

New South Wales.



ANNO UNDEVICESIMO

GEORGII V REGIS.

Act No. 7, 1928.

An Act to make further provisions regarding Judges of the Supreme Court and of District Courts; to amend the Supreme Court and Circuit Courts Act, 1900, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th June, 1928.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Supreme Court Short title. and District Courts (Judges) Act, 1928."

2.

Supreme Court and District Courts (Judges).

Amendment
of Act No.
35, 1900, s. 9.

2. The Supreme Court and Circuit Courts Act, 1900, as amended by subsequent Acts is amended by inserting next after subsection three of section nine the following new subsection:—

Appoint-
ments.

(+) The proviso to subsection one of this section shall not extend to an appointment made to fill the office of a judge about to retire and who has been granted leave of absence pending his retirement.

Further
amendment
of Act No.
35, 1900,
s. 12.

3. The Supreme Court and Circuit Courts Act, 1900, is further amended—

(a) by inserting at the end of subsection two of section twelve the words “at the time of his retirement”;

(b) by inserting in subsection three of the same section, inserted by the Judges Pensions (Amendment) Act, 1906:—

(i) after the word “infirmity” the words “or in accordance with the provisions of the Judges Retirement Act, 1918”;

(ii) after the word “salary” wherever occurring the words “at the time of his retirement”;

Sec. 3.

(c) by inserting in section three next after the definition of “Chief Justice” the following new definition—

“Ireland” includes Northern Ireland and the Irish Free State;

Sec. 38.

(d) by omitting from section thirty-eight the figures “1898” and by inserting in lieu thereof the figures “1920–1924”;

Sec. 12.

(e) by renumbering subsections two and three of section twelve as originally enacted in the year one thousand and nine hundred as subsections four and five respectively.

Amendment
of Act No.
23, 1912,
s. 20.
(Pension.)

4. The District Courts Act, 1912, is amended by inserting in subsection two of section twenty—

(a) after the word “infirmity” the words “or in accordance with the provisions of the Judges Retirement Act, 1918”;

(b) after the word “salary” wherever occurring in paragraph (b) the words “at the time of his retirement.”

By Authority:

ALFRED JAMES KENT, Government Printer, Sydney, 1928.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 1 June, 1928, A.M.

New South Wales.



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Act No. 7, 1928.

An Act to make further provisions regarding Judges of the Supreme Court and of District Courts; to amend the Supreme Court and Circuit Courts Act, 1900, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th June, 1928.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Supreme Court and District Courts (Judges) Act, 1928." Short title.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Supreme Court and District Courts (Judges).

- 2.** The Supreme Court and Circuit Courts Act, 1900, as amended by subsequent Acts is amended by inserting next after subsection three of section nine the following new subsection :—
- (4) The proviso to subsection one of this section shall not extend to an appointment made to fill the office of a judge about to retire and who has been granted leave of absence pending his retirement.
- 3.** The Supreme Court and Circuit Courts Act, 1900, is further amended—
- (a) by inserting at the end of subsection two of section twelve the words “at the time of his retirement” ;
- (b) by inserting in subsection three of the same section, inserted by the Judges Pensions (Amendment) Act, 1906 :—
- (i) after the word “infirmity” the words “or in accordance with the provisions of the Judges Retirement Act, 1918” ;
- (ii) after the word “salary” wherever occurring the words “at the time of his retirement” ;
- (c) by inserting in section three next after the definition of “Chief Justice” the following new definition—
- “Ireland” includes Northern Ireland and the Irish Free State ;
- (d) by omitting from section thirty-eight the figures “1898” and by inserting in lieu thereof the figures “1920-1924” ;
- (e) by renumbering subsections two and three of section twelve as originally enacted in the year one thousand and nine hundred as subsections four and five respectively.
- 4.** The District Courts Act, 1912, is amended by inserting in subsection two of section twenty—
- (a) after the word “infirmity” the words “or in accordance with the provisions of the Judges Retirement Act, 1918” ;
- (b) after the word “salary” wherever occurring in paragraph (b) the words “at the time of his retirement.”

Amendment
of Act No.
35, 1900, s. 9.

Appoint-
ments.

Further
amendment
of Act No.
35, 1900,
s. 12.

Sec. 3.

Sec. 38.

Sec. 12.

Amendment
of Act No.
23, 1912,
s. 20.
(Pension.)

*In the name and on behalf of His Majesty I assent to
this Act.*

Government House,
Sydney, 6th June, 1928.

D. R. S. DE CHAIR,
Governor.

SUPREME COURT AND DISTRICT COURTS (JUDGES) BILL.

SCHEDULE of the Amendment referred to in Message of 31st May, 1928.

Page 2, clause 3, line 27. *Omit* "Southern Ireland" *insert* "the Irish Free State."

SUPREME COURT AND DISTRICT COURTS (JUDGES) BILL.

SCHEMULE of the Amendment referred to in Sections of 31st May, 1928.

Page 2. Clause 2, line 21. Words "Southern Ireland" read "the Irish Free State".

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 24 May, 1928.

THE LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 31st May, 1928.

New South Wales.



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GEORGII V REGIS.

Act No. , 1928.

