

# CONCURRENCE COPY

## **POLICE ASSOCIATION EMPLOYEES (SUPERANNUATION) AMENDMENT BILL, 1984**

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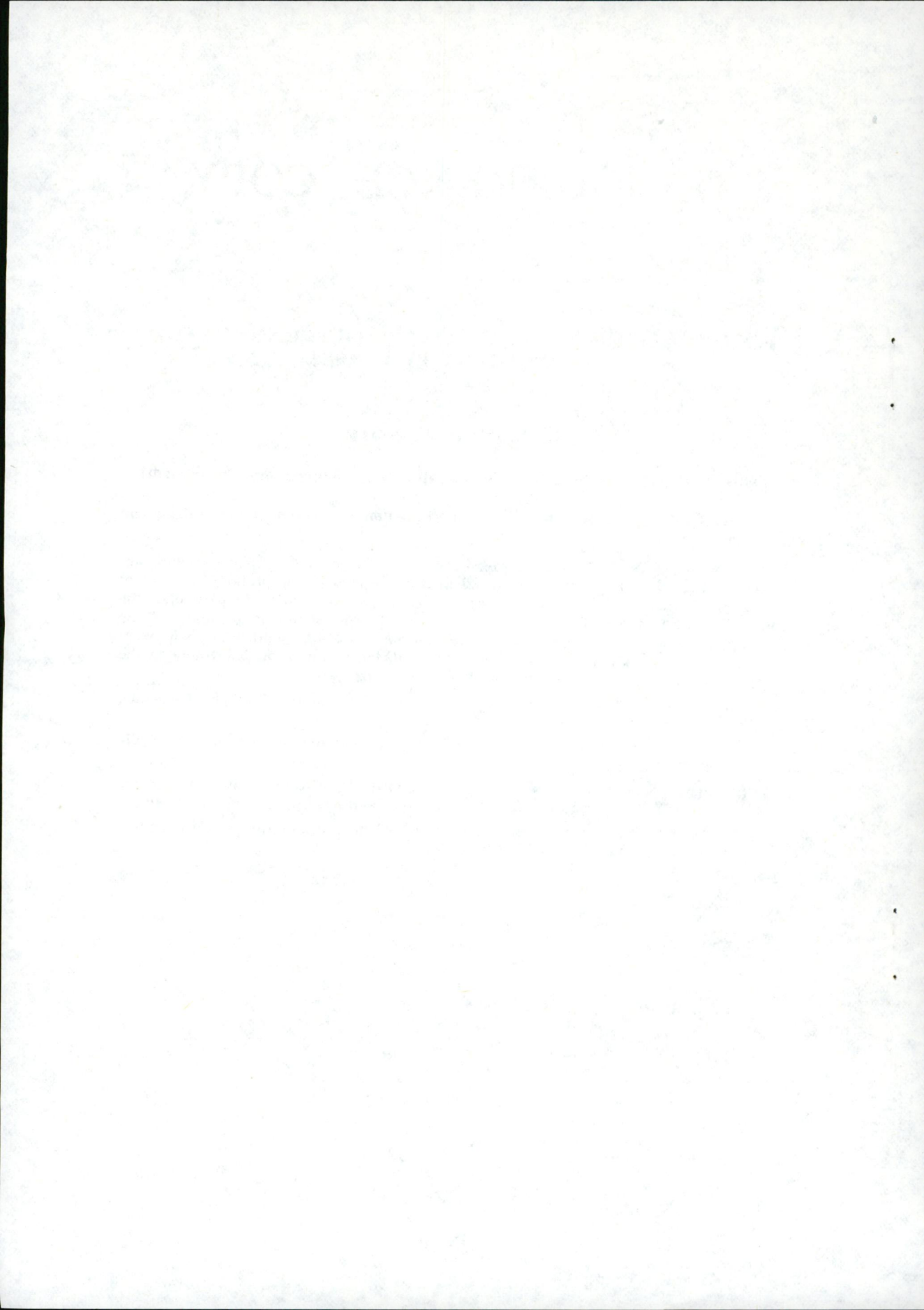
### **EXPLANATORY NOTE**

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

This Bill is cognate with the Police Regulation (Superannuation) Amendment Bill, 1984.

