



ANNO VICESIMO

GEORGI V REGIS.

A.D. 1929.

No. 1917.

An Act to provide for increased Pensions to Members of the Police Force, and for purposes incidental thereto.

[Assented to, November 27th, 1929.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Police Pensions Act, 1929". Short title.
2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.
3. (1) In this Act, unless the context otherwise requires— Interpretation
 - "Child" means child under the age of sixteen years, but does not include any child of the re-marriage of the widow of a member or pensioner or of a marriage of a pensioner contracted after retirement on pension:
 - "Force" means the Police Force of the State:
 - "Fund" means the Police Pensions Fund established by this Act:
 - "Member" means the Commissioner of Police and every other member of the Force:
 - "Pension" means pension granted under this Act, but does not include any such pension as mentioned in section 24:
 - "Pensioner" means a person in receipt of a pension granted under this Act, but does not include any person receiving or entitled to pension under section 24:

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“Public Actuary” means the person for the time being employed as Public Actuary by the Government of the State:

“Service” means service as a member of the Force and as regards the person mentioned in subsection (2) of this section includes also his service in the Public Service after transfer thereto from the Force. The verb “to serve” has a corresponding meaning:

“Widow” does not include a wife whom a pensioner married after his retirement on pension.

(2) Harold Edgar Whittle, Comptroller of Prisons, and William Henry Smedley, Inspector of Licensed Premises (who are at the commencement of this Act employed in the Public Service of the State, but have previously been members of the Force), shall be deemed, for the purposes of the Police Pensions Act, 1916, and this Act, to have continued to be members of the Force notwithstanding their appointment to the Public Service and to continue to be members as long as they hold any office in the Public Service; but shall not be affected by any provision of the said Acts fixing a compulsory retiring age.

(3) The widows and children of the late Mounted Constable George Thomas Smith and Foot Constable Cyril Fletcher Clayton shall be entitled to pensions and allowances under section 22 of this Act as if this Act had been in force when the said George Thomas Smith and Cyril Fletcher Clayton respectively died.

(4) Any member who retires from the Force after the first day of September, nineteen hundred and twenty-nine, and the widow and children of any member who dies after that date, shall be entitled to pensions and allowances under this Act, although the retirement or death takes place before the commencement of this Act.

(5) No person shall be entitled both to pension or allowance under subsection (3) or subsection (4) of this section and to pension or other payment under any of the Acts repealed by this Act.

Repeal.

4. (1) Sections 15, 16, and 17 of the Police Fund Distribution Act, 1904, are repealed.

(2) The Police Pensions Act, 1916, the Police Pensions Act Amendment Act, 1918, and the Police Pensions Act Amendment Act, 1920, are repealed.

Administration.

5. This Act shall be administered by the Chief Secretary.

*Police Pensions Fund.***Police Pensions Fund.**

6. (1) A fund to be called the Police Pensions Fund is hereby established. There shall be paid into the fund—

(a) all money which at the time of the commencement of this Act is standing to the credit of the Police Pension Fund established under the Police Pensions Act, 1916:

(b) all

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- (b) all contributions payable by members under this Act :
- (c) all fines, forfeitures, penalties, and seizures or parts thereof which, after the commencement of this Act, become payable to the Force or any member under any Act :
- (d) all interest arising from the investment of the fund or any part thereof :
- (e) all money voted by Parliament for the purposes of this Act.
- (2) The fund shall be held by the Treasurer.
- (3) All pensions and benefits under this Act and the cost of administering this Act shall be paid from the fund.

7. The fund shall be exempt from all taxation.

Exemption of fund from taxation

8. The fund shall be invested on deposit with the Treasurer or in securities of the Government of the Commonwealth or of the State.

Investment of fund.

9. The Treasurer may lend money to the fund on the security of any moneys of the fund invested in securities of the Government of the State, but the total amount of money so lent by the Treasurer shall not at any time exceed two-thirds of the amount of the money so invested.

Power of Treasurer to advance money to the fund.

10. (1) The Public Actuary shall, as early as possible in each financial year, report to the Chief Secretary what sum of money in his opinion should be voted by Parliament during that year for the purposes of the fund in order to make proper provision for payment of the moneys payable out of the fund.

Reports and valuation by Public Actuary.

(2) The Public Actuary shall investigate the state and sufficiency of the fund at the expiration of each period of five years after the commencement of this Act and shall report the result of his investigation to the Chief Secretary.

Contributions of Members of the Force.

11. (1) Every member in the Force at the commencement of this Act shall contribute to the fund in respect of the period commencing on the day of the said commencement and ending on the day when he ceases to be a member.