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Supreme Court and District Courts (Judges) Act, 1928." Short title.

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6—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Supreme Court and District Courts (Judges).

2. The Supreme Court and Circuit Courts Act, 1900, as amended by subsequent Acts is amended by inserting next after subsection three of section nine the following new subsection:—

5 (4) The proviso to subsection one of this section shall not extend to an appointment made to fill the office of a judge about to retire and who has been granted leave of absence pending his retirement. Appoint-ments.

3. The Supreme Court and Circuit Courts Act, 1900, is further amended— Further amendment of Act No. 35, 1900, s. 12.

(a) by inserting at the end of subsection two of section twelve the words "at the time of his retirement";

15 (b) by inserting in subsection three of the same section, inserted by the Judges Pensions (Amendment) Act, 1906:—

(i) after the word "infirmity" the words "or in accordance with the provisions of the Judges Retirement Act, 1918";

20 (ii) after the word "salary" wherever occurring the words "at the time of his retirement";

(c) by inserting in section three next after the definition of "Chief Justice" the following new definition— Sec. 3.

25 "Ireland" includes Northern Ireland and ~~Southern Ireland~~; **the Irish Free State**; Sec. 38.

(d) by omitting from section thirty-eight the figures "1898" and by inserting in lieu thereof the figures "1920-1924";

30 (e) by renumbering subsections two and three of section twelve as originally enacted in the year one thousand and nine hundred as subsections four and five respectively. Sec. 12.

35 4. The District Courts Act, 1912, is amended by inserting in subsection two of section twenty— Amendment of Act No. 23, 1912, s. 20.

(a) after the word "infirmity" the words "or in accordance with the provisions of the Judges Retirement Act, 1918"; (Pensions)

40 (b) after the word "salary" wherever occurring in paragraph (b) the words "at the time of his retirement."

1928.

Legislative Council.

Supreme Court and District Courts (Judges) Bill, 1928.

EXPLANATORY MEMORANDUM.

Clause 2 of the Bill is intended to meet the difficulty occasioned by a Justice of the Supreme Court being granted leave prior to retirement. As the office is not vacant till the expiration of his leave no permanent appointment can be made till that date, and the appointment of temporary judges is the only course available at present. The proviso referred to in the clause is as follows:—

“Provided that where the number of Puisne Judges amounts to eight or more the Governor may exercise the power conferred by this section only on resolutions of both Houses of Parliament that the state of business requires that one or more additional Puisne Judges should be appointed.”

Clause 3.—

- (a) Is a drafting amendment and to make it clear that the pension is to be based on the rate of salary at the date of retirement ;
- (b) makes it clear that when a Judge retires at seventy after five years' service he will be entitled to a proportionate pension ;
- (c) is introduced owing to the separation of Northern and Southern Ireland ;
- (d) is to make the reference to the Stamp Duties Act applicable to the Act now in force ;
- (e) is to obviate a difficulty in reprinting the Act, owing to an error in the Judges Pensions Act, 1906, which inserted two subsections numbered (2) and (3) before the subsections of those numbers then in the Act.

Clause 4.—

- (a) Makes it clear that when a Judge retires at seventy after five years' service he will be entitled to a proportionate pension ;
- (b) makes it clear that a pension is to be based on the rate of salary at the date of retirement.

1871

THE UNIVERSITY OF CHICAGO

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

S. G. BOYDELL,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 May, 1928.*

New South Wales.



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Supreme Court and District Courts (Judges).

2. The Supreme Court and Circuit Courts Act, 1900, as amended by subsequent Acts is amended by inserting next after subsection three of section nine the following new subsection :—
- 5 (4) The proviso to subsection one of this section shall not extend to an appointment made to fill the office of a judge about to retire and who has been granted leave of absence pending his retirement. Amendment of Act No. 35, 1900, s. 9. Appoint-ments.
- 10 3. The Supreme Court and Circuit Courts Act, 1900, is further amended— Further amendment of Act No. 35, 1900, s. 12.
- (a) by inserting at the end of subsection two of section twelve the words “at the time of his retirement”;
- 15 (b) by inserting in subsection three of the same section, inserted by the Judges Pensions (Amendment) Act, 1906 :—
- (i) after the word “infirmity” the words “or in accordance with the provisions of the Judges Retirement Act, 1918”;
- 20 (ii) after the word “salary” wherever occurring the words “at the time of his retirement”;
- (c) by inserting in section three next after the definition of “Chief Justice” the following new definition— Sec. 3.
- 25 “Ireland” includes Northern Ireland and Southern Ireland; Sec. 38.
- (d) by omitting from section thirty-eight the figures “1898” and by inserting in lieu thereof the figures “1920–1924”;
- 30 (e) by renumbering subsections two and three of section twelve as originally enacted in the year one thousand and nine hundred as subsections four and five respectively. Sec. 12.
- 35 4. The District Courts Act, 1912, is amended by inserting in subsection two of section twenty— Amendment of Act No. 23, 1912, s. 20.
- (a) after the word “infirmity” the words “or in accordance with the provisions of the Judges Retirement Act, 1918”;
- 40 (b) after the word “salary” wherever occurring in paragraph (b) the words “at the time of his retirement.” (Pension.)