



ANNO VICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1976

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## No. 25 of 1976

An Act to amend the Police Pensions Act, 1971-1973.

[Assented to 4th March, 1976]

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

1. (1) This Act may be cited as the "Police Pensions Act Amendment Act, 1976". Short titles.

(2) The Police Pensions Act, 1971-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Police Pensions Act, 1971-1976".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 4 of the principal Act is amended—

(a) by striking out the word "WIDOWS" and inserting in lieu thereof the word "SPOUSES";

and

(b) by inserting immediately after the passage "PART VII— MISCELLANEOUS" the passage "THE SCHEDULES".

Amendment of principal Act, s. 4—  
Division of Act.

4. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) the definitions of "age of retirement" and "adjustment day" and inserting in lieu thereof the following definition:—

"age of retirement" means sixty years.;

(b) by striking out from subsection (1) the definition of "average annual salary";

(c) by striking out from the definition of "child's allowance" in subsection (1) the passage "or an eligible orphan child";

Amendment of principal Act, s. 5—  
Definitions.

(d) by striking out from subsection (1) the definitions of "entry age" and "fortnightly pension" and inserting in lieu thereof the following definitions:—

"eligible child" in relation to a deceased contributor or deceased pensioner means a person who—

(a) was the child of the deceased contributor or deceased pensioner;

or

(b) was on the death of the contributor or pensioner the child of the spouse of the deceased contributor or deceased pensioner;

and

(c) is less than sixteen years of age;

or

(d) is more than sixteen years of age but less than twenty-five years of age and is in full time attendance as a student at an educational institution recognized by the Minister:

"final annual salary" in relation to a contributor and the day in relation to which the expression is used means an amount determined by reference to the following formula:—

$$\text{FAS} = \frac{[N \times S_1] + [(365 - N) \times S_2]}{365}$$

where—

FAS = the amount to be determined expressed in dollars

N = the number of days that occurred during the period commencing on and including the first day of April next preceding that day and concluding on and including that day, or, if that contributor joined the force on or after that first day of April, the number of days that occurred during the period commencing on and including the day that that contributor joined the force and concluding on and including that day

S<sub>1</sub> = the annual salary of that contributor on that day increased by the amount, if any, by which the annual salary was increased, or would have been increased had it been payable, on the next succeeding day

S<sub>2</sub> = the annual salary of that contributor on the thirty-first day of March next preceding that day, or, if that contributor joined the force after that thirty-first day of March, the annual salary of that contributor on the day that that contributor joined the force;

- (e) by striking out from subsection (1) the definition of “notional pension”;
- (f) by striking out from the definition of “pension” in subsection (1) the word “widow’s” and inserting in lieu thereof the word “spouse’s”;
- (g) by striking out from subsection (1) the definitions of “prescribed pensioner”, “rank factor” and “review day”;
- (h) by inserting in subsection (1) immediately after the definition of “service” the following definitions:—

“spouse” means—

(a) in relation to a deceased contributor, a person who was the lawful spouse of the contributor on the day on which the contributor died;

or

(b) in relation to a deceased pensioner, a person who was the lawful spouse of the pensioner on the day on which the pensioner became a pensioner and on the day on which the pensioner died:

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

- (i) by striking out from subsection (1) the definitions of “transfer age” and “widow’s pension” and inserting in lieu thereof the following definition:—

“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;

- (j) by striking out from subsection (3) the word “widow’s” and inserting in lieu thereof the word “spouse’s”;

and

- (k) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) In this Act, unless the contrary intention appears, a reference—

(a) to the period of service as a member of the force of a contributor or former contributor shall be construed as a reference to the last continuous period of his service;

or

(b) to a time in relation to which a person joined or became a member of the force shall be construed as a reference to the time in relation to which the person last joined or became a member of the force.

Amendment of  
principal Act,  
s. 8—  
Reports by  
Public Actuary.

**5. Section 8 of the principal Act is amended—**

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) The Public Actuary shall investigate the state and sufficiency of the Fund as at the first day of July, 1974, and as at each thirdly succeeding first day of July;

and

(b) by striking out from subsection (2) the word “widow’s” and inserting in lieu thereof the word “spouse’s”.

Amendment of  
principal Act,  
s. 9—  
Contributions  
by Govern-  
ment.

**6. Section 9 of the principal Act is amended—**

(a) by striking out from subsection (1) the word “widow’s” and inserting in lieu thereof the word “spouse’s”;

and

(b) by striking out from subsection (2) the word “widow’s” and inserting in lieu thereof the word “spouse’s”.

Amendment of  
principal Act,  
s. 10—  
Payments from  
Fund.

