

SUPREME COURT.

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 No. 38.
 THE JUDGES'
 PENSIONS
 ACT OF 1957.

**An Act to Provide Pensions for Judges of the
 Supreme Court of Queensland and Their
 Widows, and to make certain consequential
 Provisions.**

[ASSENTED TO 17TH DECEMBER, 1957.]

BE it enacted by the Queen's Most Excellent Majesty,
 by and with the advice and consent of the Legis-
 lative Assembly of Queensland in Parliament assembled,
 and by the authority of the same, as follows:—

Short title. **1.** (1.) This Act may be cited as "*The Judges' Pensions Act of 1957.*"

Application of Act. (2.) This Act applies with respect to Judges in office at the passing hereof and to Judges appointed to office after the passing hereof.

Meaning of terms. **2.** (1.) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

Judge "Judge"—A person holding the office of Chief Justice or Puisne Judge of the Supreme Court of Queensland ;

Salary. "Salary"—Salary at the annual rate payable to a Judge immediately before his retirement or his death before retirement, as the case may be.

(2.) In computing the length of service of a Judge for the purposes of this Act service both before and after the passing of this Act, including any service as an acting Judge, shall be taken into account.

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3. Where a Judge retires from office in accordance with the provisions of **"The Judges' Retirement Act of 1921,"* after serving as a Judge for not less than five years, he shall, on retirement, be entitled to an annual pension at the rate of twenty per centum of his salary, and at the additional rate of four per centum of his salary for each complete year of his service as a Judge in excess of five years, but so that the rate of his pension shall not exceed forty per centum of his salary.

Pension to
Judge
retiring at
age seventy.

4. Where a Judge who has attained the age of sixty years retires from office (otherwise than in accordance with the provisions of **"The Judges' Retirement Act of 1921"* or by reason of permanent disability or infirmity as specified in section five of this Act) after serving as a Judge for not less than ten years, he shall, on retiring, be entitled to an annual pension at the rate of twenty-seven and one-half per centum of his salary, and at the additional rate of two and one-half per centum of his salary for each complete year of his service as a Judge in excess of ten years, but so that the rate of his pension shall not exceed forty per centum of his salary.

Pension to
Judge
retiring
voluntarily
at or after
age sixty.

5. Where a Judge retires or is retired from office after serving as a Judge for not less than five years, and the Director-General of Health and Medical Services for the State of Queensland certifies to the Treasurer that his retirement is by reason of permanent disability or infirmity, he shall, on retirement, be entitled to an annual pension at the rate of fifteen per centum of his salary, and at the additional rate of two and one-half per centum of his salary for each complete year of his service as a Judge in excess of five years, but so that the rate of his pension shall not exceed forty per centum of his salary.

Pension to
Judge
retiring on
account of
ill-health
after not
less than
five years'
service.

6. Where a Judge retires or is retired from office, after serving as a Judge for less than five years, and the Director-General of Health and Medical Services for the State of Queensland certifies to the Treasurer that his retirement is by reason of permanent disability or infirmity, he shall, on retirement, be entitled to an annual pension at the rate of fifteen per centum of his

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than five
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salary if before his appointment he shall have satisfied the Director-General of Health and Medical Services that his health was then satisfactory.

Pension to widow on death of Judge before retirement.

7. Where a Judge dies before his retirement after serving as a Judge for not less than five years, his widow shall be entitled to an annual pension at the rate of seven and one-half per centum of his salary, and at the additional rate of one and one-quarter per centum of his salary for each complete year of his service as a Judge in excess of five years, but so that the rate of her pension shall not exceed twenty per centum of his salary :

Provided that, if the widow remarries, her pension under this section shall thereupon cease and determine.

Pension to widow on death of retired Judge.

8. Upon the death of a retired Judge who is entitled to a pension under this Act, his widow shall be entitled to an annual pension, if her marriage to the Judge took place before his retirement, at the rate of one-half of the rate of pension to which the Judge was entitled immediately prior to his death according to the provisions applicable in his case of this Act :

Provided that, if the widow remarries, her pension under this section shall thereupon cease and determine.

