



ELIZABETHAE SECUNDAE REGINAE

No. 40 of 1967

An Act to Provide for the Salaries of the Judges of the Supreme Court and District Court Judges and to Amend "The Judges' Pensions Act of 1957," in certain particulars, and for other purposes

[ASSENTED TO 14TH DECEMBER, 1967]

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:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as "*The Judges' Salaries and Pensions Act of 1967.*"

2. **Parts of Act.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—SALARIES OF JUDGES OF THE SUPREME COURT;

PART III—SALARIES OF DISTRICT COURT JUDGES;

PART IV—AMENDMENTS OF "THE JUDGES' PENSIONS ACT OF 1957."

PART II—SALARIES OF JUDGES OF THE SUPREME COURT

3. Salaries of Judges of the Supreme Court. (1) The salary of the Chief Justice of Queensland shall be at the rate of seventeen thousand three hundred dollars per annum and in addition thereto the Chief Justice of Queensland shall be paid an allowance at the rate of seven hundred dollars per annum exclusive of any allowance for travelling expenses.

(2) The salaries of the Puisne Judges of the Supreme Court shall be at the rate of sixteen thousand dollars per annum exclusive of any allowance for travelling expenses.

4. Repeal of s. 3 of No. 7 of 1965. Section three of "*The Supreme Court Acts Amendment Act of 1965*," is repealed.

PART III—SALARIES OF DISTRICT COURT JUDGES

5. Salaries of District Court Judges, &c. (1) The salary of the Judge of District Courts designated as Chairman of District Courts shall be at the rate of thirteen thousand dollars per annum exclusive of any allowance for travelling expenses.

(2) The salary of a District Court Judge other than the Judge designated as Chairman of District Courts shall be at the rate of twelve thousand five hundred dollars per annum exclusive of any allowance for travelling expenses.

(3) In this section and in section seven of this Act the expression "District Court Judge" has the meaning assigned to it by "*The District Courts Act of 1967*."

6. Operation of s. 15 of 7 Eliz. II No. 66 as amended. For the purposes of this Act, section fifteen of "*The District Courts Acts, 1958 to 1965*," shall be deemed to have been repealed on and from the passing of this Act.

7. (1) Application of "The Judges' Pensions Acts, 1957 to 1967." The provisions of "*The Judges' Pensions Acts, 1957 to 1967*" (including the provisions as to leave of absence) shall apply *mutatis mutandis* to every District Court Judge and to his widow and to any child of his in the same manner and in the same circumstances as they apply to a Judge of the Supreme Court and to his widow and to any child of his and for this purpose that Act shall be read and construed as though the words "District Court Judge" were substituted for the word "Judge" wherever it occurs therein.

(2) **Computation of length of service of District Court Judge.** In computing length of service of a District Court Judge for the purpose of "*The Judges' Pensions Acts, 1957 to 1967*," service as an Acting Judge of the Supreme Court or as an Acting District Court Judge shall be taken into account.

PART IV—AMENDMENTS OF "THE JUDGES' PENSIONS ACT OF 1957"

8. (1) Construction of Part IV. This Part IV of this Act shall be read as one with "*The Judges' Pensions Act of 1957*."

(2) "*The Judges' Pensions Act of 1957*" is herein referred to as the Principal Act.

(3) **Collective title.** The Principal Act and this Part IV of this Act may be collectively cited as "*The Judges' Pensions Acts, 1957 to 1967*."

9. Amendment of s. 2. Section two of the Principal Act is amended by omitting subsection (2) and inserting in its stead the following subsection:—

"(2) In computing the length of service of a Judge for the purposes of this Act—

(a) service as a Judge both before and after the passing of this Act, including any service as an Acting Judge; and

(b) service as a District Court Judge, including any service as an Acting District Court Judge,

shall be taken into account."

10. Repeal of and new s. 3. The Principal Act is amended by repealing section three and inserting in its stead the following section:—

"[3.] **Pension of Judge retiring at age seventy.** 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-five per centum of his salary and at the additional rate of five 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 fifty per centum of his salary."

11. Repeal of and new s. 4. The Principal Act is amended by repealing section four and inserting in its stead the following section:—

"[4.] **Pension of Judge retiring voluntarily at or after age sixty.** 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 fifty per centum of his salary."

12. Repeal of and new s. 5. The Principal Act is amended by repealing section five and inserting in its stead the following section:—

“**[5.] Pension of Judge retiring on account of ill-health after not less than two years' service.** Where a Judge retires or is retired from office after serving as a Judge for not less than two 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 fourteen 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 one year but so that the rate of his pension shall not exceed fifty per centum of his salary.”.