**7. Section 10 of the principal Act is amended by striking out the word “widow’s” and inserting in lieu thereof the word “spouse’s”.**

Amendment of  
principal Act,  
s. 12—  
Amount of  
contributions.

**8. Section 12 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsection:—**

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

(a) in the case of—

(i) a contributor who joined the force after the commencement of this Act but before the commencement of the Police Pensions Act Amendment Act, 1976, on each pay day occurring during the period commencing on the commencement of that Act and concluding on and including the pay day next preceding the first day of July next succeeding the thirty-first day of March next succeeding the commencement of that Act, equal to the amount of the contributor’s contribution payable in respect of the pay day next preceding the commencement of that Act;

(ii) a contributor who joined the force after the commencement of the Police Pensions Act Amendment Act, 1976, on each pay day occurring during the period commencing on the day he joined the force and concluding on and including the pay day next preceding the first day of July next succeeding the thirty-first day of March next succeeding the day on which he joined the force, equal to the percentage of the fortnightly salary of the contributor on the day he joined the force determined by reference to the second schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the day he joined the force;

and

- (b) in either case, on each pay day occurring after each succeeding first day of July, equal to the percentage of the fortnightly salary of the contributor on the thirty-first day of March next preceding that first day of July determined by reference to the second schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the day he joined the force.

9. Sections 13, 14, 15, 16 and 17 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 13 to 17 of principal Act and enactment of sections in their place.

13. Where a contributor who became a member after the commencement of this Act retires, having attained the age of retirement, the contributor shall, subject to this Act, be entitled to be paid—

Pension and lump sum on retirement having attained age of retirement.

- (a) a pension in respect of each fortnight that occurs during the lifetime of the contributor after he so retired of an amount determined by reference to the following formula:—

$$P = \frac{FAS}{2} \times \frac{12}{313} \times \frac{N}{360}$$

where—

P = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so retired

N = the number of whole months of service of the contributor as a member until he attained the age of retirement, or 360, whichever is the lesser number;

and

- (b) a lump sum of an amount determined by reference to the following formula:—

$$LS = FAS \times \frac{3}{2} \times \frac{N}{360}$$

where—

LS = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so retired

N = the number of whole months of service of the contributor as a member until he attained the age of retirement, or 360, whichever is the lesser number.

Pension and  
lump sum on  
invalidity.

14. Where a contributor who became a member after the commencement of this Act ceases to be a member and the Public Actuary is satisfied that the contributor ceased to be a member due to his incapacity to perform his duties as a member by reason of infirmity of mind or body and that his incapacity is likely to be permanent, the contributor shall, subject to this Act, be entitled to be paid—

(a) a pension in respect of each fortnight that occurs during the lifetime of the contributor after he so ceased to be a member of an amount determined by reference to the following formula:—

$$P = \frac{FAS}{2} \times \frac{12}{313} \times \frac{N}{360}$$

where—

P = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so ceased to be a member

N = the number of whole months of service of the contributor as a member had he not so ceased to be a member but had continued as a member until he attained the age of retirement, or 360, whichever is the lesser number;

and

(b) a lump sum of an amount determined by reference to the following formula:—

$$LS = FAS \times \frac{3}{2} \times \frac{N}{360}$$

where—

LS = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so ceased to be a member

N = the number of whole months of service of the contributor as a member had he not so ceased to be a member but had continued as a member until he attained the age of retirement, or 360, whichever is the lesser number.

Repeal of  
s. 18 of  
principal Act.

10. Section 18 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 20—  
Amount of  
contributions.

11. Section 20 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

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

(a) on each pay day occurring during the period commencing on the commencement of the Police Pensions Act Amendment Act, 1976, and concluding on and including the pay day next preceding the next succeeding first day of July, equal to the amount of the contributor's contribution payable in respect of the pay day next preceding the commencement of that Act;

and

(b) on each pay day occurring after each succeeding first day of July, equal to the percentage of the fortnightly salary of the contributor on the thirty-first day of March next preceding that first day of July determined by reference to the second schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the commencement of this Act.

12. Sections 21, 22, 23, 24 and 25 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 21 to 25 of principal Act and enactment of sections in their place.

21. Where a transferred contributor retires, having attained the age of retirement, the contributor shall, subject to this Act, be entitled to be paid—

Pension and lump sum on retirement having attained age of retirement.

(a) a pension in respect of each fortnight that occurs during the lifetime of the contributor after he so retired of an amount determined by reference to the following formula:—

$$P = \frac{FAS}{2} \times \frac{12}{313} \times \frac{X}{100}$$

where—

P = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so retired

X = the number determined by reference to the third schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the commencement of this Act;

and

(b) a lump sum of an amount determined by reference to the following formula:—

$$LS = FAS \times \frac{3}{2} \times \frac{Y}{100}$$

where—

LS = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so retired

Y = the number determined by reference to the fourth schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the commencement of this Act.

