

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

No. 64.

An Act to Amend "The Police Acts, 1937 to 1958,"  
in certain particulars.

[ASSENTED TO 22ND DECEMBER, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Assembly of Queensland in Parliament assembled,  
and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Police Acts  
Amendment Act of 1959.*"

Principal  
Act.

(2.) "*The Police Acts, 1937 to 1958,*" are in this Act  
referred to as the Principal Act.

Collective  
title.

(3.) The Principal Act and this Act may be  
collectively cited as "*The Police Acts, 1937 to 1959.*"

2. Section thirty-five of the Principal Act is renumbered subsection one of that section and, as so renumbered, is amended by adding thereto the following subsection :—

Amendment  
of s. 35.

“(2.) Subsection one of this section applies subject to this subsection.

Deductions made pursuant to subsection one of this section from the pay or salary of any member of the Police Force shall not exceed the rate of one hundred and forty-three pounds three shillings and sixpence per annum and accordingly, where necessary to give effect to this subsection, the rate of deduction prescribed by subsection one of this section shall be reduced to the rate of one hundred and forty-three pounds three shillings and sixpence per annum.

In the case of a member of the Police Force continued as such beyond the age of retirement, deductions shall not be made pursuant to subsection one of this section from pay or salary payable to him from and after the date when he attained the age of retirement.”

3. Section thirty-six of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Repeal of  
and new  
s. 36.

“[36.] (1.) The age of retirement from the Police Force shall be—

Age of  
retirement.

(a) In the case of the Commissioner, the Deputy Commissioner and the Commissioner's Inspector, sixty-five years; and

(b) In the case of any and every other member of the Police Force, sixty years,

and any Commissioner, Deputy Commissioner or Commissioner's Inspector shall retire from the Police Force on attaining the age of sixty-five years and, subject to subsection two of this section, any other member of the Police Force shall retire therefrom on attaining the age of sixty years.

(2.) Notwithstanding that a member of the Police Force other than the Commissioner, Deputy Commissioner, or Commissioner's Inspector has attained the age of sixty years, where the public interests render it expedient to continue the service of such member and such member is willing to continue his service, the

Minister, after the prescribed investigation, may authorise such member to continue in the Police Force during the pleasure of the Crown but not beyond the age of sixty-five years.

(3.) In relation to a person continued as a member of the Police Force beyond the age of sixty years pursuant to subsection two of this section, the expression "age of retirement", wherever appearing in any provision of this Part IV. of this Act other than this section, means the age of sixty years notwithstanding that such person is so continued."

Amendments  
of s. 37.

4. Section thirty-seven of the Principal Act is amended—

(a) By repealing the words "the age of sixty years" and inserting, in lieu of those repealed words, the words "the age of retirement";

(b) By repealing the words "such member of the Police Force" and inserting, in lieu of those repealed words, the words "any member of the Police Force who has not attained the age of retirement";

(c) By inserting, after the words "the Governor in Council", where firstly appearing, the words "or, if such member is of or below the rank of sergeant, the Commissioner"; and

(d) By inserting, after the words "the Governor in Council", where secondly appearing, the words "or, if such member is of or below the rank of sergeant, the Commissioner with the approval of the Minister".

New s. 37A  
inserted.

5. The following section is inserted after section thirty-seven of the Principal Act:—

Re-appoint-  
ment to the  
Police Force  
after  
retirement  
under  
s. 37.

"[37A.] (1.) If upon investigation by the Minister and examination by two medical practitioners or other testimony, the Governor in Council is satisfied that a person retired from membership of the Police Force under section thirty-seven of this Act (and whether so retired before, on or after the passing of "*The Police Acts Amendment Act of 1959*") has recovered his health and is capable of duty the Governor in Council or, if such person was, when retired, of or below the rank of sergeant, the Commissioner may re-appoint such person a member of the Police Force.

(2.) Any person so re-appointed shall receive pay or salary at a rate not less than that payable in respect of the rank or grade in the Police Force held by him when retired.

