

[Extract from *Commonwealth of Australia Gazette*, No. 75,  
dated 26th July, 1928.]

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 16 of 1928.

## AN ORDINANCE

Relating to Superannuation Allowances and Gratuities  
to Members of the Commonwealth Police Force.

BE it ordained by the Deputy of the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909*, and the *Seat of Government (Administration) Act 1919*, as follows:—

1. This Ordinance may be cited as the *Police Superannuation Ordinance 1928*. Short title

2. This Ordinance shall commence upon a date to be fixed by the Attorney-General by notice in the *Gazette*. Commencement.

3.—(1.) This Ordinance shall not apply to—

(a) the Chief Officer of Police, so long as he is the holder of an office under the *Commonwealth Public Service Act 1922-1924*; or

Non-application of Ordinance to certain members of the Force.

(b) any member of the Police Force, who was, immediately prior to his appointment as such member, a member of the Police Force of a State.

(2.) Any member to whom paragraph (b) of the last preceding sub-section applies shall preserve all his existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension, retiring allowance or gratuity which would be permitted by the law of the State if his service with the Commonwealth were a continuation of his service with the State.

(3.) The member shall, as from the date of his appointment as a member of the Commonwealth Police Force, make to the Consolidated Revenue Fund contributions at the same rate as would have been applicable had he remained a member of the Police Force of the State.

(4.) Where a member of the Police Force of a State has been, or is, appointed a member of the Commonwealth Police Force, the Governor-General may make arrangements with the Governor in Council of that State for the payment by the State of a portion of any pension, retiring allowance or gratuity payable to the member on his retirement from the Commonwealth Police Force.

Definitions.

4.—(1.) In this Ordinance, unless the contrary intention appears—

“ Medical Certificate ” means a certificate in the prescribed form ;

“ Pay ” means only salary or wages and does not include any allowances or any money equivalent for any allowances which (in addition to his salary or wages) a member of the force is entitled to receive as such ; and

“ Police Superannuation Board ” means the Police Superannuation Board established in pursuance of this Ordinance.

(2.) For the purpose of this Ordinance—

(a) the expression “ total disablement ” means total loss of earning capacity in any employment, and, in the case of partial disablement, the degree of disablement shall be based upon the degree to which earning capacity is affected ;

(b) any injury suffered by a member of the Force—

(i) whilst on duty or whilst on a journey necessary to enable him to report for duty or to return home after duty ; or

(ii) whilst not on duty, in the performance of some act which is within the scope of his ordinary duties ; or

(iii) in consequence of some act performed in the execution of his duty,

shall be deemed to have been suffered in the execution of his duty ; and

(c) any injury intentionally inflicted or incurred in the execution of a duty involving special risks shall be deemed to be a non-accidental injury.

Establishment of Police Superannuation Board.

5.—(1.) For the purposes of this Ordinance, there shall be a Police Superannuation Board of three members, one of whom shall be nominated by the Attorney-General, one shall be nominated by the Treasurer, and one shall be elected by members of the Police Force in the prescribed manner.

(2.) In the event of a vacancy occurring in the membership of the Board, the vacancy shall be filled by the nomination or election of another member by the authority which nominated or elected the member whose place has become vacant.

(3.) Any two members of the Board shall form a quorum.

Age of compulsory retirement.

6.—(1.) Retirement shall be compulsory in the Force—

(a) for Constables, on attaining the age of fifty-five years ;

(b) for Sergeants and Officers, on attaining the age of sixty years ; and

(c) for the Chief Officer, on attaining the age of sixty-five years,

except that in special cases the Attorney-General may require any such person to serve in the Force for a further period or periods not exceeding five years in all; and any such person so required shall (subject to his right to retire under the next succeeding section) serve for such further period or periods; and if any such person refuses to serve as aforesaid he shall not be entitled to any superannuation allowance or gratuity, but there shall be paid to him the whole of the rateable deductions which have been made from his pay, without any interest thereon.

