



ANNO VICESIMO

**ELIZABETHAE II REGINAE**

A.D. 1971

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**No. 70 of 1971**

An Act to make further and better provision for police pensions, and for that purpose to repeal the Police Pensions Act, 1954-1968, and enact other provisions in lieu thereof.

[Assented to 4th November, 1971]

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

PART I  
PRELIMINARY

PART I

1. This Act may be cited as the "Police Pensions Act, 1971". Short title.
  
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
  
3. The Acts set out in the First Schedule to this Act are repealed. Repeals.
  
4. This Act is divided as follows:— Division of Act.
  - PART I—PRELIMINARY
  - PART II—THE FUND
  - PART III—NEW ENTRANTS
  - PART IV—TRANSFERRED CONTRIBUTORS

PART IPART V—PENSIONS AND ALLOWANCES FOR  
WIDOWS AND CHILDREN

## PART VI—PENSIONS

## PART VII—MISCELLANEOUS.

**Definitions.****5. (1) In this Act, unless the contrary intention appears—**

“age of retirement” in relation to a member of the force, not being the Commissioner of Police or the Deputy Commissioner of Police, means sixty years:

“adjustment day” in relation to a contributor, means each first pay day of that contributor that occurs after the commencement of this Act in the month in which the anniversary of the birth of that contributor occurs:

“annual salary” in relation to a contributor means the annual salary for the time being payable to that contributor but does not include any allowances for the time being payable to that contributor:

“average annual salary” in relation to the death or retirement of a contributor, means one-third of the aggregate of the annual salary applicable to that contributor on each of his three consecutive review days next preceding the day on which he died, or as the case may be, retired, or if three or more review days have not occurred after the commencement of this Act in relation to a contributor then—

(a) where no such review days have occurred in relation to a contributor, the average annual salary in relation to the death or retirement of that contributor shall be the annual salary applicable to that contributor on the day he joined the force or on the day of commencement of this Act whichever day last occurred;

(b) where only one such review day has occurred in relation to a contributor, the average annual salary in relation to the death or retirement of that contributor shall be the annual salary applicable to that contributor on that review day;

and

(c) where only two such review days have occurred in relation to a contributor, the average annual salary in relation to the death or retirement of that contributor, shall be one-half of the aggregate of the annual salary applicable to the contributor on each of his two review days:

“child’s allowance” means an allowance payable to or in respect of an eligible child or an eligible orphan child under this Act:

“contributor” means a contributor to the Fund:

“entry age” in relation to a contributor, means the age at which the contributor joins, or if the contributor has joined the force on more than one occasion the age at which the contributor last so joined the force (expressed in years and whole months, portion of a month being regarded as a whole month) unless—

(a) the age at which the contributor joined or last so joined the force was less than twenty years, in which case the entry age of that contributor shall be deemed to be twenty years;

or

(b) the contributor joins or last joined the force from the Police Academy, Fort Largs, in which case the entry age of the contributor shall be deemed to be the age (expressed in years and whole months, portion of a month being regarded as a whole month) at which he entered the Police Academy or twenty years whichever age was the greater:

“fortnightly pension” in relation to a pensioner means twelve three hundred and thirteenths of the annual pension of that pensioner calculated to the nearest whole cent, one-half or more of one cent being regarded as one cent:

“fortnightly salary” in relation to a contributor means twelve three hundred and thirteenths of the annual salary of that contributor calculated to the nearest multiple of ten cents, five or more cents being regarded as ten cents:

“invalid pensioner” means a person who is in receipt of a pension granted under this Act or under the repealed Acts as a consequence of his incapacity to perform his duties as a member:

“member” means the Commissioner of Police, the Deputy Commissioner of Police and every other member of the force:

“notional pension” in relation to a prescribed pensioner, means a pension calculated by the Public Actuary, as being the pension that would, from time to time, have been payable to the prescribed pensioner had he not exercised any of the options referred to in the definition of “prescribed pensioner”:

“pay day” in relation to a contributor or member means the day on which that contributor or member is usually paid:

“pension” means a pension payable under this Act or under the repealed Acts but does not include a widow’s pension or a child’s allowance:

“pension day” means the day on which pensions are usually paid:

“pensioner” means a person in receipt of a pension:

“prescribed pensioner” means a pensioner who, whether before or after he became a pensioner, had elected to exercise any of the options referred to in—

(a) subsection (3) of section 20 of the Police Pensions Act, 1954, as amended:

or

(b) section 37 of this Act:

“rank factor” in relation to a transferred contributor, means the factor set out in the Second Schedule to this Act opposite the description of the rank held by the contributor on the day of the commencement of this Act:

“review day” in relation to an adjustment day of a contributor, means each first day of the month next but one preceding the month in which that adjustment day occurs:

“service” means service as a member of the force:

“the force” means the police force of the State:

“the Fund” means the Police Pensions Fund continued in existence by this Act:

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

“the repealed Acts” means the Acts mentioned in section 3 of this Act and the Acts mentioned in section 3 of the Police Pensions Act, 1954-1968:

“transfer age” in relation to a contributor who was a contributor to the Fund immediately before the commencement of this Act, means the age of that contributor on the day on which this Act commenced expressed in years and whole months, portion of a month being regarded as a whole month or sixty years whichever age is the lesser:

“widow’s pension” means a pension payable under this Act or under the repealed Acts to the widow of a deceased pensioner or a deceased contributor.

(2) For the purposes of this Act—

(a) the Principal of the Women Police shall be deemed to be a member holding the rank of Sergeant;

and

(b) a member who does not hold a rank prescribed by the Police Regulations shall be deemed to hold such rank as the Commissioner determines.

(3) For the purposes of the calculation of contributions, pensions, widow’s pensions and benefits under this Act—

(a) a month shall be regarded as one-twelfth of a year;

(b) multiples of months shall be expressed as decimals of a year calculated to the nearest three decimal places;

(c) all fractional parts of integers shall be expressed as decimals and calculated to the nearest five decimal places;

and

(d) all amounts, unless provision is expressly made to the contrary, shall be calculated to the nearest whole cent one-half cent being taken as one cent.

(4) For the purposes of this Act, where a contributor retires at any time during the period of two months next preceding the month in which an anniversary of his birth occurs the last review day of that contributor shall be deemed to have occurred on the day that it would have occurred had that contributor not so retired and the salary payable to that contributor immediately before he so retired shall be deemed to be the salary payable to that contributor on that review day.

## PART II

## THE FUND

Police Pensions  
Fund.

6. (1) The fund called the "Police Pensions Fund" which was established under the Police Pensions Act, 1929-1951, and continued in existence under that name by the Police Pensions Act, 1954, is hereby continued in existence under that name and shall consist of the moneys in the Fund at the time of the commencement of this Act and all money paid into the Fund pursuant to this Act.

