



TASMANIA

**JUDGES' CONTRIBUTORY PENSIONS AMENDMENT
ACT 1995**

No. 19 of 1995

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**JUDGES' CONTRIBUTORY PENSIONS AMENDMENT
ACT 1995**

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AN ACT to amend the *Judges' Contributory Pensions Act 1968*

[Royal Assent 24 July 1995]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Judges' Contributory Pensions Amendment Act 1995*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Judges' Contributory Pensions Act 1968** is referred to as the Principal Act.

Section 3 amended (Application of Act)

4—Section 3 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) This Act also applies to—

- (a) the person who, on the day on which the *Judges' Contributory Pensions Amendment Act 1995* commences, holds the office of Master by appointment under section 4 (1) of the *Supreme Court Act 1959*; and
- (b) a person who is appointed to the office of Master under section 4 (1) of the *Supreme Court Act 1959* after the day on which the *Judges' Contributory Pensions Amendment Act 1995* commences.

Section 4 amended (Contributions)

5—Section 4 (1) of the Principal Act is amended by omitting “judge” and substituting “person”.

Section 5 amended (Entitlement to pension)

6—Section 5 (1) of the Principal Act is amended as follows:—

- (a) by omitting “A judge” and substituting “A person”;
- (b) by inserting in paragraph (a) “in the case of a judge or on retirement pursuant to section 5 (2) of the *Supreme Court Act 1959* in the case of the Master” after “1887”;
- (c) by inserting in paragraph (b) “or Master” after “judge”.

* No. 73 of 1968. For this Act, as amended to 1 July 1983, see the continuing Reprint of Statutes. Subsequently amended by No. 68 of 1994.

Section 6 substituted

7—Section 6 of the Principal Act is repealed and the following section is substituted:—

Pensions to spouses

6—(1) If a person to whom this Act applies dies in office, that person's widow or widower becomes entitled to a pension in respect of the contributions required to be made by that person under this Act.

(2) If a person who has become entitled to a pension under section 5 dies, that person's widow or widower, if married to that person at the time at which that person became so entitled, becomes entitled to a pension in respect of the contributions required to be made by that person under this Act.

(3) The pension to which a widow or widower becomes entitled under this section is a pension at the rate of one-third of the appropriate judicial salary.

Section 7 amended (Calculation of rates of pensions)

8—Section 7 (3) of the Principal Act is amended by inserting the following paragraph after paragraph (a):—

(ab) in relation to a pension payable in respect of contributions paid by a person who, immediately before he or she became entitled to a pension under this Act or at his or her death, was the Master, the salary for the time being required by law to be paid to the Master; and

Section 8 amended (Return of contributions)

9—Section 8 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) "judge retires from his office" and substituting "person to whom this Act applies retires from office";
- (b) by omitting from subsection (1) "him" and substituting "that person";

- (c) by omitting from subsection (1) "his" and substituting "that person's";
- (d) by omitting from subsection (2) "judge" and substituting "person to whom this Act applies";
- (e) by omitting from subsection (2) "his" (wherever occurring) and substituting "that person's".

Section 9 amended (Supplementary financial provisions)

10—Section 9 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) "*Public Account Act 1957*" and substituting "*Public Account Act 1986*";
- (b) by omitting from subsection (1) "Part IV" and substituting "Part III";
- (c) by omitting from subsection (2) "by judges" and substituting "by persons";
- (d) by omitting from subsection (2) "that fund" and substituting "that pension fund".

Section 10 inserted

11—After section 9 of the Principal Act, the following section is inserted:—

Effect on pension rights of appointment of Master as judge

10—If a person who holds or has held office as Master pursuant to an appointment under section 4 (1) of the *Supreme Court Act 1959* becomes a judge—

- (a) the period during which that person held office as Master is, for the purposes of section 5, to be added to, and is to be taken to be part of, that person's period of service as a judge; and
- (b) any pension being paid to that person under this Act in relation to his or her service as Master ceases forthwith to be payable.

Supreme Court Act 1887 amended

12—Section 3 of the *Supreme Court Act 1887* is amended by omitting subsection (4) and substituting the following subsection:—

(4) The *Judges' Contributory Pensions Act 1968* does not apply to a person by reason of that person holding office as an acting judge and service as an acting judge is not taken to be service as a judge for the purposes of that Act.

Supreme Court Act 1959 amended

13—Section 5F of the *Supreme Court Act 1959* is amended by omitting subsections (2), (3) and (4).

Transitional provision

14—(1) In this section—

“**account**” means account established under regulation 31 of the *Retirement Benefits Regulations 1994*;

“**commencement day**” means the day on which this Act commences;

“**Fund**” means the Retirement Benefits Fund continued in existence under section 11 of the *Retirement Benefits Act 1993*;

“**serving Master**” means the person who, immediately before the commencement day, held the office of Master by appointment under section 4 (1) of the *Supreme Court Act 1959*;

“**Board**” means the Retirement Benefits Fund Board continued in existence under section 7 of the *Retirement Benefits Act 1993*.

(2) On the commencement day, the serving Master—

(a) ceases to be a member within the meaning, or for the purposes, of the *Retirement Benefits Act 1993*; and

(b) ceases to be entitled to any payment or benefit from the Board under that Act.

(3) The Board must, within 16 days of the commencement day—

(a) pay to the Treasurer out of the Fund, a sum equal to five-elevenths of the amount standing to the credit of the serving Master's account immediately before the commencement day; and

(b) pay to the serving Master out of the Fund a sum equal to six-elevenths of the amount standing to the credit of the serving Master's account immediately before the commencement day.

(4) The Treasurer, as soon as practicable after receiving the sum referred to in subsection (3) (a), must credit that sum to the Judges' Pension Fund established under section 9 of the Principal Act.

*[Second reading presentation speech made in:—
House of Assembly on 30 June 1995
Legislative Council on 6 July 1995]*