(2.) Retirement shall also be compulsory for any member of the Force who has served as such for not less than thirty years and who, if he is the Chief Officer, or an officer or sergeant, is required by the Attorney-General, or, if he is a constable, is required by the Chief Officer to retire on the ground that his retention in the Force would not be in the interests of efficiency.

(3.) Upon his retirement under this section, any member of the Force shall be entitled to receive an ordinary superannuation allowance for life.

7. Subject to this Ordinance, every member of the Force—

*Superannuation allowances and gratuities to members of the Force.*

- (a) if he has completed ten years' approved service and is incapacitated for the performance of his duty by infirmity of mind or body—shall be entitled on a medical certificate to retire and receive an ordinary superannuation allowance for life;
- (b) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default—shall be entitled on a medical certificate to retire and receive a special superannuation allowance for life; and
- (c) if he has not completed ten years' approved service and is incapacitated for the performance of his duty by infirmity of mind or body not occasioned by such injury as aforesaid—shall be entitled on a medical certificate to retire and receive a gratuity.

8. Subject to this Ordinance—

*Superannuation allowances and gratuities to widows*

- (a) where a member of the Force who has completed five years' approved service dies while serving in the Force or while in receipt of a pension or in consequence of any disease or injury on account of which he retired from the Force, his widow shall be entitled to a widow's ordinary allowance; and

- (b) where in any case a member of the Force dies while serving in the Force from the effects of any injury received in the execution of his duty without his own default, or (having been granted a superannuation allowance in respect of any such injury) dies from the effects of the injury, his widow shall be entitled (where the injury was accidental) to a widow's ordinary allowance; and (where the injury was non-accidental) to a widow's special allowance; and
- (c) where a member of the Force dies while serving in the Force and his widow is not entitled to an allowance under this Ordinance, his widow shall be entitled to a gratuity; and
- (d) where a widow is entitled to an allowance under this Ordinance and the Police Superannuation Board is satisfied that there are special reasons for granting a gratuity in lieu thereof, the Attorney-General may at his discretion and with her consent grant her a gratuity accordingly.

Allowances and gratuities to children and dependants.

9. Subject to this Ordinance—

- (a) where a member of the Force dies while in the Force, or where a member of the Force having been granted a superannuation allowance dies within twelve months after the grant of that allowance, or at any time from the effects of an injury received in the execution of his duty without his own default, his children under sixteen years of age shall be entitled to allowances until they severally reach the age of sixteen years; and
- (b) where a child of a member of the Force is entitled to an allowance under this Ordinance and the Police Superannuation Board is satisfied that there are special reasons for granting a gratuity in lieu thereof, the Attorney-General may, with the consent of the man's widow, or, if he leaves no widow, the guardian of the child, grant a gratuity accordingly; and
- (c) where a member of the Force dies while in the Force, or where a member of the Force (having been granted a superannuation allowance) dies within twelve months after the grant of the superannuation allowance, or at any time from the effects of an injury received in the execution of his duty without his own default, and the Police Superannuation Board recommends the grant of a gratuity to any relative who has been wholly or mainly dependent upon that member, the Attorney-General may grant such a gratuity.

10. The superannuation allowances, gratuities and allowances payable under this Ordinance shall be in accordance with the scales and provisions contained in the Schedule; and the general rules contained in Part III. of the Schedule shall apply to those superannuation allowances, gratuities and allowances.

Scales of superannuation allowances, gratuities and allowances.

11.—(1.) The service of a member of the Force for the purposes of this Ordinance (including service during any period declared by regulations to be a period of probationary service and service as a peace officer immediately preceding his service as a member of the Force) shall be subject to such deductions in respect of sickness, misconduct or neglect of duty as are made therefrom in pursuance of any regulations, not exceeding the period during which he is absent from duty on account of sickness, misconduct or neglect of duty (as the case may be).

Service to be reckoned for superannuation allowances.

(2.) The expression "approved service" shall, for the purposes of this Ordinance, mean such service as is, after such deductions (if any) as aforesaid, certified by the Chief Officer to have been diligent and faithful service.

(3.) Where a deduction is made from the service of a member of the Force in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall be given to him as soon as may be after the occurrence of the cause for which the deduction is made; and he may appeal to the Chief Officer against any act of any superior officer which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed by the Chief Officer on such appeal shall be deemed to be approved service.