(3.) The continuity of the membership of the Police Force of any person who is re-appointed under this section a member thereof shall be deemed to be not broken by that person having been retired from the Police Force, and accordingly the period during which the continuity of his service as a member of the Police Force was interrupted by his retirement therefrom shall be taken into account in calculating the aggregate of the service in the Police Force had by him.

(4.) If any person re-appointed under this section a member of the Police Force refuses to resume duty as such a member in accordance with such re-appointment, then upon and by virtue of such refusal, any and every right or claim of such person or of any widow or child of such person, to be paid superannuation allowance, additional superannuation allowance, pension or any other sum whatsoever from The Police Superannuation Fund, and either immediately or upon the happening of any future event or contingency, shall cease and determine."

6. Section thirty-eight of the Principal Act is amended by adding thereto the following paragraph:—

Amendment  
of s. 38.

"This section applies to every member of the Police Force retired therefrom on or after the first day of April, one thousand nine hundred and fifty-nine, under the provisions of section thirty-six or section thirty-seven of this Act."

7. Section thirty-nine of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted:—

Repeal of  
and new  
s. 39.

"[39.] (1.) The amount of the annual rate of the superannuation allowance to which a retired member of the Police Force to whom section thirty-eight of this Act applies shall be entitled pursuant to that section shall, save as otherwise provided in this Act, be based upon—

Rates of  
super-  
annuation  
allowances.

- (a) The period expressed in completed years of his service as a member of the Police Force at retirement; and
- (b) His final salary,

and accordingly shall be the amount set out in the second column of the Table to this subsection opposite and relative to the period of service as a member of the Police Force set out in the first column of such Table.

Where the service of any member of the Police Force is continued beyond the age of retirement such continued service shall not be taken into account in calculating for the purpose of this section the period of service had by him as a member of the Police Force.

*Table.*

Period expressed in completed years of service as a member of the Police Force.	Amount of annual rate of superannuation allowance.
Less than fifteen years . . . .	One-third of the maximum superannuation allowance
Fifteen or more years but less than thirty-five years	One-third of the maximum superannuation allowance plus one-thirtieth of the maximum superannuation allowance for each completed year of service in excess of fifteen years
Thirty-five or more years . .	The maximum superannuation allowance

(2.) Where appearing in this section or in any other provision of this Act—

(a) The expression “final salary” means the amount of the annual rate of pay or salary payable to a member of the Police Force—

(i.) In the case of any such member who is continued as a member of the Police Force after attaining the age of retirement, at age of retirement; or

(ii.) In any other case, at the date of his retirement from the Police Force; and

(b) The expression “maximum superannuation allowance” means superannuation allowance at the annual rate set out in the second column of the Table to this subsection opposite and relative to the final salary set out in the first column of such Table.

Table.

Final salary.	Annual rate.
Not exceeding £1,290 .. ..	Two-thirds of final salary
Exceeding £1,290 but not exceeding £2,490	£430, plus one-third of final salary
Exceeding £2,490 .. ..	£1,260."

8. Section forty of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Repeal of  
and new  
s. 40.

“ [40.] (1.) Where a member of the Police Force to whom section thirty-eight of this Act applies retires or is retired from the Police Force under section thirty-seven of this Act before attaining the age of retirement by reason of—

Additional  
super-  
annuation  
allowance.

(a) Bodily injury received in the execution of his duty ; or

(b) Mental or bodily infirmity which totally and permanently incapacitates him for work, the superannuation allowance payable to him under section thirty-nine of this Act shall be increased by the additional superannuation allowance prescribed by this section.

(2.) The amount of the annual rate of such additional superannuation allowance shall be the difference between—

(a) The amount of the annual rate of superannuation allowance which would be payable to him under section thirty-nine of this Act were he to continue as a member of the Police Force until the age of retirement, and the amount of the annual rate of pay or salary payable to him at the actual date of his retirement were then his final salary ; and

(b) The amount of the annual rate of superannuation payable to him under section thirty-nine of this Act.”

New s. 40A  
inserted.

Periodical  
medical  
certificates  
and other  
certificates.

