

**POLICE AND SUPERANNUATION LEGISLATION  
(AMENDMENT) ACT 1990 No. 48**

NEW SOUTH WALES



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**POLICE AND SUPERANNUATION LEGISLATION  
(AMENDMENT) ACT 1990 No. 48**

NEW SOUTH WALES



**Act No. 48, 1990**

An Act to amend various Acts relating to the police and police superannuation as a consequence of the establishment of the Police Service of New South Wales. [Assented to 26 June 1990]

*Police and Superannuation Legislation (Amendment) 1990*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Police and Superannuation Legislation (Amendment) Act 1990.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Acts relating to police**

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

**Amendment of Acts relating to police superannuation**

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

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**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE**

(Sec. 3)

**Anti-Discrimination Act 1977 No. 48**

Section 122B (**Application of Part IXA - authorities**):

Omit section 122B (1) (c), insert instead:

(c) the Police Service; and

**Attachment of Wages Limitation Act 1957 No. 28**

Section 10 (**Attachment of money due to employees of and contractors to certain employing authorities**):

Omit paragraph (d) of the definition of "employee" in section 10 (12).

**Bail Act 1978 No. 161**

(1) Section 4 (**Definitions**):

From section 4 (1), omit the definition of "police officer".

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

(2) Section 66 (**Contravention of this Act by police officers**):

From section 66 (2) (a), omit "rules under the Police Regulation Act 1899", insert instead "regulations under the Police Service Act 1990".

**Freedom of Information Act 1989 No. 5**

(1) Section 6 (**Definitions**):

From the definition of "responsible Minister" in section 6 (1), omit paragraph (d), insert instead:

(d) in relation to the Police Service - the Minister administering the Police Service Act 1990; or

(2) Section 7 (**Public authorities**):

From section 7 (1) (d), omit "the Police Force", insert instead "the Police Service".

**Industrial Arbitration Act 1940 No. 2**

(1) Section 5 (**Definitions**):

Omit paragraph (b) of the definition of "Employee of the Crown" in section 5 (1), insert instead:

(b) a member of the Police Service.

(2) Section 20 (**Original jurisdiction**):

(a) Omit section 20 (1A).

(b) From section 20 (1C), omit "Police Regulation Act, 1899," wherever occurring, insert instead "Police Service Act 1990".

(c) From section 20 (1C), omit "rules", insert instead "regulations".

(d) Omit section 20 (1D) (c)-(e), insert instead:

(c) is inconsistent with the operation of the provisions of the Police Regulation (Appeals) Act 1923;

(d) is inconsistent with any right, power, authority, duty or function conferred or imposed by or under the provisions of the Police Service Act 1990; or



SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

(3) Section 69 (**Crown employees**):

Omit "such employees employed under the Police Regulation Act, 1899, or any Act passed in substitution for or amendment of the same", insert instead "members of the Police Service".

**Interpretation Act 1987 No. 15**

Section 21 (**Meaning of commonly used words and expressions**):

- (a) Omit the definition of "Police Force" from section 21 (1), insert instead:

"**Police Force**" means that part of the Police Service which is comprised of police officers;

- (b) In section 21 (1), insert the following definitions in alphabetical order:

"**police officer**" means a member of the Police Service who is a police officer within the meaning of the Police Service Act 1990;

"**Police Service**" means the Police Service of New South Wales;

**Law Reform (Vicarious Liability) Act 1983 No. 38**

(1) Section 5 (**Definitions**):

Omit the definition of "member of the police force" from section 5 (1).

(2) Section 6 (**Police officer**):

Omit "a member of the police force", insert instead "a police officer".

**Ombudsman Act 1974 No. 68**

Section 34 (**Disclosure by Ombudsman or officer**):

- (a) From section 34 (1) (b) (ii), omit "discipline of the Police Force", insert instead "discipline of police officers".
- (b) From section 34 (3) (a), omit "member of the Police Force", insert instead "police officer".

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
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- (c) From section 34 (3) (c), omit "Police Regulation Act 1899", insert instead "Police Service Act 1990".

**Police Department (Transit Police) Act 1989 No. 58**

- (1) Section 3 (**Objects**):
- (a) From section 3 (b), omit "Police Department", insert instead "Police Service".
- (b) From section 3 (d), omit "members of the Police Force", insert instead "police officers".
- (2) Section 6 (**Transit police service**):
- From section 6 (4), omit "a member of the Police Force", insert instead "a police officer".
- (3) Section 25 (**Investigation of complaints**):
- From section 25 (b), omit "Police Regulation Act 1899 or the rules", insert instead "Police Service Act 1990 or the regulations".
- (4) Section 32 (**Delegation by Commissioner**):
- Omit the section.
- (5) Section 35 (**Uniforms etc.**):
- From section 35 (6), omit "Section 17 (1) (c) of the Police Regulation Act 1899", insert instead "Section 104 of the Police Service Act 1990".

**Police Offences Act 1901 No. 5**

- Section 103 (**Power of special constables**):
- Omit "any constable", insert instead "any police officer of the rank of constable".

**Police Regulation (Allegations of Misconduct) Act 1978 No. 84**

- (1) Section 4 (**Definitions**):
- (a) From the definitions of "Commissioner" and "Deputy Commissioner", omit "for the time being holding office under the Police Regulation Act 1899" wherever occurring.

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

- (b) From the definition of "Internal Affairs Branch", omit "Police Force", insert instead "Police Service".
- (c) Omit the definition of "member of the Police Force", insert instead:

**"member of the Police Force"** means a member of the Police Service who is a police officer within the meaning of the Police Service Act 1990;
- (d) After the definition of "Ombudsman", insert:

**"Police Service"** means the Police Service of New South Wales established by the Police Service Act 1990;
- (2) Section 22 (**Proceedings to be instituted if warranted**):

From section 22 (1), omit "subject to the Police Regulation Act 1899 and the rules made thereunder", insert instead "subject to the Police Service Act 1990 and the regulations under that Act".
- (3) Section 29 (**Distribution of report**), section 33 (**Serious misconduct**), section 57 (**Information to be confidential**):

From section 29 (2), section 33 (a) and section 57 (c), omit "Minister administering the Police Regulation Act 1899" wherever occurring, insert instead "Minister administering the Police Service Act 1990".
- (4) Section 34 (**Constitution of Internal Affairs Branch**):
  - (a) From section 34 (1), omit "within the Police Force", insert instead "within the Police Service".
  - (b) From section 34 (3), omit "a member of the Police Force of the rank of Assistant Commissioner", insert instead "a police officer who is a member of the Police Service Senior Executive Service".
- (5) Section 35 (**Duties of Internal Affairs Branch**):
  - (a) From section 35 (1) (c1), omit "Police Force", where secondly and thirdly occurring, insert instead "Police Service".
  - (b) In section 35 (1) (e), before "the Police Force", insert "members of".



SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
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- (6) Section 35A (**Reports**):
  - (a) Omit section 35A (1) (c) (i), insert instead:
    - (i) as the Commissioner, a member of the Police Service Senior Executive Service or a police officer (other than of the rank of constable of any grade); or
  - (b) From section 35A (2) (a), omit "Police Force", insert instead "Police Service".
- (7) Section 45 (**Inquiry concerning discipline**), section 59 (**Certain documents privileged**):

From section 45 (1) and section 59 (1), after "discipline" wherever occurring, insert "of members".
- (8) Section 49 (**Powers etc. of a Deputy Commissioner**):

Omit the section.
- (9) Section 52 (**Commissioner to provide information**):

From section 52 (a), omit "Police Force", insert instead "Police Service".

**Police Regulation (Appeals) Act 1923 No. 33**

- (1) Section 1 (**Short title**):

From section 1 (1), omit "Police Regulation Act 1899", insert instead "Police Service Act 1990".
- (2) Section 2 (**Definitions**):

After the definition of "Commissioner", insert:  
"member of the police force" means a member of the Police Service who is a police officer within the meaning of the Police Service Act 1990.
- (3) Section 3 (**Appeals to Tribunal against promotions of certain constables of police**):

From section 3 (1), omit "promotion in" wherever occurring, insert instead "promotion of members of".
- (4) Section 5AA (**Appeals to Tribunal against promotions to senior sergeant**):
  - (a) From section 5AA (1) and (1A), omit "Police Regulation Act 1899" wherever occurring, insert instead "Police Service Act 1990".



SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
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- (b) From section 5AA (2), omit "section 6B of the Police Regulation Act 1899", insert instead "section 3 (1) of the Police Service Act 1990".
- (c) Omit section 5AA (4) (c), insert instead:
  - (c) a reference in section 29 of that Act to section 19 (1) were a reference to section 78 (1) (a) and (3) of the Police Service Act 1990;
- (5) Section 5A (**Appeal against decision to recommend appointment of inspector**):
  - (a) From section 5A (1), omit "section 7 (2) (g) of the Police Board Act 1983", insert instead "the Police Service Act 1990".
  - (b) From section 5A (2), omit "section 7A of the Police Board Act 1983", insert instead "section 3 (1) of the Police Service Act 1990".
  - (c) From section 5A (4) (c), omit "section 7A (4) of the Police Board Act 1983", insert instead "section 72 (1) (a) and (3) of the Police Service Act 1990".
- (6) Section 7:
  - After section 6, insert:

**Appeals in respect of administrative officers**

7. (1) In this section, "**administrative officer**" means a member of the Police Service other than a police officer or a member of the Police Service Senior Executive Service.

(2) The Government and Related Employees Appeal Tribunal Act 1980 applies to and in respect of administrative officers as if those officers were employees, and the Commissioner were their employer, within the meaning of that Act.

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

**Public Sector Management Act 1988 No. 33**

- (1) Section 4 (**Act not to apply to certain positions**):  
Omit section 4 (1) (b), insert instead:  
(b) any position in the Police Service;
- (2) Section 42A (**Definitions**):  
At the end of the definition of "public authority" in section 42A (1), insert ", but does not include a Teaching Service or the Police Service".
- (3) Section 42N (**Definitions**):  
After "Teaching Service" in section 42N (a), insert ", as a member of the Police Service".
- (4) Section 46 (**Management assistance and advice**):  
After "declared authority" wherever occurring, insert "or the Police Service".
- (5) Section 47 (**Reports on personnel practices and policies**):  
At the end of the section, insert:  
(3) This section applies to the Police Service in the same way it applies to a Department, and for that purpose a reference to the Department Head is to be taken to be a reference to the Commissioner of Police.
- (6) Section 48 (**Power of Minister to carry out management reviews**):  
At the end of the section, insert:  
(4) A management review may also be conducted in respect of the functions and activities of the Police Service.  
(5) If the Minister considers it appropriate to do so, the Minister may:
  - (a) consult with the Commissioner of Police before commencing a management review; and
  - (b) give the Commissioner of Police an opportunity to nominate such number of members of the Police Service to participate in the conduct of the review as the Minister determines.

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

(7) Section 89 (**Definitions**):

After "Teaching Service" in section 89 (3) (a), insert ", as a member of the Police Service".

(8) Section 94 (**Operation of this Part**):

At the end of section 94 (5) (d), insert:  
; or

(e) a member of the Police Service.

(9) Schedule 2 (**Administrative Offices**):

Omit the matter relating to the Police Department.

(10) Schedule 5 (**Extended leave for officers etc. of Public Service**):

After clause 1 (6) (a), insert:

(a1) service as an administrative officer under the Police Service Act 1990; and

**Security (Protection) Industry Act 1985 No. 52**

(1) Section 3 (**Definitions**):

Omit the definition of "Commissioner", insert instead:  
"Commissioner" means the Commissioner of Police;

(2) Section 4 (**Persons excluded from application of Act**):

(a) After section 4 (1) (a), insert:

(a1) a member of the Police Service of New South Wales who is a police officer;

(b) From section 4 (1) (e), omit "employed in the Police Department", insert instead "employed by the Commissioner".

**State Emergency and Rescue Management Act 1989 No. 165**

(1) Section 3 (**Definitions**):

From the definitions of "emergency services organisations" and "government agency", omit "Police Force" wherever occurring, insert instead "Police Service".



SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

(2) Section 43 (**Composition of Board**):

Omit section 43 (1) (c), insert instead:

(c) the State Commander of the Police Service;

(3) Section 50 (**Police at scene to co-ordinate etc. rescue operation**):

From section 50 (1), omit "senior member of the Police Force", insert instead "senior police officer".

(4) Section 53 (**Offence to operate rescue unit without accreditation**):

From section 53 (2) (a), omit "Police Force", insert instead "Police Service".

(5) Section 60A:

Before section 61, insert:

**Power of police to evacuate persons in an emergency**

60A. (1) A senior police officer may, if satisfied that there are reasonable grounds for doing so for the purpose of protecting persons from injury or death threatened by an actual or imminent emergency, direct, or authorise another police officer to direct, a person to do any or all of the following:

- (a) to leave any particular premises and to move outside the danger area;
- (b) to take any children or adults present in any particular premises who are in the person's care and to move them outside the danger area;
- (c) not to enter the danger area.

(2) If the person does not comply with the direction, a police officer may do all such things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.

(3) The regulations may limit the circumstances, and regulate the manner, in which the powers conferred by this section may be exercised.

(4) Neither this section nor section 6 of the Police Service Act 1990 imposes a duty on a police officer to use



**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued***

force to ensure compliance with a direction under this section.

(5) In this section:

"**danger area**" means the area specified by a senior police officer as the area in which an emergency is causing or threatening to cause injury or death;

"**premises**" includes place, building, vehicle, vessel and aircraft;

"**senior police officer**" means a police officer of or above the rank of sergeant or a police officer of a class prescribed as being within this definition by the regulations.

**Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)**

(1) Section 24A (**Definitions**):

After "1988" in the definition of "senior executive office holder", insert "or the holder of a position referred to in Schedule 2 to the Police Service Act 1990".

(2) Schedule 2 (**Public Offices**):

Omit the matter relating to the Deputy Commissioner of Police and Assistant Commissioner of Police.

**Workers Compensation Act 1987 No. 70**

Section 3 (**Definitions**):

From paragraph (a) of the definition of "worker" in section 3 (1), omit "a member of the Police Force", insert instead "a police officer or former police officer".

**SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION**

(Sec. 4)

**Police Association Employees (Superannuation) Act 1969 No. 33**

(1) Section 2 (**Definitions**):

(a) Omit the definition of "member of the police force", insert instead:

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

- "**member of the police force**" means a police officer other than the Commissioner of Police.
- (b) Omit the definitions of "Principal Act" and "rules" from section 2 (1).
- (2) Section 3 (**Employees of Association transferring from employment as police officer**):  
Omit section 3 (2) (a) (ii), insert instead:  
(ii) been qualified for promotion; and
- (3) Section 4 (**Payment of superannuation allowance to F.C. Laut or his widow**):  
Omit "Principal Act", insert instead "Police Regulation Act 1899".