The object of this Bill is to amend the Police Association Employees (Superannuation) Act, 1969, consequent upon and in connection with the proposed enactment of the Police Regulation (Superannuation) Amendment Act, 1984. In particular, the Bill extends certain provisions proposed to be enacted in relation to members of the police force to those employees of the Police Association of New South Wales who were former members of the police force and are entitled to continue to contribute to the Police Superannuation Fund. Among those provisions are—

- (a) the proposed clarification of the definition of "salary of office" (Schedule 1 (1) (d));
  - (b) the proposed addition of interest on the refund of contributions (Schedule 1 (2) (f) and (g));
  - (c) the proposed payment of the refund of contributions to the estate of a member of the police force who dies without dependants (Schedule 1 (2) (i)); and
  - (d) the proposed superannuation allowance for the widowers of female members of the police force (Schedule 1 (2) (k)).
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**POLICE ASSOCIATION EMPLOYEES (SUPERANNUATION)  
AMENDMENT BILL, 1984**

No.           , 1984.

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**A BILL FOR**

An Act to amend the Police Association Employees (Superannuation) Act, 1969, consequent upon and in connection with the enactment of the Police Regulation (Superannuation) Amendment Act, 1984.

[MR HILLS—9 *May*, 1984.]

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*Police Association Employees (Superannuation) 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:—

**5 Short title.**

1. This Act may be cited as the "Police Association Employees (Superannuation) Amendment Act, 1984".

**Commencement.**

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1984.

**Amendment of Act No. 33, 1969.**

15 3. The Police Association Employees (Superannuation) Act, 1969, is amended in the manner set forth in Schedule 1.

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*Police Association Employees (Superannuation) Amendment.*

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969.

5 (1) (a) Section 2 (1), definition of "Board"—

After the definition of "Association", insert:—

"Board" means the Police Superannuation Board constituted  
by the Police Regulation (Superannuation) Act, 1906;

(b) Section 2 (1), definition of "pay and salary"—

10

Omit the definition.

(c) Section 2 (1), definition of "rules"—

Omit "Act.", insert instead "Act;".

(d) Section 2 (1), definition of "salary of office"—

After the definition of "rules", insert:—

15

"salary of office" has the meaning ascribed thereto in section  
1 (2) of the Police Regulation (Superannuation) Act,  
1906.

(2) (a) Section 3 (2) (a), (5) (a) (i)—

20

Omit "pay and salary" wherever occurring, insert instead "salary  
of office".

(b) Section 3 (2) (a)—

After "1906,", insert "and the amounts that would have been  
required to be paid into the Fund under section 5A of that Act".

(c) Section 3 (2) (c)—

25

Omit "and a refund of payments made into the Fund pursuant to  
paragraph (a)".

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*Police Association Employees (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

## (d) Section 3 (5)—

5           After “superannuation allowance”, insert “or gratuity”.

## (e) Section 3 (5) (a) (i)—

          After “section 5”, insert “, or deemed to have been deducted under section 5A.”.

## (f) Section 3 (5) (a)—

10           Omit “but without any addition by way of interest or dividends; and”, insert instead:—

          but—

          (iii) except as provided by subparagraph (iv)—without any addition by way of interest; or

15           (iv) where the total period of service of the prescribed person as a member of the police force or an employee of the Association is 5 years or more and the prescribed person is not dismissed from the employment of the Association—with the addition of interest on those sums at the rate of 4.5 per cent compounded on 30th June in each year of any such service and on the date of resignation or discharge from the employment of the Association; and

## (g) Section 3 (5A)—

25           After section 3 (5), insert:—

          (5A) For the purposes of subsection (5) (a) (iv)—

          (a) interest shall not be paid in respect of any period before the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1984, and any sum referred to in subsection (5)

30           (a) that was deducted or paid before that day shall be deemed to have been deducted or paid on that day; and



*Police Association Employees (Superannuation) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

5 (b) interest on sums deducted or paid at different times during the period in respect of which the interest is to be calculated shall, subject to subsection (5) (a) (iv), be calculated in a manner determined by the Board.