Pension and lump sum on invalidity.

22. Where a transferred contributor ceases to be a member and the Public Actuary is satisfied that the contributor ceased to be a member due to his incapacity to perform his duties as a member by reason of infirmity of mind or body and that his incapacity is likely to be permanent, the contributor shall, subject to this Act, be entitled to be paid—

(a) a pension in respect of each fortnight that occurs during the lifetime of the contributor after he so ceased to be a member of an amount determined by reference to the following formula:—

$$P = \frac{FAS}{2} \times \frac{12}{313} \times \frac{X}{100}$$

where—

P = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so ceased to be a member

X = the number determined by reference to the third schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the commencement of this Act;

and

(b) a lump sum of an amount determined by reference to the following formula:—

$$LS = FAS \times \frac{3}{2} \times \frac{Y}{100}$$

where—

LS = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he so ceased to be a member

Y = the number determined by reference to the fourth schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the commencement of this Act.

Repeal of Part V of principal Act and heading to that Part and enactment of heading and Part in their place.

Pension and lump sum for spouse on death of new entrant contributor.

13. Part V of the principal Act and the heading to that Part are repealed and the following heading and Part are enacted and inserted in their place:—

#### PART V

#### PENSIONS AND ALLOWANCES FOR SPOUSES AND CHILDREN

23. Where a contributor who became a member after the commencement of this Act dies leaving a spouse, the spouse shall, subject to this Act, be entitled to be paid—



- (a) a spouse's pension in respect of each fortnight that occurs during the lifetime of the spouse after the death of the contributor of an amount determined by reference to the following formula:—

$$P = \frac{FAS}{3} \times \frac{12}{313} \times \frac{N}{360}$$

where—

P = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the next preceding the day on which he died

N = the number of whole months of service of the contributor as a member had he not died but had continued as a member until he attained the age of retirement, or 360, whichever is the lesser number;

and

- (b) a lump sum of an amount determined by reference to the following formula:—

$$LS = \frac{FAS \times N}{360}$$

where—

LS = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he died

N = the number of whole months of service of the contributor as a member had he not died but had continued as a member until he attained the age of retirement, or 360, whichever is the lesser number.

24. Where a transferred contributor dies leaving a spouse, the spouse shall, subject to this Act, be entitled to be paid—

Pension and lump sum for spouse on death of transferred contributor.

- (a) a spouse's pension in respect of each fortnight that occurs during the lifetime of the spouse after the death of the contributor of an amount determined by reference to the following formula:—

$$P = \frac{FAS}{3} \times \frac{12}{313} \times \frac{X}{100}$$

where—

P = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day next preceding the day on which he died

X = the number determined by reference to the third schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the commencement of this Act;

and

(b) a lump sum of an amount determined by reference to the following formula:—

$$LS = \frac{FAS \times Y}{100}$$

where—

LS = the amount to be determined expressed in dollars

FAS = the final annual salary of the contributor on the day immediately preceding the day on which he died

Y = the number determined by reference to the fourth schedule to this Act according to the age of the contributor on the next anniversary of his birth occurring after the commencement of this Act.

Pension for spouse of deceased pensioner who became pensioner before 1/7/70.

25. (1) Where a pensioner who first became entitled to be paid the pension under the repealed Acts before the first day of July, 1970, dies leaving a spouse, the spouse shall, subject to this Act, be entitled to be paid a spouse's pension in respect of each fortnight that occurs during the lifetime of the spouse after the death of the pensioner of an amount determined by reference to the fifth schedule to this Act according to the rank of the pensioner immediately before he became entitled to the pension and the period during which he became entitled to the pension.

(2) The amount of a spouse's pension payable fortnightly under subsection (1) of this section on the death of a pensioner shall be increased by the proportion, if any, by which the amount of the pension of that pensioner had been increased after the commencement of this Act by the operation of section 34 of this Act.

Pension for spouse of deceased pensioner who became pensioner between 1/7/70 and commencement of Police Pensions Act Amendment Act, 1976.

26. Where a pensioner who first became entitled to be paid the pension on or after the first day of July, 1970, but before the commencement of the Police Pensions Act Amendment Act, 1976, dies leaving a spouse, the spouse shall, subject to this Act, be entitled to be paid a spouse's pension in respect of each fortnight that occurs during the lifetime of the spouse after the death of the pensioner of an amount equal to two-thirds of the amount of the pension payable fortnightly to the pensioner immediately before his death.