(2) The amount standing to the credit of the section of the accounts of the Fund known as the Pensions Supplementation Account at the commencement of this Act shall on that commencement cease to be a separate account and shall form part of the Fund.

(3) There shall be paid into the Fund—

(a) all contributions payable by contributors under this Act;

(b) all income arising from the investment of the Fund or any part thereof;

and

(c) all contributions paid by the Government under the provisions of this Act.

(4) The Fund shall be held by the Treasurer.

Investment of  
Fund.

7. The Fund shall be invested in any one or more of the following investments, namely—

(a) on deposit with the Treasurer;

(b) in securities in which a trustee may, pursuant to the Trustee Act, 1936-1968, invest trust funds;

and

(c) in bonds, debentures or other securities of any local governing body in Australia.

Reports by  
Public Actuary.

8. (1) The Public Actuary shall within the period of three years next following the commencement of this Act and thereafter at intervals of not more than three years investigate the state and sufficiency of the Fund.

(2) Upon each investigation referred to in subsection (1) of this section the Public Actuary shall report the result of such investigation to the Minister and shall state whether any reduction or increase is necessary in the rates of contribution payable by contributors, or in the proportion of any pension, widow's pension, child's allowances, lump sum or other benefit payable by the Government in accordance with this Act.

9. (1) The Government shall, out of moneys to be provided by Parliament, make contributions to the Fund as soon as practicable after each pension day of an amount equal to the total of the amount of the Government's share of each pension, widow's pension, child's allowance, lump sum payment or other benefit (not being a refund of a contributor's contribution) paid from the Fund on that pension day or in the fortnight that preceded that pension day.

Contributions  
by the  
Government.

(2) For the purposes of this section, the Government's share of each pension, widow's pension, child's allowance, lump sum payment or other benefit (not being a refund of a contributor's contribution) shall be ascertained by reference to the prescribed tables.

10. Pensions, widow's pensions, child's allowances, lump sum payments, other benefits and refunds of contributors' contributions together with the costs of administration of this Act shall be paid out of the Fund by virtue of this section and without other appropriation.

Payments from  
the Fund.

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### PART III

### PART III

#### NEW ENTRANTS

11. (1) Subject to this Act, every person who becomes a member of the force after the commencement of this Act shall contribute to the Fund.

Liability to  
contribute.

(2) Contributions to the Fund shall be payable in respect of the period commencing on the day upon which the member joins the force and concluding on the pay day next preceding the day on which he ceases to be a member unless the member remains in the force after the day of his sixtieth birthday in which case he shall not be liable to make any contribution to the Fund in respect of any pay period the whole or any part of which occurs after that day.

**PART III**  
**Amount of contributions.**

12. (1) On each pay day occurring during the period in respect of which a contributor is, pursuant to this Part, liable to contribute to the Fund there shall be deducted from the salary of that contributor the amount of his contribution to the Fund ascertained in accordance with this section.

(2) The amount of a contributor's contributions to the Fund shall be—

(a) on each pay day occurring during the period commencing on the day he joined the force and concluding on and including his pay day next preceding his first adjustment day an amount equal to five and three-quarter per cent of the fortnightly salary applicable to him on the day he joined the force;

and

(b) on each pay day occurring thereafter, an amount equal to five and three-quarter per cent of the fortnightly salary applicable to him on the review day relating to the adjustment day that coincides with or next precedes that pay day.

(3) For the purposes of this section an adjustment day shall be deemed not to have occurred in relation to a contributor unless the review day relating to that adjustment day falls within the period of that contributor's service in the force.

**Pension on retirement.**

13. Where a contributor who became a member after the commencement of this Act—

(a) having attained the age of retirement, retires;

or

(b) retires, having satisfied the Public Actuary that his retirement is due to his incapacity to perform his duties as a member of the force by reason of infirmity of mind or body,

the contributor shall subject to this Act be entitled to an annual pension for life calculated in accordance with the following table—

$$P = \left( \frac{60 - X}{100} \right) \times S$$

where—

P = the amount of the annual pension expressed in dollars

X = the entry age of the contributor

S = the average annual salary of the contributor expressed in dollars.



14. Where a contributor who became a member after the commencement of this Act, having attained the age of retirement, retires, he shall be paid, in addition to the pension provided for by section 13 of this Act, a lump sum calculated in accordance with the following table—

$$LS = \left( \frac{60 - X}{40} \right) \times S$$

where—

LS = the lump sum expressed in dollars

X = the entry age of the contributor

S = the average annual salary of the contributor expressed in dollars.

15. Where a contributor retires having satisfied the Public Actuary as to the matters set out in paragraph (b) of section 13 of this Act and the age of the contributor on the anniversary of his birth next preceding the day on which he so retired was—

Lump sum on  
retirement due  
to incapacity.

(a) thirty years or less, he shall be paid in addition to the pension provided for by section 13 of this Act, a lump sum being the lesser of the amount of twice the aggregate of the contributions paid by him to the Fund and an amount calculated in accordance with the following table—

$$A = \left( \frac{60 - X}{100} \right) \times S$$

where—

A = the amount expressed in dollars

X = the entry age of the contributor

S = the average annual salary of the contributor expressed in dollars;

(b) more than thirty years and less than forty-one years he shall be paid, in addition to the pension provided for by section 13 of this Act, a lump sum calculated in accordance with the following table—

$$LS = \left( \frac{60 - X}{100} \right) \times S$$

## PART III

where—

LS = the lump sum expressed in dollars

X = the entry age of the contributor

S = the average annual salary of the contributor expressed in dollars;

or

- (c) forty-one years or more he shall be paid, in addition to the pension provided for by section 13 of this Act, a lump sum calculated in accordance with the following table—

$$LS = \left( \frac{60 - X}{40} \right) \times S \times \left( \frac{3Y - 80}{100} \right)$$

where—

LS = the lump sum expressed in dollars

X = the entry age of the contributor

S = the average annual salary of the contributor expressed in dollars

Y = the age of the contributor on the anniversary of his birth next preceding the day on which he so retired or sixty years whichever is the lesser age.

Widow's pension on death of contributor.

16. Where a contributor who became a member after the commencement of this Act dies leaving a widow his widow shall, subject to this Act, be paid an annual widow's pension calculated in accordance with the following table—

$$P = \frac{65}{100} \times \left( \frac{60 - X}{100} \right) \times S$$

where—

P = the amount of annual pension expressed in dollars

X = the entry age of the deceased contributor

S = the average annual salary of the deceased contributor.

