

JUDGES' PENSIONS (AMENDMENT) ACT 1994 No. 11

NEW SOUTH WALES



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JUDGES' PENSIONS (AMENDMENT) ACT 1994 No. 11

NEW SOUTH WALES



Act No. 11, 1994

An Act to amend the Judges' Pensions Act 1953 in relation to the continuance of the pension payable to the widow or widower of a judge or former judge. [Assented to 10 May 1994]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Judges' Pensions (Amendment) Act 1994.

Commencement

2. This Act commences on the date of assent.

Amendment of Judges' Pensions Act 1953 No. 41

3. The Judges' Pensions Act 1953 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(See. 3)

(1) Section 6 (Pension for widow or widower of judge or retired judge):

(a) From section 6 (1), omit "or remarriage" wherever occurring.

(b) After section 6 (5), insert:

(4) The amendment made by the Judges' Pensions (Amendment) Act 1994 to subsection (1) extends to a person who is lawfully entitled to a pension under this section at the commencement of that Act. Accordingly, the person does not cease to be entitled to it because the person remarries afterwards.

(7) The amendment made by the Judges' Pensions (Amendment) Act 1994 to subsection (1) does not apply to a person whose pension ceased to be payable because the person remarried before the commencement of that Act, but the person can apply for the pension to be restored under section 7.

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 7:

After section 6, insert:

Restoration of widow's or widower's pension if lost due to remarriage

7. (1) If a person's pension under section 6 ceased to be payable before the commencement day because the person remarried, the person may apply to the Attorney General for the pension to be restored.

(2) If the Attorney General is satisfied that:

(a) the person is in need; or

(b) the restoration of the person's pension is otherwise justified,

the Attorney General may direct in writing that the person's pension is to be restored.

(3) The Attorney General may direct that the person's pension is to be restored from a day before the application day if satisfied that there are special circumstances that justify restoration of the pension from that earlier day.

(4) The Attorney General must not specify a day under subsection (3) that is before the commencement day.

(5) If the Attorney General gives a direction under subsection (2), the person's pension is restored:

(a) from and including the day specified in the direction; or

(b) if no day is specified in the direction, from and including the application day.

(6) If the Attorney General decides not to restore a person's pension under this section, the Attorney General must give the person written notice of that decision. The notice must include reasons for the decision.

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SCHEDULE 1—AMENDMENTS—*continued*

(7) In this section:

“**application day**” means the day on which the application under subsection (1) was made;

“**commencement day**” means the day on which the Judges' Pensions (Amendment) Act 1994 commences.

*[Minister's second reading speech made in—
Legislative Assembly on 17 March 1994
Legislative Council on 20 April 1994]*