- (b) notify the member or former member of that decision.

Redemption  
of super-  
annuation  
allowance  
granted to  
disabled  
member.

10c. (1) In this section, “prescribed part”, in relation to an annual superannuation allowance granted under section 10 to a disabled member of the police force, means an amount, calculated on an annual basis, that, in the opinion of the Board, would have been payable to him—

- (a) in the case of a member of the police force who is discharged—at the date of his discharge; or
- (b) in the case of a former member of the police force who resigned or retired—at the date of his resignation or retirement,

by way of weekly payments as compensation under the Workers’ Compensation Act, 1926, were he a totally incapacitated person entitled to compensation under that Act in respect of a period of incapacity occurring after a period of incapacity of 26 weeks.

(2) The liability of the Fund in respect of the prescribed part of any annual superannuation allowance granted under section 10 to a disabled member of the police force may, with the consent of the disabled member,

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

be redeemed either in whole or in part by the payment from the Fund of a lump sum, determined by the Board, having regard to—

- (a) the nature of the injury received by the disabled member;
- (b) the age of the disabled member at the time he was injured; and
- (c) the diminished ability of the disabled member to compete in an open labour market.

(11) (a) Section 12 (1), (1A), (1B), (2), (3)—

Omit the subsections, 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 the widow, widower, father, mother, children or other relatives 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.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(1A) A reference in subsection (1) to other relatives includes a reference to dependants within the meaning of section 6 (1) of the Workers' Compensation Act, 1926.

(b) Section 12 (6)—

Omit "ex-member", insert instead "former member".

(12) (a) Section 12A (1), definition of "child"—

Omit "ex-member" wherever occurring, insert instead "former member".

(b) Section 12A (2)—

Omit "ex-member" wherever occurring, insert instead "former member".

(c) Section 12A (2)—

Omit "referred to in section 12 is killed, or dies", insert instead "dies under circumstances referred to in section 12".

(d) Section 12A (4)—

Omit "ex-member", insert instead "former member".

(13) Sections 12B–12E—

After section 12A, insert :—

12B. (1) In this section, "dependant" has the meaning ascribed thereto in section 6 (1) of the Workers' Compensation Act, 1926.

Gratuities  
where  
members  
die as a  
result of  
being hurt  
on duty.

Police Regulation (Superannuation and Appeals) Amendment.SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON DUTY BENEFITS—*continued.*

(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 dependent on him, the Board may pay to those dependants a gratuity of such amount as the Board determines, not exceeding—

(a) 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; or

(b) the maximum amount of the gratuity payable under section 13,

whichever is the greater amount.

(3) Where a member or former member of the police force dies under circumstances referred to in section 12 and the member or former member does not leave any dependants wholly or partly dependent on him, the Board may pay an amount to meet his burial or cremation expenses that, in the opinion of the Board, would have been payable under section 8 (4) of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for the purposes of that Act.

12c. (1) Where a member of the police force dies, the Commissioner of Police shall—

(a) decide whether or not the member's death was caused by the member being hurt on duty; and

(b) notify the Board of that decision.

Determination of whether deceased member or former member died as a result of being hurt on duty.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(2) Where a former member of the police force dies, the Commissioner of Police shall, at the request of the Board—

- (a) decide whether or not the former member's death was caused by the former member having been hurt on duty when he was a member of the police force; and
- (b) notify the Board of that decision.

12D. (1) The Board may pay to a member of the police force who is hurt on duty or to a former member of the police force who was hurt on duty when he was a member of the police force a gratuity of such amount as the Board determines, not exceeding the amount that, in the opinion of the Board, would have been payable to the member or former member under sections 10, 10A, 10B and 16 of the Workers' Compensation Act, 1926, if the member were, or the former member had been, a worker for the purposes of that Act.

(2) The Board may pay a gratuity to a member of the police force under this section notwithstanding that the member is not discharged from the police force as a result of being hurt on duty.

(3) The Board shall not grant a gratuity under this section to a member or former member of the police force unless—

- (a) an annual superannuation allowance is payable to the member or former member under section 10; or
- (b) where an annual superannuation allowance is not so payable, the injury to which the claim for the gratuity relates is determined, pursuant to

Gratuities  
to members  
hurt on duty  
in respect  
of loss of  
limb, etc.



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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

subsection (4) or on appeal, to have been caused by the member being hurt on duty or the former member having been hurt on duty when he was a member of the police force.