Liability to contribute.

(2) Every member who joins the Force after the commencement of this Act shall contribute in respect of the period commencing on the first day of the month in which he joins the Force and ending on the day when he ceases to be a member. A member shall be regarded as having joined the Force on the first day as from which his pay is computed.

12. (1) The amount of the annual contribution payable by a member shall depend upon the age to be attained by him at his next

Amount of contribution.

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next birthday after commencing to contribute under this Act, in accordance with the following table :—

Age Next Birthday at Time of Commencing to Contribute.	Amount of Annual Contribution.
	£ s. d.
22	15 0 0
23	15 10 0
24	16 0 0
25	16 10 0
26	17 0 0
27	17 10 0
28	18 0 0
29	18 10 0

The annual contribution payable by a member who joins the Force after attaining the age of 29 years shall be ascertained in accordance with the following formula :—

$$C = 18\frac{1}{2} + \frac{(A-29)(A-28)}{4}$$

C means the amount of contribution in Pounds sterling ; A means age at next birthday after commencing to contribute.

(2) No member who is in the Force at the time of the commencement of this Act shall be obliged to contribute more than Eighteen Pounds per annum.

Deduction of contributions from pay.

13. The Treasurer shall deduct the amount required to be contributed annually by every member from the pay of that member in equal monthly instalments.

The Retiring Age.

The retiring age.

14. (1) A member shall cease active service in the Force—

(a) on attaining the age of sixty ; or at his option

(b) at any time not later than the last day of June next after his sixtieth birthday.

(2) Any leave of absence to which the member is then entitled shall commence forthwith after he ceases active service, and at the end of the leave of absence the member shall retire.

(3) If a member is not entitled to leave of absence when he ceases active service as mentioned in this section he shall be deemed to retire on the day when he so ceases active service.

Pensions and Benefits.

Pension on retirement after retiring age.

15. Every member who has served in the Force for at least ten years and retires from the Force on or after attaining the age of sixty years shall be entitled to a pension on retirement of Two Hundred and Eight Pounds per annum.

Pensioner under Police Pensions Act, 1916, also entitled to pension under this Act.

16. Any person who at the time of the commencement of this Act is in receipt of a pension of One Hundred and Thirty Pounds per annum under the provisions of the Police Pensions Act, 1916, shall, in addition to that pension, be entitled to a pension under this Act of Twenty-six Pounds per annum.

17. (1) Subject

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17. (1) Subject to this Act every member who is incapacitated from performing his duties by infirmity of mind or body due to any injury received in the actual execution of his duties as a member shall be entitled to retire on a pension of Two Hundred and Eight Pounds per annum.

Pension on retirement through mental or physical incapacity.

(2) Subject to this Act every member who is incapacitated from performing his duties by infirmity of mind or body not due to an injury as mentioned in subsection (1) shall be entitled to retire on a pension if he has served in the Force continuously ten years or more. The pension shall be—

(a) Seventy-Eight pounds per annum for a member who has served not less than ten and less than twenty years in the Force :

(b) One Hundred and Thirty Pounds per annum for a member who has served for twenty years or more in the Force.

(3) Subject to this Act every member who is incapacitated from performing his duties by infirmity of mind or body not due to any injury as mentioned in subsection (1) and who has not served in the Force continuously for ten years shall be entitled to retire and receive—

(a) any amount to which he was entitled under the Police Fund Distribution Act, 1904, at the commencement of the Police Pensions Act, 1916 :

(b) twice the amount of any subscriptions paid by him to the Police Pensions Fund under the Police Pensions Act, 1916 :

(c) twice the amount of the contributions paid by him to the fund under this Act.

(4) No pension or benefit under this section shall be payable if the infirmity of mind or body is consequent on or attributable to misconduct on the part of the member.

18. (1) If a person under sixty years of age who is in receipt of a pension under section 17 earns money in any profession, business, or employment, the amount of pension payable each month shall be reduced by One Pound for every Two Pounds which he earned during that month.

Provision for abatement of pension on account earnings.

(2) If a person under sixty years of age who is in receipt of a pension under section 17 becomes so restored to health that he is able to perform duties whether in the Force or the Public Service or elsewhere, and is offered and refuses employment suitable to his condition of health at a remuneration not less than two-thirds of that received by him immediately before his pension commenced, the amount of pension payable each month shall be reduced by One Pound for every Two Pounds of the monthly rate of pay at which the employment was offered.

19. If

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Provisions as to
re-employment of
pensioner.