## 17. Where—

- (a) the age of a deceased contributor on the anniversary of his birth next preceding the day on which he died was less than forty-one years his widow shall be paid, in addition to the pension provided for by section 16 of this Act, a lump sum calculated in accordance with the following table—

Lump sum to widow on death of a contributor.

$$LS = \left( \frac{60 - X}{100} \right) \times S$$

Where—

LS = the lump sum expressed in dollars

X = the entry age of the deceased contributor

S = the average annual salary of the deceased contributor;

and

- (b) the age of the deceased contributor on the anniversary of his birth next preceding the day on which he died was forty-one years or more his widow shall be paid, in addition to the pension provided for by section 16 of this Act, a lump sum calculated in accordance with the following table—

$$LS = \left( \frac{60 - X}{40} \right) \times S \times \left( \frac{3Y - 80}{100} \right)$$

where—

LS = the lump sum expressed in dollars

X = the entry age of the deceased contributor

S = the average annual salary of the deceased contributor, expressed in dollars

Y = the age of the deceased contributor on the anniversary of his birth next preceding the day on which he died or sixty years whichever is the lesser age.

PART IV

## PART IV

## TRANSFERRED CONTRIBUTORS

## Definitions.

**18.** In this Part—

“transferred contributor” means a person who was, immediately before the commencement of this Act—

(a) a contributor to the Fund;

or

(b) pursuant to the repealed Acts, liable to contribute to the Fund.

Liability of  
transferred  
contributor to  
Fund.

**19.** (1) Subject to this Act after the commencement of this Act every transferred contributor shall contribute to the Fund.

(2) Contributions to the Fund pursuant to this Act shall be payable by a transferred contributor in respect of the period commencing on and including the day immediately following the pay day of the contributor next preceding the day on which this Act commenced and concluding on the pay day next preceding the day on which the transferred contributor ceases to be a member of the force unless the transferred contributor remains in the force after the day of his sixtieth birthday in which case he shall not be liable to make any contributions to the Fund in respect of any pay period the whole or any part of which occurs after that day.

Amount of  
contributions.

**20.** (1) On each pay day occurring during the period in respect of which a transferred contributor is, pursuant to this Part, liable to contribute to the Fund there shall be deducted from the salary of that contributor the amount of his contribution to the Fund ascertained in accordance with this section.

(2) The amount of a transferred contributor's contribution to the Fund shall be—

(a) on each pay day occurring in the period commencing on the day of commencement of this Act and concluding on his pay day next preceding his adjustment day that next follows his first review day that occurs after the commencement of this Act an amount equal to three and one-quarter per cent of the fortnightly salary applicable to him on the day of commencement of this Act;

(b) on each pay day occurring during the period commencing on the adjustment day referred to in paragraph (a) of this subsection and concluding on his pay day next preceding his adjustment day next following that adjustment day, an amount equal to four and one-half per cent of the fortnightly salary applicable to him on his first review day;

and

(c) on each pay day occurring thereafter, an amount equal to five and three-quarter per cent of the fortnightly salary applicable to him on the review day relating to the adjustment day that coincides with or next precedes that pay day.

21. (1) Where a transferred contributor—

Pension on retirement.

(a) having attained the age of retirement, retires;

or

(b) retires, having satisfied the Public Actuary that his retirement is due to his incapacity to perform his duties as a member of the force by reason of infirmity of mind or body,

the transferred contributor shall, subject to subsection (2) of this section, be entitled to an annual pension for life calculated in accordance with the following table—

$$P = \left[ \frac{(Z - 20) \times 936 \times R}{100} \right] + \left[ \frac{(460 - 3Z) \times S}{1,000} \right]$$

where—

P = the amount of annual pension expressed in dollars

Z = the transfer age of the transferred contributor

R = the rank factor of the transferred contributor

S = the average annual salary of the transferred contributor expressed in dollars.

(2) If the amount of annual pension calculated in accordance with the table in subsection (1) of this section is less than the amount of an annual pension calculated in accordance with the following table—

$$P = 1,252 \times R$$

PART IV

where—

P = the amount of the annual pension expressed in dollars

R = the rank factor of the transferred contributor,

then the transferred contributor shall, be entitled to an annual pension for life calculated in accordance with the table in this subsection in lieu of the annual pension calculated in accordance with the table in subsection (1) of this section.

Lump sum on retirement on attaining the age of retirement.

22. (1) Where a transferred contributor, having attained the age of retirement, retires he shall subject to subsection (2) of this section, be paid, in addition to the pension provided for by section 21 of this Act a lump sum calculated in accordance with the following table—

$$LS = (27Z - 540) \times R + \left[ \frac{(460 - 3Z) \times S}{400} \right]$$

where—

LS = the lump sum expressed in dollars

Z = the transfer age of the transferred contributor

S = the average annual salary of the contributor expressed in dollars

R = the rank factor of the transferred contributor.

(2) If the amount of the lump sum calculated in accordance with the table in subsection (1) of this section is less than the lump sum calculated in accordance with the following table—

$$LS = 3,600 \times R$$

where—

LS = the lump sum expressed in dollars

R = the rank factor of the transferred contributor,

then the lump sum calculated in accordance with the table in this subsection shall be paid in lieu of the lump sum calculated in accordance with subsection (1) of this section.

Lump sum on invalidity retirement of transferred contributor.

23. (1) Where a transferred contributor retires, having satisfied the Public Actuary as to the matters set out in paragraph (b) of section 21 of this Act and the age of the transferred contributor on the anniversary of his birth next preceding the day on which he so retired was—

- (a) thirty years or less he shall be paid in addition to the pension provided for by section 21 of this Act a lump sum being the lesser of the amount of twice the aggregate of the contributions paid by him to the Fund and an amount calculated in accordance with the following table—

$$A = R \times \left( \frac{39Z - 780}{4} \right) + S \times \left( \frac{460 - 3Z}{1,000} \right)$$

where—

A = the amount expressed in dollars

S = the average annual salary of the transferred contributor expressed in dollars

Z = the transfer age of the transferred contributor

R = the rank factor of the transferred contributor;

- (b) more than thirty years and less than forty-one years he shall, subject to subsection (2) of this section, be paid in addition to the pension provided for by section 21 of this Act a lump sum calculated in accordance with the following table—

$$LS = R \times \left( \frac{39Z - 780}{4} \right) + S \times \left( \frac{460 - 3Z}{1,000} \right)$$

LS = the lump sum expressed in dollars

S = the average annual salary of the transferred contributor expressed in dollars

Z = the transfer age of the transferred contributor

R = the rank factor of the transferred contributor;

or

- (c) forty-one years or more he shall, subject to subsection (3) of this section, be paid in addition to the pension provided for by section 21 of this Act a lump sum calculated in accordance with the following table—

$$A = \left[ \frac{(3Y - 80)(460 - 3Z)}{40,000} \right] \times S$$

where—

A = the amount expressed in dollars

Y = the age of the transferred contributor on the anniversary of his birth next preceding the day he so retired or sixty years whichever is the lesser age

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S = the average annual salary of the transferred contributor expressed in dollars

Z = the transfer age of the transferred contributor, to which shall be added the lesser of an amount calculated in accordance with the following table—

$$A = (27Z - 540) \times R$$

where—

A = the amount expressed in dollars

Z = the transfer age of the transferred contributor

R = the rank factor of the transferred contributor, and an amount calculated in accordance with the following table—

$$A = R \times \left( \frac{Z - 20}{40} \right) \times (39Y - 1,170)$$

where—

A = the amount expressed in dollars

R = the rank factor of the transferred contributor

Z = the transfer age of the transferred contributor

Y = the age of the transferred contributor on the anniversary of his birth next preceding the day he so retired or sixty years whichever is the lesser age.