**Police Regulation (Superannuation) Act 1906 No. 28**

- (1) Section 1 (**Short title, commencement and definitions**):
- (a) In subsection (2), insert in alphabetical order:
- "**contributor**" means contributor to the Fund;
- "**police force**" means that part of the Police Service which consists of members of the police force within the meaning of this Act;
- "**police executive officer**" means an executive officer within the meaning of Part 5 of the Police Service Act 1990;
- "**prescribed employment benefit**" means an employment benefit of a kind referred to in paragraph (b), (c) or (e) of the definition of "employment benefit" in section 45 of the Police Service Act 1990;
- "**Public Sector Executives Superannuation Scheme**" means the superannuation scheme established under the Public Sector Executives Superannuation Act 1989;
- (b) Omit the definition of "member of the police force" from subsection (2), insert instead:

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

**"member of the police force"** means a police officer  
within the meaning of the Police Service Act 1990;

(2) Section 1AA:

After section 1, insert:

**Salary of police executive officers**

1AA. (1) For the purposes of this Act, **"salary"**:

- (a) in the case of a contributor who is a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:
  - (i) the monetary remuneration payable to the contributor in accordance with a contract of employment under the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the contributor in accordance with section 46 (8) of that Act after making appropriate adjustments as provided for by that subsection; and
  - (ii) the cost of providing prescribed employment benefits under any such contract or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost, expressed as an annual rate, but does not include any performance-related incentive payment made to that contributor; or
- (b) in the case of a contributor who is an office holder nominated for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975, means the aggregate of:
  - (i) the remuneration payable to the contributor as reduced under that section by the cost of



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

- employment benefits provided to the contributor; and
- (ii) the cost of providing prescribed employment benefits to the contributor under that section or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost,
- expressed as an annual rate; or
- (c) in the case of any other kind of contributor, means the amount determined in accordance with the regulations.
- (2) For the purposes of paragraphs (a) and (b) of the definition of "salary" in subsection (1), a contributor referred to in either of those paragraphs may elect to have treated as salary for the purposes of this Act:
- (a) none of the cost to the employer of providing the contributor with prescribed employment benefits; or
- (b) only a specified proportion of that cost.
- (3) If a contributor is appointed to a position as a police executive officer, or is nominated as an office holder for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975, the contributor may, from time to time, elect:
- (a) to reduce the proportion of the cost of providing the contributor's prescribed employment benefits that is treated as salary for the purposes of this Act; or
- (b) to increase that proportion or, if none of the cost of providing the contributor with prescribed employment benefits is currently treated as part of the contributor's salary for the purposes of this Act, to nominate a proportion of that cost, but so that the percentage increase in the contributor's salary



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

for the purposes of this Act is not greater than the percentage of any increase in the remuneration package of the contributor since the last occasion on which the contributor had an opportunity to make an election under this paragraph.

(4) The qualification in subsection (3) (b) does not apply when the contributor is appointed to another position as a police executive officer or becomes the holder of another office nominated for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975.

(3) Section 1B (**Application of Act**):

Omit the section.

(4) Section 2 (**Repeal**):

Omit the section.

(5) Section 2I (**Functions of Committee**):

Omit "section 12H of the Police Regulation Act 1899",  
insert instead "section 115 of the Police Service Act 1990".

(6) Part 3A:

After Part 3, insert:

**PART 3A - SUPERANNUATION FOR POLICE  
EXECUTIVES**

**Contributor eligible for membership or a member of the  
Public Sector Executives Superannuation Scheme**

5B. (1) When a contributor becomes eligible to become a member of the Public Sector Executives Superannuation Scheme, the contributor must:

- (a) elect to continue to contribute to the Fund; or
- (b) elect to make provision for a benefit provided by section 9B (6).

(2) If a contributor fails to make an election under subsection (1) within 2 months of being required to make that election, the contributor is, for the purposes of this section, to be taken to have elected to continue to contribute to the Fund.

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

(3) Nothing in this Act prevents a contributor who elects to continue to contribute to the Fund from also contributing to the Public Sector Executives Superannuation Scheme or another superannuation scheme and such a contributor is entitled to benefits in accordance with this Act despite being a member of that Scheme or another scheme.

(4) If a contributor elects to continue to contribute to the Fund, the contributor may, at any time thereafter while being eligible to become or being a member of the Public Sector Executives Superannuation Scheme, elect to make provision for a benefit provided by section 9B (6).

(5) A contributor who elects, under this section, to make provision for a benefit provided by section 9B (6):

- (a) may elect to make provision for the benefit even though he or she would not (but for this section) be entitled to make that election; and
- (b) is not entitled to a benefit payable under any other provision of this Act; and
- (c) is not entitled to elect to take the benefit provided by section 9B (9); and
- (d) may elect at any time before the benefit is paid to have the benefit paid to the credit of the contributor in the Public Sector Executives Superannuation Scheme.

(6) If a contributor makes an election under subsection (5) (d):

- (a) the contributor is entitled to be paid the benefit provided by section 9B (6) but only in accordance with this subsection and subsection (7); and
- (b) the Board must, as soon as practicable thereafter, pay to the Public Sector Executives Superannuation Board established under the Public Sector Executives Superannuation Act 1989 the amount of the benefit to which the contributor is entitled; and
- (c) the Public Sector Executives Superannuation Board must credit the amount to the account established



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

or to be established for the person in the Public Sector Executives Superannuation Fund under that Act.

(7) For the purposes of subsection (6) (a), the benefit to which the contributor is entitled is an amount equal to the actuarially calculated lump sum value of the benefit provided by section 9B on ceasing to be a contributor.

(8) If a contributor makes an election under subsection (1) (b) or (4) within 12 months after being:

- (a) appointed as a police executive officer; or
- (b) nominated as an office holder for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975,

the salary of the contributor, for the purpose of determining the amount of the benefit to which the election relates, is to be taken to be his or her salary immediately before that appointment or nomination took effect.

(7) Section 7AA (**Superannuation allowance on early retirement**):

- (a) Omit section 7AA (1).
- (b) In section 7AA (2), after "salary of office", insert "at the date of retirement".
- (c) Omit section 7AA (3) (a).

(8) Section 8A (**Disengagement benefit for members aged between 50-55**):

Omit section 8A (8), insert instead:

(8) This section does not apply to a contributor who is eligible to become or who is a member of the Public Sector Executives Superannuation Scheme (including the Commissioner of Police).

(9) Section 9B (**Preserved benefit**):

From section 9B (1), omit "(not less than 3 years after last becoming such a member)".

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

(10) Section 22A:

After section 22, insert:

**Increases in certain allowances payable to or in respect of  
members hurt on duty before 31 December 1971**

22A. Schedule 5 has effect.

(11) Schedule 5:

After Schedule 4, insert:

**SCHEDULE 5 - INCREASES IN CERTAIN  
ALLOWANCES PAYABLE TO OR IN RESPECT OF  
MEMBERS HURT ON DUTY BEFORE  
31 DECEMBER 1971**

**Increases in s. 10 allowances for disabled former members  
hurt on duty**

1. (1) This clause applies to a superannuation allowance payable under section 10 to a disabled member of the police force that first became payable in respect of a period commencing before 31 December 1971.

(2) Any such superannuation allowance is increased by the percentage specified in the Table to this Schedule, being the percentage shown in that Table opposite the period specified in the Table during which the allowance first became payable.

(3) If the annual amount of any such superannuation allowance (as so increased) is less than \$15,500, the allowance is increased by such amount as is necessary to increase the annual amount of the allowance to \$15,500.

**Increases in allowances for surviving spouses of disabled  
members hurt on duty**

2. (1) This clause applies to a superannuation allowance payable under section 11, 11A, 11B or 11C to the spouse of a disabled former member of the police force as a consequence of the death of that member, being a former member who was (at the time of his or her death) in receipt of a superannuation allowance under section 10 that first



**SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued***

became payable in respect of a period commencing before 31 December 1971.

(2) Any such superannuation allowance is increased by the percentage specified in the Table to this Schedule, being the percentage shown in that Table opposite the period specified in that Table during which the allowance to the disabled former member first became payable.

(3) If the annual amount of any such superannuation allowance (as so increased) is less than \$9,688, the allowance is increased by such amount as is necessary to increase the annual amount of the allowance to \$9,688.

**Commencement of payment of increases**

3. Any increase in a superannuation allowance under this Schedule is payable from the commencement of the first full pension pay period occurring in June 1990 (but is not payable in respect of any period before that commencement).