(4) Where a member or former member of the police force who is not entitled to an annual superannuation allowance under section 10 claims a gratuity under this section, the Commissioner of Police shall, at the request of the Board—

- (a) decide whether or not the injury to which the claim relates was caused by the member being hurt on duty or the former member having been hurt on duty when he was a member of the police force; and
- (b) notify the Board of that decision.

12E. (1) Where a member of the police force is hurt on duty in circumstances creating a legal liability in some person to pay damages in respect thereof and those damages are recovered, a gratuity shall not be payable under this Act to the person who recovered the damages or, if a gratuity under this Act has already been paid to the person who recovered the damages, he shall be liable to repay to the Board out of those damages the amount of the gratuity so paid.

Repayment  
to Board  
in certain  
cases.

(2) In subsection (1), “damages” does not include any sum ordered or directed to be paid pursuant to any provision of the Crimes Act, 1900, by way of compensation for injury, but any such sum so paid to a person shall be deducted from any gratuity subsequently payable to the person under this Act in respect of the injury.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

## (14) (a) Section 13 (1)—

Omit “When any such member has died under circumstances other than those referred to in section 12”, insert instead “When a member of the police force dies”.

## (b) Section 13 (4)—

After section 13 (3), insert :—

(4) A gratuity is not payable under this section to or on behalf of a person if a gratuity is payable to or on behalf of the person under section 12B as a consequence of the death of a member of the police force.

## (15) Section 14 (1)—

Omit “duly certified to be unfit for service,”, insert instead “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 if he is not entitled to an annual superannuation allowance under section 10”.

## (16) (a) Section 14A (3) (a)—

Omit “Act; and”, insert instead “Act;”.

## (b) Section 14A (3) (b)—

Omit “section 7.”, insert instead “section 7 (1); and”.

## (c) Section 14A (3) (c)—

After section 14A (3) (b), insert :—

(c) the discharge of a member of the police force includes a reference to the retirement or resignation of such a member, as referred to in section 10.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(17) Section 14C (4) (b)—

Omit “an ex-member”, insert instead “a former member”.

(18) Section 14D (4) (b), (5)—

Omit “an ex-member” wherever occurring, insert instead “a former member”.

(19) Section 17 (4)—

After section 17 (3), insert :—

(4) Where a former member of the police force who, after his resignation, received the amount payable to him under subsection (1) is thereafter entitled to a superannuation allowance or gratuity by reason of his having being hurt on duty when he was a member of the police force, the amount paid under subsection (1) shall be deducted from the superannuation allowance or gratuity in such instalments and at such times as the Board may determine.

(20) Section 21—

After section 20, insert :—

21. (1) A person who considers himself aggrieved by—

- (a) a decision made by the Board on a matter that arises under this Act by reason of a member of the police force being hurt on duty; or

Determina-  
tion by  
Commission.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(b) a decision made by the Commissioner of Police under section 10B (3) (a), 12C (1) (a), 12C (2) (a) or 12D (4) (a),  
may apply to the Commission for a determination in relation to that decision.

(2) Not less than 21 days' notice of application under this section shall be given by the applicant—

- (a) in the case of a decision made by the Board, to the Board; or
- (b) in the case of a decision made by the Commissioner of Police, to the Commissioner of Police.

(3) The Board or the Commissioner of Police, as the case may be, is entitled to be represented at the hearing of an application under this section.

(4) The Commission, after considering an application under this section, may make a determination that the decision of the Board or the Commissioner of Police, as the case may be, in respect of which the application was made—

- (a) be confirmed; or
- (b) be set aside and replaced by a different decision made by the Commission.

(5) The Commission shall not make a decision referred to in subsection (4) (b) unless the Board or the Commissioner of Police, as the case may be, could pursuant to this Act make that decision.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(6) Where the Commission makes a decision referred to in subsection (4) (b), that decision shall, for the purposes of this Act, be deemed to be made by the Board or the Commissioner of Police, as the case may be, and shall be carried into effect.

(7) Subject to this section, the provisions of sections 34, 36 (1)–(3), 37 and 38 (a) and (b) of the Workers' Compensation Act, 1926, and of any rules made under section 38 (e) of that Act apply to and in respect of the Commission and its hearing of an application under this section as if—

- (a) a reference in section 34 of that Act to an inquiry, investigation or hearing under that Act were a reference to the hearing of an application under this section;
- (b) a reference in section 36 (1) of that Act to matters and questions arising under that Act were a reference to applications under this section; and
- (c) a reference in section 37 (1) and (2) of that Act to an award of the Commission were a reference to a determination of the Commission under subsection (4).

