

Act 1994 No. 11

## JUDGES' PENSIONS (AMENDMENT) BILL 1994

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to provide that a pension paid to the widow or widower of a judge or former judge does not cease on remarriage.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the proposed Act to commence on the day on which it receives assent.

**Clause 3** is a formal provision giving effect to the Schedule of amendments.

### SCHEDULE 1—AMENDMENTS

#### **Remarriage not to affect pension of widow or widower**

**Schedule 1 (1) (a)** removes references to remarriage, the result being that a pension payable to a widow or widower of a judge or former judge will continue until death.

**Schedule 1 (1) (b)** contains two transitional provisions. The first makes it clear that the amendments extend to pensions currently in payment. The second provides that the amendments do not apply to pensions that have ceased to be payable because of remarriage (but the widow or widower can apply for the pension to be restored).

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

**Schedule 1 (2)** inserts a new section that enables the widow or widower of a judge or former judge to apply to the Attorney General for the restoration of a pension lost because of remarriage. The Attorney General can direct restoration of the pension if satisfied that the applicant is in need or that restoration is otherwise justified. Restoration can take effect from the date the application is made, or from an earlier day if there are special circumstances, but not before the commencement of the proposed Act.

*Judges' Pensions (Amendment) 1994 [Act 1994 No. 11]*

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The new section closely follows section 8A of the Judges' Pensions Act 1968 of the Commonwealth, as inserted by the Law and Justice Legislation Amendment Act (No. 2) 1992 No. 23 of the Commonwealth.

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