**TABLE - PERCENTAGE INCREASE IN ALLOWANCES**

Period when allowance under s. 10 first became payable	Percentage increase
Before 31 December 1950	30
On or after 31 December 1950 and before 31 December 1964	20
On or after 31 December 1964 and before 31 December 1968	15
On or after 31 December 1968 and before 31 December 1970	10
On or after 31 December 1970 and before 31 December 1971	5

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

**Public Sector Executives Superannuation Act 1989 No. 106**

Section 3 (**Definitions**):

- (a) After paragraph (b) of the definition of "employee" in subsection (1), insert:

(b1) a police executive officer; or

- (b) After the definition of "member's account" in subsection (1), insert:

**"police executive officer"** means an executive officer within the meaning of Part 5 of the Police Service Act 1990;

**"Police Service Senior Executive Service"** has the same meaning as in the Police Service Act 1990;

- (c) Omit the definition of "prescribed employment benefit" from subsection (1), insert instead:

**"prescribed employment benefit"** means an employment benefit of a kind referred to in paragraph (b), (c) or (e) of the definition of "employment benefit" in section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990;

- (d) Omit paragraph (a) of the definition of "salary" in subsection (1), insert instead:

(a) in the case of an employee or a member who is a chief executive officer, a senior executive officer or a police executive officer, means the aggregate of:

- (i) the monetary remuneration payable to the employee or member in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the employee or member in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making appropriate adjustments as provided by those subsections; and

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

- (ii) the cost of providing prescribed employment benefits under any such contract or, if the employee or member has, in accordance with subsection (4), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost, expressed as an annual rate, but does not include any performance-related incentive payment made to that employee or member; or
- (e) In subsections (5) and (6) after "senior executive officer" wherever occurring, insert "or as a police executive officer".

**State Authorities Non-contributory Superannuation Act 1987 No. 212**

- (1) Section 3 (**Definitions**):
  - (a) After the definition of "part-time employee" in subsection (1), insert:  
"police executive officer" means an executive officer within the meaning of Part 5 of the Police Service Act 1990;
  - (b) Omit the definition of "prescribed employment benefit" from subsection (1), insert instead:  
"prescribed employment benefit" means an employment benefit of a kind referred to in the definition of "employment benefit" in paragraph (b), (c) or (e) of section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990;
- (2) Section 4A (**Salary of executive officers**):
  - (a) Omit subsection (1) (a), insert instead:
    - (a) in the case of an employee who is a chief executive officer, a senior executive officer or a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

- (i) the monetary remuneration payable to the employee in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the employee in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making appropriate adjustments as provided by those subsections; and
  - (ii) the cost of providing prescribed employment benefits under any such contract or, if the employee has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost,  
expressed as an annual rate, but does not include any performance-related incentive payment made to that employee; or
- (b) In subsections (3) and (4), after "senior executive officer" wherever occurring, insert "or as a police executive officer".
- (3) Section 6 (**Provisions respecting certain employees**):  
Omit subsection (1), insert instead:  
(1) Members of the Police Service are, for the purposes of this Act, to be taken to be employed in the Police Service by the Crown.
- (4) Section 24 (**Benefit to be preserved**):  
After "senior executive officer" in subsection (5), insert "or as a police executive officer".

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

(5) Schedule 1 (**Employers**):

Omit "The Commissioner of Police" from Part 1, insert instead "Police Service".

**State Authorities Superannuation Act 1987 No. 211**

(1) Section 3 (**Definitions**):

- (a) After the definition of "part-time employee" in subsection (1), insert:

"**police executive officer**" means an executive officer within the meaning of Part 5 of the Police Service Act 1990;

- (b) Omit the definition of "prescribed employment benefit" from subsection (1), insert instead:

"**prescribed employment benefit**" means an employment benefit of a kind referred to in the definition of "employment benefit" in paragraph (b), (c) or (e) of section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990;

(2) Section 4A (**Salary of executive officers**):

Omit subsection (1) (a), insert instead:

- (a) in the case of a contributor who is a chief executive officer, a senior executive officer or a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:

- (i) the monetary remuneration payable to the contributor in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the contributor in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

- appropriate adjustments as provided by those subsections; and
- (ii) the cost of providing prescribed employment benefits under any such contract or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost, expressed as an annual rate, but does not include any performance-related incentive payment made to that contributor; or
- (b) In subsections (3) and (4) after "senior executive officer" wherever occurring, insert "or as a police executive officer".
- (3) Section 8 (**Provisions respecting certain employees**):  
Omit subsection (1), insert instead:  
(1) Members of the Police Service are, for the purposes of this Act, to be taken to be employed in the Police Service by the Crown.
- (4) Section 30A (**Contributor eligible for membership or a member of the Public Sector Executives Superannuation Scheme**):  
After "senior executive officer" in subsection (7), insert "or a police executive officer".
- (5) Schedule 1 (**Employers**):  
Omit "The Commissioner of Police" from Part 1, insert instead "Police Service".

**Superannuation Act 1916 No. 28**

- (1) Section 3 (**Definitions**):
- (a) From the definition of "Employee" in subsection (1), omit "Part III of the Police Regulation Act 1899 or".



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

- (b) After the definition of "Part-time employee" in subsection (1), insert:

**"Police executive officer"** means an executive officer within the meaning of Part 5 of the Police Service Act 1990.
- (c) Omit the definition of "Prescribed employment benefit" from subsection (1), insert instead:

**"Prescribed employment benefit"** means an employment benefit of a kind referred to in the definition of "employment benefit" in paragraph (b), (c) or (e) of section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990.
- (2) Section 3AA (**Salary of executive officers**):
  - (a) Omit subsection (1) (a), insert instead:
    - (a) in the case of a contributor who is a chief executive officer, a senior executive officer or a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:
      - (i) the monetary remuneration payable to the contributor in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the contributor in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making appropriate adjustments as provided for by those subsections; and
      - (ii) the cost of providing prescribed employment benefits under any such contract or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of



FIRST PRINT

**POLICE AND SUPERANNUATION LEGISLATION  
(AMENDMENT) BILL 1990**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Police Service Bill 1990.

The object of this Bill is to amend various Acts relating to the police and police superannuation as a consequence of the proposed establishment of the Police Service of New South Wales.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day or days.

Clauses 3 and 4 are formal provisions which give effect to the Schedules of amendment of Acts.

**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO POLICE**

Schedule 1 contains the following amendments:

**Anti-Discrimination Act 1977.** Consequential amendment.

**Attachment of Wages Limitation Act 1957.** The amendment removes a reference to the Police Force as a consequence of the enactment of an equivalent provision in the proposed Police Service Act 1990 (s. 96).

**Bail Act 1978.** Consequential amendment.

**Freedom of Information Act 1989.** Consequential amendments.

**Industrial Arbitration Act 1940.** Consequential amendments.

**Interpretation Act 1987.** The amendments provide definitions of "police officer", "Police Service" and "Police Force" for the interpretation of legislation to take account of the proposed Police Service.



## *Police and Superannuation Legislation (Amendment) 1990*

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**Law Reform (Vicarious Liability) Act 1983.** Consequential amendments.

**Ombudsman Act 1974.** Consequential amendment.

**Police Department (Transit Police) Act 1989.** Consequential amendments. The transit police are not to be included in the Police Service.

**Police Offences Act 1901.** Consequential amendment.

**Police Regulation (Allegations of Misconduct) Act 1978.** Consequential amendments. The Act is to continue to apply to members of the Police Service who are police officers.

**Police Regulation (Appeals) Act 1923.** Consequential amendments. Appeals to the Government and Related Employees Appeal Tribunal for certain police officers and administrative officers are to be preserved.

**Public Sector Management Act 1988.** Consequential amendments. Provision is made to extend the Premier's functions for management reviews etc. of Departments and other public authorities to the Police Service.

**Security (Protection) Industry Act 1985.** Consequential amendments.

**State Emergency and Rescue Management Act 1989.** Consequential amendments. Proposed section 60A (relating to police powers to evacuate persons in emergencies) re-enacts section 7B of the Police Regulation Act 1899.

**Statutory and Other Offices Remuneration Act 1975.** The amendments extend to police senior executive officers the provisions of the Act for the determination by the Tribunal of the total remuneration packages of public sector senior executive officers.

