

**SOLICITOR GENERAL (AMENDMENT) ACT,
1979, No. 57**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 57, 1979.

An Act to amend the Solicitor General Act, 1969, to confer certain pension entitlements on the Solicitor General.
[Assented to, 9th May, 1979.]

See also Superannuation (Solicitor General) Amendment Act, 1979.

Solicitor General (Amendment).

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 :—

Short
title.

1. This Act may be cited as the "Solicitor General (Amendment) Act, 1979".

Amend-
ment of
Act No. 80,
1969.
Sec. 6.

2. The Solicitor General Act, 1969, is amended by inserting after section 5 the following section :—

Pension of
Solicitor
General.

6. (1) Subject to this section, the Judges' Pensions Act, 1953, applies to and in respect of a person who holds or held the office of Solicitor General in the same way as it applies to and in respect of a judge or a retired or deceased judge.

(2) For the purposes of subsection (1)—

- (a) a reference in the Judges' Pensions Act, 1953, (section 2 (1) excepted) to a judge includes a reference to a person holding the office of Solicitor General;
- (b) a reference in that Act to a judicial office includes a reference to the office of Solicitor General;
- (c) a reference in that Act to the retirement of a judge includes a reference to the vacation of office of the Solicitor General;
- (d) a reference in section 3 of that Act to a retired judge to whom that section applies includes a reference to a person who held the office of Solicitor General and who vacated his office pursuant to section 2 (5) (e) of this Act, after serving as Solicitor General for not less than 5 years;

Solicitor General (Amendment).

- (e) a reference in section 5 of that Act to a retired judge to whom that section applies includes a reference to a person who held the office of Solicitor General and who vacated his office pursuant to section 2 (5) (c) of this Act or, where his vacation from office was certified by the Health Commission of New South Wales to have been due to permanent disability or infirmity, pursuant to section 2 (5) (d) of this Act;
- (f) a reference in that Act (sections 2 (1), 3 and 5 excepted) to a retired judge includes a reference to a person who held office as Solicitor General and who vacated his office as referred to in paragraph (d) or (e) of this subsection or as referred to in section 4 of that Act; and
- (g) section 4 of that Act shall be deemed to be omitted and the following section inserted in its stead :—

4. Where the Solicitor General vacates his office pursuant to section 2 (5) (d) of the Solicitor General Act, 1969, after attaining the age of 60 years and holding the office of Solicitor General for not less than 10 years, he shall on so vacating his office be entitled to an annual pension in all respects as if he had attained the age of 70 years and had vacated his office pursuant to section 2 (5) (e) of that Act.

(3) Where a person who holds or held the office of Solicitor General becomes a judge within the meaning of the Judges' Pensions Act, 1953—

- (a) any period served by that person in the office of Solicitor General shall, for the purposes of that Act, be computed as portion of his service as a judge in the judicial office which he held immediately before his retirement as a judge or his death before retirement, as the case may be; and

Solicitor General (Amendment).

(b) the right to any pension which that person is receiving, or is entitled to receive, under that Act as applied by this section shall cease.

(4) Subsections (1) and (3) do not apply to or in respect of—

- (a) a person appointed as Solicitor General before the date of assent to the Solicitor General (Amendment) Act, 1979;
 - (b) a person who elects, pursuant to section 3 (4B) of the Superannuation Act, 1916, to continue to contribute to the State Superannuation Fund; or
 - (c) a deputy appointed to act for the Solicitor General during his illness or absence.
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