Pension and lump sum for spouse of deceased pensioner who became pensioner after commencement of Police Pensions Act Amendment Act, 1976.

27. Where a pensioner who first became entitled to be paid the pension after the commencement of the Police Pensions Act Amendment Act, 1976, dies leaving a spouse, the spouse shall, subject to this Act, be entitled to be paid—

(a) a spouse's pension in respect of each fortnight that occurs during the lifetime of the spouse after the death of the pensioner of an amount equal to two-thirds of the amount of the pension payable fortnightly to the pensioner immediately before his death;

and

(b) a lump sum of an amount equal to two-thirds of the amount of the lump sum paid under this Act to the pensioner when he became entitled to be paid the pension.

28. A spouse's pension that was payable fortnightly to the widow of a deceased contributor or deceased pensioner and before the commencement of the Police Pensions Act Amendment Act, 1976, ceased to be payable by reason of the re-marriage of the widow shall, if she again becomes a widow, again be payable in respect of each fortnight that occurs during her lifetime thereafter of the amount that would have been payable had the spouse's pension not ceased to be payable.

Re-commencement of former widow's pension on again being widowed.

29. (1) A child's allowance shall be payable in respect of each person who is an eligible child in relation to a deceased contributor or deceased pensioner in respect of each fortnight that occurs on or after the commencement of the Police Pensions Act Amendment Act, 1976, during which that person is such an eligible child of an amount—

Child's allowance on death of contributor or pensioner.

(a) in the case of an eligible child who is not an orphan and—

(i) is the only such eligible child, or is one of two such eligible children, determined by reference to the following formula:—

$$CA = \frac{P \times 4}{27}$$

or

(ii) is one of three or more such eligible children, determined by reference to the following formula:—

$$CA = \frac{P \times 4}{n \times 9}$$

or, in any case referred to in this paragraph, of eight dollars, whichever is the greater amount;

or

(b) in the case of an eligible child who is an orphan and—

(i) is the only such eligible child, determined by reference to the following formula:—

$$CA = \frac{P \times 3}{5}$$

(ii) is one of two such eligible children, determined by reference to the following formula:—

$$CA = \frac{P \times 53}{100}$$

(iii) is one of three such eligible children, determined by reference to the following formula:—

$$CA = \frac{P \times 2}{5}$$

or

(iv) is one of four or more such eligible children, determined by reference to the following formula:—

$$CA = \frac{P}{n} \times \frac{133}{100},$$

or, in any case referred to in this paragraph, of twelve dollars, whichever is the greater amount,

where—

CA = the amount to be determined expressed in dollars

P = in relation to a deceased contributor, the amount of the pension that would for the time being be payable fortnightly under this Act to the contributor had he not died, but had, on the day on which he died, attained the age of retirement and retired, or, in relation to a deceased pensioner, the amount of the pension that would for the time being be payable fortnightly to the pensioner had he not died.

n = the number of such eligible children.

(2) For the purposes of subsection (1) of this section the amount of the child's allowance payable in respect of each person who is an eligible child in relation to a deceased contributor or deceased pensioner shall be re-determined—

- (a) on any variation of the number of such eligible children;
- (b) where the eligible child is not an orphan, on the eligible child being orphaned;

and

- (c) on any adjustment of the amount of pensions pursuant to section 34 of this Act.

(3) A child's allowance that is payable under this section in respect of a person who is an eligible child in relation to a deceased contributor or deceased pensioner shall be paid—

- (a) to the spouse, if any, of the deceased contributor or deceased pensioner;
  - (b) to the eligible child;
- or
- (c) to some other person,

as the Public Actuary in his discretion determines.

Repeal of ss. 30, 31, 32 and 33 of principal Act and enactment of sections in their place—

Increase in pensions for service after sixty years.

14. Sections 30, 31, 32 and 33 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

30. (1) Where a contributor retires after attaining the age of retirement, the amount of the pension and the lump sum which but for this subsection would have been payable to the contributor shall be increased by one-sixth of one per centum for each complete month of his service as a member after attaining the age of retirement.

(2) Where a contributor dies after attaining the age of retirement the amount of any spouse's pension or child's allowance which but for this subsection would have been payable in relation to the former contributor shall be increased by one-sixth of one per centum for each complete month of his service as a member after attaining the age of retirement.

31. (1) Subject to this Act, all pensions and spouse's pensions payable immediately before the commencement of the Police Pensions Act Amendment Act, 1976, shall continue to be payable on and after the commencement of that Act to the persons to whom, at the rates at which and for the periods for which they were payable immediately before the commencement of that Act.