(h) Section 3 (6)—

10 After “repaid into the Fund before”, insert “the expiration of the period of 6 months immediately after”.

(i) Section 3 (6A)—

After section 3 (6), insert:—

(6A) Where the prescribed person dies—

15 (a) on or after the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1984; and

(b) before the prescribed person’s employment by the Association ceases,

20 and there is no person to whom a superannuation allowance or gratuity is payable under this Act in respect of the death of the prescribed person, the prescribed person shall be deemed to have resigned from the employment of the Association immediately before the prescribed person’s death and the amount payable under subsection (5) shall be paid by the Board to the  
25 prescribed person’s personal representatives or, where the prescribed person has no personal representatives, to such persons as the Board may determine.

(j) Section 3 (8) (c)—

30 Omit “two legally qualified medical practitioners appointed under section 8 of”, insert instead “2 members of the Police Medical Board established under”.

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*Police Association Employees (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

## (k) Section 3 (11C), (11D)—

5           After section 3 (11B), insert:—

10           (11C) The provisions of subsections (9)–(11B) apply to and  
in respect of the widower of a prescribed person who dies on  
or after the day appointed and notified under section 2 (2) of  
the Police Regulation (Superannuation) Amendment Act, 1984,  
in the same way as those provisions apply to and in respect of  
the widow of a prescribed person and, for that purpose, a  
reference—

- 15           (a) in subsection (9) (d) or (10) (b) to a wife shall be  
read and construed as a reference to a husband; and  
(b) in subsection (11B) (b) to section 11A shall be  
read and construed as a reference to section 11C of the  
Police Regulation (Superannuation) Act, 1906.

(11D) Notwithstanding subsection (11C)—

- 20           (a) an annual superannuation allowance under that subsection  
shall not be payable to a widower unless the widower  
satisfies and continues (except during any period he is  
married) to satisfy the dependency test prescribed for  
the purposes of section 11C (3) (c) of the Police  
25           Regulation (Superannuation) Act, 1906, and shall not  
become again payable after he ceases to satisfy that test;
- 30           (b) only so much of an annual superannuation allowance  
under that subsection is, at any time or during any  
period, payable to a widower as results in the rate at  
which it is so payable not exceeding the maximum rate  
referred to in section 11C (5) of that Act applicable  
to him at that time or during that period; and



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*Police Association Employees (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

