



ANNO QUARTO

EDWARDI VII REGIS.

A.D. 1904.

No. 862.

An Act to provide for the Distribution of the Police Fund established by the Police Act 1869-70, and for other purposes.

[*Assented to, November 24th, 1904.*]

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

1. This Act may be cited as “The Police Fund Distribution Act, 1904.” Short title.

2. Section 104 of the Police Act, 1869-70, and all enactments and regulations inconsistent herewith, are hereby repealed. Repeal.

3. In the construction of this Act, except where otherwise clearly intended— Interpretation.

“Member” means every member of the Police Force of South Australia other than those who are on the fixed establishment of the Civil Service:

“Force” means the Police Force of South Australia.

4. The Police Fund established by the Police Act, 1869-70, is hereby abolished as from the thirtieth day of June, one thousand eight hundred and ninety-four, on which date it shall be deemed to have ceased and determined. Abolition of Fund.

5. (1) Every member who has served in the Force prior to the thirtieth day of June, one thousand eight hundred and ninety-four, and who retires from the Force after the passing of this Act, shall, subject to the provisions of section 9, be paid in respect of his service Payment on retirement in respect of service up to 30th June, 1894.

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service prior to the thirtieth day of June, one thousand eight hundred and ninety-four, an amount calculated on the basis of three-fourths of a month's salary for each year of such service up to thirty years' service.

(2) Every member who has served in the Force prior to the thirtieth day of June, one thousand eight hundred and ninety-four, and who has between such date and the passing of this Act retired from the Force, shall be paid the difference between any amount already actually received by him and an amount calculated on the basis of three-fourths of a month's salary for each year of his service prior to the thirtieth day of June, one thousand eight hundred and ninety-four.

(3) Notwithstanding anything in this section contained, no member shall be entitled to claim a retiring allowance under the provisions of this Act and also under the provisions of the Civil Service Acts, but shall be paid whichever amount is the greater.

(4) In the case of the death of any member entitled to receive any payment under this section, such payment may be made to his legal personal representative.

Fund from June 30th,
1894, to June 30th,
1904.

6. A new Police Fund is hereby established as from the thirtieth day of June, one thousand eight hundred and ninety-four. Such Fund shall consist of the sum of Five Thousand Nine Hundred and Sixty-five Pounds Eighteen Shillings and Three Pence, being the proper balance, including interest, standing on the thirtieth day of June, one thousand nine hundred and four, to the credit of the abolished Police Fund.

Distribution of Fund.

7. The distribution of the said sum of Five Thousand Nine Hundred and Sixty-five Pounds Eighteen Shillings and Three Pence shall be as follows:—A list shall be forthwith prepared, setting out the names of all persons who were members on the thirtieth day of June, one thousand eight hundred and ninety-four, or who became members between that date and the thirtieth day of June, one thousand nine hundred and four. Every member whose name appears on such list, and who has prior to the passing of this Act completed, or who subsequently thereto completes, five years' continuous service in the Force, on his retirement, or, in case of his death, his legal personal representative, shall (but subject to the provisions of section 9) be entitled to receive a sum proportionate to the length of his service between the said thirtieth day of June, one thousand eight hundred and ninety-four, and the thirtieth day of June, one thousand nine hundred and four.

Fund subsequent to
June 30th, 1904.

8. (1) All proportions of fines, penalties, and seizures which, after the thirtieth day of June, one thousand nine hundred and four, become payable to the Force under any Act of Parliament, together with interest thereon at four per centum, and all claims forfeited during the preceding year, shall, on the thirtieth day of June in each year, be apportionable between members in active service
on

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on that date, according to length of service since the preceding thirtieth day of June. Proper books of account shall be kept showing the amounts apportioned to each member. Every member who after the thirtieth day of June, one thousand nine hundred and four, serves five years in the Force shall, on his retirement, or, in case of his death, his legal personal representative, shall be paid (subject to section 9) the amount standing to his credit in such books.