9. The Principal Act is amended by inserting, after section forty thereof, the following section :—

“ [40A.] (1.) Every person who shall have been a member of the Police Force to whom section thirty-eight of this Act applies retired therefrom under section thirty-seven of this Act before he attained the age of retirement shall from time to time at periodical intervals during the period from and including the date of his retirement and thereafter until he attains the age of retirement give to the Board—

- (a) A medical certificate of a medical practitioner approved by such Board stating whether or not any change has occurred in the degree of incapacity for work of such person and, if so, the nature and extent of such change and also such other information pertaining to the health of such person as the Board directs either generally or in the particular case ; and
- (b) A certificate by such person stating whether or not he engaged in any work, whether as an employee or agent or on his own behalf, for pay or other remuneration during the annual period to which the certificate relates and, if he so engaged, the nature of such work and the amount or value of the pay or other remuneration he derived therefrom.

(2.) The certificates required by subsection one of this section to be given to the Board shall be so given respectively in respect of, and not later than twenty-eight days after the last day of December of, the first complete calendar year after the date of retirement from the Police Force of the person concerned and each succeeding calendar year thereafter.

(3.) If at any time any person makes default in giving such certificates, or either of them, to the Board in compliance with this section, the payment to him of superannuation allowance and additional superannuation allowance, if any, may be discontinued until he remedies the default to the satisfaction of the Board.”

10. The following section is inserted after section 40A of the Principal Act, as previously inserted by this Act :—

New s. 40B  
inserted.

“ [40B.] (1.) If at any time after his retirement from the Police Force and before he attains the age of retirement any person to whom both superannuation allowance and additional superannuation allowance is payable under this Act engages in any work, whether as an employee or agent or on his own behalf, for pay or other remuneration—

Cancellation  
or reduction  
of super-  
annuation.

- (a) Such additional superannuation allowance shall cease to be payable ; and
- (b) The Board may, according as it deems just in the circumstances of the case, recommend to the Minister that such superannuation allowance be reduced as specified in the recommendation and, if the Minister approves of the recommendation, such superannuation allowance shall be reduced as so recommended and, subject to subsection three of this section, become and be payable accordingly.

(2.) If at any time after his retirement from the Police Force and before he attains the age of retirement any person to whom superannuation allowance, or both superannuation allowance and additional superannuation allowance, is payable under this Act gives to the Board a certificate establishing to the satisfaction of the Board an improvement in his disability the Board may, according as it deems just in the circumstances, recommend to the Minister that such superannuation allowance or additional superannuation allowance, or both, be reduced as specified in the recommendation and, if the Minister approves of such recommendation such superannuation allowance or additional superannuation allowance, or both, shall be reduced as so recommended and, subject to subsection three of this section, become and be payable accordingly.

(3.) The Board may at any time and from time to time after the cancellation or reduction of any additional superannuation allowance or the reduction of any



superannuation allowance pursuant to a recommendation under this section, recommend to the Minister that the whole or a part specified in the recommendation of such cancelled allowance or of the amount or rate of either or both such reductions, be restored to the person concerned.

If the Minister approves the recommendation, the allowance or allowances in question shall again become payable and be paid in accordance with the recommendation.

This subsection applies so as not to prejudice or affect the application of the provisions of subsection one or subsection two of this section to any additional superannuation allowance which has been restored, or to any such allowance or superannuation allowance the amount or rate whereof is payable pursuant to a recommendation under this subsection."

Amendments  
of s. 41.

**11.** Section forty-one of the Principal Act is amended—

(a) By repealing the words "after having served five years or upwards in the Police Force";

(b) By repealing the words "equal to one-half" and inserting, in lieu of those repealed words, the words "equal to seventy-five per centum"; and

(c) By adding thereto the following paragraph:—

"This section applies subject to section 41A of this Act."

New s. 41A  
inserted.

**12.** The following section is inserted after section forty-one of the Principal Act:—

When Fund  
charged  
with  
defalcations.

"[41A.] If any member of the Police Force ceases membership thereof by reason of his dismissal for misappropriation of moneys or other property, the amount of such moneys or value of such property shall be a first charge upon any moneys payable from the Fund by reason of such cessation of membership and may be deducted therefrom."