12.—(1.) A superannuation allowance or gratuity shall not be granted on the ground that a member of the Force is incapacitated by infirmity of mind or body for the performance of his duty unless the Police Superannuation Board is satisfied by a medical certificate that the member is so incapacitated and that the incapacity is likely to be permanent.

Proof of incapacity for duty, &c.

(2.) A special superannuation allowance shall not be granted unless the Police Superannuation Board is satisfied that the injury was received in the execution of duty, that it was received without the default of the applicant, and that the infirmity is attributable to the injury.

(3.) The question whether the injury was accidental or not and the degree of disablement shall be determined by the Police Superannuation Board.

(4.) For the purposes of determining any of the questions referred to in this section which ought to be determined on medical grounds, the Police Superannuation Board may act on a medical certificate.

(5.) Where any superannuation allowance is granted on the ground of incapacity for the performance of duty the Police Superannuation Board shall, yearly or otherwise, until the power under this section of requiring the member to serve again ceases, satisfy itself that the incapacity continues, and, unless it resolves that such evidence is unnecessary, shall satisfy itself by the like evidence as is specified in the foregoing provisions of this section.

(6.) In the event of the incapacity ceasing before the time at which the member would, if he had continued to serve, have reached the age of compulsory retirement applicable to his case, the Attorney-General, on the recommendation of the prescribed medical authority, may cancel his superannuation allowance, and require him to serve again in the Force in a rank not lower than the rank which he held before his retirement on the ground of incapacity, and at a rate of pay not less than that on which his superannuation allowance was calculated.

(7.) When a member so serves again, the provisions of this Ordinance shall apply as if he had not previously retired, save that (except where the superannuation allowance was granted in respect of a non-accidental injury received in the execution of his duty) he shall not reckon as approved service the time which elapsed between his former retirement and the recommencement of his service.

(8.) Any special superannuation allowance shall be granted for such period as is fixed by the Attorney-General, and if, at the expiration of that period the degree of disablement is unaltered, the superannuation allowance, shall, at the discretion of the Attorney-General, be either renewed from time to time or made permanent. If within five years of a member's retirement, or at any time before the pension is made permanent, the Attorney-General is satisfied, on a medical certificate, that the degree of the member's disablement has substantially altered, the superannuation allowance shall be re-assessed according to degree of disablement.

(9.) If a person who is or has been a member of the Force refuses or wilfully or negligently fails when required by or under this Ordinance to be examined by the prescribed medical authority, then he may be dealt with in all respects as if the Attorney-General were satisfied by a medical certificate as to whether he is incapacitated for the performance of his duty or (as the case may be) as to the degree of his disablement.

(10.) Where, for the purposes of this section, any person is medically examined by the prescribed medical authority, and is dissatisfied with its opinion on any medical question, he may appeal in accordance with the Regulations to an independent board of three legally qualified medical practitioners appointed for the purpose by the Attorney-General, and the decision of that independent board on that question shall be final and conclusive.

13. Where a member of the Force retires on account of infirmity of mind or body, and the Police Superannuation Board is satisfied, on a medical certificate, that he has brought about or contributed to the infirmity by his own default or his vicious habits, the Attorney-General may in his discretion reduce the amount of his superannuation allowance or gratuity by an amount not exceeding one-half of that to which he would be otherwise entitled.

Power to reduce superannuation allowance, &c., where infirmity is due to misconduct.

14. The following provisions shall have effect with respect to every superannuation allowance, gratuity, and allowance (in this section referred to as a "grant") to any person (in this section referred to as a "pensioner") :—

General provisions as to superannuation allowances, &c.