Pensions and spouse's pensions continued.

(2) All child's allowances payable immediately before the commencement of the Police Pensions Act Amendment Act, 1976, shall cease to be payable on the commencement of that Act.

(3) Notwithstanding the provisions of this Act, a spouse's pension payable immediately before the commencement of the Police Pensions Act Amendment Act, 1976, shall be payable in respect of each fortnight that occurs during the lifetime of the spouse.

32. (1) The amount of each pension payable fortnightly immediately before the commencement of the Police Pensions Act Amendment Act, 1976, and which first became payable on or after the first day of January, 1975, shall on and from the commencement of that Act be increased by an amount equal to the difference between the amount of the pension payable fortnightly immediately before the commencement of that Act and the amount of that pension that would have been payable fortnightly had that Act come into operation on the day next preceding the day on which that pension first become payable.

Increase in pensions and spouse's pensions that commenced after 1/1/75.

(2) Each pensioner who first became entitled to be paid the pension on or after the first day of January, 1975, or in the case of such a pensioner who has died, his legal personal representative, shall, on the commencement of that Act, be entitled to be paid a lump sum of an amount equal to the difference between the amount of the lump sum that was payable to the pensioner or former pensioner under this Act when he first became entitled to be paid that pension and the amount of the lump sum that would have been payable to him under this Act had that Act come into operation on the day next preceding the day on which he first became entitled to be paid that pension.

(3) The amount of each spouse's pension payable fortnightly immediately before the commencement of the Police Pensions Act Amendment Act, 1976, to—

(a) the spouse of a contributor who died on or after the first day of January, 1975;

or

(b) the spouse of a pensioner who became entitled to be paid the pension on or after the first day of January, 1975, and has died,

shall on and from the commencement of that Act be increased by an amount equal to the difference between the amount of the spouse's pension payable fortnightly immediately before the commencement of

that Act and the amount of the spouse's pension that would have been payable fortnightly had that Act come into operation on the day next preceding the day on which the contributor died or the pensioner became entitled to be paid the pension, as the case may be.

(4) Each spouse to whom a spouse's pension was payable immediately before the commencement of the Police Pensions Act Amendment Act, 1976, and who was the spouse of a contributor who died on or after the first day of January, 1975, shall, on the commencement of that Act, be entitled to be paid a lump sum of an amount equal to the difference between the amount of the lump sum that was payable to the spouse under this Act when she first became entitled to be paid that spouse's pension and the amount of the lump sum that would have been payable to the spouse under this Act had that Act come into operation on the day next preceding the day on which she first became entitled to be paid that spouse's pension.

(5) Each spouse to whom a spouse's pension was payable immediately before the commencement of the Police Pensions Act Amendment Act, 1976, and who was the spouse of a pensioner who became entitled to be paid a pension on or after the first day of January, 1975, and subsequently died, shall, on the commencement of that Act, be entitled to be paid a lump sum of an amount equal to the amount of the lump sum that would have been payable to the spouse under this Act had that Act come into operation on the day next preceding the day on which the pensioner became entitled to be paid the pension.

(6) The first payment or payment of an amount which a pensioner or spouse is entitled to be paid under this section shall be made on the first pension day next succeeding the commencement of the Police Pensions Act Amendment Act, 1976.

Amendment of  
principal Act,  
s. 34—  
Adjustment of  
pensions.

15. Section 34 of the principal Act is amended—

- (a) by striking out from the definition of "determination day" in subsection (1) the word "widow's", wherever it occurs, and inserting in lieu thereof, in each case, the word "spouse's";
- (b) by striking out from the definition of "determination day" in subsection (1) the word "widow", wherever it occurs, and inserting in lieu thereof, in each case, the word "spouse";
- (c) by striking out from subsection (3) the passage "stated in that certificate" and inserting in lieu thereof the passage "obtained by multiplying the percentage stated in that certificate by one and one-third";
- (d) by striking out from subsection (6) the word "widow's" and inserting in lieu thereof the word "spouse's";

and

- (e) by striking out subsections (7) and (8) and inserting in lieu thereof the following subsection:—

(7) Notwithstanding the provisions of this section, this section shall not operate so as to reduce the amount—

(a) of a pension or spouse's pension that first became payable fortnightly under the repealed Acts before the first day of July, 1970, to an amount that is less than the amount of that pension or spouse's pension payable fortnightly on the commencement of this Act;

or

(b) of a spouse's pension payable fortnightly to the spouse of a deceased pensioner who became entitled to be paid the pension under the repealed Acts before the first day of July, 1970, to an amount that is less than the amount of that spouse's pension as determined in accordance with subsection (1) of section 25 of this Act.