19. If a person who has been in receipt of a pension under section 17 is re-employed in the Force—

- (a) the annual rate of his pension after re-employment shall not be greater than the amount by which his annual salary after re-employment is less than the annual salary received by him immediately before his retirement on pension :
- (b) he shall during the re-employment contribute to the fund at the rate at which he was contributing immediately prior to his retirement on pension :
- (c) if he again retires on pension his previous pension, if then continuing, shall cease :
- (d) the period of his service before the incapacity, but not the period of the incapacity itself, shall be taken into account in ascertaining to what pension he is entitled on a subsequent retirement.

Benefits on
retrenchment.

20. (1) A member who leaves the Force before reaching the retiring age owing to retrenchment shall be entitled to receive—

- (a) any amount to which he was entitled under the Police Fund Distribution Act, 1904, at the commencement of the Police Pensions Act, 1916 :
- (b) twice the amount of any subscriptions paid by him to the Police Pension Fund under the Police Pensions Act, 1916 :
- (c) twice the amount of the contributions paid by him to the fund under this Act.

(2) "Retrenchment" means termination by the Commissioner of Police or the Government without default or misconduct on the part of the member of the service of a member who is not entitled to retire on pension.

(3) If a retrenchment of the Force is at any time made, those members shall be retrenched who have served for the shortest time in the Force.

Benefits on leaving
Force in other
cases.

21. Any member who leaves the Force before attaining the age of sixty years and who is not entitled to pension or benefit under any other provision of this Act shall be entitled to receive—

- (a) any amount to which he was entitled under the Police Fund Distribution Act, 1904, at the time of the commencement of the Police Pensions Act, 1916 :
- (b) the amount of any subscriptions paid by him to the Police Pension Fund under the Police Pensions Act, 1916 :
- (c) the amount of the contributions paid by him to the fund under this Act.

Pension for widow
and children of
member or
pensioner .

22. (1) If a member or pensioner dies leaving a widow, there shall be payable to the widow a pension of Fifty-two Pounds per annum, with an allowance of Thirteen Pounds per annum for every child of the deceased member or pensioner or of the widow.

(2) Where

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(2) Where a member or pensioner who is a widower dies leaving children of himself or his deceased wife, or where the widow of a member or pensioner dies leaving children of herself or her deceased husband there shall be payable to the guardian of the children, or to such person as the Chief Secretary directs, an allowance of Twenty-six Pounds per annum for the maintenance of each such child.

(3) The allowance for a child shall be payable only in respect of the period before the child attains the age of sixteen years.

(4) The pension of a widow shall cease on her re-marriage, but the re-marriage shall not affect the allowance to children.

(5) The provisions of this section shall not apply in the case of a pensioner in receipt of a pension pursuant to section 16.

23. Where a member dies leaving neither a wife nor any children there shall be payable to his personal representatives—

Payment on death of member without wife or children.

(a) any amount to which the member was entitled under the Police Fund Distribution Act, 1904, at the commencement of the Police Pensions Act, 1916 :

(b) the amount of any subscriptions paid by the member to the Police Pension Fund under the Police Pensions Act, 1916 :

(c) the amount of the contributions paid by the member to the fund under this Act.

24. Every pension which immediately prior to the commencement of this Act was being paid or had become payable from the Police Pension Fund established by the Police Pensions Act, 1916, shall, with any addition thereto provided for by this Act, be paid from the fund established by this Act to the same persons as before.

Payment of pensions entered upon before the commencement of this Act.

25. No pension shall be payable to any member in respect of any period during which the member receives a periodical payment from the Government or any person on behalf of the Government as compensation for incapacity ; and where a member receives from the Government a lump sum as compensation for incapacity no pension shall be payable for a period bearing the same ratio to one year as the said lump sum bears to the annual salary received by the member immediately prior to the incapacity.

Effect of other payments for incapacity.

26. (1) No member shall be entitled to retire on pension on account of incapacity to perform duties unless the Public Actuary is satisfied that the incapacity is likely to be permanent.

Determination of questions as to incapacity, &c.

(2) If any dispute arises on the question whether a member is entitled to retire on pension under this Act, or whether a member is so restored to health as to be able to perform duties, or on any other question affecting the amount or continuance of any pension, it shall be determined in the first instance by the Public Actuary upon consideration of any medical reports, evidence, or other information submitted by the member, and any medical reports or information obtained by the Public Actuary.

(3) There

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(3) There shall be a right of appeal against any determination of the Public Actuary to the Local Court of Full Jurisdiction at Adelaide. All matters relating to such appeals shall be prescribed by rules under the Local Courts Act, 1926.