(1) Every assignment of and charge on a grant and every agreement to assign or charge a grant shall (except so far as made for the benefit of the family of the pensioner) be void, and on the bankruptcy or insolvency of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors;

(2) Where any pensioner or any person whom the pensioner is liable to maintain is admitted into or maintained by or receives relief from any public charitable institution, the whole or any part of the grant or of the instalment thereof next due, may, if the Police Superannuation Board so recommends, be paid to the Committee of the institution for or towards the cost of such maintenance or relief;

(3) If the pensioner neglects to maintain any person whom the pensioner is liable to maintain, the whole or any part of the grant may, if the Police Superannuation Board so recommends, be applied to or for the benefit of that person;

(4) Where any sum is due from the pensioner to the Commonwealth, the amount of any such sum may be deducted from the grant;

(5) On the death of a pensioner to whom a sum not exceeding One hundred pounds is due on account of a grant, then, if the Attorney-General so directs, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Attorney-General to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons, or, in the case of the illegitimacy of the deceased pensioner, to or among such persons as the Attorney-General thinks fit; and the Commonwealth and any officer making the payment shall be discharged from all liability in respect of any such payment or distribution;

(6) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as the Police Superannuation Board recommends;

(7) Where a payment is made to any person in accordance with this section, the receipt of that person shall be a good discharge for the sum so paid.

Forfeiture of  
superannuation  
allowance.

15.—(1.) Every superannuation allowance under this Ordinance is granted only upon the condition that it is liable to be forfeited and may be withdrawn by the Attorney-General in any of the following cases, that is to say, if the grantee—

- (a) is convicted of any indictable offence; or
- (b) knowingly associates with thieves or reputed thieves, suspected persons or other offenders; or
- (c) refuses to give to the police all information and assistance in the power of the grantee for the detection of crime, for the apprehension of criminals or for the suppression of any disturbance of the public peace; or
- (d) refuses to resume his duties in his former office in the Force when required by the Attorney-General; or
- (e) enters into or continues to carry on any business, occupation or employment which is illegal or in the opinion of the Attorney-General is disgraceful or injurious to the public, or in which the grantee makes use of the fact of his former employment in the Force in a manner which the Attorney-General considers to be discreditable or improper; or
- (f) supplies to any person or publishes in a manner which the Attorney-General considers to be discreditable or improper any information which the grantee may have obtained in the course of employment in the force; or
- (g) solicits, or, without the consent of the Attorney-General, accepts, directly or indirectly, any testimonial or gift of a pecuniary value on retirement from the Force, or otherwise in connexion with his services in the Force.

(2.) Such forfeiture and withdrawal may affect the pension wholly or in part, and may be permanent or temporary as the Attorney-General determines, but in the event of the superannuation allowance being wholly forfeited there shall be paid to him the whole or a due proportion thereof, to be certified by the Commonwealth Statistician, of the rateable deductions which have been paid from his pay, without any interest thereon.

Penalty for  
obtaining  
superannuation  
allowance, &c.,  
by fraud.

16.—(1.) If a person obtains, or attempts to obtain for himself, or for any other person—

- (a) any superannuation allowance, gratuity, or allowance under this Ordinance or any payment on account thereof; or
- (b) the return of any rateable deductions from pay under this Ordinance,

by means of any false declaration, false certificate, false representation, false evidence, or personation, or by malingering or claiming disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

(2.) In addition to the penalty, the person shall forfeit any superannuation allowance, gratuity or allowance or other sum so obtained.

17.—(1.) There shall be deducted from the pay of every member of the Force sums at the rate of four per centum per annum on such pay (in this Ordinance referred to as “rateable deductions”):

Rateable deductions from pay.

Provided that—

- (a) during any period declared by the Regulations to be a period of probationary service; or
- (b) where any member of the Force is required to serve in the Force for any period after the age of compulsory retirement applicable to his case, and so serves,

no rateable deduction shall be made from his pay during such periods respectively.

(2.) The sums so deducted shall be paid into the Consolidated Revenue Fund.

18.—(1.) A member of the Force who for misconduct of any kind has been discharged or dismissed therefrom, or has been required to retire as an alternative to dismissal, shall not be entitled to any superannuation allowance or gratuity under this Ordinance.

Dismissal, &c., for misconduct.

