

Queensland



ANNO VICESIMO TERTIO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 29 of 1974

**An Act to amend the Judges' Pensions Act 1957-1972 in
certain particulars**

[ASSENTED TO 2ND MAY, 1974]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title, citation and commencement. (1) This Act may be cited as the *Judges' Pensions Act Amendment Act 1974*.

(2) The *Judges' Pensions Act 1957-1972* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Judges' Pensions Act 1957-1974*.

(4) Save as is otherwise expressly provided in this Act, this Act shall commence on the day on which it is assented to by or on behalf of the Crown.

2. Amendment of s. 8B. Increase in rates of pensions, etc. (1) Section 8B of the Principal Act is amended—

(a) by omitting provision (b) from subsection (2) and substituting the following expression:—

“(b) the date at which the increased rate is to be ascertained—
increased, where in the instant case the pension in question became payable to the person concerned before 1st July, 1973, by one.”; and

(b) by adding at the end thereof, the following subsection:—

“(4) This section shall not apply in relation to any pension entitlement to which arises on or after 1st July, 1974 or so as to increase in respect of any period, or part of a period, occurring on or after 1st July, 1974, the rate of any pension payable under this Act.”.

(2) Paragraph (a) of subsection (1) shall be deemed to have come into operation as from the commencement of the first pay-period, within the meaning of section 8C of the Principal Act as amended by this Act, that shall have occurred in the year commencing 1st January, 1974 and shall have effect retrospectively accordingly.

3. New s. 8C. (1) The Principal Act is amended by inserting after section 8B the following section:—

“**8C. Adjustment of pensions.** (1) In this section unless the contrary intention appears—

“basic rate” in relation to a pension, means the rate at which the pension was payable when it came into force;

“Index” means the table described as the “Consumer Price Index Numbers—All Groups, Brisbane” that is published by the Commonwealth Statistician under the authority of the *Census and Statistics Act 1905–1966*;

“pay-period” means the period with respect to which the monthly or other periodic instalment of pension is payable in pursuance of section 9.

(2) Subject to this section, a pension under this Act shall be adjusted by the Minister in each year in accordance with this section.

(3) The Government Statistician shall, as soon as practicable after 30th June in the year 1974 and in each year thereafter, give to the Minister a notice specifying the percentage (expressed to a degree of accuracy of not more than one decimal place) by which the Index for the quarter ended on that day is greater or less than the Index for the same quarter in the immediately preceding year.

(4) On receipt of a notice under subsection (3), the Minister shall, by order—

(a) declare the percentage by which pensions shall be adjusted (whether by way of increase or decrease) in the year commencing on 1st October next after the quarter firstmentioned in that subsection; or

(b) if, by reason of the operation of subsection (9), no adjustment is to be made in respect of that year, declare that pensions shall not be adjusted in respect of that year.

(5) A percentage declared under paragraph (a) of subsection (4) in respect of any year shall be the same as the percentage specified in the notice given to the Minister under subsection (3).

(6) An adjustment of a pension in respect of any year made under this section shall be made—

- (a) by increasing, or as the case may require by decreasing, the rate at which immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that year under subsection (4); and
- (b) so as to operate from and including the commencement of the first pay-period occurring in the month of October in that year.

(7) The following provisions apply to and in relation to the first adjustment of a pension pursuant to this section if at the time when the adjustment is to be made the pension has been in force for less than twelve months, namely:—

- (a) in the case of a pension that comes into force after 1st September in any year, the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period in the month of October in the second year after the year in which the pension comes into force;
- (b) in the case of a pension that comes into force on or before 1st September in any year, the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period in the month of October immediately following that day; and
- (c) the annual amount by which a pension to which paragraph (b) applies is to be increased or decreased shall be calculated in accordance with the prescribed formula.

(8) For the purposes of paragraph (c) of subsection (7), the prescribed formula is the formula—

$$V = A \times \frac{M}{12},$$

where—

V represents the annual amount referred to in that paragraph;

A represents the amount by which, but for the operation of that subsection, the pension would have been increased or decreased; and

M represents the number of whole months from the day on which the pension came into force until the following 30th September (both days inclusive).

(9) Except as provided in subsection (10), where the percentage specified in a notice under subsection (3) in respect of any year is less than one no adjustment of pensions shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any two or more successive years is less than one but those percentages are in the aggregate,

equal to, or greater than one (whether by way of increase or decrease), pensions shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

(11) Nothing in this section requires the rate of a pension to be decreased below the basic rate and if, by reason of the making of an adjustment under this section, the rate of a pension would be so decreased, that pension shall, until it is next increased to a rate exceeding the basic rate by reason of the making of such an adjustment, be deemed to be payable at the basic rate.

(12) Where—

(a) by reason solely of the operation of subsection (11) a pension is being paid at the basic rate; and

(b) an adjustment, by way of increase, is required to be made to the rate of that pension in respect of any year, that adjustment shall be made as if, immediately before the making of the adjustment, the pension were payable at the rate at which, but for the operation of that subsection, it would have been payable.”

(2) This section shall come into operation on 1st July, 1974.