**Workers Compensation Act 1987.** Consequential amendment.

### **SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO POLICE SUPERANNUATION**

Schedule 2 contains the following amendments relating to police superannuation:

**Police Association Employees (Superannuation) Act 1969.** Consequential amendments.

**Police Regulation (Superannuation) Act 1906.** The amendments:

- (a) make consequential changes to preserve the superannuation entitlements of members of the Police Force who are contributors to the Police Superannuation Fund;
- (b) make special arrangements for any such contributor who becomes a member of the Police Service Senior Executive Service (the arrangements are similar to those applying to public service senior executive officers and enable a contributor to continue in the Police Superannuation Fund, preserve their benefit in that Fund or transfer the amount of a preserved benefit to the Public Sector Executives Superannuation Scheme);
- (c) increase pensions payable to former members of the Police Force (or their spouses) who were retired before 31 December 1971 because they were hurt on duty.

**Public Sector Executives Superannuation Act 1989.** The amendments provide that police senior executive officers are eligible (in addition to other public sector

*Police and Superannuation Legislation (Amendment) 1990*

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senior executive officers) to join the Public Sector Executives Superannuation Scheme (an "accumulation-based" superannuation scheme).

**State Authorities Non-contributory Superannuation Act 1987.**

**State Authorities Superannuation Act 1987.**

**Superannuation Act 1916.**

The amendments to the above Acts make consequential changes to extend the provisions relating to public sector senior executive officers to police senior executive officers.

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FIRST PRINT

**POLICE AND SUPERANNUATION LEGISLATION  
(AMENDMENT) BILL 1990**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Acts relating to police
4. Amendment of Acts relating to police superannuation

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO POLICE

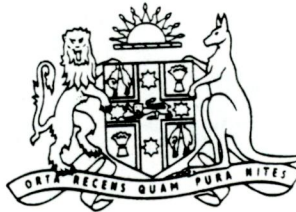
SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO POLICE  
SUPERANNUATION

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**POLICE AND SUPERANNUATION LEGISLATION  
(AMENDMENT) BILL 1990**

NEW SOUTH WALES



No. , 1990

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**A BILL FOR**

An Act to amend various Acts relating to the police and police superannuation as a consequence of the establishment of the Police Service of New South Wales.

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*Police and Superannuation Legislation (Amendment) 1990*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Police and Superannuation Legislation (Amendment) Act 1990.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Acts relating to police**

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

**Amendment of Acts relating to police superannuation**

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

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**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE**

(Sec. 3)

**Anti-Discrimination Act 1977 No. 48**

Section 122B (Application of Part IXA - authorities):

Omit section 122B (1) (c), insert instead:

(c) the Police Service; and

**Attachment of Wages Limitation Act 1957 No. 28**

Section 10 (Attachment of money due to employees of and contractors to certain employing authorities):

Omit paragraph (d) of the definition of "employee" in section 10 (12).

**Bail Act 1978 No. 161**

(1) Section 4 (Definitions):

From section 4 (1), omit the definition of "police officer".

**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued***

**(2) Section 66 (Contravention of this Act by police officers):**

From section 66 (2) (a), omit "rules under the Police Regulation Act 1899", insert instead "regulations under the Police Service Act 1990".

**Freedom of Information Act 1989 No. 5**

**(1) Section 6 (Definitions):**

From the definition of "responsible Minister" in section 6 (1), omit paragraph (d), insert instead:

(d) in relation to the Police Service - the Minister administering the Police Service Act 1990; or

**(2) Section 7 (Public authorities):**

From section 7 (1) (d), omit "the Police Force", insert instead "the Police Service".

**Industrial Arbitration Act 1940 No. 2**

**(1) Section 5 (Definitions):**

Omit paragraph (b) of the definition of "Employee of the Crown" in section 5 (1), insert instead:

(b) a member of the Police Service.

**(2) Section 20 (Original jurisdiction):**

(a) Omit section 20 (1A).

(b) From section 20 (1C), omit "Police Regulation Act, 1899," wherever occurring, insert instead "Police Service Act 1990".

(c) From section 20 (1C), omit "rules", insert instead "regulations".

(d) Omit section 20 (1D) (c)-(e), insert instead:

(c) is inconsistent with the operation of the provisions of the Police Regulation (Appeals) Act 1923;

(d) is inconsistent with any right, power, authority, duty or function conferred or imposed by or under the provisions of the Police Service Act 1990; or

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

(3) Section 69 (**Crown employees**):

Omit "such employees employed under the Police Regulation Act, 1899, or any Act passed in substitution for or amendment of the same", insert instead "members of the Police Service".

**Interpretation Act 1987 No. 15**

Section 21 (**Meaning of commonly used words and expressions**):

- (a) Omit the definition of "Police Force" from section 21 (1), insert instead:

"**Police Force**" means that part of the Police Service which is comprised of police officers;

- (b) In section 21 (1), insert the following definitions in alphabetical order:

"**police officer**" means a member of the Police Service who is a police officer within the meaning of the Police Service Act 1990;

"**Police Service**" means the Police Service of New South Wales;

**Law Reform (Vicarious Liability) Act 1983 No. 38**

(1) Section 5 (**Definitions**):

Omit the definition of "member of the police force" from section 5 (1).

(2) Section 6 (**Police officer**):

Omit "a member of the police force", insert instead "a police officer".

**Ombudsman Act 1974 No. 68**

Section 34 (**Disclosure by Ombudsman or officer**):

- (a) From section 34 (1) (b) (ii), omit "discipline of the Police Force", insert instead "discipline of police officers".
- (b) From section 34 (3) (a), omit "member of the Police Force", insert instead "police officer".



**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued***

- (c) From section 34 (3) (c), omit "Police Regulation Act 1899", insert instead "Police Service Act 1990".

**Police Department (Transit Police) Act 1989 No. 58**

- (1) Section 3 (**Objects**):
- (a) From section 3 (b), omit "Police Department", insert instead "Police Service".
  - (b) From section 3 (d), omit "members of the Police Force", insert instead "police officers".
- (2) Section 6 (**Transit police service**):
- From section 6 (4), omit "a member of the Police Force", insert instead "a police officer".
- (3) Section 25 (**Investigation of complaints**):
- From section 25 (b), omit "Police Regulation Act 1899 or the rules", insert instead "Police Service Act 1990 or the regulations".
- (4) Section 32 (**Delegation by Commissioner**):
- Omit the section.
- (5) Section 35 (**Uniforms etc.**):
- From section 35 (6), omit "Section 17 (1) (c) of the Police Regulation Act 1899", insert instead "Section 104 of the Police Service Act 1990".

**Police Offences Act 1901 No. 5**

**Section 103 (Power of special constables):**

Omit "any constable", insert instead "any police officer of the rank of constable".

**Police Regulation (Allegations of Misconduct) Act 1978 No. 84**

- (1) Section 4 (**Definitions**):
- (a) From the definitions of "Commissioner" and "Deputy Commissioner", omit "for the time being holding office under the Police Regulation Act 1899" wherever occurring.

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

- (b) From the definition of "Internal Affairs Branch", omit "Police Force", insert instead "Police Service".
- (c) Omit the definition of "member of the Police Force", insert instead:

**"member of the Police Force"** means a member of the Police Service who is a police officer within the meaning of the Police Service Act 1990;
- (d) After the definition of "Ombudsman", insert:

**"Police Service"** means the Police Service of New South Wales established by the Police Service Act 1990;
- (2) Section 22 (**Proceedings to be instituted if warranted**):

From section 22 (1), omit "subject to the Police Regulation Act 1899 and the rules made thereunder", insert instead "subject to the Police Service Act 1990 and the regulations under that Act".
- (3) Section 29 (**Distribution of report**), section 33 (**Serious misconduct**), section 57 (**Information to be confidential**):

From section 29 (2), section 33 (a) and section 57 (c), omit "Minister administering the Police Regulation Act 1899" wherever occurring, insert instead "Minister administering the Police Service Act 1990".
- (4) Section 34 (**Constitution of Internal Affairs Branch**):
  - (a) From section 34 (1), omit "within the Police Force", insert instead "within the Police Service".
  - (b) From section 34 (3), omit "a member of the Police Force of the rank of Assistant Commissioner", insert instead "a police officer who is a member of the Police Service Senior Executive Service".
- (5) Section 35 (**Duties of Internal Affairs Branch**):
  - (a) From section 35 (1) (c1), omit "Police Force", where secondly and thirdly occurring, insert instead "Police Service".
  - (b) In section 35 (1) (e), before "the Police Force", insert "members of".



SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

- (6) Section 35A (**Reports**):
  - (a) Omit section 35A (1) (c) (i), insert instead:
    - (i) as the Commissioner, a member of the Police Service Senior Executive Service or a police officer (other than of the rank of constable of any grade);  
or
  - (b) From section 35A (2) (a), omit "Police Force", insert instead "Police Service".
- (7) Section 45 (**Inquiry concerning discipline**), section 59 (**Certain documents privileged**):
  - From section 45 (1) and section 59 (1), after "discipline" wherever occurring, insert "of members".
- (8) Section 49 (**Powers etc. of a Deputy Commissioner**):
  - Omit the section.
- (9) Section 52 (**Commissioner to provide information**):
  - From section 52 (a), omit "Police Force", insert instead "Police Service".

**Police Regulation (Appeals) Act 1923 No. 33**

- (1) Section 1 (**Short title**):
  - From section 1 (1), omit "Police Regulation Act 1899", insert instead "Police Service Act 1990".
- (2) Section 2 (**Definitions**):
  - After the definition of "Commissioner", insert:  
"member of the police force" means a member of the Police Service who is a police officer within the meaning of the Police Service Act 1990.
- (3) Section 3 (**Appeals to Tribunal against promotions of certain constables of police**):
  - From section 3 (1), omit "promotion in" wherever occurring, insert instead "promotion of members of".
- (4) Section 5AA (**Appeals to Tribunal against promotions to senior sergeant**):
  - (a) From section 5AA (1) and (1A), omit "Police Regulation Act 1899" wherever occurring, insert instead "Police Service Act 1990".



SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

- (b) From section 5AA (2), omit "section 6B of the Police Regulation Act 1899", insert instead "section 3 (1) of the Police Service Act 1990".
- (c) Omit section 5AA (4) (c), insert instead:
  - (c) a reference in section 29 of that Act to section 19 (1) were a reference to section 78 (1) (a) and (3) of the Police Service Act 1990;
- (5) Section 5A (**Appeal against decision to recommend appointment of inspector**):
  - (a) From section 5A (1), omit "section 7 (2) (g) of the Police Board Act 1983", insert instead "the Police Service Act 1990".
  - (b) From section 5A (2), omit "section 7A of the Police Board Act 1983", insert instead "section 3 (1) of the Police Service Act 1990".
  - (c) From section 5A (4) (c), omit "section 7A (4) of the Police Board Act 1983", insert instead "section 72 (1) (a) and (3) of the Police Service Act 1990".
- (6) Section 7:
  - After section 6, insert:
    - Appeals in respect of administrative officers**
    - 7. (1) In this section, "**administrative officer**" means a member of the Police Service other than a police officer or a member of the Police Service Senior Executive Service.
    - (2) The Government and Related Employees Appeal Tribunal Act 1980 applies to and in respect of administrative officers as if those officers were employees, and the Commissioner were their employer, within the meaning of that Act.

**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued***

**Public Sector Management Act 1988 No. 33**

- (1) **Section 4 (Act not to apply to certain positions):**  
Omit section 4 (1) (b), insert instead:  
(b) any position in the Police Service;
- (2) **Section 42A (Definitions):**  
At the end of the definition of "public authority" in section 42A (1), insert ", but does not include a Teaching Service or the Police Service".
- (3) **Section 42N (Definitions):**  
After "Teaching Service" in section 42N (a), insert ", as a member of the Police Service".
- (4) **Section 46 (Management assistance and advice):**  
After "declared authority" wherever occurring, insert "or the Police Service".
- (5) **Section 47 (Reports on personnel practices and policies):**  
At the end of the section, insert:  
(3) This section applies to the Police Service in the same way it applies to a Department, and for that purpose a reference to the Department Head is to be taken to be a reference to the Commissioner of Police.
- (6) **Section 48 (Power of Minister to carry out management reviews):**  
At the end of the section, insert:  
(4) A management review may also be conducted in respect of the functions and activities of the Police Service.  
(5) If the Minister considers it appropriate to do so, the Minister may:
  - (a) consult with the Commissioner of Police before commencing a management review; and
  - (b) give the Commissioner of Police an opportunity to nominate such number of members of the Police Service to participate in the conduct of the review as the Minister determines.

SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued*

- (7) Section 89 (**Definitions**):  
After "Teaching Service" in section 89 (3) (a), insert ", as a member of the Police Service".
- (8) Section 94 (**Operation of this Part**):  
At the end of section 94 (5) (d), insert:  
; or  
(e) a member of the Police Service.
- (9) Schedule 2 (**Administrative Offices**):  
Omit the matter relating to the Police Department.
- (10) Schedule 5 (**Extended leave for officers etc. of Public Service**):  
After clause 1 (6) (a), insert:  
(a1) service as an administrative officer under the Police Service Act 1990; and

**Security (Protection) Industry Act 1985 No. 52**

- (1) Section 3 (**Definitions**):  
Omit the definition of "Commissioner", insert instead:  
"Commissioner" means the Commissioner of Police;
- (2) Section 4 (**Persons excluded from application of Act**):
  - (a) After section 4 (1) (a), insert:
    - (a1) a member of the Police Service of New South Wales who is a police officer;
  - (b) From section 4 (1) (e), omit "employed in the Police Department", insert instead "employed by the Commissioner".

**State Emergency and Rescue Management Act 1989 No. 165**

- (1) Section 3 (**Definitions**):  
From the definitions of "emergency services organisations" and "government agency", omit "Police Force" wherever occurring, insert instead "Police Service".



**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued***

**(2) Section 43 (Composition of Board):**

Omit section 43 (1) (c), insert instead:

(c) the State Commander of the Police Service;

**(3) Section 50 (Police at scene to co-ordinate etc. rescue operation):**

From section 50 (1), omit "senior member of the Police Force", insert instead "senior police officer".

**(4) Section 53 (Offence to operate rescue unit without accreditation):**

From section 53 (2) (a), omit "Police Force", insert instead "Police Service".

**(5) Section 60A:**

Before section 61, insert:

**Power of police to evacuate persons in an emergency**

60A. (1) A senior police officer may, if satisfied that there are reasonable grounds for doing so for the purpose of protecting persons from injury or death threatened by an actual or imminent emergency, direct, or authorise another police officer to direct, a person to do any or all of the following:

- (a) to leave any particular premises and to move outside the danger area;
- (b) to take any children or adults present in any particular premises who are in the person's care and to move them outside the danger area;
- (c) not to enter the danger area.

(2) If the person does not comply with the direction, a police officer may do all such things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.

(3) The regulations may limit the circumstances, and regulate the manner, in which the powers conferred by this section may be exercised.

(4) Neither this section nor section 6 of the Police Service Act 1990 imposes a duty on a police officer to use

**SCHEDULE 1 - AMENDMENT OF ACTS RELATING TO  
POLICE - *continued***

force to ensure compliance with a direction under this section.

(5) In this section:

"**danger area**" means the area specified by a senior police officer as the area in which an emergency is causing or threatening to cause injury or death;

"**premises**" includes place, building, vehicle, vessel and aircraft;

"**senior police officer**" means a police officer of or above the rank of sergeant or a police officer of a class prescribed as being within this definition by the regulations.

**Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)**

(1) Section 24A (**Definitions**):

After "1988" in the definition of "senior executive office holder", insert "or the holder of a position referred to in Schedule 2 to the Police Service Act 1990".

(2) Schedule 2 (**Public Offices**):

Omit the matter relating to the Deputy Commissioner of Police and Assistant Commissioner of Police.

**Workers Compensation Act 1987 No. 70**

Section 3 (**Definitions**):

From paragraph (a) of the definition of "worker" in section 3 (1), omit "a member of the Police Force", insert instead "a police officer or former police officer".

**SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION**

(Sec. 4)

**Police Association Employees (Superannuation) Act 1969 No. 33**

(1) Section 2 (**Definitions**):

(a) Omit the definition of "member of the police force", insert instead:

**SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued***

**"member of the police force"** means a police officer other than the Commissioner of Police.

- (b) Omit the definitions of "Principal Act" and "rules" from section 2 (1).
- (2) Section 3 (**Employees of Association transferring from employment as police officer**):  
Omit section 3 (2) (a) (ii), insert instead:  
(ii) been qualified for promotion; and
- (3) Section 4 (**Payment of superannuation allowance to F.C. Laut or his widow**):  
Omit "Principal Act", insert instead "Police Regulation Act 1899".

**Police Regulation (Superannuation) Act 1906 No. 28**

- (1) Section 1 (**Short title, commencement and definitions**):
  - (a) In subsection (2), insert in alphabetical order:
    - "contributor"** means contributor to the Fund;
    - "police force"** means that part of the Police Service which consists of members of the police force within the meaning of this Act;
    - "police executive officer"** means an executive officer within the meaning of Part 5 of the Police Service Act 1990;
    - "prescribed employment benefit"** means an employment benefit of a kind referred to in paragraph (b), (c) or (e) of the definition of "employment benefit" in section 45 of the Police Service Act 1990;
    - "Public Sector Executives Superannuation Scheme"** means the superannuation scheme established under the Public Sector Executives Superannuation Act 1989;
  - (b) Omit the definition of "member of the police force" from subsection (2), insert instead:



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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**"member of the police force"** means a police officer  
within the meaning of the Police Service Act 1990;

(2) Section 1AA:

After section 1, insert:

**Salary of police executive officers**

1AA (1) For the purposes of this Act, **"salary"**:

(a) in the case of a contributor who is a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:

(i) the monetary remuneration payable to the contributor in accordance with a contract of employment under the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the contributor in accordance with section 46 (8) of that Act after making appropriate adjustments as provided for by that subsection; and

(ii) the cost of providing prescribed employment benefits under any such contract or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost, expressed as an annual rate, but does not include any performance-related incentive payment made to that contributor; or

(b) in the case of a contributor who is an office holder nominated for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975, means the aggregate of:

(i) the remuneration payable to the contributor as reduced under that section by the cost of

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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- employment benefits provided to the contributor; and
  - (ii) the cost of providing prescribed employment benefits to the contributor under that section or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost,
    - expressed as an annual rate; or
  - (c) in the case of any other kind of contributor, means the amount determined in accordance with the regulations.
- (2) For the purposes of paragraphs (a) and (b) of the definition of "salary" in subsection (1), a contributor referred to in either of those paragraphs may elect to have treated as salary for the purposes of this Act:
- (a) none of the cost to the employer of providing the contributor with prescribed employment benefits; or
  - (b) only a specified proportion of that cost.
- (3) If a contributor is appointed to a position as a police executive officer, or is nominated as an office holder for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975, the contributor may, from time to time, elect:
- (a) to reduce the proportion of the cost of providing the contributor's prescribed employment benefits that is treated as salary for the purposes of this Act; or
  - (b) to increase that proportion or, if none of the cost of providing the contributor with prescribed employment benefits is currently treated as part of the contributor's salary for the purposes of this Act, to nominate a proportion of that cost, but so that the percentage increase in the contributor's salary



**SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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for the purposes of this Act is not greater than the percentage of any increase in the remuneration package of the contributor since the last occasion on which the contributor had an opportunity to make an election under this paragraph.

(4) The qualification in subsection (3) (b) does not apply when the contributor is appointed to another position as a police executive officer or becomes the holder of another office nominated for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975.

(3) **Section 1B (Application of Act):**

Omit the section.

(4) **Section 2 (Repeal):**

Omit the section.

(5) **Section 2I (Functions of Committee):**

Omit "section 12H of the Police Regulation Act 1899", insert instead "section 115 of the Police Service Act 1990".

(6) **Part 3A:**

After Part 3, insert:

**PART 3A - SUPERANNUATION FOR POLICE  
EXECUTIVES**

**Contributor eligible for membership or a member of the  
Public Sector Executives Superannuation Scheme**

5B. (1) When a contributor becomes eligible to become a member of the Public Sector Executives Superannuation Scheme, the contributor must:

- (a) elect to continue to contribute to the Fund; or
- (b) elect to make provision for a benefit provided by section 9B (6).

(2) If a contributor fails to make an election under subsection (1) within 2 months of being required to make that election, the contributor is, for the purposes of this section, to be taken to have elected to continue to contribute to the Fund.



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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(3) Nothing in this Act prevents a contributor who elects to continue to contribute to the Fund from also contributing to the Public Sector Executives Superannuation Scheme or another superannuation scheme and such a contributor is entitled to benefits in accordance with this Act despite being a member of that Scheme or another scheme.

(4) If a contributor elects to continue to contribute to the Fund, the contributor may, at any time thereafter while being eligible to become or being a member of the Public Sector Executives Superannuation Scheme, elect to make provision for a benefit provided by section 9B (6).

(5) A contributor who elects, under this section, to make provision for a benefit provided by section 9B (6):

- (a) may elect to make provision for the benefit even though he or she would not (but for this section) be entitled to make that election; and
- (b) is not entitled to a benefit payable under any other provision of this Act; and
- (c) is not entitled to elect to take the benefit provided by section 9B (9); and
- (d) may elect at any time before the benefit is paid to have the benefit paid to the credit of the contributor in the Public Sector Executives Superannuation Scheme.

(6) If a contributor makes an election under subsection (5) (d):

- (a) the contributor is entitled to be paid the benefit provided by section 9B (6) but only in accordance with this subsection and subsection (7); and
- (b) the Board must, as soon as practicable thereafter, pay to the Public Sector Executives Superannuation Board established under the Public Sector Executives Superannuation Act 1989 the amount of the benefit to which the contributor is entitled; and
- (c) the Public Sector Executives Superannuation Board must credit the amount to the account established

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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or to be established for the person in the Public Sector Executives Superannuation Fund under that Act.

(7) For the purposes of subsection (6) (a), the benefit to which the contributor is entitled is an amount equal to the actuarially calculated lump sum value of the benefit provided by section 9B on ceasing to be a contributor.

(8) If a contributor makes an election under subsection (1) (b) or (4) within 12 months after being:

- (a) appointed as a police executive officer; or
- (b) nominated as an office holder for the purposes of section 11A of the Statutory and Other Offices Remuneration Act 1975,

the salary of the contributor, for the purpose of determining the amount of the benefit to which the election relates, is to be taken to be his or her salary immediately before that appointment or nomination took effect.

(7) Section 7AA (**Superannuation allowance on early retirement**):

- (a) Omit section 7AA (1).
- (b) In section 7AA (2), after "salary of office", insert "at the date of retirement".
- (c) Omit section 7AA (3) (a).

(8) Section 8A (**Disengagement benefit for members aged between 50-55**):

Omit section 8A (8), insert instead:

(8) This section does not apply to a contributor who is eligible to become or who is a member of the Public Sector Executives Superannuation Scheme (including the Commissioner of Police).

(9) Section 9B (**Preserved benefit**):

From section 9B (1), omit "(not less than 3 years after last becoming such a member)".



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

(10) Section 22A:

After section 22, insert:

**Increases in certain allowances payable to or in respect of  
members hurt on duty before 31 December 1971**

22A. Schedule 5 has effect.

(11) Schedule 5:

After Schedule 4, insert:

**SCHEDULE 5 - INCREASES IN CERTAIN  
ALLOWANCES PAYABLE TO OR IN RESPECT OF  
MEMBERS HURT ON DUTY BEFORE  
31 DECEMBER 1971**

**Increases in s. 10 allowances for disabled former members  
hurt on duty**

1. (1) This clause applies to a superannuation allowance payable under section 10 to a disabled member of the police force that first became payable in respect of a period commencing before 31 December 1971.