(2.) Where a member of the Force who has completed twenty-five years' approved service, or has reached the age for compulsory retirement applicable to his case (whichever first happens), not having been discharged or dismissed for misconduct of any kind or required to retire as an alternative to dismissal, leaves the Force without a pension or gratuity, there shall be paid to him the whole of the rateable deductions which have been made from his pay, without any interest thereon:

Provided that where the member of the Force is required to retire as an alternative to dismissal there may, on the recommendation of the Police Superannuation Board, be paid to him the whole or any part of such rateable deductions as aforesaid, or the same may be applied in such manner as the Police Superannuation Board recommends, for the benefit of his wife or children (if any); and,

where a member of the Force is, for misconduct of any kind, discharged or dismissed, the whole or any part of such rateable deductions as aforesaid may be applied in such manner, as the Board recommends, for the benefit of his wife or children (if any).

Applications for  
superannuation  
allowances, &c.

19. All applications for superannuation allowances, gratuities, or allowances under this Ordinance shall be made to the Chief Officer, who shall forward each application, together with his report thereon, to the Police Superannuation Board.

Powers and  
duties of the  
Board.

20.—(1.) The Police Superannuation Board shall—

- (a) consider all applications for superannuation allowances, gratuities, or allowances under this Ordinance which are forwarded to it by the Chief Officer; and
- (b) report to the Attorney-General upon each of such applications, whether the applicants are entitled to a superannuation allowance, gratuity or allowance or not, and make such recommendation thereon as it thinks fit.

(2.) Any recommendation of the Police Superannuation Board made in pursuance of this Ordinance shall, if approved by the Attorney-General, be final and conclusive.

Allowances, &c.,  
payable from  
moneys  
appropriated  
by Parliament.

21. Superannuation allowances, gratuities and allowances payable under this Ordinance shall be paid from moneys from time to time appropriated by the Parliament for the purpose.

Regulations.

22. The Attorney-General may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular for prescribing—

- (a) matters providing for and in relation to deductions from service for sickness, misconduct or neglect of duty;
- (b) the mode in which superannuation allowances, gratuities or allowances under this Ordinance are to be paid;
- (c) the forms of declaration to be made as a condition of the payment of superannuation allowances, gratuities or allowances under this Ordinance; and
- (d) the period of probationary service in the Force.

## THE SCHEDULE.

## SCALES OF SUPERANNUATION ALLOWANCES, GRATUITIES, AND ALLOWANCES.

## PART I.

## MEMBERS OF THE POLICE FORCE.

*(a) Ordinary Superannuation Allowances.*

1. *On retirement under section six of this Ordinance.*—Such proportion of the annual pay as is specified in scale number 1, set out in the subjoined table.

2. *On retirement under paragraph (a) of section seven of this Ordinance.*—Such proportion of the annual pay as is specified in scale number 2, set out in the said table.

*(b) Special Superannuation Allowances.*

3. *On retirement under paragraph (b) of section seven of this Ordinance.*—

(a) *On total disablement from an injury received in the execution of duty—*

(i) if the injury is non-accidental, such proportion of the annual pay as is specified in scale number 3 in the said table;

(ii) if the injury is accidental, such proportion of the annual pay as is specified in scale number 4 in the said table;

(iii) if it is not possible to determine definitely whether the injury is accidental or non-accidental, such rate intermediate between the rates prescribed in the preceding paragraphs (i) and (ii) as the Attorney-General approves.

(b) *On partial disablement from an injury received in the execution of duty—*

Such proportion of the pension applicable in case of total disablement as the degree of disablement bears to total disablement:

Provided that the pension shall not be less than such proportion of the annual pay as is specified, if the injury was non-accidental, in scale number 5 in the subjoined table, and otherwise in scale number 6 in the said table.

*(c) Gratuities.*

4. *On retirement under paragraph (c) of section seven of this Ordinance.*—The gratuity shall be an amount equal to one-twelfth of the annual pay for each completed year of approved service, or, where a member of the force has not completed one year of approved service, an amount equal to one-twelfth of the whole of the pay received by him.

TABLE OF SCALES OF SUPERANNUATION ALLOWANCES.