13. Repeal of and new s. 6. The Principal Act is amended by repealing section six and inserting in its stead the following section:—

“**[6.] Pension of Judge retiring on account of ill-health after less than two years' service.** Where a Judge retires or is retired from office after serving as a Judge for less than two 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 fourteen per centum of his salary if before his appointment he shall have satisfied the Director-General of Health and Medical Services that his health was then satisfactory.”.

14. Repeal of and new s. 7. The Principal Act is amended by repealing section seven and inserting in its stead the following section:—

“**[7.] Pension of widow.** Where a Judge dies before his retirement his widow shall be entitled to an annual pension at the rate of seven per centum of his salary and at the additional rate of two per centum of his salary for each complete year of his service as a Judge in excess of one year but so that the rate of such pension shall not exceed twenty-five per centum of his salary:

Provided that if the widow re-marries her pension under this Act shall thereupon cease and determine.”.

15. New s. 8A. The following new section is inserted in the Principal Act after section eight:—

“**[8A.] Pensions in respect of children of deceased Judge.** (1) On the death of a Judge before his retirement or on the death of a retired Judge who was immediately prior to his death in receipt of a pension under this Act, a pension of two dollars per week shall be paid in respect of each of his children who are under the age of sixteen years and until the age of sixteen years has been attained to be used for the child's support and education:

Provided that where a retired Judge marries after his retirement and predeceases his wife a pension shall not be payable in respect of the children of the marriage.

(2) A pension payable under this section shall be payable to the parent or guardian of the child or to such other person having the care and control of the child as the Treasurer in his discretion shall think fit and the receipt of any such person for any payment of such pension shall be a full and sufficient discharge to the Treasurer therefor.”.

16. Amendment to s. 10. Section ten of the Principal Act is amended by inserting after the words “or to the widow” the words “or any child”.

17. Repeal of and new s. 15. Section fifteen of the Principal Act is repealed and the following section inserted in its stead:—

“**[15.] Leave of absence of Judges.** (1) Subject as hereinafter provided every Judge of the Supreme Court in office at the passing of “*The Judges' Salaries and Pensions Act of 1967,*” and every Judge of the Supreme Court thereafter appointed shall, subject to this Act, be entitled to leave of absence on the following scale:—

- (a) after seven years completed service from the date of his appointment, leave of absence on full pay for a period of six months;
- (b) after such seven years completed service, leave of absence on full pay on the basis of six-sevenths of a month for every further year of service,

and the Governor in Council shall on application made by the Judge in that behalf, grant such leave of absence to such Judge accordingly and any such Judge, notwithstanding that part of his service as a Judge was prior to the passing of “*The Judges' Salaries and Pensions Act of 1967,*” shall be entitled to leave of absence calculated from the date of his appointment in accordance with this section:

Provided that any Judge in office at the passing of “*The Judges' Salaries and Pensions Act of 1967,*” but who was not in office at the time of the passing of this Act and any Judge appointed to office after the date of the passing of “*The Judges' Salaries and Pensions Act of 1967,*” shall within three years after completing any period of seven years service in office (or in the case of any such Judge who shall have completed a period of seven years in office at the passing of the lastmentioned Act within three years after the passing of that Act) take the leave of absence to which he is entitled in respect of that period of seven years unless the Governor in Council otherwise approves and if he does not take such leave of absence as required by this proviso or within such extended period as may be approved by the Governor in Council he shall forfeit all his right thereto and to any payment in respect thereof.

(2) (a) The entitlement of a Judge to leave of absence under subsection (1) of this section shall be in lieu of his entitlement to leave of absence under subsection (1) of section three of “*The Supreme Court Acts Amendment Act of 1944*”;

(b) Subsection (2) of section three of "*The Supreme Court Acts Amendment Act of 1944*" shall be read and construed subject to this Act and more particularly as if—

(a) the words "subsection one of section fifteen of "*The Judges' Pensions Acts, 1957 to 1967,*" were substituted for the words "subsection one of this section" where they occur in that subsection (2) of section three of "*The Supreme Court Acts Amendment Act of 1944*"; and

(b) the proviso to subsection (1) of this section fifteen were inserted as a first proviso to the said subsection (2) of section three of "*The Supreme Court Acts Amendment Act of 1944*" and the existing provisos of that subsection (2) of section three were further provisos thereto."