(2) Where in the case of a transferred contributor to whom paragraph (b) of subsection (1) applies, the lump sum calculated in accordance with that paragraph is less than an amount calculated in accordance with the following table—

$$A = 1,300 \times R$$

where—

A = the amount expressed in dollars

R = the rank factor of the transferred contributor,

then that transferred contributor shall, in lieu of the lump sum to which he would be entitled under that paragraph, be paid a lump sum equal to the amount calculated in accordance with the table in this subsection.

(3) Where in the case of a transferred contributor to whom paragraph (c) of subsection (1) of this section applies the lump sum calculated in accordance with that paragraph is less than an amount being the lesser of an amount calculated in accordance with the following table—

$$A = 3,600 R$$



where—

A = the amount expressed in dollars

R = the rank factor of the transferred contributor,

and an amount calculated in accordance with the following table—

$$A = [1,300 + 130 (Y - 40)] R$$

where—

R = the rank factor of the transferred contributor

A = the amount expressed in dollars

Y = the age of the transferred contributor on the anniversary of his birth next preceding the day on which he so retired or sixty years whichever is the lesser age,

then that transferred contributor shall, in lieu of the lump sum to which he would be entitled under that paragraph, be paid a lump sum equal to the lesser of the amounts calculated in accordance with the tables in this subsection.

24. Where a transferred contributor dies leaving a widow his widow shall, subject to this Act, be paid an annual pension calculated in accordance with the following table—

Widow's  
pension on  
death of  
transferred  
contributor.

$$P = \left[ \frac{(65 \times 936)}{100} \times \frac{(Z - 20)}{100} \right] \times R + \left[ \frac{(460 - 3Z)}{1,000} \times \frac{65}{100} \times S \right]$$

where—

P = the annual pension expressed in dollars

Z = the transfer age of the transferred contributor

S = the average annual salary of the transferred contributor

R = the rank factor of the transferred contributor,

or an annual pension calculated in accordance with the following table—

$$P = 814 R$$

where—

P = the annual pension expressed in dollars

R = the rank factor of the transferred contributor,

whichever is the greater pension.

**PART IV**

Lump sum to widow on death of transferred contributor.

**25. (1) Where—**

- (a) the age of a deceased transferred contributor on the anniversary of his birth next preceding the day on which he died was less than forty-one years, his widow shall be paid in addition to the pension provided for by section 24 of this Act a lump sum calculated in accordance with the following table—

$$LS = R \times \left( \frac{39Z - 780}{4} \right) + S \left( \frac{460 - 3Z}{1,000} \right)$$

where—

LS = the lump sum expressed in dollars

Z = the transfer age of the deceased transferred contributor

R = the rank factor of the deceased transferred contributor

S = the average annual salary of the transferred contributor,

or a lump sum calculated in accordance with the following table—

$$LS = 1,300 R$$

where—

LS = the lump sum expressed in dollars

R = the rank factor of the deceased transferred contributor,

whichever lump sum is the greater;

or

- (b) the age of the deceased transferred contributor on the anniversary of his birth next preceding the day on which he died was forty-one years or more, his widow shall, subject to subsection (2) of this section, be paid in addition to the pension provided for by section 24 of this Act a lump sum equal to an amount calculated in accordance with the following table—

$$A = \left[ \frac{(3Y - 80)(460 - 3Z)}{40,000} \right] \times S$$

where—

A = the amount expressed in dollars

S = the average annual salary of the deceased transferred contributor

Y = the age of the deceased transferred contributor on the anniversary of his birth next preceding the day he died or sixty years whichever is the lesser age

Z = the transfer age of the deceased transferred contributor,

to which shall be added the lesser of an amount calculated in accordance with the following table—

$$A = R \times (27Z - 540)$$

where—

A = the amount expressed in dollars

R = the rank factor of the deceased transferred contributor

Z = the transfer age of the deceased transferred contributor,

and an amount calculated in accordance with the following table—

$$A = \left[ \frac{R \times (Z - 20)}{40} (39Y - 1,170) \right]$$

where—

A = the amount expressed in dollars

R = the rank factor of the deceased transferred contributor

Z = the transfer age of the deceased transferred contributor

Y = the age of the deceased transferred contributor on the anniversary of his birth next preceding the day he died or sixty years whichever is the lesser age.

(2) Where a lump sum calculated in accordance with the tables in paragraph (b) of subsection (1) of this section and payable under that subsection is less than a lump sum being the lesser of an amount calculated in accordance with the following table—

$$A = 3,600 R$$

PART IV

where—

A = the amount expressed in dollars

R = the rank factor of the deceased transferred contributor,  
and an amount calculated in accordance with the following table—

$$A = [1,300 + 130 (Y - 40)] R$$

where—

A = the amount expressed in dollars

R = the rank factor of the deceased transferred contributor

Y = the age of the deceased transferred contributor on the  
anniversary of his birth next preceding the day he died  
or sixty years whichever is the lesser,

the widow of the deceased transferred contributor shall in lieu of the lump sum payable under that subsection be paid a lump sum calculated in accordance with this subsection in addition to the pension provided for by section 24 of this Act.

PART V

## PART V

## PENSIONS AND ALLOWANCES FOR WIDOWS AND CHILDREN

Pension payable to widows of pensioners.

26. (1) Subject to this section, if a pensioner who was a pensioner on the commencement of this Act not being a pensioner to whom section 32 of this Act applies, dies leaving a widow to whom this section applies, that widow shall be paid a fortnightly pension ascertained by reference to the table in the Third Schedule to this Act.

(2) If, before the day on which a pensioner, referred to in subsection (1) of this section died, the pension payable to that pensioner had been increased by a percentage ascertained in accordance with section 34 of this Act then the pension payable to the widow ascertained pursuant to that subsection shall be increased by a like percentage.

(3) Except as provided by subsection (4) of this section, if a pensioner who became a pensioner on or after the day on which this Act commenced or a pensioner to whom section 32 of this Act applies dies leaving a widow to whom this section applies, that widow shall be paid a pension equal to sixty-five per centum of the pension payable to her deceased husband immediately before his death.

(4) Where a pensioner referred to in subsection (3) of this section was a prescribed pensioner, that subsection shall apply and have effect as if there were substituted for the word "pension" secondly occurring the passage "notional pension".

(5) This section applies to a widow of a pensioner who was married to that pensioner while he was a contributor.