Completed years of approved service.	Proportion of Superannuation Allowance to Pay on Retirement.					
	Scale No. 1.	Scale No. 2.	On retirement under section 7 (b).			
	On retirement under section 6.	On retirement under section 7 (a).	Scale No. 3.	Scale No. 4.	Scale No. 5.	Scale No. 6.
			On total disablement from non-accidental injury received in execution of duty.	On total disablement from accidental injury received in execution of duty.	On partial disablement from non-accidental injury received in execution of duty.	On partial disablement from accidental injury received in execution of duty.
	60ths	60ths	60ths	60ths	60ths	60ths
1 or less	..	..	45	30	20	10
2 ..	..	..	45	30	20	10
3 ..	..	..	45	30	20	10
4 ..	..	..	45	30	20	10
5 ..	..	..	45	30	20	10
6 ..	..	..	45	30	20	10
7 ..	..	..	45	30	20	10
8 ..	..	..	45	30	20	10
9 ..	..	..	45	30	20	10
10 ..	..	10	45	30	20	10
11 ..	..	11	48	32	21	11
12 ..	..	12	48	32	22	12
13 ..	..	13	48	32	23	13
14 ..	..	14	48	32	24	14
15 ..	15	15	48	32	25	15
16 ..	16	16	51	34	26	16
17 ..	17	17	51	34	27	17
18 ..	18	18	51	34	28	18
19 ..	19	19	51	34	29	19
20 ..	20	20	51	34	30	20
21 ..	22	22	54	36	32	22
22 ..	24	24	54	36	34	24
23 ..	26	26	54	36	36	26
24 ..	28	28	54	36	33	28
25 ..	30	30	54	36	40	30
26 ..	32	32	57	38	40	32
27 ..	34	34	57	38	40	34
28 ..	36	36	57	38	40	36
29 ..	38	38	57	38	40	38
30 or over	40	40	60	40	40	40

## PART II.

## WIDOWS AND CHILDREN.

## (a) Widows' Allowances.

5. *Widow's ordinary allowance.*—The allowance shall be the amount specified under (i) or (ii) of the following scales whichever is the greater, that is to say:—

## Scale (i)—

- if her husband was a constable, senior constable or sergeant at the time of his death or retirement, at the rate of Forty pounds a year;
- if he was a sub-inspector or inspector at the time of his death or retirement, at the rate of Fifty pounds a year;
- if he was of a higher rank at the time of his death or retirement, at the rate of Sixty pounds a year.

## Scale (ii)—

an amount ascertained according to the length of her husband's service and his pay at the time of his death or retirement as follows:—

Completed years of approved service.	Percentage of annual pay.
30 years or over .. .. .	12½ per cent.
25 years and under 30 .. .. .	10 "
20 years and under 25 .. .. .	8 "
15 years and under 20 .. .. .	6 "
10 years and under 15 .. .. .	4 "

subject, however, in the case of a widow of a member, to a deduction under either scale equal to 20 per cent. of the amount for each complete year for which her husband's superannuation allowance had been drawn.

6. *Widow's special allowance.*—The allowance shall be equal to one-third of her husband's annual pay at the time of his death or retirement.

(b) *Widows' Gratuities.*

7. The gratuity shall be of such amount as the Police Superannuation Board recommends, but not exceeding one-twelfth of her husband's annual pay for each completed year of approved service, or where he had not completed one year of approved service, one-twelfth of the whole of the pay received by him.

(c) *Children's Allowances.*

8. *Member of the force or pensioner dying as the result of non-accidental injury received in the execution of duty.*—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance, up to the time that child attains the age of sixteen, at the rate of one-fifteenth of the annual pay; and, if he leaves no widow or the widow dies before all the children attain the age of sixteen, the allowance may be increased up to two-fifteenths of such pay in respect of each child under sixteen; but in any case the aggregate amount paid in any year by way of children's allowances when added to the widow's allowance (if any) shall not exceed two-thirds of such pay.

