

Appoint-
ment of third
judge.

2 Section two of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

“(1) In addition to the Chief Justice and the puisne judge of the Supreme Court, it shall be lawful for the Governor to nominate and appoint two barristers of the said Court, being duly qualified in that behalf, to be additional puisne judges of the said Court, and, notwithstanding any other law to the contrary or anything to the contrary contained in the Charter of Justice, the said Court shall, after the nomination and appointment of the two additional puisne judges, consist of four judges.”

3 After section six of the Principal Act the following section is inserted:—

Retirement of
judges.

Cf. 12 Geo. V.
No. 14.
(Qld.), s. 3,
and No. 9,
1918
(N.S.W.) s.
3.

“6A.—(1) Each of the judges of the said Court shall retire from office on attaining the age of seventy years.

(2) This section does not apply to or in respect of any person holding office as a judge of the said Court at the commencement of this section.”

JUDGES' PENSIONS.

No. 19 of 1951.

AN ACT to provide for the payment of pensions to judges of the Supreme Court upon their retirement, and to the widows of deceased judges in certain cases; and to repeal the *Supreme Court Judges' Retiring Allowances Act 1880* and section three of the *Supreme Court Act 1887*.
[1 May, 1951.]

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' Pensions Act 1951*.

Repeal.

2 The *Supreme Court Judges Retiring Allowances Act 1880** (in this Act referred to as “the repealed Act”) is repealed.

* 44 Vict. No. 28. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 11.

3 In this Act, unless the contrary intention appears, "salary" means salary at the rate payable to a judge immediately prior to his retirement, or immediately prior to his death before retirement, as the case may be.

Interpretation.
Cf. No. 65 of
1948
Cth s. 3.

4—(1) Where a judge who has attained the age of sixty years retires after serving as a judge for not less than fifteen years he shall, on retiring, be entitled to an annual pension at the rate of fifty per cent of his salary.

Pensions of
judges.
Ibid., s. 6.

(2) Where a judge retires, and the Minister certifies that his retirement is by reason of permanent disability or infirmity—

- (a) if his retirement occurs during the first five years of his service as a judge, he shall be entitled, on retiring, to an annual pension at the rate of fifteen per cent of his salary; or
- (b) if his retirement occurs after he has served as a judge for not less than five years, he shall be entitled, on retiring, to an annual pension at the rate of fifteen per cent of his salary and at an additional rate of two and one-half per cent of his salary for each completed year of his service in excess of five years, but so that the rate of his pension shall not exceed fifty per cent of his salary.

5 Where a judge dies before his retirement—

- (a) if his death occurs during the first five years of his service as a judge, an annual pension shall be paid to his widow at the rate of seven and one-half per cent of his salary; or
- (b) if his death occurs after he has served as a judge for not less than five years, an annual pension shall be paid to his widow at the rate specified in paragraph (a) of this section and at an additional rate, for each completed year of his service in excess of five years, of one and one-quarter per cent of his salary, but so that the rate of her pension shall not exceed twenty-five per cent of that salary:

Pension to
widow on
death of
judge before
retirement.
Ibid., s. 7.

Provided that, if the widow re-marries, her pension under this section shall thereupon cease and determine.

6 Upon the death of a retired judge who is in receipt of a pension under section four an annual pension shall be paid to his widow, if her marriage to the retired judge occurred prior to his retirement, at the rate of one-half of the rate of pension payable to that judge immediately prior to his death:

Pension to
widow on
death of
retired judge.
Ibid., s. 8.

Provided that, if the widow re-marries, her pension under this section shall thereupon cease and determine.

7 Notwithstanding anything contained in sections four, five, and six where a retired judge marries after his retirement and predeceases his wife, no pension shall be payable under this Act to his widow.

Marriage
after retire-
ment.
Ibid., s. 10.

Payment of pensions and allowances.

Ibid., s. 11.

8 All pensions payable under or by virtue of this Act—

(a) shall accrue due from day to day; and

(b) shall be payable monthly out of the Consolidated Revenue which, to the necessary extent, is hereby appropriated accordingly.

Application of Act.

Ibid., s. 13.

9—(1) The provisions of this Act shall apply to every judge who is appointed after the commencement of this Act.

(2) The provisions of this Act shall not apply to any judge who is holding office as a judge at the date of the commencement of this Act unless, by notice in writing to the Minister within six months after the commencement of this Act, he elects to come within the application of those provisions.

(3) A judge to whom the provisions of this Act apply by virtue of an election in pursuance of subsection (2) of this section shall, on and from the date of his election, have the rights and benefits provided by those provisions in substitution for any right to a retiring allowance to which he would have been entitled under the repealed Act.

(4) A judge who is holding office as such at the commencement of this Act and who does not make an election in pursuance of subsection (2) of this section shall retain all rights to the retiring allowance to which he was entitled, immediately prior to the commencement of this Act, under the repealed Act and the repealed Act shall continue to apply to that judge as if it were still in force.

Consequential amendment of *Supreme Court Act 1887*.

10 Section three of the *Supreme Court Act 1887** is repealed.

* 50 Vict. No. 36. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 13.

JUDGES' SALARIES.

No. 20 of 1951.

AN ACT to amend the *Judges' Salaries Act 1920*.
[1 May, 1951.]

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 and citation.

1—(1) This Act may be cited as the *Judges' Salaries Act 1951*.