

Queensland



ANNO TRICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE



No. 10 of 1984

**An Act to amend the Judges' Pensions Act 1957–1980 in
certain particulars and for related purposes**

[ASSENTED TO 6TH FEBRUARY, 1984]

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 and citation. (1) This Act may be cited as the *Judges' Pensions Act Amendment Act 1984*.

(2) In this Act the *Judges' Pensions Act 1957–1980* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Judges' Pensions Act 1957–1984*.

2. Amendment of s. 2. Meaning of terms. Section 2 of the Principal Act is amended by, in the definition “salary”, adding at the end thereof the words “including, in the case of a Judge whose retirement or death has not occurred before the passing of the *Judges' Pensions Act Amendment Act 1984*, every allowance at the annual rate payable to him”.

3. Amendment of s. 3. Pension of Judge retiring at age seventy. Section 3 of the Principal Act is amended by omitting the words “fifty per centum of his salary” and substituting the words “60 per centum of his salary or, in the case of a Judge who has retired before the passing of the *Judges' Pensions Act Amendment Act 1984*, 50 per centum of his salary”.

4. Amendment of s. 4. Pension of Judge retiring voluntarily at or after age sixty. Section 4 of the Principal Act is amended by omitting the words “fifty per centum of his salary” and substituting the words “60 per centum of his salary or, in the case of a Judge who has retired before the passing of the *Judges' Pensions Act Amendment Act 1984*, 50 per centum of his salary”.

5. Repeal of and new s. 5. The Principal Act is amended by repealing section 5 and substituting the following section:—

“**5. Pension of Judge retiring on account of ill-health.** Where a Judge retires or is retired from office 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 a rate consisting of—

(a) 75 per centum of the maximum pension entitlement that he might have had under this Act if he had not retired or been retired by reason of permanent disability or infirmity; and

(b) where he has served as a Judge for a period in excess of five years, an additional 5 per centum of the maximum pension entitlement referred to in paragraph (a) for each year of his service as a Judge in excess of five years,

but so that the rate of his pension shall not exceed 60 per centum of his salary.”.

6. Repeal of s. 6. Pension of Judge retiring on account of ill-health after less than two years' service. The Principal Act is amended by repealing section 6.

7. Repeal of and new s. 7. The Principal Act is amended by repealing section 7 and substituting the following section:—

“ 7. Pension of widow. Where a Judge dies before his retirement his widow shall be entitled until her re-marriage—

- (a) in the case of a Judge whose death has occurred before the passing of the *Judges' Pensions Act Amendment Act 1984*, to an annual pension at a rate consisting of 7 per centum of his salary and an additional rate of 2 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 annual pension shall not exceed 25 per centum of his salary; or
- (b) in the case of any other Judge, to an annual pension at a rate that is 50 per centum of the rate of annual pension that would have been payable under section 5 to the Judge if he had retired on the date of his death on account of his permanent disability or infirmity.”.

8. Repeal of and new s. 8. The Principal Act is amended by repealing section 8 and substituting the following section:—

“ 8. Pension of widow on death of retired Judge. Upon the death of a retired Judge who is entitled to a pension under this Act his widow (if her marriage to the Judge occurred before his retirement) shall be entitled until her re-marriage to an annual pension at the rate of 50 per centum of the rate of annual pension to which the Judge was entitled immediately before his death under the provisions of this Act applicable in his case.”.

9. Repeal of and new s. 8A. The Principal Act is amended by repealing section 8A and substituting the following section:—

“ 8A. Pension in respect of children of deceased Judge. (1) Upon the death of a Judge before his retirement or upon the death of a retired Judge who, immediately before his death, was entitled to an annual pension under this Act a pension of \$10 per week shall be paid in respect of each of his children to whom this section applies for use towards the child's support and education.

(2) This section applies to every child of the marriage of a Judge and his wife whom he has married before his retirement who—

- (a) has not attained the age of 16 years; or
- (b) being a child who is receiving full-time education at a school, college or university, has not attained the age of 25 years.

- (3) A pension payable under this section—
- (a) 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 thinks fit and the receipt of any such person for any payment of the pension shall be a full and sufficient discharge to the Treasurer therefor; and
 - (b) shall cease to be payable, in the case of a child referred to in paragraph (b) of subsection (2), upon his attaining the age of 25 years or his ceasing to receive full-time education as referred to in that paragraph, whichever event first occurs, or, in the case of any other child, upon his attaining the age of 16 years.”.

10. Repeal of and new s. 8B. The Principal Act is amended by repealing section 8B and substituting the following section:—

“**8B. Adjustment of pension entitlement.** (1) In the year 1984 and in each year thereafter the pension entitlement of a Judge who has retired or been retired or of the widow of a Judge or a retired Judge who has died shall be adjusted in accordance with this section.

(2) Any adjustment of pension entitlement under subsection (1) in each year shall be of the same nature and to the same extent as the adjustment required by the *Judges' Salaries and Pensions Act 1967–1980* to be made, pursuant to a determination of the Salaries and Allowances Tribunal established and constituted for the purposes of that Act, in that year to the salary of a Judge of the court of which the retired or deceased person served as a Judge.

(3) The adjustment to pension entitlement under subsection (1) shall be made so as to operate from and including the commencement of the pay period nominated by the Tribunal.”.

11. Repeal of s. 8C. Adjustment of pensions. The Principal Act is amended by repealing section 8c.

12. Repeal of Act No. 11 of 1972 and Act No. 29 of 1974. The following Acts are repealed:—

Judges' Pensions Act Amendment Act 1972. No. 11 of 1972.

Judges' Pensions Act Amendment Act 1974. No. 29 of 1974.