16. Sections 36 and 37 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 36 and 37 of principal Act and enactment of sections in their place.

36. (1) Where a contributor retires before attaining the age of retirement, pursuant to subsection (2) of section 35 of this Act, the contributor shall, subject to this Act, be entitled to be paid a pension in respect of each fortnight that occurs during his lifetime after he so retired and a lump sum of amounts equal to the percentage, determined by reference to the following formula, of the amounts of the pension and the lump sum respectively that would have been payable to the contributor had he attained the age of retirement on the day on which he so retired:—

Pensions and lump sum on early retirement

$$P = \frac{[N_1 \times (12 - M)] + [N_2 \times M]}{12}$$

where—

P = the percentage to be determined

$N_1$  = the number determined by reference to the sixth schedule to this Act according to the age of the contributor on the anniversary of his birth next preceding the day on which he retired and on the anniversary of his birth next succeeding the day on which he joined the force

M = the number of complete months comprised in the period commencing upon the anniversary of the birth of the contributor next preceding the day on which he retired and concluding on and including the day on which he retired

$N_2$  = the number determined by reference to the sixth schedule to this Act according to the age of the contributor on the anniversary of his birth next succeeding the day on which he retired and on the anniversary of his birth next succeeding the day on which he joined the force.

(2) For the purposes of subsection (1) of this section the age of a transferred contributor on the anniversary of his birth next succeeding the day on which he joined the force shall be deemed to have been thirty years.

Options relating to pensions and spouse's pensions.

37. (1) Any person who is, or may become, entitled under this Act to be paid a pension, or spouse's pension, and a lump sum by reason of his retirement or invalidity, or the death of a contributor or pensioner, as the case may be, may, by notice in writing given to the Public Actuary before the day on which such payment is made, elect to increase the amount of such pension, or spouse's pension, as the case may be, which but for this subsection would have been payable fortnightly to him by exchanging the whole of the lump sum for a payment, subject to this Act, in respect of each fortnight that occurs during his lifetime after his retirement or invalidity, or that death, as the case may be, of that amount increased by one-third.

(2) Any contributor may, by notice in writing given to the Public Actuary before the day on which he is to retire pursuant to subsection (1) or (2) of section 35 of this Act, elect to vary the amount of the pension which but for this section would have been payable fortnightly to him upon such retirement by exchanging not more than twenty-five per centum of that amount for a payment in respect of each fortnight that occurs during his lifetime after his retirement until he attains the age of sixty-five years of that amount increased at the prescribed rate and a payment in respect of each fortnight that occurs during his lifetime after he attains that age of that amount decreased at the prescribed rate.

(3) Where the amount of a pension or spouse's pension has been, or is, varied as a result of an election under subsection (3) of section 20 of the Police Pensions Act, 1954, as amended, under section 37 of this Act as in force before the commencement of the Police Pensions Act Amendment Act, 1976, or under this section, for the purposes of the calculation of—

(a) the amount of any adjustment pursuant to section 34 of this Act of the amount of the pension or spouse's pension;

or

(b) the amount of any spouse's pension or child's allowance that is based upon the amount of the pension,

no regard shall be had to that variation and such calculation shall be made as if that pension or spouse's pension had not been so varied.

Amendment of principal Act, s. 38—  
The Commissioner of Police.

17. Section 38 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "1969" and inserting in lieu thereof the passage "1974";

(b) by striking out from subsection (1) the word "Fund";

and

(c) by striking out paragraph (b) of subsection (2) and inserting in lieu thereof the following paragraph:—

(b) he shall be deemed for the purposes of the Superannuation Act, 1974, as amended, to be an employee within the meaning of that Act.

Amendment of principal Act, s. 40—  
Invalid pensioner restored to health.

18. Section 40 of the principal Act is amended by inserting in subsection (3) immediately after the word lastly occurring the passage "and, in the case of a contributor other than a transferred contributor, determined according to his age when he last joined the force before becoming an invalid pensioner".



19. Section 41 of the principal Act is amended—

Amendment of principal Act, s. 41—  
Remunerative activity by invalid pensioners.

- (a) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) For the purposes of the calculation of the amount of a spouse's pension or child's allowance payable in relation to a deceased invalid pensioner whose pension was, on the day next preceding his death, reduced pursuant to subsection (1) of this section, no regard shall be had to that reduction and the amount of the spouse's pension or child's allowance shall be calculated as if that pension had not been so reduced.;

and

- (b) by striking out from subsection (6) the passage "leaving a widow otherwise entitled to a widow's pension that widow shall be entitled to receive that pension" and inserting in lieu thereof the passage "any spouse or eligible child in relation to the deceased invalid pensioner shall be entitled to a spouse's pension or child's allowance".

