
THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Regulations under the Police Superannuation Ordinance 1928.

I ALEXANDER JOHN McLACHLAN, Vice-President of the Executive Council, acting for and on behalf of the Attorney-General of the Commonwealth, in pursuance of the powers conferred upon me by the *Police Superannuation Ordinance 1928*, hereby make the following Regulations, to come into operation forthwith.

Dated this thirtieth day of April, 1934.

A. J. McLACHLAN

Acting Attorney-General of the Commonwealth.

POLICE SUPERANNUATION REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Police Superannuation Regulations. Short title.
2. These Regulations are divided into Parts, as follows:— Parts.
 - Part I.—Preliminary.
 - Part II.—Election of representative.
 - Part III.—Applications for superannuation allowances, gratuities and allowances.
 - Part IV.—Approved service and deductions from service for sickness, &c.
 - Part V.—Payment of superannuation allowances, gratuities and allowances.
 - Part VI.—Appeals against decisions of prescribed medical authority.

Definitions.

3. In these Regulations, unless the contrary intention appears—

“the Independent Board” means the Independent Board of three legally qualified medical practitioners appointed by the Attorney-General under sub-section (10.) of section twelve of the Ordinance;

“the Board” means the Police Superannuation Board established pursuant to the Ordinance;

“the Chief Officer” means the Chief Officer of Police;

“the Department” means the Attorney-General’s Department;

“the Ordinance” means the *Police Superannuation Ordinance* 1928, as amended from time to time;

“the Secretary” means the Secretary, Attorney-General’s Department;

“the representative” means the representative of the members of the Police Force on the Board.

PART II.—ELECTION OF REPRESENTATIVE.

Date of election.

4. The election of the representative of the Police Force shall be held upon a date to be fixed by the Secretary by notice in the *Gazette*.

Nominations.

5. A nomination for the position of representative of the Police Force shall be signed by two members of the Force, and bear the written consent of the nominee to act, if elected, and shall be forwarded to the Secretary so as to reach him not later than seven days before the date fixed for the election.

Election to be by ballot.

6.—(1.) If only one nomination is received, the person so nominated shall be declared by the Secretary to be duly elected but, if more than one nomination is received, then the election shall be by ballot.

(2.) The method of conducting the ballot shall be in accordance with directions given by the Secretary.

Equality of voting.

7. In the case of an equality of votes for any two or more candidates for election, the Secretary shall determine by his casting vote which of the candidates is elected.

PART III.—APPLICATIONS FOR SUPERANNUATION ALLOWANCES, GRATUITIES AND ALLOWANCES.

Prescribed medical authorities.

8.—(1.) The Attorney-General may from time to time appoint any duly qualified medical practitioner to be the prescribed medical authority.

(2.) A medical certificate shall be in accordance with the form contained in the Schedule to these Regulations.

Applications to be examined by Chief Officer.

9.—(1.) On receipt of an application for a superannuation allowance, gratuity or allowance, the Chief Officer shall examine the application and shall cause to be made such investigations as appear to him desirable.

(2.) When an application is made for a special superannuation allowance the Chief Officer shall fully investigate the circumstances in which the injury was received.

Further medical examination.

10.—(1.) If the application be made under the provisions of section seven of the Ordinance and if the Chief Officer considers that a further medical examination is desirable, he shall direct the applicant to appear before the prescribed medical authority at a time and place to be stated in the direction in order to be medically examined. The prescribed medical authority shall medically examine the applicant at the time and place or at such other time or place as the Board determines, and shall forthwith after such examination forward a medical certificate to the Chief Officer.

(2.) On the receipt of any such medical certificate, the Chief Officer shall advise the applicant of the result of the examination.

Application and documents to be forwarded to Board.

11. On the completion of such investigations as appear to him desirable, the Chief Officer shall forward the application to the Board, together with—

- (a) all the documents relevant to the application;
- (b) the medical certificate (if any);
- (c) the medical certificate given by the Independent Board appointed under sub-section (10.) of section twelve of the Ordinance (if any);
- (d) the certificate of approved service under sub-section (2.) of section eleven of the Ordinance (if so required); and
- (e) his report on the application.

Applicant to be advised of Board’s decision.

12. When any recommendation of the Board is approved by the Attorney-General, the Attorney-General shall cause notice thereof to be given to the Chief Officer who shall send to the applicant notice in writing informing him of the result of his application.

13. At any time after the receipt of any application under the Ordinance, the Board may require the Chief Officer to make further inquiries into any matter relating to the application. Board may require further information.

14. When a special superannuation allowance is granted on the ground of incapacity for the performance of duty, the Board may at any time call upon the pensioner to appear before the prescribed medical authority in order to be medically examined. Further medical examination.

PART IV.—APPROVED SERVICE AND DEDUCTIONS FROM SERVICE FOR SICKNESS, ETC.

15. The Chief Officer may by order deduct from the actual service of any member of the Force such period as to the Chief Officer seems just in respect of— Approved service, how ascertained.

(a) feigned or simulated sickness or sickness arising from carelessness, recklessness, improper or vicious conduct, excessive indulgence in alcohol, improper, illegal, or immoral practices;

(b) misconduct (for the purposes of this regulation, misconduct means disgraceful or improper conduct, either in his official capacity, or otherwise); or

(c) neglect of duty:

Provided that no such deduction shall be made in respect of any sickness, misconduct, or neglect of duty unless the member of the Force has been duly found guilty thereof by the Chief Officer, an officer, or any authority empowered by law to hear and determine such matter.