(2) Any such superannuation allowance is increased by the percentage specified in the Table to this Schedule, being the percentage shown in that Table opposite the period specified in the Table during which the allowance first became payable.

(3) If the annual amount of any such superannuation allowance (as so increased) is less than \$15,500, the allowance is increased by such amount as is necessary to increase the annual amount of the allowance to \$15,500.

**Increases in allowances for surviving spouses of disabled  
members hurt on duty**

2. (1) This clause applies to a superannuation allowance payable under section 11, 11A, 11B or 11C to the spouse of a disabled former member of the police force as a consequence of the death of that member, being a former member who was (at the time of his or her death) in receipt of a superannuation allowance under section 10 that first



**SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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became payable in respect of a period commencing before 31 December 1971.

(2) Any such superannuation allowance is increased by the percentage specified in the Table to this Schedule, being the percentage shown in that Table opposite the period specified in that Table during which the allowance to the disabled former member first became payable.

(3) If the annual amount of any such superannuation allowance (as so increased) is less than \$9,688, the allowance is increased by such amount as is necessary to increase the annual amount of the allowance to \$9,688.

**Commencement of payment of increases**

3. Any increase in a superannuation allowance under this Schedule is payable from the commencement of the first full pension pay period occurring in June 1990 (but is not payable in respect of any period before that commencement).

**TABLE - PERCENTAGE INCREASE IN ALLOWANCES**

Period when allowance under s. 10 first became payable	Percentage increase
Before 31 December 1950	30
On or after 31 December 1950 and before 31 December 1964	20
On or after 31 December 1964 and before 31 December 1968	15
On or after 31 December 1968 and before 31 December 1970	10
On or after 31 December 1970 and before 31 December 1971	5

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

**Public Sector Executives Superannuation Act 1989 No. 106**

**Section 3 (Definitions):**

- (a) After paragraph (b) of the definition of "employee" in subsection (1), insert:
  - (b1) a police executive officer; or
- (b) After the definition of "member's account" in subsection (1), insert:

**"police executive officer"** means an executive officer within the meaning of Part 5 of the Police Service Act 1990;

**"Police Service Senior Executive Service"** has the same meaning as in the Police Service Act 1990;
- (c) Omit the definition of "prescribed employment benefit" from subsection (1), insert instead:

**"prescribed employment benefit"** means an employment benefit of a kind referred to in paragraph (b), (c) or (e) of the definition of "employment benefit" in section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990;
- (d) Omit paragraph (a) of the definition of "salary" in subsection (1), insert instead:
  - (a) in the case of an employee or a member who is a chief executive officer, a senior executive officer or a police executive officer, means the aggregate of:
    - (i) the monetary remuneration payable to the employee or member in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the employee or member in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making appropriate adjustments as provided by those subsections; and



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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- (ii) the cost of providing prescribed employment benefits under any such contract or, if the employee or member has, in accordance with subsection (4), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost, expressed as an annual rate, but does not include any performance-related incentive payment made to that employee or member; or
- (e) In subsections (5) and (6) after "senior executive officer" wherever occurring, insert "or as a police executive officer".

**State Authorities Non-contributory Superannuation Act 1987 No. 212**

- (1) Section 3 (**Definitions**):
  - (a) After the definition of "part-time employee" in subsection (1), insert:  
"police executive officer" means an executive officer within the meaning of Part 5 of the Police Service Act 1990;
  - (b) Omit the definition of "prescribed employment benefit" from subsection (1), insert instead:  
"prescribed employment benefit" means an employment benefit of a kind referred to in the definition of "employment benefit" in paragraph (b), (c) or (e) of section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990;
- (2) Section 4A (**Salary of executive officers**):
  - (a) Omit subsection (1) (a), insert instead:
    - (a) in the case of an employee who is a chief executive officer, a senior executive officer or a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

- (i) the monetary remuneration payable to the employee in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the employee in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making appropriate adjustments as provided by those subsections; and
  - (ii) the cost of providing prescribed employment benefits under any such contract or, if the employee has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost,  
expressed as an annual rate, but does not include any performance-related incentive payment made to that employee; or
- (b) In subsections (3) and (4), after "senior executive officer" wherever occurring, insert "or as a police executive officer".
- (3) Section 6 (**Provisions respecting certain employees**):  
Omit subsection (1), insert instead:  
(1) Members of the Police Service are, for the purposes of this Act, to be taken to be employed in the Police Service by the Crown.
- (4) Section 24 (**Benefit to be preserved**):  
After "senior executive officer" in subsection (5), insert "or as a police executive officer".

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
POLICE SUPERANNUATION - *continued*

(5) Schedule 1 (**Employers**):

Omit "The Commissioner of Police" from Part 1, insert instead "Police Service".

**State Authorities Superannuation Act 1987 No. 211**

(1) Section 3 (**Definitions**):

- (a) After the definition of "part-time employee" in subsection (1), insert:

**"police executive officer"** means an executive officer within the meaning of Part 5 of the Police Service Act 1990;

- (b) Omit the definition of "prescribed employment benefit" from subsection (1), insert instead:

**"prescribed employment benefit"** means an employment benefit of a kind referred to in the definition of "employment benefit" in paragraph (b), (c) or (e) of section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990;

(2) Section 4A (**Salary of executive officers**):

Omit subsection (1) (a), insert instead:

- (a) in the case of a contributor who is a chief executive officer, a senior executive officer or a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:

- (i) the monetary remuneration payable to the contributor in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the contributor in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making

SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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- appropriate adjustments as provided by those subsections; and
- (ii) the cost of providing prescribed employment benefits under any such contract or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of this Act none of that cost or only a specified proportion of that cost - none of that cost or, as the case may be, the specified proportion of that cost, expressed as an annual rate, but does not include any performance-related incentive payment made to that contributor; or
- (b) In subsections (3) and (4) after "senior executive officer" wherever occurring, insert "or as a police executive officer".
- (3) Section 8 (**Provisions respecting certain employees**):  
Omit subsection (1), insert instead:  
(1) Members of the Police Service are, for the purposes of this Act, to be taken to be employed in the Police Service by the Crown.
- (4) Section 30A (**Contributor eligible for membership or a member of the Public Sector Executives Superannuation Scheme**):  
After "senior executive officer" in subsection (7), insert "or a police executive officer".
- (5) Schedule 1 (**Employers**):  
Omit "The Commissioner of Police" from Part 1, insert instead "Police Service".

**Superannuation Act 1916 No. 28**

- (1) Section 3 (**Definitions**):
- (a) From the definition of "Employee" in subsection (1), omit "Part III of the Police Regulation Act 1899 or".



SCHEDULE 2 - AMENDMENT OF ACTS RELATING TO  
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- (b) After the definition of "Part-time employee" in subsection (1), insert:

**"Police executive officer"** means an executive officer within the meaning of Part 5 of the Police Service Act 1990.
- (c) Omit the definition of "Prescribed employment benefit" from subsection (1), insert instead:

**"Prescribed employment benefit"** means an employment benefit of a kind referred to in the definition of "employment benefit" in paragraph (b), (c) or (e) of section 42K (1) of the Public Sector Management Act 1988 or in section 45 of the Police Service Act 1990.
- (2) Section 3AA (**Salary of executive officers**):
  - (a) Omit subsection (1) (a), insert instead:
    - (a) in the case of a contributor who is a chief executive officer, a senior executive officer or a police executive officer and who is a member, or eligible to become a member, of the Public Sector Executives Superannuation Scheme, means the aggregate of:
      - (i) the monetary remuneration payable to the contributor in accordance with a contract of employment under the Public Sector Management Act 1988 or the Police Service Act 1990 or, if there is no such contract, the monetary remuneration payable to the contributor in accordance with section 42L (8) of the Public Sector Management Act 1988 or section 46 (8) of the Police Service Act 1990 after making appropriate adjustments as provided for by those subsections; and
      - (ii) the cost of providing prescribed employment benefits under any such contract or, if the contributor has, in accordance with subsection (2), elected to have treated as salary for the purposes of

expressed as an annual rate, but does not include any performance-related incentive payment made to that contributor; or

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