20. Sections 43 and 44 of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of ss. 43 and 44 of principal Act and enactment of section in its place—

43. (1) Where a contributor ceases to be a member of the force and no amount is payable under any other provision of this Act to or in relation to the contributor, the former contributor shall be entitled to be paid an amount determined by reference to the following formula:—

Benefits to contributors on resignation.

$$A = \left[ TC \times \left( \frac{100 + [3 \times (N - 5)]}{100} \right) \right] - P$$

where—

A = the amount to be determined expressed in dollars

TC = the sum of the amounts of the contributions paid to the Fund under this Act or the repealed Acts by the former contributor during the period of his service as a member

N = the number of whole years comprised in the period of service of the former contributor as a member, or five, whichever is the greater number

P = the sum of the amounts, if any, paid to or in relation to the former contributor under this Act or the repealed Acts in respect of the period of service of the former contributor as a member.

(2) Where a contributor resigns from the force and no amount is payable under any other provision of this Act to or in relation to the contributor and he is entitled to long service leave of absence before he ceases to be a member of the force, he shall, if he so elects in writing to the Public Actuary, be entitled to be paid the amount referred to in subsection (1) of this section at the commencement of, or during, the period of that leave of absence and no amount shall be payable under any other provision of this Act to or in relation to that contributor after such payment has been made.

Amendment of principal Act, s. 46—  
Payment of pensions.

21. Section 46 of the principal Act is amended by striking out the word “widow’s” and inserting in lieu thereof the word “spouse’s”.

Repeal of s. 47 of principal Act and enactment of sections in its place.

22. Section 47 of the principal Act is repealed and the following sections are enacted and inserted in its place:—

Refund of excess of contributions over benefits.

47. Where a contributor or pensioner is dead and the Public Actuary is satisfied that no amount is payable under any other provision of this Act to or in relation to the deceased contributor or deceased pensioner, an amount determined by reference to the following formula shall be payable to the legal personal representative of the deceased contributor or deceased pensioner:—

$$A = \frac{[TC \times (95 + N)] - P}{100}$$

where—

A = the amount to be determined expressed in dollars

TC = the sum of the amounts of the contributions paid to the Fund under this Act or under the repealed Acts by the deceased contributor or deceased pensioner during the period of his service as a member

N = the number of whole years comprised in the period of service of the deceased contributor or deceased pensioner as a member, or five, whichever is the greater number

P = the sum of any amounts paid to or in relation to the deceased contributor or deceased pensioner under this Act or the repealed Acts in respect of the period of his service as a member and, in addition, in the case of a deceased pensioner, the period during which he was a pensioner.

Entitlement of putative spouse to lump sum and spouse’s pension.

47a. (1) Notwithstanding the provisions of this Act, any lump sum that the spouse of a deceased contributor or deceased pensioner is entitled to be paid under this Act shall not be payable—

(a) until the expiration of the period of three months commencing upon the day on which the contributor or pensioner died;

or

(b) where within that period an application is made under the Family Relationships Act, 1975, by a person for a declaration that the person was the putative spouse of the deceased contributor or deceased pensioner, until the determination of the application.

(2) Where, upon an application referred to in subsection (1) of this section, a person is declared under the Family Relationships Act, 1975, to have been the putative spouse—

(a) of a deceased contributor on the day on which the contributor died;

or

- (b) of a deceased pensioner on the day on which the pensioner became a pensioner and on the day on which the pensioner died,

the provisions of this Act shall, subject to subsection (3) of this section, apply and have effect as if that person were the spouse of the deceased contributor or deceased pensioner and the lawful spouse, if any, of the deceased contributor or deceased pensioner were not the spouse of the deceased contributor or deceased pensioner.

(3) Notwithstanding the provisions of subsection (2) of this section, a declaration made under that subsection shall not affect any fortnightly payments of the spouse's pension made to the lawful spouse, if any, of the deceased contributor or deceased pensioner in respect of the period occurring before the day on which the declaration is made and the spouse's pension shall not be payable to the putative spouse of the deceased contributor or deceased pensioner in respect of that period.

23. Section 49 of the principal Act is amended by striking out from subsection (1) the word "widow", twice occurring, and inserting in lieu thereof, in each case, the word "spouse".

Amendment of principal Act, s. 49—  
Provision against duplication of cash payments.

24. Section 50 of the principal Act is amended by striking out subsection (1).

Amendment of principal Act, s. 50—  
Determination of questions as to incapacity, etc.

25. Section 51 of the principal Act is amended by inserting in subsection (1) immediately after the word "pension", twice occurring, the passage "spouse's pension".