27. (1) A widow's pension shall cease to be payable on the re-marriage of the widow but shall subject to subsection (2) of this section again be payable if she again becomes a widow. Widow's pension.

(2) Where a re-marriage referred to in subsection (1) of this section was to a contributor and the widow referred to in that subsection becomes the widow of that contributor whether before or after his retirement that widow may at her option elect to be paid—

(a) the widow's pension that she would have been entitled to pursuant to subsection (1) of this section;

or

(b) the widow's pension that she would have been entitled to pursuant to this Act by virtue of being the widow of the contributor referred to in this subsection,

but the widow shall not be entitled to both such widow's pensions.

28. (1) Where a widow of a deceased contributor or pensioner was on the death of that contributor or pensioner entitled to a widow's pension there shall be payable to that widow on and from the pension day next following the commencement of this Act a child's allowance at the rate of eight dollars per fortnight in respect of each eligible child of that widow. Allowance for certain children.

(2) A child's allowance under this section—

(a) shall be payable in respect of each eligible child of the widow for any period occurring after the commencement of this Act in respect of which the child is an eligible child;

(b) shall be payable in lieu of any allowance for the child payable under the repealed Act;

and

(c) shall continue to be payable notwithstanding the re-marriage of the widow.

(3) In this section "eligible child" in relation to a widow means a child of her or her deceased contributor or pensioner husband not being a child of her marriage entered into after the death of her contributor or pensioner husband, being a child—

(a) who is under the age of sixteen years;

or

(b) who—

(i) has attained the age of sixteen years but is under the age of twenty-one years;

and

(ii) is receiving full-time education at an institution approved of by the Minister.

Allowance for certain orphan children.

29. (1) On and from the pension day next following the commencement of this Act the pension shall be payable in respect of each eligible orphan child of a deceased contributor or pensioner a child's allowance at the rate of twelve dollars per fortnight but an allowance shall not be payable under this section in respect of a child in respect of whom an allowance is payable under section 28 of this Act.

(2) A child's allowance payable under subsection (1) of this section may be paid to the guardian of the eligible orphan child or to some other person and shall be used for the support and education of the child.

(3) A child's allowance under this section—

(a) shall be payable in respect of each eligible orphan child for any period occurring after the commencement of this Act in respect of which the child is an eligible orphan child;

and

(b) shall be payable in lieu of any allowance for the child under the repealed Acts.

(4) In this section "eligible orphan child" in relation to a deceased contributor or pensioner means an orphan child of that deceased contributor or pensioner not being an orphan child of the marriage of a deceased pensioner entered into after he became a pensioner, being a child—

(a) who is under the age of sixteen years;

or

(b) who—

(i) has attained the age of sixteen years but is under the age of twenty-one years;

and

(ii) is receiving full-time education at an institution approved of by the Minister.

PART VI  
PENSIONS

PART VI

30. (1) Except as otherwise provided in this Act, a person who was, immediately before the commencement of this Act, in receipt of a pension or a widow's pension under the repealed Acts, shall continue to receive that pension or widow's pension at the rate or at the rates and for the periods provided by the repealed Acts as in force immediately before the commencement of this Act.

Pensions under repealed Acts to continue.

(2) For the purposes of this section a pension referred to in subsection (1) shall include any supplementary pension granted under section 42a of the Police Pensions Act, 1954-1968, as for the time being in force but any such supplementary pension shall on and after the commencement of this Act not be debited to the Pensions Supplementation Account constituted pursuant to that section but shall be payable from the Fund.

31. (1) Each pension not being a pension payable to a pensioner to whom section 32 of this Act applies, or to a prescribed pensioner and each widow's pension payable under the repealed Acts shall, on and from the pension day next following the commencement of this Act, be increased by an amount equal to eight and one-quarter per centum of the amount of the pension or, as the case may be, of the amount of the widow's pension.

Increase in pensions under repealed Acts.

(2) Each pension payable to a prescribed pensioner under the repealed Acts shall, on and from the pension day next following the commencement of this Act, be increased by an amount equal to eight and one-quarter per centum of the amount of the notional pension of that prescribed pensioner.

32. (1) On and from the first pension day next following the commencement of this Act the pension payable to each pensioner to whom this section applies shall be increased by the amount equal to the difference between the amount of pension payable to that pensioner and the amount of pension that would have been payable to that pensioner had this Act come into operation on the day immediately preceding the day upon which he so became a pensioner.

Increase in pension for certain pensioners.

(2) Where a male pensioner to whom this section applies dies on or after the day on which this Act commenced and before his first pension day next following that day, for the purposes of calculating the widow's pension payable to his widow the increase of pension provided for by subsection (1) of this section shall be deemed to have been payable on the day immediately preceding the day he died.

(3) On the day of commencement of this Act there shall be payable to each of the pensioners to whom this section applies a lump sum payment equal to the difference between the cash payment received by that pensioner pursuant to the repealed Acts and the lump sum payment to which that pensioner would have been entitled had this Act come into operation on the day immediately preceding the day upon which he so became a pensioner.

(4) This section applies—

(a) to a pensioner who is in receipt of a pension immediately before the commencement of this Act having retired on or after the first day of July, 1970, and who became a pensioner by reason of having attained the age of sixty years;

(b) to a pensioner who is in receipt of a pension as an invalid pensioner immediately before the commencement of this Act and who first became entitled to that pension on or after the first day of July, 1970;

and

(c) to the widow of a deceased contributor under the Police Pensions Act, 1954, as amended, who was in receipt of a pension under that Act immediately before the commencement of this Act and who first became entitled to that pension on or after the first day of July, 1970,

unless by the application of this section the pension payable to the person referred to in paragraphs (a), (b) or (c) of this subsection would be less than the amount of pension that would have been payable to that person had this section not been enacted.

Additional  
pensions for  
Commissioner  
and Deputy  
Commissioner.

33. (1) If the Commissioner or Deputy Commissioner retires from the force after the commencement of this Act and after attaining the age of sixty years, the pension to which, but for this section, he would have been entitled under the provisions of this Act as in force on the day upon which he retired shall be increased by a percentage according to the following table—

Age of Retirement	Percentage Increase
Under 61 .....	Nil
61 and under 62 .....	2%
62 and under 63 .....	4%
63 and under 64 .....	6%
64 and under 65 .....	8%
65 and over .....	10%

(2) If the Commissioner or Deputy Commissioner dies after attaining the age of sixty years and after the commencement of this



Act and while in office, the pension payable to his widow shall be sixty-five per centum of the pension to which he would have been entitled had he retired on the day of his death.

34. (1) In this section—

Adjustment of  
pensions.