(8) The Commission, after hearing an application under this section, may assess the costs of the successful party to the application (including costs of representation and witness expenses, if any) and order that the costs so assessed or any part of them be paid to the successful party by any other party within a time specified in the order.

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HURT ON  
DUTY BENEFITS—*continued.*

(9) The Commission shall not order the payment of costs under subsection (8) by the applicant for a determination under this section unless it is satisfied that his application was frivolous or vexatious or was made fraudulently or without proper justification.

(10) Where costs assessed under subsection (8) are not paid within the time specified in the order made under that subsection in respect of them, the person in whose favour the order was made may recover the costs in a court of competent jurisdiction as a debt due to him by the person against whom the order was made.

(11) The functions given to the Commission by or under this section may be performed by a single member of the Commission.

Sec. 5.

## SCHEDULE 2.

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

## (1) Section 1A—

From the matter relating to Part V, omit "19", insert instead "20".

## (2) Section 7A (1), definition of "Commonwealth pension"—

After "prescribed" in paragraph (d), insert "by rules made under the Principal Act".

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(3) Section 9—

After “Minister”, insert “administering the Principal Act”.

(4) (a) Section 10 (6) (b)—

Omit “deduction hereinafter specified”, insert instead  
“deduction specified in paragraph (b1)”.

(b) Section 10 (6) (b)—

After “under that Act”, insert “in respect of a period  
of incapacity occurring after a period of incapacity  
of 26 weeks”.

(c) Section 10 (6) (b)—

Omit “The deduction hereinbefore referred to”, insert  
instead “(b1) The deduction referred to in paragraph  
(b)”.

(d) Section 10 (6) (b)—

Omit “disabled member; or”, insert instead “disabled  
member;”.

(e) Section 10 (6) (b) (iii)—

Omit “university;”, insert instead “university; or”.

(f) Section 10 (6) (b) (iv)—

After section 10 (6) (b) (iii), insert :—

(iv) the amount of the annual superannuation  
allowance payable under this section,

*Police Regulation (Superannuation and Appeals) Amendment.*SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

## (5) Section 11A (1A)—

Omit “, except to the extent that the Board otherwise directs in the interest of that widow,”.

## (6) Section 14E—

Omit the section.

## (7) Section 20—

After section 19, insert :—

20. (1) Notwithstanding anything in this Act, where a person entitled to receive a superannuation allowance payable under this Act (including any increase payable under this Act) would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person, the amount of the allowance shall be such lesser amount than that provided for under this Act as the Board determines.

(2) The Board may, from time to time, vary or revoke any determination under subsection (1), and any such variation or revocation shall take effect on the day the Board so varies or revokes the determination or on such earlier or later day as the Board determines.

(3) Where the Board, under this section, reduces the amount of an increase payable under this Act, the amount of the increase as determined by the Board shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

Suspension  
of part of  
allowance  
in certain  
circum-  
stances.



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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(4) A part of a superannuation allowance that is not paid to a person because of a determination made by the Board under this section shall, for the purposes of calculating any increase under this Act, be taken into account as if it had been payable.

(5) A part of a superannuation allowance that is not paid to a person because of a determination made by the Board under this section shall, for the purpose of calculating a superannuation allowance payable to the person's widow in her capacity as such, be taken into account as if it had been payable.

(8) Schedule 1—

Omit clause 7.

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SCHEDULE 3.

Sec. 6.

AMENDMENTS TO THE POLICE REGULATION (APPEALS)  
ACT, 1923.

(1) Section 6 (1) (b)—

After "transfer;," insert "or".

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE POLICE REGULATION (APPEALS)  
ACT, 1923—*continued.*

(2) Section 6 (1) (c)—

Omit the paragraph, insert instead :—

- (c) to grant or refuse leave of absence on full pay to a member of the police force during any period of absence caused by that member being hurt on duty within the meaning of section 1 (2) of the Police Regulation (Superannuation) Act, 1906,

(3) Section 6 (1) (d)—

Omit the paragraph.

**Sec. 7.**

SCHEDULE 4.

AMENDMENT TO THE POLICE REGULATION (SUPERANNUATION)  
AMENDMENT ACT, 1974.