**13.** Section forty-two of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Repeal of  
and new  
s. 42.

“ [42.] (1.) Where, on or after the first day of April, one thousand nine hundred and fifty-nine, a member of the Police Force dies before attaining the age of retirement his widow shall be entitled to a pension at the rate of one-half of the superannuation allowance which would have been payable under this Act to such deceased member had he been retired from the Police Force on the date of his death for that he had then attained the age of retirement and upon the basis that his service in the Police Force and final salary upon attaining the age of retirement would be respectively the service as such member had by him to and including the date of his death and the pay or salary being paid to him at that date.

Widows and  
children.

Where, on or after the first day of April, one thousand nine hundred and fifty-nine, a member of the Police Force continued as such after attaining the age of retirement dies before his retirement his widow shall be entitled to a pension at the rate of one-half of the superannuation allowance which would have been payable under this Act to such deceased member had he been retired from the Police Force when he attained the age of retirement.

(2.) Upon the death of a retired member of the Police Force to whom section thirty-eight of this Act applies his widow, if her marriage to him took place before his retirement, shall be entitled to a pension at the rate of one-half of the superannuation allowance to which such retired member was entitled immediately prior to his death according to the provisions applicable in his case of this Act.

In applying this subsection neither additional superannuation allowance, if any, payable under section forty of this Act to the deceased retired member of the Police Force in question nor any reduction of superannuation allowance (other than additional superannuation allowance) under section 40B of this Act applicable at the date of death shall be taken into account.

(3.) If a widow remarries her pension under this section shall thereupon and thereby cease and determine.

(4.) Where a member of the Police Force dies on or after the first day of April, one thousand nine hundred and fifty-nine, or a retired member of the Police Force to whom section thirty-eight of this Act applies dies leaving him surviving a child or children under the age of fourteen years, then there shall be payable in respect of every such child until he or she attains the age of fourteen years a sum at the rate of thirty-nine pounds per annum.

(5.) All pensions and other sums payable under this section shall be paid out of the Fund."

Repeal of  
and new  
s. 43.

14. Section forty-three of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Super-  
annuation,  
pension or  
other  
payment  
not payable  
for any  
period for  
which  
salary as  
member is  
payable in  
respect of  
deceased or  
retired  
member of  
the Police  
Force.

" [43.] (1.) The provisions of sections thirty-eight, thirty-nine, forty, 40A, 40B and forty-two of this Act apply subject to this section.

(2.) A retired member of the Police Force to whom section thirty-eight of this Act applies retired therefrom under section thirty-seven of this Act before he attained the age of retirement shall not be entitled to, or be paid, any superannuation allowance or additional superannuation allowance under this Part IV. of this Act in respect of any period, calculated at the full rate of payment, for which payment of salary or other remuneration according to his entitlement thereto is made out of the Consolidated Revenue Fund on account of any leave accrued due or granted to such retired member as at the date of his retirement.

If any such retired member of the Police Force dies before the expiration of the period in respect of which he is, pursuant to this subsection, not entitled to, and not to be paid, any superannuation allowance or additional superannuation allowance under this Part IV. of this Act, his widow shall not be entitled to, or be paid, pension under this Part IV. of this Act in respect of the part still to expire of such period.

(3.) The widow of any member of the Police Force who dies on or after the first day of April, one thousand nine hundred and fifty-nine, and before his retirement, shall not be entitled to, or be paid, any pension under this Part IV. of this Act in respect of any period, calculated at the full rate of payment, for which salary or other remuneration according to the entitlement of such deceased member thereto is made out of the Consolidated Revenue Fund on account of any leave accrued due or granted to him as at the date of his death.

(4.) In respect of any child or children under the age of fourteen years of any deceased member or retired member of the Police Force, no sum shall be payable, or be paid, as prescribed by subsection four of section forty-two of this Act in respect of any period for which, pursuant to the provisions of this section, pension under this Part IV. of this Act is not to be paid in respect of the widow, if any, of such deceased member or retired member of the Police Force."

