

AUSTRALIAN CAPITAL TERRITORY

POLICE PENSIONS ORDINANCE 1966

EXPLANATORY MEMORANDUM

No. 1 of 1966

The Police Superannuation Ordinance 1928-1950 provided that any member of the Australian Capital Territory Police Force, who was, immediately prior to his appointment as such member, a member of the Police Force of a State should retain his State rights at the time of his appointment as a member of the Australian Capital Territory Police Force so far as pension or retiring allowance was concerned. Messrs. E. Richards and L. W. Powley, the Commissioner and the acting Commissioner respectively of the Australian Capital Territory Police Force elected on appointment that they would retain their State rights regarding retirement and superannuation benefits.

The Police Superannuation Ordinance was repealed in 1958 and all members of the Force, including the Commissioner, Mr. Richards, were transferred to the Commonwealth Superannuation Fund.

In order that the Commonwealth's obligation to preserve the State rights of Messrs. Richards and Powley should be honoured it was decided during 1965 that an appropriate amendment should be made to the Commonwealth Superannuation Act to terminate the entitlements under that Act of these two members of the Police Force and to permit a consequent transfer of monies between the Superannuation Fund, the Consolidated Revenue Fund from which the preserved State rights and entitlements will be paid, and the two officers.

Consequent upon amendment to the Superannuation Act it was necessary to amend the Police Pensions Ordinance to reinstate in Territory law the rights which were previously vouchsafed to former members of State Police Forces by the repealed Police Superannuation Ordinance. This recent amendment provides that a person who was a member of the Police Force in the Australian Capital Territory at the commencement of the amendment has the rights and entitlements that he would have, and shall make to the Consolidated Revenue Fund the contributions that he would be required to make under the Police Superannuation Ordinance, if that Ordinance had not been repealed.

Subsequently, legal opinion has been obtained that the amendment may have also returned to Messrs. Powley and Richards State rights concerning time of retirement and that to remove this uncertainty a further amendment to the Police Pensions Ordinance should be made. The State rights regarding time of retirement could be interpreted to mean that the Commonwealth could not retire Mr. Richards for approximately another five years or Mr. Powley for approximately another six years, that is, until such time as these officers have reached 65 years of age. Such a

circumstance is not desirable as it is intended to retire Mr. Richards - and this is his wish - in the near future.

The present amendment to the Police Pensions Ordinance is intended to state in specific terms that the State rights returned to these two officers do not include the determination of the time of retirement, which aspect is already adequately and appropriately covered by the Police Ordinance 1927-1964.

J. D. ANTHONY