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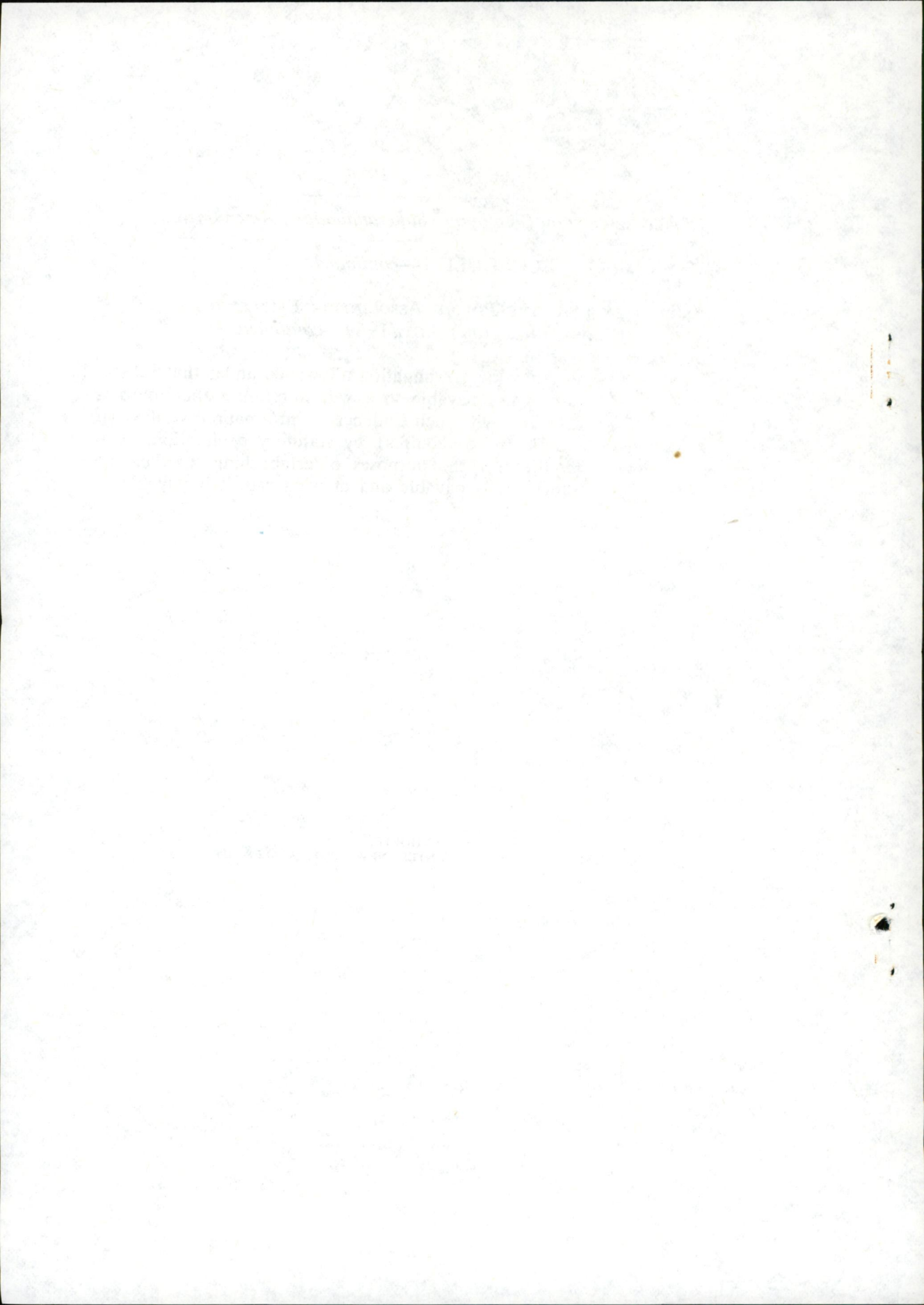
- (c) an annual superannuation allowance under that subsection is not payable to a widower unless the Board is furnished with such evidence or information, verified (if the Board so requires) by statutory declaration, as it requires for the purposes of establishing whether the allowance is payable and at what rate it is payable.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

(50c)





**POLICE ASSOCIATION EMPLOYEES (SUPERANNUATION)  
AMENDMENT ACT, 1984, No. 75**

**New South Wales**



ANNO TRICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 75, 1984.**

An Act to amend the Police Association Employees (Superannuation) Act, 1969, consequent upon and in connection with the enactment of the Police Regulation (Superannuation) Amendment Act, 1984. [Assented to, 27th June, 1984.]

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*Police Association Employees (Superannuation) 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 Association Employees (Superannuation) Amendment Act, 1984".

**Commencement.**

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1984.

**Amendment of Act No. 33, 1969.**

3. The Police Association Employees (Superannuation) Act, 1969, is amended in the manner set forth in Schedule 1.

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*Police Association Employees (Superannuation) Amendment.*

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969.

- (1) (a) Section 2 (1), definition of "Board"—  
After the definition of "Association", insert:—  
"Board" means the Police Superannuation Board constituted  
by the Police Regulation (Superannuation) Act, 1906;
- (b) Section 2 (1), definition of "pay and salary"—  
Omit the definition.
- (c) Section 2 (1), definition of "rules"—  
Omit "Act.", insert instead "Act;".
- (d) Section 2 (1), definition of "salary of office"—  
After the definition of "rules", insert:—  
"salary of office" has the meaning ascribed thereto in section  
1 (2) of the Police Regulation (Superannuation) Act,  
1906.
- (2) (a) Section 3 (2) (a), (5) (a) (i)—  
Omit "pay and salary" wherever occurring, insert instead "salary  
of office".
- (b) Section 3 (2) (a)—  
After "1906," insert "and the amounts that would have been  
required to be paid into the Fund under section 5A of that Act".
- (c) Section 3 (2) (c)—  
Omit "and a refund of payments made into the Fund pursuant to  
paragraph (a)".