**15.** Section forty-four of the Principal Act is amended by repealing the word "Minister" and inserting, in lieu of that repealed word, the word "Board". Amendment  
of s. 44.

**16.** Section forty-eight of the Principal Act is amended— Amendments  
of s. 48.

(a) By inserting, after the words "Public Service", the words "of the State"; and

(b) By inserting, after the words "Railway Service", the words "of the State".

**17.** Section fifty of the Principal Act is amended— Amendments  
of s. 50.

(a) By re-numbering that section as subsection one;

(b) By, in subsection one as so re-numbered—

(i.) Repealing the words and quotation marks "the Police Investment Board" and inserting, in lieu of those repealed words and quotation marks, the words and quotation marks "the Police Superannuation Board";

(ii.) Inserting after the second paragraph the following paragraph :—

“ The Board shall, subject to the Minister, administer the provisions of this Part IV. of this Act to the extent to which such provisions relate to the payment of superannuation allowance, additional superannuation allowance, pension or any other sum whatsoever from the Fund.” ;

(c) By adding the following subsections :—

“(2.) The Board shall meet at such times and places and conduct its business in such manner as it may from time to time determine.

(3.) The holder for the time being of the position of Secretary to the Commissioner of Police shall be the executive officer of the Fund and shall have, exercise and perform with respect to the Fund such powers, authorities, duties and functions as the Board may authorise or direct.

He shall have the custody of the official seal of the Board and, subject to the Board, have power to execute documents and other writings whatsoever on behalf of the Board and affix the seal of the Board thereto or to any of them.

(4.) The Board shall be a body corporate under the name prescribed as aforesaid, and by that name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding, leasing and disposing of property, real and personal, movable and immovable, and of doing and suffering all such other acts, matters and things, as bodies corporate may by law do and suffer.

All courts, judges, and persons acting judicially shall take judicial notice of the membership of the Board and of the respective signatures of the members thereof as well as of the signature of the executive officer, and of the seal of the Board affixed to any document or other writing whatsoever, and, until the contrary is proved, shall presume that every such signature or such seal, as the case may be, was duly affixed to any document or other writing whatsoever.

(5.) The incorporation and change in the name of the Board made by "*The Police Acts Amendment Act of 1959*," shall not affect the continuity of its identity or any of its rights or obligations or render defective any legal proceedings by or against it and any legal proceedings that might have been commenced or continued by or against it prior to the passing of such amending Act may be commenced or continued by or against it as a body corporate and by its new name." ;

(d) By repealing the heading and marginal note thereto and inserting, in lieu of such repealed heading and marginal note, the heading "*Police Superannuation Board*" and marginal note "Police Superannuation Board".

18. Section sixty-seven of the Principal Act is amended by adding thereto the following subsection :— Amendment of s. 67.

"(3.) In the case of any such goods and chattels as are in his opinion so perished, contaminated, deteriorated, dilapidated, worn, in disrepair, or otherwise in such state or condition as to be dangerous or unfit for use for the purpose for which the same was intended to be used or for any other purpose for which the same is capable of being used, the Commissioner may in his absolute discretion direct that the same be destroyed."

19. The Principal Act is amended by inserting, after section sixty-seven thereof, the following section :— New s. 68 inserted.

"[68.] (1.) For the purpose of legal proceedings, all arms, ammunition, accoutrements, clothing, equipment, appointments, animals, vehicles, money or other things appropriated to the use of members of the Police Force at any police station, branch or other establishment pertaining to the Police Force, or belonging to or used by any member of the Police Force attached for the time being to any police station or any such branch or establishment, and not being the private property of a member of the Police Force, shall be deemed to be the property of the member of the Police Force in charge of such police station, branch or other establishment. Arms, &c., vested in member of the Police Force in charge of police station, &c.

(2.) An action or suit shall not abate or be determined by the death, resignation, removal or transfer of the member of the Police Force in charge at

the time relevant thereto of any police station or branch or establishment pertaining to the Police Force, but may proceed in the name of his successor.