16.—(1.) Any member of the Force affected by any order for deduction made under the last preceding regulation may appeal to the Secretary against the order. Appeal against deductions.

(2.) The appeal shall be forwarded through the Chief Officer who shall forward it with a report thereon to the Secretary, whose decision shall be final.

17. The notice of deduction required to be given by sub-section (3) of section eleven of the Ordinance shall give particulars of the deduction and the grounds thereof. Notice of deduction to be given.

18. For the purposes of any application for a superannuation allowance, gratuity or allowance a certificate under the hand of the Secretary certifying the period or periods deducted from the service of any particular member of the Force shall be *prima facie* evidence of those deductions. Certified copy of deductions to be evidence.

PART V.—PAYMENT OF SUPERANNUATION ALLOWANCES, GRATUITIES AND ALLOWANCES.

19.—(1.) The contributions deductible and deducted from the salaries of members of the Force shall be separately shown in the salary register and the pay sheets of the Department. Deduction of contributions.

(2.) Where a contribution includes a fraction of a penny amounting to a half-penny or more, the next higher penny shall be deducted.

20.—(1.) Deductions made for the purposes of the Ordinance and these Regulations shall be paid each fortnight to the Receiver of Public Moneys for credit to the Consolidated Revenue Fund. Deductions, how dealt with.

(2.) The total of each fortnightly payment of contributions shall be balanced or reconciled with the total pension deductions shown in the salary register for the relative fortnight.

21.—(1.) Superannuation allowances, gratuities and allowances granted in pursuance of the Ordinance shall be paid by the Sub-Treasury in the State or Territory in which the pensioner resides. Allowances to be paid by Sub-Treasury.

(2.) Superannuation allowances and allowances shall be paid fortnightly on the Friday of each fortnight which alternates with the Friday on which the police salaries are paid.

22. A police pensions register, in card form, shall be kept in each Sub-Treasury at which pensions are paid, and in the event of a pensioner removing to another State or Territory, the pensioner's card shall be transferred to the Sub-Treasury in that State or Territory. Police Pensions Register to be kept.

23. Pensioners shall not be required to submit accounts for payment, but claims shall be prepared in the Sub-Treasury each fortnight. Sub-Treasury to prepare claims.

24. Superannuation allowances and allowances shall be paid by means of non-negotiable cheques made payable to order. Allowances to be paid by cheque.

25. One day's superannuation allowance or allowance shall be one-fourteenth of the fortnightly superannuation allowance or allowances. One day's allowance, how ascertained.

PART VI.—APPEALS AGAINST OPINIONS OF THE PRESCRIBED MEDICAL AUTHORITY.

26. The prescribed medical authority shall after the completion of any medical examination send its medical certificate to the Chief Officer, who shall forward the certificate to the Board. The prescribed medical Medical certificate to be forwarded to Board.

authority may, by addendum to the certificate, make any recommendation to the Board as to the future medical examination of the person to whom the certificate relates.

Applicant to be advised of result of examination.

27. Where for the purposes of section twelve of the Ordinance any person is medically examined by the prescribed medical authority, the Chief Officer shall, on receipt of the medical certificate, advise that person of the result of the examination.

Notice of appeal to be given.

28. If the person is dissatisfied with the result of the examination, he may, within fourteen days after he has received that advice, send to the Chief Officer notice in writing of his intention to appeal and of the grounds of the appeal. The Chief Officer shall send the notice of appeal to the Attorney-General.

Appointment of Independent Board.

29. Within twenty-eight days after receipt by him of the notice, the Attorney-General shall appoint an Independent Board of three legally qualified medical practitioners in accordance with sub-section (10.) of section twelve of the Ordinance, and shall notify the Chief Officer of the appointment.

Notice to be sent to appellant.

30. The Chief Officer shall send to the appellant notice of the time and place appointed (being not more than twenty-eight days after the appointment of the Independent Board) for his further medical examination.

Independent Board to examine appellant.

31. At that time and place, or at any other time or place to which the Independent Board may adjourn the examination, the Independent Board shall medically examine the appellant and give its decision thereon in the form of a medical certificate, and shall send the medical certificate to the Chief Officer.

Leave to attend for medical examination.

32. The appellant shall attend at the time and place appointed, and, if he is a serving member of the Force, he shall be given such leave as is necessary to enable him to attend. He shall submit himself to any medical examination which the Independent Board desires to make or directs to be made.

Copy of certificate to be sent to Board.

33. The Chief Officer shall advise the appellant of the result of the medical examination, and shall forward to the Board the medical certificate of the Independent Board.

Cost of examination by Independent Board.

34. Where the Independent Board certifies in its certificate that an appeal made to it under these Regulations is made vexatiously, without any reasonable probability of success, and such lack of reasonable probability of success must, in its opinion, have been known to the appellant, the Chief Officer may order the appellant to pay such reasonable costs of the Independent Board as in his discretion he fixes, and such costs may be deducted from any salary, superannuation allowance, gratuity allowance or rateable deduction which may be due to the appellant.

THE SCHEDULE.

Reg. 8.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Police Superannuation Ordinance 1928.

MEDICAL CERTIFICATE.

The Chief Officer of Police,
Canberra,

I certify that I have this day examined.....
a member of the Police Force, who in my opinion is suffering from
.....and is incapacitated
partially incapacitated for the
performance of his duty by infirmity of mind or body.

In my opinion the infirmity—

(a) is likely
not likely to be permanent;

(b) is attributable to.....
.....; and

(c) has
has not been brought about or contributed to by his own default
or his vicious habits.

Remarks:—.....
.....

Date.....

.....
Prescribed Medical Authority.