(4) No member shall be entitled to any pension or further payment on account of pension if he neglects or refuses to undergo examination by a medical officer nominated by the Public Actuary at any reasonable time.

Pensions to be inalienable.

27. (1) No pension or allowance for children under this Act, and no part thereof, shall—

- (a) be anticipated, assigned, transferred, charged, encumbered, or otherwise parted with before the actual receipt thereof by the person entitled or prospectively entitled thereto; or
- (b) be attached or taken in execution under the process of any Court before the receipt thereof as aforesaid; or
- (c) if the said person becomes bankrupt or compounds with his creditors before the receipt thereof as aforesaid, vest in the trustee or assignee of his estate;

but every such pension or allowance and every part thereof shall, until the actual receipt thereof, be an inalienable personal provision for every person entitled or prospectively entitled thereto.

(2) The Chief Secretary may at any time, and in any amounts which he thinks proper, deduct from any money (other than an allowance for children) due to any person under this Act—

- (a) any money owing by that person to the Crown;
- (b) the amount of any damages to which the Crown is entitled by reason of any wrongful act or default of that person.

Power of Treasurer to pay moneys to persons apparently entitled.

28. On the death of any person to whom a sum not exceeding One Hundred Pounds is due under this Act the Chief Secretary may, notwithstanding that neither probate nor letters of administration have been granted, pay or distribute that sum to or among the persons appearing to him to be beneficially entitled to the personal estate of the deceased. The receipt of any person to whom any money is paid under this section shall be a good discharge to the Chief Secretary as against the claim of any other person.

Desertion by pensioner of wife or child.

29. (1) If a pensioner deserts his wife the Chief Secretary may in his discretion and for such period as he thinks fit—

- (a) pay pension to the wife in accordance with subsection (1) of section 22 of this Act as if the pensioner were dead;
- (b) discontinue payment of pension to the pensioner.

(2) If

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(2) If a pensioner whose wife is dead or divorced deserts any of his children the Chief Secretary may, in his discretion and for such period as he thinks fit—

- (a) pay to the children or the guardian of the children on their behalf an allowance for each deserted child in accordance with subsection (2) of section 22 of this Act as if the pensioner were dead :
- (b) discontinue payment of pension to the pensioner.

30. If a pensioner is sentenced to imprisonment for any period exceeding one month, payment of his pension under this Act shall be discontinued during the period of his imprisonment ; and Imprisonment of pensioner.

- (a) if his wife is alive, she shall during that period be entitled in accordance with the provisions contained in subsection (1) of section 22 of this Act as if the pensioner were dead, to pension for herself and her or the pensioner's children, unless the Chief Secretary is satisfied, after making such inquiry as he thinks fit, that payment to the wife is undesirable ; or
- (b) if his wife is dead or divorced, allowances for her or the pensioner's children shall, during that period, be payable in accordance with the provisions contained in subsection (2) of section 22 of this Act as if the pensioner were dead.

31. If a pensioner is detained as a patient in a hospital for the insane, the Chief Secretary may cause his pension or any part thereof to be paid, during the period of detention, to his wife, if alive, or if his wife is dead or divorced, to some person for the use of the children of himself or of his late wife in such proportions as the Chief Secretary thinks fit. Insanity of pensioner.

32. Where any allowance in respect of a child is payable under this Act to a widow, and the widow dies, the allowance shall, unless the Chief Secretary otherwise directs, be payable to the guardian of the child. Payments to children.

33. Except where otherwise provided in this Act, a pension shall be payable during the life of the person entitled thereto. Pensions payable for life except in case of children.

34. Pensions shall be payable by equal monthly instalments. Pensions payable at intervals.

Offences and Regulations.

35. If any person obtains or attempts to obtain for himself or for any other person any pension, benefit, or allowance under this Act, or any payment on account thereof by means of any false declaration, false certificate, false misrepresentation, false evidence, malingering, or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or by otherwise producing disease or infirmity, or by any other fraudulent conduct, Penalty on fraud.

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conduct, he shall be guilty of an offence punishable summarily and liable to imprisonment for a term not exceeding six months or a fine not exceeding Fifty Pounds, and in either case to forfeit any rights which he has under this Act.

Regulations.

36. The Governor may make all such regulations as are necessary or convenient for the administration of this Act, and may by any such regulation provide what is to be done in circumstances arising in connection with matters dealt with in this Act and not expressly provided for by this Act ; and may by any regulation create offences and impose penalties not exceeding Twenty Pounds.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.