Amendment of principal Act, s. 51—  
Pensions to be inalienable.

26. Section 53 of the principal Act is amended by striking out the word "wife", wherever it occurs, and inserting in lieu thereof, in each case, the word "spouse".

Amendment of principal Act, s. 53—  
Imprisonment of pensioner.

27. Section 54 of the principal Act is amended by striking out the word "wife", wherever it occurs, and inserting in lieu thereof, in each case, the word "spouse".

Amendment of principal Act, s. 54—  
Insanity of pensioner.

28. Section 55 of the principal Act is amended by striking out the word "widow's" and inserting in lieu thereof the word "spouse's".

Amendment of principal Act, s. 55—  
Pensions payable for life.

29. The second and third schedules to the principal Act are repealed and the following schedules are enacted and inserted in their place:—

Repeal of second and third schedules of principal Act and enactment of schedules in their place.

Sections 12  
and 20.

THE SECOND SCHEDULE

Relevant Age in Years	Percentage to be Determined
21 or less .....	5·1
22 .....	5·2
23 .....	5·3
24 .....	5·4
25 .....	5·5
26 .....	5·6
27 .....	5·7
28 .....	5·8
29 .....	5·9
30 and over .....	6·0

Sections 21, 22  
and 24.

THE THIRD SCHEDULE

Relevant Age in Years	X
30 or less .....	100·0
31 .....	99·2
32 .....	98·4
33 .....	97·6
34 .....	96·8
35 .....	96·0
36 .....	95·2
37 .....	94·4
38 .....	93·6
39 .....	92·8
40 .....	92·0
41 .....	91·2
42 .....	90·4
43 .....	89·6
44 .....	88·8
45 .....	88·0
46 .....	87·2
47 .....	86·4
48 .....	85·6
49 .....	84·8
50 .....	84·0
51 .....	83·2
52 .....	82·4
53 .....	81·6
54 .....	80·8
55 .....	80·0
56 .....	79·2
57 .....	78·4
58 .....	77·6
59 .....	76·8
60 .....	76·0

THE FOURTH SCHEDULE

Sections 21, 22 and 24.

Relevant Age in Years	Y
30 or less .....	100-0
31 .....	99-3
32 .....	98-6
33 .....	97-9
34 .....	97-2
35 .....	96-5
36 .....	95-8
37 .....	95-1
38 .....	94-4
39 .....	93-7
40 .....	93-0
41 .....	92-3
42 .....	91-6
43 .....	90-9
44 .....	90-2
45 .....	89-5
46 .....	88-8
47 .....	88-1
48 .....	87-4
49 .....	86-7
50 .....	86-0
51 .....	85-3
52 .....	84-6
53 .....	83-9
54 .....	83-2
55 .....	82-5
56 .....	81-8
57 .....	81-1
58 .....	80-4
59 .....	79-7
60 .....	79-0

THE FIFTH SCHEDULE

Section 25.

Rank of Pensioner immediately before became Pensioner	Period during which Pensioner became entitled to Pension						
	Prior to 31/12/56	1/1/57 to 30/11/57	1/12/57 to 31/12/60	1/1/61 to 30/11/64	21/11/64 to 16/12/66	17/12/66 to 29/3/67	30/3/67 to 30/6/70
	\$	\$	\$	\$	\$	\$	\$
	Amount to be Determined						
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 Commissioner .....	40-10	—	—	—	—	—	104-70
Commissioner .....	40-10	—	—	—	—	—	118-20

Section 36.

THE SIXTH SCHEDULE

Age in years on Next Birthday after Contributor joined Force	Relevant age in years in relation to day on which Contributor retired					
	55	56	57	58	59	60
	Number to be determined					
30 or less .....	60	68	75	83	92	100
31 .....	59	66	75	83	92	100
32 .....	57	65	74	82	91	100
33 .....	55	64	72	81	91	100
34 .....	54	62	71	81	91	100
35 .....	52	61	70	80	90	100
36 .....	50	59	69	79	89	100
37 .....	48	57	67	78	89	100
38 .....	46	55	66	77	88	100
39 .....	43	53	64	76	88	100
40 .....	41	51	62	74	87	100
41 .....	38	49	60	73	86	100
42 .....	35	46	58	71	85	100
43 .....	31	43	56	70	84	100
44 .....	28	40	53	68	83	100
45 .....	24	36	50	66	82	100
46 .....	20	33	47	63	81	100
47 .....	—	28	43	60	79	100
48 .....	—	—	39	57	78	100
49 .....	—	—	—	54	76	100
50 .....	—	—	—	—	73	100

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

M. L. OLIPHANT, Governor