“adjustment percentage” in relation to a prescribed pension day, means the adjustment percentage, if any, declared for that prescribed pension day:

“determination day” in relation to a pension or widow’s pension means the day on which—

(a) in the case of a pension or a widow’s pension payable to the widow of a deceased contributor, the day next preceding the day on which the pension or the pension payable to the widow of a deceased contributor first accrued;

or

(b) in the case of a widow’s pension payable to the widow of a deceased pensioner, the day next preceding the day on which the pension payable to the pensioner first accrued:

“March quarter” in relation to a year means the period commencing on and including the first day of January of that year and concluding on and including the thirty-first day of March in that year:

“prescribed pension day” means the first pension day in the month of July, 1972, and the first pension day in the month of July in each succeeding year:

“the Index” means the Consumer Price Index (All groups index for Adelaide) published by the Commonwealth Statistician under the *Census and Statistics Act* 1905 of the Commonwealth as subsequently amended.

(2) As soon as practicable after the end of the March quarter of 1972 and as soon as practicable after the end of the March quarter in each succeeding year the Public Actuary shall by certificate in writing to the Minister state the percentage calculated to two decimal places by which the Index for that March quarter is greater or less than the Index for the March quarter of the year immediately preceding the year in respect of which the certificate is given.

(3) On receipt of a certificate under subsection (2) of this section, in which it is stated that the percentage is equal to or greater than one per centum, the Minister shall by notice in writing published in the *Gazette* declare the adjustment percentage for the prescribed pension day next following the March quarter in respect of which the certificate was given to be the percentage stated in that certificate and the Minister shall state whether the adjustment percentage shall be applied so as to reduce or increase pensions.

(4) Where the percentage stated in the certificate under subsection (2) of this section is less than one per centum no adjustment percentage shall be declared by the Minister for the prescribed pension day next following the March quarter in respect of which the certificate was given.

(5) In any year that next follows a year in respect of which no adjustment percentage was declared the certificate of the Public Actuary shall state the percentage by which the Index for the March quarter is greater or less than the Index for the March quarter of the year in relation to which an adjustment percentage was last declared and for the purposes of this section such a certificate shall be deemed to be a certificate under subsection (2) of this section.

(6) Subject to subsections (7) and (8) of this section, on and from each prescribed pension day the amount of each pension and widow's pension—

(a) that had a determination day that occurred on or before the thirtieth day of June of the year next preceding the year in which the prescribed pension day occurs, shall be increased, or as the case may be, decreased by the adjustment percentage declared for that prescribed pension day;

(b) that had a determination day that occurred, on or after the first day of July of the year next preceding the year in which the prescribed pension day occurs and on or before the thirtieth day of September in that year, shall be increased, or as the case may be, decreased by three quarters of the adjustment percentage declared for that prescribed pension day;

(c) that had a determination day that occurred on or after the first day of October in the year next preceding the year in which the prescribed pension day occurs and on or before the thirty-first day of December in that year, shall be increased, or as the case may be, decreased by one-half of the adjustment percentage declared for that prescribed pension day;

and

(d) that had a determination day that occurred on or after the first day of January in the year in which the prescribed pension day occurs and on or before the thirty-first day of March of the year in which that prescribed pension day occurs, shall be increased, or as the case may be, decreased by one-quarter of the adjustment percentage declared for that prescribed pension day.

(7) Subsection (6) of this section shall not have effect so as to reduce the amount of any pension or widow's pension—

- (a) in the case of a pension or widow's pension first payable under the repealed Acts, to an amount less than the amount of that pension payable on pension day next following the commencement of this Act;
- (b) in the case of a widow's pension payable to the widow of a deceased pensioner who was a pensioner immediately before the commencement of this Act and who died on or after that commencement, to the amount of widow's pension that would have been payable to that widow if that pensioner had died immediately after the commencement of this Act;
- (c) in the case of a widow's pension payable to the widow of a pensioner who became a pensioner after the commencement of this Act, to an amount less than sixty-five per centum of the pension first payable to that pensioner;
- (d) in the case of the pension payable to a prescribed pensioner—
  - (i) who is in receipt of a pension greater than his notional pension, to an amount less than the amount of that pension payable to him on the first pension day next following the commencement of this Act or on the first pension day on which he received that pension whichever pension day last occurred;
  - or
  - (ii) who is in receipt of a pension less than his notional pension, to an amount less than the amount of that pension payable to him on the first pension day next following the commencement of this Act or on the first pension day on which he received that pension whichever pension day last occurred;
  - or
- (e) in any other case, to an amount less than the amount of pension that was first payable as the amount of that pension.

(8) In the application of subsection (6) of this section to the pension payable to a prescribed pensioner, that pension, shall, in lieu of being increased or decreased in the manner provided for by that subsection, be increased or decreased by an amount by which the notional pension of that prescribed pensioner would have been increased or decreased if the reference in that subsection to the pension of the prescribed pensioner were a reference to the notional pension of that prescribed pensioner.

PART VIIPART VII  
MISCELLANEOUS

The retiring  
age.

35. (1) A member shall retire from the force on attaining the age of sixty or, at his option, at any time between his sixtieth birthday and the thirtieth day of June next after that birthday but this provision shall not affect the law as to the retirement of the Commissioner or Deputy Commissioner of Police as enacted in the Police Regulation Act, 1952-1970.

(2) Any member who has served in the force for ten years or more and who has attained the age of fifty-five years may, with the consent of the Commissioner, retire from the force before attaining the age of sixty years.

Pension on  
early  
retirement.

36. Any member who elects to retire from the force before attaining the age of retirement under the provisions of subsection (2) of section 35 of this Act shall be entitled, on retirement, to receive the following benefits:—

(a) a lump sum ascertained by reference to the prescribed tables;

and

(b) a pension of an annual amount ascertained by reference to the prescribed tables.

Options open  
to members.

37. (1) Any member having attained the age of retirement may, by notice in writing given to the Public Actuary prior to the day of his retirement, elect to exercise any of the following options:—

(a) to exchange the whole or any part of the lump sum to which he is entitled under this Act for either—

(i) a pension commencing on the day of his retirement and ceasing on the day of his death;

or

(ii) a pension commencing on the day of his retirement and ceasing either on the day of his death or the day upon which he attains the age of sixty-five years, whichever first happens;

or

(b) to exchange not more than twenty-five per centum of the pension to which he is entitled under this Act for a pension commencing on the day of his retirement and ceasing on the day of his death or on the day when he attains the age of sixty-five years, whichever first happens.

(2) The rate for which any part of a cash payment may be exchanged for a pension under the provisions of paragraph (a) of subsection (1) of this section or for which any part of a pension may be exchanged under the provisions of paragraph (b) of that subsection shall be as prescribed by regulations.

38. (1) If a contributor under the Superannuation Act, 1969, as amended, is appointed as Commissioner of Police he may, upon giving to the South Australian Superannuation Fund Board written notice at any time within six months after his appointment, elect to continue to contribute for pension under that Act.

The Commissioner of Police.

