



ANNO DECIMO QUINTO

## ELIZABETHAE II REGINAE

A.D. 1966

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### No. 85 of 1966

An Act to amend the Supreme Court Act, 1935-1965.

[Assented to 1st December, 1966.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act (No. 1), 1966". Short titles.
- (2) The Supreme Court Act, 1935-1965, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1966".
- (3) The Supreme Court Act, 1935-1965, is hereinafter referred to as "the principal Act".
  
2. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement.
  
3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
  
4. Section 12 of the principal Act is repealed and the following section is inserted in the principal Act in lieu thereof :— Amendment of principal Act, s. 12—
  12. (1) The salary of the Chief Justice shall be at the rate of sixteen thousand six hundred dollars a year and the salary of every Puisne Judge shall be at the rate of fourteen thousand nine hundred dollars a year. Salaries of Judges.

(2) The rates of salary fixed by subsection (1) of this section shall be deemed to have come into force for all purposes (including contributions for pension and rights to pension) on the date of commencement of this Act.

(3) Such salaries shall be paid by the Treasurer out of the General Revenue of the State on the warrant of the Governor, which warrant the Governor is hereby authorized and required to issue from time to time.

Enactment of  
s. 13h of  
principal Act—

5. The following heading and section are inserted in the principal Act after section 13g thereof :—

*Leave on Retirement.*

Long  
leave of  
absence.

13h. (1) Subject to this section, the Governor may grant to any Judge immediately prior to his retirement not more than six months leave of absence on full salary.

(2) Where a Judge retires or resigns without taking any leave which had been or could have been granted to him under subsection (1) of this section, the Governor may direct that a cash payment be made to him in lieu of the leave not so taken. The payment shall not exceed the amount of the Judge's salary for a period equal to the period of the leave not so taken, calculated at the rate at which he was being paid at the time of the retirement or resignation.

(3) A direction under subsection (2) of this section may be given before or after the retirement or resignation of the Judge and a payment under that subsection may be made before or after that retirement or resignation.

(4) If any Judge dies before the commencement or during the currency of any leave granted or before such leave has been granted pursuant to subsection (1) of this section the Governor may, in respect of the period of the leave so granted or the unexpired portion thereof, or in respect of the period of the leave which might have been granted (according to the circumstances of the case), pay to the dependants (if any) of such Judge the amounts of salary which would have been payable to such Judge himself if he had survived. If the Judge died without leaving any dependants the Governor may pay the said amounts of salary to his personal representatives.

Any question as to—

- I. Whether there are any dependants in any particular case, or who are the dependants :
- II. What dependant or dependants shall be entitled to the benefit of payments made under this subsection, and in what proportions if more than one dependant,

shall be settled by the Governor, as he deems proper.

In this subsection the terms—

“dependants” means those members of the family of a Judge who were wholly or in part dependent upon his earnings at the time of his death :

“members of the family” includes wife or husband, parents, grand-parents, step-parents, children, grand-children, step-children, brothers, sisters, half-brothers and half-sisters.

(5) Where leave is granted to any Judge under this section, that Judge may, at the commencement of such leave, be paid the total salary which would be payable to him during the currency of the leave.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.