9. *Member of the force or pensioner dying from any other cause.*—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance up to the time that child attains the age of sixteen at the rate of—

- Ten pounds in the case of a person who was a constable, senior constable or sergeant at the time of his death or retirement;
- Twelve pounds in the case of a person who was a sub-inspector or inspector at the time of his death or retirement;
- Fifteen pounds in the case of a person who was of a higher rank at the time of his death or retirement;

Provided that the aggregate amount of such allowances in any year shall not exceed Thirty pounds, Forty pounds, and Fifty pounds in the three cases respectively; but if he leaves no widow, or if the widow dies before all the children attain the age of sixteen, the actual allowance or allowances and the aggregate amount of any allowances may be increased by 50 per cent. above the sums hereinbefore mentioned.

(d) *Children's Gratuities.*

10. The gratuity shall be of such amount as the Police Superannuation Board recommends, not exceeding one-sixtieth of the annual pay for each completed year of approved service of the member of the force or pensioner, or, where he has not completed one year of approved service, not exceeding one-sixtieth of the annual pay, so that the total amount of any gratuity or gratuities granted to the children or to the widow and children does not exceed one-twelfth of the annual pay for each completed year of approved service, and the total amount of any gratuities granted to the children shall not, in any case, exceed the annual pay.

(e) *Dependants' Gratuities.*

11. The total amount of any gratuity or gratuities paid to a dependant or dependants of a member of the force or pensioner shall not exceed the amount of the rateable deductions which have been made from his pay.

## PART III.

## GENERAL RULES.

12. The same person shall not be entitled, unless expressly so provided in this Ordinance, to a gratuity in addition to a pension or allowance, or to both an ordinary pension and a special pension.

13. A gratuity shall be paid in one sum, except that in special cases it may be paid by instalments or applied on behalf of the grantee if the Police Superannuation Board is satisfied that it would be to the advantage of a widow, child or dependant to do so, and so recommends; and a child's allowance or gratuity or a dependant's gratuity may be paid to a guardian or trustee if the Police Superannuation Board is satisfied that it would be to the advantage of the child or dependant to do so, and so recommends.

14. If the widow of a member of the force was at the time of his death living apart from her husband (not having been deserted by him), a pension or gratuity shall be paid to her only if the Police Superannuation Board is satisfied that he regularly contributed to her support; and the amount of an allowance shall not, in such a case, exceed the amount which her husband contributed.

15. The widow and children of a member who was in receipt of a superannuation allowance shall not receive any allowance, or gratuity unless the marriage took place before he retired on superannuation allowance.

16. The allowance of the widow of a member of the force to whom a gratuity has been granted on retirement shall be payable as from such date after his death as the Police Superannuation Board recommends, and the allowance of the widow of a member who was in receipt of a superannuation allowance shall be payable as from the end of the last period in respect of which her husband's superannuation allowance was paid.

17. The payment of a widow's allowance or the balance of a widow's gratuity shall, if at any time she re-marries, be suspended, but, in the event of her again becoming a widow, shall be resumed on proof to the satisfaction of the Police Superannuation Board that her circumstances are such that the allowance or balance of gratuity is necessary for her support and that she is of good character and deserving of bounty out of public funds.

18. A widow's allowance or the balance of a widow's gratuity shall be payable only so long as she is of good character.

19. (a) In calculating any superannuation allowance, gratuity or allowance for the purposes of this Ordinance, "annual pay" means annual pay at the date of death or retirement (as the case requires):

Provided that—

- (i) where a member of the force at the date of his retirement or death holds a rank to which he has been promoted within the three preceding years, his annual pay at the date of the retirement or death shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date, so, however, that the superannuation allowance or maximum gratuity payable shall not be less than if he had continued in his former rank; and
- (ii) where the pay at the date of death or retirement was weekly pay, the amount of the annual pay shall be deemed to be fifty-two times the amount of the weekly pay.

(b) For the purpose of the foregoing provisions of this rule, the following only shall be recognized as ranks in the force, that is to say, Chief Officer, superintendent, inspector, sub-inspector, and any other officer of different grade, and sergeant, senior constable, and constable.

Dated this twenty-fifth day of July, One thousand nine hundred and twenty-eight.

D. R. S. DE CHAIR  
Deputy of the Governor-General.

By His Excellency's Command,  
THOS. W. CRAWFORD  
for Minister of State for Home and Territories.