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*Police Association Employees (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

(d) Section 3 (5)—

After “superannuation allowance”, insert “or gratuity”.

(e) Section 3 (5) (a) (i)—

After “section 5”, insert “, or deemed to have been deducted under section 5A,”.

(f) Section 3 (5) (a)—

Omit “but without any addition by way of interest or dividends; and”, insert instead:—

but—

(iii) except as provided by subparagraph (iv)—without any addition by way of interest; or

(iv) where the total period of service of the prescribed person as a member of the police force or an employee of the Association is 5 years or more and the prescribed person is not dismissed from the employment of the Association—with the addition of interest on those sums at the rate of 4.5 per cent compounded on 30th June in each year of any such service and on the date of resignation or discharge from the employment of the Association; and

(g) Section 3 (5A)—

After section 3 (5), insert:—

(5A) For the purposes of subsection (5) (a) (iv)—

(a) interest shall not be paid in respect of any period before the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1984, and any sum referred to in subsection (5) (a) that was deducted or paid before that day shall be deemed to have been deducted or paid on that day; and



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*Police Association Employees (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

(b) interest on sums deducted or paid at different times during the period in respect of which the interest is to be calculated shall, subject to subsection (5) (a) (iv), be calculated in a manner determined by the Board.

(h) Section 3 (6)—

After “repaid into the Fund before”, insert “the expiration of the period of 6 months immediately after”.

(i) Section 3 (6A)—

After section 3 (6), insert:—

(6A) Where the prescribed person dies—

(a) on or after the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1984; and

(b) before the prescribed person’s employment by the Association ceases,

and there is no person to whom a superannuation allowance or gratuity is payable under this Act in respect of the death of the prescribed person, the prescribed person shall be deemed to have resigned from the employment of the Association immediately before the prescribed person’s death and the amount payable under subsection (5) shall be paid by the Board to the prescribed person’s personal representatives or, where the prescribed person has no personal representatives, to such persons as the Board may determine.

(j) Section 3 (8) (c)—

Omit “two legally qualified medical practitioners appointed under section 8 of”, insert instead “2 members of the Police Medical Board established under”.

---

*Police Association Employees (Superannuation) Amendment.*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

## (k) Section 3 (11C), (11D)—

After section 3 (11B), insert:—

(11C) The provisions of subsections (9)–(11B) apply to and in respect of the widower of a prescribed person who dies on or after the day appointed and notified under section 2 (2) of the Police Regulation (Superannuation) Amendment Act, 1984, in the same way as those provisions apply to and in respect of the widow of a prescribed person and, for that purpose, a reference—

- (a) in subsection (9) (d) or (10) (b) to a wife shall be read and construed as a reference to a husband; and
- (b) in subsection (11B) (b) to section 11A shall be read and construed as a reference to section 11C of the Police Regulation (Superannuation) Act, 1906.

(11D) Notwithstanding subsection (11C)—

- (a) an annual superannuation allowance under that subsection shall not be payable to a widower unless the widower satisfies and continues (except during any period he is married) to satisfy the dependency test prescribed for the purposes of section 11C (3) (c) of the Police Regulation (Superannuation) Act, 1906, and shall not become again payable after he ceases to satisfy that test;
- (b) only so much of an annual superannuation allowance under that subsection is, at any time or during any period, payable to a widower as results in the rate at which it is so payable not exceeding the maximum rate referred to in section 11C (5) of that Act applicable to him at that time or during that period; and



*Police Association Employees (Superannuation) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE ASSOCIATION EMPLOYEES  
(SUPERANNUATION) ACT, 1969—*continued.*

- (c) an annual superannuation allowance under that subsection is not payable to a widower unless the Board is furnished with such evidence or information, verified (if the Board so requires) by statutory declaration, as it requires for the purposes of establishing whether the allowance is payable and at what rate it is payable.

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

L. W. STREET,  
*By Deputation from  
His Excellency the Governor.*

*Government House,  
Sydney, 27th June, 1984.*