(2) When any person employed in the said Police Force shall be entitled to the whole or any portion of any fine, forfeiture, penalty, or seizure under any Act in force within the said State, the amount of the proceeds thereof shall be applied for the purposes of this section.

9. The whole or any portion of the share of any member in the funds under this Act may be declared by the Governor to be forfeited in any case in which such member shall—

Forfeiture.

(a) Be dismissed from the Force:

(b) Voluntarily retire from the Force under the time of service mentioned in the Civil Service Amendment Act, 1881, without the written consent of the Commissioner of Police to his so retiring, or without having first satisfied the said Commissioner by the certificate of the Colonial Surgeon or some legally qualified medical practitioner nominated by the said Commissioner that such member is incapacitated, and that such incapacity is likely to be permanent:

(c) Be incapacitated for further service in the Force through or by reason of his own default or misconduct, such member of the Force to have the right of appeal to the Minister controlling the Force.

10. Upon the share of any member being declared forfeited under section 9, the amount thereof shall be forthwith transferred to the credit of the Fund established under section 8, and be dealt with thereunder.

Forfeited shares.

11. In carrying out the provisions of this Act it shall not be necessary to appropriate a sum from the General Revenue to make the payments for which such revenue is hereby made responsible, but all payments for retiring allowances under sections 5 and 7 shall be made out of the balance of the abolished Police Fund until the same is exhausted, and thereafter by the vote of Parliament from time to time, as required.

Payments, how to be made.

12. No share, allowance, or gratuity payable under this Act shall, except as is by section 13 of this Act provided, be anticipated, assigned, transferred, charged, encumbered, or otherwise parted with by the person entitled or contingently entitled thereto until he shall actually receive the same; nor shall the same be attached or taken in execution under the process of any Court, or, in the event of the insolvency or statutory assignment of such person before his actual receipt thereof, vest in the assignee or trustee of his estate;

Shares to be inalienable.

but

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out every such share, allowance, or gratuity shall, until the actual receipt thereof, be an inalienable personal provision for every person entitled thereto.

Amendment of Public Service Superannuation Fund Act, 1902, to allow purchase of status.

13. Any share, allowance, or gratuity payable under this Act may be assigned for the purchase of status with respect to the Public Service Superannuation Fund as if the same had been specified in section 19 of "The Public Service Superannuation Fund Act, 1902."

New members to subscribe to Public Service Superannuation Fund.

14. Notwithstanding the provisions of section 15 of "The Public Service Superannuation Fund Act, 1902," every member hereafter entering the Police Force shall become a subscriber to the Public Service Superannuation Fund.

Payments in respect of personal injury.

15. When personal injury arising out of and in the course of his employment is caused to any member of the Police Force, whether on the fixed establishment of the Civil Service or not, the Government shall pay compensation, except in the following cases:—

- (a) Where the injury is attributable to the serious and wilful misconduct of the member injured, and to no other cause ;
or,
- (b) Where the member is not disabled for at least one week from earning full wages at the work in which he was employed in the Force.

Amounts, how ascertained.

16. The compensation to be paid under the preceding section shall be subject to the scale and conditions contained in the First Schedule to "The Workmen's Compensation Act, 1900"; and, in case of an arbitration under the said First Schedule, the provisions as to arbitration contained in the Second Schedule to the said Workmen's Act, 1900, shall apply, and the Government shall be deemed to be the employer of the injured person for the purposes of this and the preceding section and such Schedules: Provided that, in case of injury occasioned to a member as the result of a criminal act, the limit of compensation shall be increased from Three Hundred Pounds to Five Hundred Pounds.

Compensation, how recovered.

17. Where compensation for personal injury is paid by the Government under the provisions of sections 15 and 16 of this Act, as the result of a criminal act, the person committing such criminal act shall repay to the Government the amount of such compensation, to be recovered by action in any Court of competent jurisdiction.

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

GEORGE R. LE HUNTE, Governor.