Appropriation.

9. Pensions under this Act—

(a) Shall accrue due from day to day ; and

(b) Shall be payable monthly (or, subject to approval by the Treasurer, at shorter periodical intervals) out of the Consolidated Revenue Fund which is hereby appropriated accordingly.

Pension, &c., not payable where Judge removed from office.

10. A pension under this Act shall not, unless the Governor in Council otherwise decides, be payable to a Judge, or to the widow of a Judge, who has been removed from his office under section sixteen of **The Constitution Act of 1867*," as amended, and section nine of †*The Supreme Court Act of 1867*," for any cause other than that he is, by reason of permanent disability or infirmity, incapacitated from performing the duties of his office.

* 31 V. No. 38.

† 31 V. No. 23.

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11. Section four of **"The Judges' Retirement Act of 1921,"* is hereby repealed.

Repeal of
s. 4 of 12
Geo. V.
No. 14.

12. Section five of †*"The Supreme Court Act of 1874,"* is hereby repealed.

Repeal of
s. 5 of 38
Vic. No. 3.

13. Section six of †*"The Supreme Court Act of 1874,"* is amended by repealing the words "and pensions" wherever appearing therein.

Amendment
of s. 6 of 38
Vic. No. 3.

The marginal note to the said section six is amended by repealing the words "and pensions".

14. Section three of ‡*"The Supreme Court Acts Amendment Act of 1944"* shall remain in full force and effect—

Operation of
s. 3 of "*The
Supreme
Court Acts
Amendment
Act of 1944.*"

- (a) For the purpose of section 6A of §*"The Industrial Conciliation and Arbitration Acts, 1932 to 1955"*;
- (b) As respects every Judge in office at the date of the passing of this Act who gives the written notice mentioned in section sixteen of this Act,

but otherwise shall be limited in its operation by section fifteen of this Act.

15. Section three of ‡*"The Supreme Court Acts Amendment Act of 1944"* shall be read and construed—

Leave of
absence of
Judges.

- (a) As respects a Judge appointed after the date of the passing of this Act; and
- (b) As respects a Judge in office at the date of the passing of this Act who does not give the notice mentioned in section sixteen of this Act,

as though the word "six" were substituted for the word "twelve" where it occurs in paragraph (a) of subsection one of the said section three and the words "three-fifths of a month" were substituted for the words "one and one-fifth months" where they occur in paragraph (b) of subsection one of the said section three and any such Judge notwithstanding that part

* 12 G. 5 No. 14.

† 38 V. No. 3.

‡ 9 G. 6 No. 3.

§ 23 G. 5 No. 36 and amending Acts.

of his service as a Judge was prior to the passing of this Act shall be entitled to leave of absence calculated as from the date of his appointment in accordance with this section only :

Provided that any Judge appointed to office after the date of the passing of this Act shall, within three years after completing any period of ten years' service in office, take the leave of absence to which he is entitled in respect of that period of ten years unless the Governor in Council otherwise approves and if he does not do so, shall forfeit all his right thereto or to any payment in respect thereof.

Election by
Judges in
office.

16. Any Judge in office at the date of the passing of this Act may, within three months after that date, by notice in writing to the Attorney-General, inform him that he elects not to be bound by the provisions of this Act.

Any such notice shall be irrevocable.

If any Judge gives such notice in writing, the provisions of this Act shall not apply to him or in the event of his death, either before or after his retirement, to his widow.

Case of
retired
Judge
taking
another
judicial
office.

17. Where, after his retirement, a Judge serves under the Commonwealth or any State thereof in any judicial office then in respect of any period of time during service therein during which salary is payable to him in respect of that judicial office—

- (a) At a rate equal to or greater than the rate applicable in his case of pension under this Act, a pension under this Act shall not be payable to him ;
- (b) At a rate less than the rate applicable in his case of pension under this Act, the rate of the pension under this Act payable to him shall be reduced by the lesser rate of the salary payable to him in respect of that judicial office.