

## POLICE PENSIONS ACT, 1929-1936.

BEING

POLICE PENSIONS ACT, 1929, No. 1917 OF 1929 [ASSENTED TO  
27TH NOVEMBER, 1929.]

AS AMENDED BY

POLICE PENSIONS ACT, 1932, No. 2066 OF 1932 [ASSENTED TO  
8TH SEPTEMBER, 1932.]

AND

POLICE PENSIONS ACT AMENDMENT ACT, 1936, No. 2288 OF 1936  
[ASSENTED TO 8TH OCTOBER, 1936.]

An Act to provide for increased pensions to members of  
the police force, and for purposes incidental thereto.

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

1. This Act may be cited as the "Police Pensions Act, 1929-1936."

Short title.  
Of. U.K.  
11 & 12  
Geo. 5 c. 81.

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

Commence-  
ment.

3. (1) In this Act, unless the context otherwise requires—

Interpreta-  
tion.

"child" means child under the age of sixteen years, but  
does not include any child of the re-marriage of the  
widow of a member or pensioner or of a marriage  
of a pensioner contracted after retirement on  
pension:

"force" means the police force of the State:

"fund" means the police pensions fund established by  
this Act:

"member" means the Commissioner of Police and every  
other member of the force:

Police Pensions Act, 1930: This Act, which provided solely for pension payable to Louise  
Eugenie Forster, is not reprinted.

s. 2. This Act was proclaimed to commence on the 1st January, 1930: *Gazette* 19th December,  
1929, p. 1305.

“pension” means pension granted under this Act, but does not include any such pension as mentioned in section 24:

“pensioner” means a person in receipt of a pension granted under this Act, but does not include any person receiving or entitled to pension under section 24:

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

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

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

Amended by  
2066, 1932,  
s. 2.

(2) Harold Edgar Whittle, Comptroller of Prisons, and William Henry Smedley, Inspector of Licensed Premises (who are at the commencement of this Act employed in the public service of the State, but have previously been members of the force), and Maurice John Murphy, Acting Superintendent of the Yatala Labour Prison (who is at the passing of the Police Pensions Act, 1932, employed in the public service, but has previously been a member of the force), shall be deemed, for the purposes of the Police Pensions Act, 1916, and this Act, to have continued to be members of the force notwithstanding their appointment to the public service and to continue to be members as long as they hold any office in the public service; but shall not be affected by any provision of the said Acts fixing a compulsory retiring age:

Proviso added  
by 2066.  
1932, s. 2,

Provided that upon the said Maurice John Murphy attaining the age of sixty years he shall (without affecting any other pension rights given to him under this Act) be entitled to a pension under this Act as on retirement notwithstanding that the said Maurice John Murphy is and continues to be employed in the public service: Provided further that after attaining the said age of sixty years the said Maurice John Murphy shall not be obliged to contribute to the South Australian Superannuation Fund under the Superannuation Act, 1926, notwithstanding that he is and continues to be employed in the public service.

(3) The widows and children of the late Mounted Constable George Thomas Smith and Foot Constable Cyril Fletcher

Clayton shall be entitled to pensions and allowances under section 22 of this Act as if this Act had been in force when the said George Thomas Smith and Cyril Fletcher Clayton respectively died.

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

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

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

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

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

*Police Pensions Fund.*

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

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

(b) all contributions payable by members under this Act:

(c) all fines, forfeitures, penalties, and seizures or parts thereof which, after the commencement of this Act, become payable to the force or any member under any Act:

(d) all interest arising from the investment of the fund or any part thereof:

(e) all money voted by Parliament for the purposes of this Act.

(2) The fund shall be held by the Treasurer.

(3) All pensions and benefits under this Act and the cost of administering this Act shall be paid from the fund.

7. The fund shall be exempt from all taxation.

Exemption of fund from taxation.

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s. 4. (2) The amendments made to subsec. (2) of s. 4 by Act 2066, 1932, take effect as from March, 1932: *Vide* 2066, 1932, s. 2 (2).

Investment  
of fund.

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

Power of  
Treasurer  
to advance  
money to the  
fund.

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

Reports and  
valuation by  
Public  
Actuary.

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

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

*Contributions of members of the force.*

Liability to  
contribute.

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

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

Amount of  
contribution.

12. (1) The amount of the annual contribution payable by a member shall depend upon the age to be attained by him at his next birthday after commencing to contribute under this Act, in accordance with the following table:—

Age next birthday at time of commencing to contribute.	Amount of annual contribution.
	£ s. d.
22 .....	15 0 0
23 .....	15 10 0
24 .....	16 0 0
25 .....	16 10 0
26 .....	17 0 0
27 .....	17 10 0
28 .....	18 0 0
29 .....	18 10 0

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

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

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

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

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

Deduction of contributions from pay.