Section 4—

Omit “, except to the extent that the Board constituted under that Act otherwise determines in the interest of the member,” wherever occurring.

*Police Regulation (Superannuation and Appeals) Amendment.*

SCHEDULE 5.

Sec. 8.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 1 AND 3.

1. The Principal Act and the Police Regulation (Appeals) Act, 1923, as respectively in force before the commencement of Schedules 1 and 3, apply to and in respect of injuries received by a member of the police force before that commencement as if Schedules 1 and 3 had not been enacted.

Preservation of benefits payable, etc., in respect of members injured before Schedules 1 and 3 commence.

2. The Principal Act and the Police Regulation (Appeals) Act, 1923, as respectively amended by Schedules 1 and 3, apply to and in respect of injuries received by a member of the police force after but not before the commencement of Schedules 1 and 3.

Benefits not payable pursuant to amendments made by Schedules 1 and 3 in respect of members injured before Schedules 1 and 3 commence.

SCHEDULE 6.

Sec. 9.

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS MADE BY SCHEDULES 2 AND 4.

1. (1) Where, at any time before the commencement of Schedules 2 and 4, the Governor or the Police Superannuation Board had, under the Principal Act or any Act amending that Act, power to make a determination or give a direction to the effect that a part only of an increase in a superannuation allowance was payable—

Validation and savings—Schedules 2 (5)–(8) and 4.

- (a) the power shall be deemed to have, at all material times before that commencement, extended to include power to make a determination or give a direction to the effect that no part of such an increase was payable; and

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 6—*continued.*

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS  
MADE BY SCHEDULES 2 AND 4—*continued.*

- (b) any such determination or direction referred to in paragraph (a) is, to the extent of any invalidity, accordingly validated.

(2) Subject to clause 2 (3), a determination or direction, made or given under the Principal Act or any Act amending that Act, to the effect that—

- (a) a part only of an increase in a superannuation allowance is payable; or  
(b) no part of such an increase is payable,

being a determination or direction (including a determination or direction referred to in subclause (1) (a) of this clause) subsisting at the commencement of Schedules 2 and 4, shall continue to have force and effect after that commencement as if Schedules 2 and 4 had not been enacted.

Review of  
certain  
superannua-  
tion  
allowances.

2. (1) Subject to subclause (2) of this clause, where the amount of a superannuation allowance payable on a day to be appointed by the Police Superannuation Board (being a day within 3 months after the commencement of Schedules 2 and 4) would have been greater had no determinations or directions of the kind referred to in clause 1 (whether or not subsisting at that commencement) ever been made or given, the allowance is hereby increased, on and from that day, to the greater amount.

(2) Section 20 of the Principal Act, as amended by this Act, applies to an increase payable by virtue of this clause in the same way as it applies to an increase payable under the Principal Act, as so amended.

(3) On the day appointed under subclause (1) of this clause, all determinations and directions referred to in clause 1 (2) shall cease to have any force or effect.

(4) Where a superannuation allowance is to be increased pursuant to this clause on a date on which the allowance is adjusted pursuant to the Principal Act, as amended by this Act, the allowance to be so adjusted is the allowance as so increased.

Validation—  
Schedule  
2 (4).

3. Any act, matter or thing—

- (a) that was done or omitted before the commencement of Schedules 2 and 4; and

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*Police Regulation (Superannuation and Appeals) Amendment.*

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SCHEDULE 6—*continued.*

VALIDATORY, SAVINGS AND OTHER PROVISIONS RELATING TO AMENDMENTS  
MADE BY SCHEDULES 2 AND 4—*continued.*

- (b) that would have been validly done or omitted had the amendments made by Schedule 2 (4) been in force at all material times before that commencement,

is, to the extent of any invalidity, accordingly validated.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 13th November, 1979.*

Police Regulation (Supersession and Appeal) Amendment

SCHEDULE 6 - continued

IN FORCE AND OTHER PROVISIONS RELATING TO AMENDMENTS  
MADE BY SCHEDULES 3 AND 4 - continued

(b) that would have been validly done or omitted had the amendments  
made by Schedules 3 (4) been in force at all material times before  
that commencement

as to the extent of any liability, accordingly validly

in the name and on behalf of Her Majesty I assent to this Act

A. R. CUTLER  
Governor

Government House,  
Sydney 15th November, 1970