(3.) The provisions of this section do not apply in any legal proceedings against any member of the Police Force who at the time relevant thereto was in charge of the police station, branch or other establishment pertaining to the Police Force to which those legal proceedings relate.”

Super-annuation allowances and other sums payable on and from 1st April, 1959, in respect of persons who became entitled thereto before that date.

20. (1.) On and from the first day of April, one thousand nine hundred and fifty-nine (which date is hereinafter referred to in this section as the “said date”), paragraph (a) of the proviso to paragraph (i.) of subsection two of section two of “*The Police (Pensions) Act of 1955,*” shall cease to apply to any and every superannuation allowance payable out of The Police Superannuation Fund to which that proviso is expressed to apply and accordingly no such superannuation allowance shall on or after the said date be limited by virtue of that proviso to the annual rate of three hundred and sixty-four pounds.

(2.) Subject to increasing on and from the said date the amount of any superannuation allowance payable out of The Police Superannuation Fund to which the proviso to paragraph (i.) of subsection two of section two of “*The Police (Pensions) Act of 1955,*” is expressed to apply to the rate per annum thereof payable save for paragraph (a) of that proviso, every ex-member of the Police Force who retired or was retired therefrom, or whose retirement therefrom was approved or ordered by the Governor in Council, before the said date shall continue to have the right or claim to be paid superannuation allowance from The Police Superannuation Fund had by him immediately prior to the said date under the Principal Act, or under the Principal Act and “*The Police (Pensions) Act of 1955,*” and shall be paid superannuation allowance from The Police Superannuation Fund accordingly but no such person shall have any right or claim to be paid superannuation allowance or any other sum whatsoever from the said Fund or otherwise howsoever under or by virtue of the Principal Act as amended by this Act.

(3.) Upon the death of any ex-member of the Police Force referred to in subsection two of this section payment in respect of any widow or child shall be made from The Police Superannuation Fund as prescribed by the Principal Act or, as the case may be, the Principal Act and "*The Police (Pensions) Act of 1955*," on and from the date of such death and thereafter while such widow or child continues to be entitled to such payment under the Principal Act, or the Principal Act and "*The Police (Pensions) Act of 1955*."

(4.) Every sum being paid from The Police Superannuation Fund immediately prior to the said date in respect of any widow or child under the Principal Act, or under the Principal Act and "*The Police (Pensions) Act of 1955*," shall continue to be payable at the rate at which the same was so being paid on and from the said date and thereafter whilst the same continues to be payable under the Principal Act, or the Principal Act and "*The Police (Pensions) Act of 1955*."

(5.) Any widow of a member or ex-member of the Police Force who died on or after the first day of April, one thousand nine hundred and fifty-nine, but before the date of the passing of this Act who has a right or claim under the Principal Act, or under the Principal Act and "*The Police (Pensions) Act of 1955*," to payment out of the Police Superannuation Fund by way of pension or otherwise of an amount or at a rate greater than the amount or rate of pension from such Fund payable in her case under the Principal Act as amended by this Act shall, notwithstanding the passing of this Act, continue to have a right or claim to such greater amount or rate of payment from the said Fund and shall be paid therefrom accordingly.

Pension under the Principal Act as amended by this Act shall not be payable to or claimable by or on behalf of any widow in respect of whom payment is made from The Police Superannuation Fund as prescribed by this subsection.

(6.) The Principal Act as in force immediately prior to the commencement of this Act and, save as prescribed by subsection one of this section, "*The Police (Pensions) Act of 1955*," shall continue in force to the extent necessary to give operation and effect to this section.



Super-annuation allowances and other sums payable in respect of members of the Police Force retired on reaching age of retirement between 1st April, 1959, and passing of this Act.

**21.** The provisions of section forty-three of the Principal Act as in force immediately prior to the commencement of this Act shall, notwithstanding the repeal thereof by this Act, apply to every member of the Police Force retired therefrom upon attaining the age of retirement on or after the first day of April, one thousand nine hundred and fifty-nine, and before the date of the passing of this Act, and to any widow or child of every such member, and such provisions shall continue in force to the extent necessary to give operation and effect to this section.

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