(2) If such an election is made—

(a) the Commissioner shall not contribute or be entitled to benefits under this Act;

and

(b) his service and salary as Commissioner of Police shall be deemed to be service and salary within the meaning of the Superannuation Act, 1969, as amended.

39. Notwithstanding any other provision of this Act, no pension or benefit shall be payable under this Act in respect of the incapacity of a member to perform his duties where that incapacity is consequent upon or attributable to misconduct on the part of the member.

No payment where incapacity due to misconduct.

40. (1) If in the opinion of the Public Actuary the health of an invalid pensioner is restored so as to enable him again to become a member the Public Actuary shall so inform the Commissioner of Police with a view to suitable employment being offered to the invalid pensioner.

Invalid pensioner restored to health.

(2) Where an offer of suitable employment is made to an invalid pensioner and that invalid pensioner does not enter that employment within the period, not being less than seven days specified in the offer or within such further period as is allowed by the Commissioner of Police, then on the expiration of that period or further period, as the case may be, the pension of that invalid pensioner shall cease and determine and no further benefit under this Act shall be payable to or in respect of that invalid pensioner.

(3) Where an invalid pensioner again becomes a member his pension shall cease to be payable and the period during which he was such an invalid pensioner shall for the purposes of this Act be counted as service as a member and during his further period of service as a member he shall contribute to the Fund at the rate appropriate to his salary during his further period of service.

(4) In this section "suitable employment" means suitable employment as a member at a salary that is not less than the salary payable at the time of the offer in respect of the rank and seniority in the rank held by the invalid pensioner immediately before he became an invalid pensioner.

(5) For the purposes of this section an offer of employment if reduced to writing and posted to the address of the invalid pensioner last known to the Public Actuary shall, without prejudice to any other method of making the offer, for all purposes be deemed to have been made to that pensioner on the day on which it would have been delivered in the ordinary course of post.

Remunerative  
activity by  
invalid  
pensioners.

41. (1) Where, on or after the commencement of this Act an invalid pensioner is or becomes in receipt of an income from any remunerative activity and the amount of that income expressed as a fortnightly payment when aggregated with the amount of the fortnightly pension of that invalid pensioner exceeds the amount of the equivalent salary applicable to that invalid pensioner, the Minister may by order in writing served by post on the invalid pensioner reduce the pension payable to that invalid pensioner by an amount not exceeding the amount by which the aggregated amount so exceeds the equivalent salary of that invalid pensioner.

(2) A reduction of pension made pursuant to subsection (1) of this section may be varied or removed by the Minister by order in writing served by post on the invalid pensioner and—

(a) shall be so removed on the invalid pensioner attaining the age of sixty years;

and

(b) may be so removed or varied if the Minister is satisfied that it is proper so to remove or vary the reduction by reason of—

(i) a variation in the income of the invalid pensioner from his remunerative activity;

(ii) a variation of the equivalent salary applicable to the invalid pensioner;

or

- (iii) a variation in the pension payable to the invalid pensioner.

(3) For the purpose of the calculation of a widow's pension payable to the widow of an invalid pensioner whose pension was reduced pursuant to subsection (1) of this section no regard shall be had to that reduction and the widow's pension shall be calculated as if that pension had not been so reduced.

(4) In the application of section 34 of this Act to a pension that has for the time being been reduced pursuant to subsection (1) of this section except for the purposes of subsection (2) of this section no regard shall be had to the fact that the pension has been so reduced.

(5) An invalid pensioner shall from time to time provide such information in such form and manner as to his income from remunerative activity as the Minister shall require in order to ascertain whether or not the pension payable to that invalid pensioner should be reduced pursuant to subsection (1) of this section.

(6) If the Minister is satisfied that an invalid pensioner has—

(a) refused or failed to provide information in the form and manner required pursuant to subsection (5) of this section;

or

(b) provided any such information that is false or misleading in a material particular,

the Minister may by order in writing served by post on the invalid pensioner suspend any pension payable to that pensioner until the Minister is satisfied that—

(c) the information required pursuant to subsection (5) of this section has been so provided;

and

(d) that information is true and correct in every particular, but if during the period of any such suspension the invalid pensioner dies leaving a widow otherwise entitled to a widow's pension that widow shall be entitled to receive that pension as if the pension payable to that invalid pensioner had not been so suspended.

(7) In this section—

“equivalent salary” in relation to an invalid pensioner means the fortnightly salary from time to time payable to a member of the force of the rank and seniority in the rank held and attained by that invalid pensioner immediately before he became an invalid pensioner:

PART VII

“remunerative activity” in relation to an invalid pensioner means any employment, trade, business, calling or profession from which the invalid pensioner gains an income.

**Benefits on retrenchment.**

42. (1) Subject to this Act, a member who, before reaching the retiring age leaves the force owing to retrenchment shall be entitled to receive twice the amount of the contributions paid by him to the Fund under this Act or the repealed Acts.

(2) “Retrenchment” means termination by the Commissioner of Police or the Government of the service of a member who is not entitled to retire on pension, where such termination is not due to any default or misconduct on the part of the member.

(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 cases not otherwise provided for.**

43. (1) Subject to this Act, any member who leaves the force before attaining the age of retirement and who is not entitled to pension or benefit under any other provision of this Act shall be entitled to receive a refund of all contributions paid by him to the Fund under this Act, or the repealed Acts.

(2) If any member resigns from the force after he has attained the age of fifty-five years he shall be deemed to have elected to retire under the provisions of subsection (2) of section 35 of this Act, but if the Commissioner does not consent to the member's retirement, the member shall be deemed not to have elected to so retire but shall be entitled to receive a refund of all contributions paid by him to the Fund under this Act or the repealed Acts.

(3) A member whose resignation from the force has been accepted but who is entitled to long service leave of absence before ceasing to be a member of the force shall, if he so elects in writing, be entitled to be paid the amount by way of a refund of contribution due to him under this section, at the commencement of or during the period of that leave of absence and if that amount is so paid to him, he and his dependants shall not be entitled to any pension or other benefit under this Act in respect of death or incapacity occurring after the payment.



PART VII

44. Where a contributor dies leaving neither a wife nor any children in respect of whom an allowance is payable under this Act there shall be payable to his personal representative the amount of the contributions paid by the member to the fund under this Act, or the repealed Acts.

Payment on death of member without wife or children.

45. If the Commissioner of Police certifies to the Public Actuary that a member of the force holding a rank not lower than that of sergeant has at his own request and on the grounds of ill-health been reduced to a lower rank, that member may, by notice in writing given to the Public Actuary within thirty days after such reduction in rank, elect to continue to pay contributions of the amount that had he not been so reduced in rank he would have been required to pay and in that event that member shall for the purposes of this Act be deemed to hold at the time of his death or at the time of becoming entitled to a pension under this Act the rank and to have been paid the salary provided for his seniority in the rank held by him immediately prior to such reduction.