#### *The Retiring Age.*

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

The retiring age.

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

Cf. U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 1.

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

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

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

#### *Pensions and Benefits.*

15. Every member who has served in the force for at least ten years and retires from the force on or after attaining the age of sixty years shall be entitled to a pension on retirement of two hundred and eight pounds per annum.

Pension on retirement after retiring age.

Cf. U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 2.

16. Any person who at the time of the commencement of this Act is in receipt of a pension of one hundred and thirty pounds per annum under the provisions of the Police Pensions Act, 1916, shall, in addition to that pension, be entitled to a pension under this Act of twenty-six pounds per annum.

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

ss. 15, 16. Rates of pension are reduced by the Financial Emergency Act, 1931, No. 2002, 1931, s. 15.

Pension on retirement through mental or physical incapacity.

Of. U.K. 11 & 12 Geo. 5 c. 31, s. 2; 25 & 26 Geo. 5 c. 23, s. 11.

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

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

(a) seventy-eight pounds per annum for a member who has served not less than ten and less than twenty years in the force;

(b) one hundred and thirty pounds per annum for a member who has served for twenty years or more in the force.

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

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

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

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

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

Provision for abatement of pension on account earnings.

Subsec. (1) amended by 2288, 1936, s. 3.

18. (1) If a person under sixty years of age who is in receipt of a pension under section 17 earns money in any profession, business, or employment, the amount of pension payable each month shall be reduced by one pound for every two pounds by which the total of the monthly amount of his pension (leaving out of account any reduction under this section) and of his earnings during that month, exceeds the monthly amount of his salary immediately prior to his retirement.

s. 17. Rates of pension are reduced by the Financial Emergency Act, 1931, No. 2002, 1931, s. 15.

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

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

Provisions as to re-employment of pensioner.

Cf. U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 18.

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

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

Benefits on retrenchment.

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

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

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

Benefits on  
leaving force  
in other  
cases.

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

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

Pension for  
widow and  
children of  
member or  
pensioner.  
Cf. U.K.  
11 & 12  
Geo. 5 c. 31,  
ss. 3, 4.

Amended by  
2288, 1936,  
s. 4.

**22.** (1) If a member or pensioner dies leaving a widow, there shall be payable to the widow a pension of ninety pounds per annum, with an allowance of thirteen pounds per annum for every child of the deceased member or pensioner or of the widow.

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

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

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

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

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s. 22. The increase in the pensions of widows made by Act 2288, 1936, s. 4, applies as from the 8th October, 1936, to pensions entered upon by widows before that date as well as to pensions entered on by widows after that date.



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

Payment on death of member without wife or children.

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

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

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

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

Effect of other payments for incapacity.

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

Determination of questions as to incapacity, &c.

Of. U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 12.

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

(3) There shall be a right of appeal against any determination of the Public Actuary to the Local Court of Full

Jurisdiction at Adelaide. All matters relating to such appeals shall be prescribed by rules under the Local Courts Act, 1926.

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

Pensions to  
be inalienable.  
Of. U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 14.

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

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

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

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

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

Power of  
Treasurer to  
pay moneys  
to persons  
apparently  
entitled.

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

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

Desertion by  
pensioner of  
wife or child.  
Cf. U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 15.

(a) pay pension to the wife in accordance with subsection (1) of section 22 of this Act as if the pensioner were dead:

(b) discontinue payment of pension to the pensioner.

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

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

(b) discontinue payment of pension to the pensioner.

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

Imprisonment  
of pensioner.  
Cf. U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 15.

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

(b) if his wife is dead or divorced, allowances for her or the pensioner's children shall, during that period, be payable in accordance with the provisions contained in subsection (2) of section 22 of this Act as if the pensioner were dead.

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

Insanity  
of pensioner.

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

Payments to  
children.

Pensions payable for life, except in case of children.

Pensions payable at intervals.

**33.** Except where otherwise provided in this Act, a pension shall be payable during the life of the person entitled thereto.

**34.** Pensions shall be payable by equal monthly instalments.

### *Offences and Regulations.*

Penalty on fraud.  
Of U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 16.

**35.** If any person obtains or attempts to obtain for himself or for any other person any pension, benefit, 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 fifty pounds, and in either case to forfeit any rights which he has under this Act.

Regulations.  
Of U.K.  
11 & 12  
Geo. 5 c. 31,  
s. 23.

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

### **Regulations.**

The following regulations were in force under this Act on the 24th day of May, 1937:—

#### **GENERAL REGULATIONS—**

*Gazette*—19th December, 1929, p. 1307.

#### **REGULATIONS AS TO CONTRIBUTIONS OF MEMBERS ON LEAVE WITHOUT PAY—**

*Gazette*—10th October, 1935, p. 754.

### **POLICIES PROTECTION**

**see Life Assurance Companies.**