

JUDGES' PENSIONS AND EQUITY (AMENDMENT) ACT.

Act No. 52, 1964.

An Act to make further provisions with respect to pensions for the widows of deceased judges and deceased retired judges and for the Master in Equity and the widow of a Master in Equity; to amend the Judges' Pensions Act, 1953, and the Equity Act, 1901, as amended, in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1964.]

Elizabeth II,
No. 52, 1964

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Judges' Pensions and Equity (Amendment) Act, 1964".

Short title
and citation.

(2) The Judges' Pensions Act, 1953, as amended by this Act, may be cited as the Judges' Pensions Act, 1953-1964.

(3) The Equity Act, 1901, as amended by subsequent Acts, Rules of Court thereunder, and by this Act, may be cited as the Equity Act, 1901-1964.

2. The Judges' Pensions Act, 1953, is amended—

Amendment
of Act No.
41, 1953.

(a) by inserting in section six after the word "salary" the following new paragraph:—

Sec. 6.

(Pension
to widow
on death of
judge before
retirement.)

Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto

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thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more than five years, be at the rate of one-fifth of his salary and at the additional rate of one per centum of his salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of his salary.

Sec. 7.
(Pension to widow on death of retired judge.)

- (b) by inserting in section seven after the word "retirement" where secondly occurring the following new paragraph :—

Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more than five years, be at the rate of one-fifth of the salary payable to him immediately before his retirement and at the additional rate of one per centum of such salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of such salary.

Sec. 8.
(Prior judicial service under the State.)

- (c) by inserting in subsection three of section eight after the words "District Court" the words ", or an acting member of the Workers' Compensation Commission";

Sec. 11.
(Application of Act.)

- (d) by inserting at the end of section eleven the following new subsection :—

(3) Notwithstanding the foregoing provisions of this section the amendments made to sections six and seven of this Act by the Judges' Pensions and Equity (Amendment) Act, 1964, shall not apply to and in relation to persons who before the

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the commencement of such Act became entitled to No. 52, 1964
a pension pursuant to those sections as enacted
before such commencement.

3. The Equity Act, 1901, as amended by subsequent Acts, is amended—

Amendment
of Act No.
24, 1901.

(a) by omitting from paragraph (b) of subsection one of section 71A the words "on permanent disability or infirmity or";

Sec. 71A.
(Tenure of
office and
pension of
the Master.)

(b) by omitting from the same paragraph the words "twenty one-hundredths" and by inserting in lieu thereof the words "twenty-five per centum";

(c) by omitting from the same paragraph the words "three one-hundredths" and by inserting in lieu thereof the words "three and one-half per centum";

(d) by omitting from the same paragraph the word "one-half" and by inserting in lieu thereof the words "sixty per centum";

(e) by omitting from the same paragraph the words—
"In this paragraph 'salary' means the aggregate of the salaries paid to the Master in Equity as Master in Equity and as Master in Lunacy.";

(f) by inserting next after the same subsection the following new subsections :—

(1A) A Master in Equity who has attained the age of sixty years and has served as such for not less than ten years may retire voluntarily from his office, and on so retiring shall be entitled to an annual pension in all respects as if he had attained the age of seventy years and had retired from that office in accordance with law.

(1B) Where a Master in Equity retires from his office, and the Director-General of Public Health certifies that his retirement is by reason of permanent disability or infirmity—

(a) he shall, if his retirement occurs after he has served as Master in Equity for not less than five years, be entitled, on retiring, to

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an annual pension in all respects as if he had attained the age of seventy years and had retired from that office in accordance with law;

- (b) he shall, in any other case, be entitled, on retiring, to an annual pension at the rate of twenty-five per centum of his salary.

(1c) (a) Where a Master in Equity dies before his retirement his widow shall be entitled to an annual pension at the rate of twenty per centum of his salary and where he has served in such office for more than five years at the additional rate of one per centum of his salary for each complete year of his service after the expiration of the said five years to the time of his death, but so that the rate of such pension shall not exceed thirty per centum of such salary.

(b) Upon the death of a retired Master in Equity who was, immediately before his death in receipt of a pension under this section, his widow shall be entitled to an annual pension, if her marriage to the Master in Equity took place before his retirement, at the rate of twenty per centum of his salary at the time of his retirement and where he has served in such office for more than five years at the additional rate of one per centum of his salary at the time of his retirement for each complete year of his service after the expiration of the said five years to the date of his retirement, but so that the rate of such pension shall not exceed thirty per centum of his salary at the time of his retirement.

(c) If the widow re-marries, her pension under this subsection shall thereupon cease and determine.

- (g) by omitting from subsection four of the same section the words "Master in Lunacy" wherever occurring and by inserting in lieu thereof the words "Master in the Protective Jurisdiction of the Supreme Court";

(h)

(h) by inserting at the end of the same section the **No. 52, 1964**
following new subsection :—

(5) In this section “salary” means the salary paid to the Master in Equity by virtue of his office as Master in Equity and Master in the Protective Jurisdiction of the Supreme Court.