Voluntary reduction in rank.

46. Pensions, widow's pensions and child's allowances payable under this Act accrue due from day to day but are payable fortnightly.

Payment of pensions.

47. Where the Minister is satisfied that—

(a) in all circumstances no further pension or other benefit is likely to be payable to or in relation to a deceased pensioner;

and

(b) the total of the pension or other benefits already paid to or in relation to that deceased pensioner does not exceed the total contributions paid by the deceased pensioner under this Act and under the repealed Acts,

there shall be payable from the Fund an amount equal to the difference between the total of those contributions and the total of the pension or other benefits so paid to—

(c) the personal representative of the deceased pensioner;

or

Refund of portion of contributions.

PART VII

(d) if not less than twelve months have elapsed since the death of the deceased pensioner and probate of the will, or letters of administration of the estate, of the deceased pensioner have not been granted, to any of the persons appearing to the Minister to be entitled to the estate of the deceased pensioner in such proportions as the Minister shall determine,

and upon such payment being made no further pension or benefit shall be payable in relation to the deceased pensioner.

Contributors  
on leave of  
absence.

48. (1) Subject to this section, a member who is on leave of absence either with or without pay shall pay his contributions during or in respect of the period of that leave, as for a period of service, without reduction.

(2) Where a member is on leave without pay the contributions payable by him shall be based on the salary he would have received had he not been on such leave.

(3) Any contribution of a contributor in arrear shall bear compound interest at such rate not exceeding seven per centum per annum as the Public Actuary considers appropriate.

Provision  
against  
duplication of  
cash payments.

49. (1) Where a person to whom this section applies who has received a cash payment by way of a lump sum pursuant to this Act or the repealed Acts on leaving the force is re-employed in the force, the amount of any cash payment by way of a lump sum payable to him or to his widow or personal representatives when he subsequently leaves the force or dies shall be arrived at by deducting the amount of the first-mentioned cash payment from the amount of the cash payment to which he or his widow or personal representative would be entitled on his leaving the force or death, under the provisions of this Act.

(2) This section applies to a person who leaves the force—

(a) on becoming an invalid pensioner;

or

(b) on being retrenched.

Determination  
of questions as  
to incapacity,  
etc.

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

(2) If any dispute arises on the question whether a member is entitled to retire 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 right to receive or the amount or continuance of any pension, or other benefit under this Act, it shall be determined in the first instance by the Public Actuary upon consideration of any reports, evidence and other information submitted by the member and any reports and information obtained by the Public Actuary.

(3) There shall be right of appeal against any determination of the Public Actuary to the Local Court of Full Jurisdiction at Adelaide and all matters relating to such appeals shall be prescribed by rules under the Local and District Criminal Courts Act, 1926-1969, as amended.

(4) No member shall be entitled to any pension or instalment of pension or other benefit if, on request by the Public Actuary, he neglects or refuses to undergo at any reasonable time fixed by the Public Actuary, examination by a medical officer nominated by the Public Actuary.

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

Pensions to be inalienable.

(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,

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 Minister may, at any time, and in any amounts or instalments which he thinks proper, deduct from any money (other than a child's allowance) due to any person under this Act—

(a) any money owing by that person to the Crown;

and

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

**PART VII**

Power to pay moneys to persons apparently entitled.

**52.** On the death of any person to whom a sum not exceeding five hundred dollars is due under this Act the Minister 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 and the receipt of any person to whom any money is paid under this section shall be a good discharge to the Minister as against the claim of any other person.

Imprisonment of pensioner.

**53.** 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—

(a) if his wife is alive, she shall during that period be entitled to pension for herself and her or the pensioner's children, as if the pensioner were dead, unless the Minister is satisfied, after making such inquiry as he thinks fit, that payment to the wife is undesirable;

or

(b) if the wife is dead or divorced, allowances for her or the pensioner's children shall, during that period, be payable in accordance with this Act as if the pensioner were dead.

Insanity of pensioner.

**54.** If a pensioner becomes a patient in an institution for persons of unsound mind the Minister may cause his pension or any part thereof to be paid, while he is such a patient, 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 Minister thinks fit.

Pensions payable for life.

**55.** Except where otherwise provided in this Act, a pension or widow's pension shall be payable during the life of the person entitled thereto.

Fraud.

**56.** 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, 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 two hundred dollars and in either case to forfeit any rights which he has under this Act.

57. The Governor may make any regulations which 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 punishable summarily and impose penalties not exceeding one hundred dollars. Regulations.

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THE FIRST SCHEDULE

Section 3.

*Acts Repealed*

- Police Pensions Act, 1954
- Police Pensions Act Amendment Act, 1954
- Police Pensions Act Amendment Act, 1956
- Police Pensions Act Amendment Act, 1957
- Police Pensions Act Amendment Act, 1959
- Police Pensions Act Amendment Act, 1960
- Police Pensions Act Amendment Act, 1964
- Police Pensions Act Amendment Act, 1966
- Police Pensions Act Amendment Act, 1967
- Police Pensions Act Amendment Act, 1968

THE SECOND SCHEDULE

Section 5.

Description of Rank	Factor
Constable .....	1
Senior Constable .....	1.125
Sergeant .....	1.25
Inspector 3rd Class .....	1.55
Inspector 2nd Class .....	1.65
Inspector 1st Class .....	1.75
Senior Inspector .....	1.9
Superintendent .....	2.1
Deputy Commissioner .....	3.1
Commissioner .....	3.5

THE THIRD SCHEDULE

Section 26 (1).

Rank held by deceased husband immediately before retirement	Period within which day of deceased husband's retirement fell—period includes commencing and concluding days						
	Prior to 31/12/56	1/1/57 to 30/11/57	1/12/57 to 31/12/60	1/1/61 to 20/11/64	21/11/64 to 16/12/66	17/12/66 to 29/3/67	30/3/67 to Date of Act
	\$	\$	\$	\$	\$	\$	\$
	Pension Payable						
Constable .....	30.90	30.90	30.90	30.90	30.90	33.80	33.80
Senior Constable .....	30.90	30.90	30.90	30.90	30.90	33.80	38.00
Sergeant .....	30.90	30.90	35.50	35.50	37.80	42.20	42.20
Inspector 3rd ...	40.10	40.10	44.70	44.70	44.70	52.40	52.40
Inspector 2nd ...	40.10	42.40	49.40	49.40	49.40	55.70	55.70
Inspector 1st....	40.10	46.30	54.00	54.00	54.00	59.10	59.10
Senior Inspector	40.10	49.40	58.60	58.60	58.60	64.20	64.20
Superintendent .	40.10	54.00	58.60	60.90	60.90	70.90	70.90
Deputy Com- missioner .....	40.10	—	—	—	—	—	104.70
Commissioner ..	40.10	—	—	—	—	—	118.20

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

J. M. NAPIER, Lieutenant-Governor