

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 26 November, 1964.

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to make further provisions with respect to pensions for the widows of deceased judges and deceased retired judges and for the Master in Equity and the widow of a Master in Equity; to amend the Judges' Pensions Act, 1953, and the Equity Act, 1901, as amended, in certain respects; and for purposes connected therewith.

BE it enacted by the Queen'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. (1) This Act may be cited as the "Judges' Pensions and Equity (Amendment) Act, 1964".

Short title
and citation.

(2)

Judges' Pensions and Equity (Amendment).

(2) The Judges' Pensions Act, 1953, as amended by this Act, may be cited as the Judges' Pensions Act, 1953-1964.

(3) The Equity Act, 1901, as amended by subsequent 5 Acts, Rules of Court thereunder, and by this Act, may be cited as the Equity Act, 1901-1964.

2. The Judges' Pensions Act, 1953, is amended—

Amendment of Act No. 41, 1953.

(a) by inserting in section six after the word "salary" the following new paragraph :—

Sec. 6.

(Pension to widow on death of judge before retirement.)

10

Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more than five years, be at the rate of one-fifth of his salary and at the additional rate of one per centum of his salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of his salary.

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(b) by inserting in section seven after the word "retirement" where secondly occurring the following new paragraph :—

Sec. 7.

(Pension to widow on death of retired judge.)

25

Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more

30

than

Judges' Pensions and Equity (Amendment).

- (d) by omitting from the same paragraph the word "one-half" and by inserting in lieu thereof the words "sixty per centum";
- 5 (e) by omitting from the same paragraph the words—
"In this paragraph 'salary' means the aggregate of the salaries paid to the Master in Equity as Master in Equity and as Master in Lunacy.";
- (f) by inserting next after the same subsection the following new subsections : —
 - 10 (1A) A Master in Equity who has attained the age of sixty years and has served as such for not less than ten years may retire voluntarily from his office, and on so retiring shall be entitled to an annual pension in all respects as if he had attained
 - 15 the age of seventy years and had retired from that office in accordance with law.
 - (1B) Where a Master in Equity retires from his office, and the Director-General of Public Health certifies that his retirement is by reason of permanent disability or infirmity—
 - 20 (a) he shall, if his retirement occurs after he has served as Master in Equity for not less than five years, be entitled, on retiring, to an annual pension in all respects as if he
 - 25 had attained the age of seventy years and had retired from that office in accordance with law ;
 - (b) he shall, in any other case, be entitled, on retiring, to an annual pension at the rate of
 - 30 twenty-five per centum of his salary.
 - (1C) (a) Where a Master in Equity dies before
 - 35 his retirement his widow shall be entitled to an annual pension at the rate of twenty per centum of his salary and where he has served in such office for more than five years at the additional rate of one per centum of his salary for each complete year

of

Judges' Pensions and Equity (Amendment).

of his service after the expiration of the said five years to the time of his death, but so that the rate of such pension shall not exceed thirty per centum of such salary.

5 (b) Upon the death of a retired Master
in Equity who was, immediately before his death
in receipt of a pension under this section, his widow
shall be entitled to an annual pension, if her mar-
10 riage to the Master in Equity took place before
his retirement, at the rate of twenty per centum of
his salary at the time of his retirement and where
he has served in such office for more than five
years at the additional rate of one per centum of
15 his salary at the time of his retirement for each
complete year of his service after the expiration
of the said five years to the date of his retirement,
but so that the rate of such pension shall not exceed
thirty per centum of his salary at the time of his
retirement.

20 (c) If the widow re-marries, her pension
under this subsection shall thereupon cease and
determine.

(g) by omitting from subsection four of the same sec-
25 tion the words "Master in Lunacy" wherever
occurring and by inserting in lieu thereof the words
"Master in the Protective Jurisdiction of the
Supreme Court";

(h) by inserting at the end of the same section the
following new subsection :—

30 (5) In this section "salary" means the salary
paid to the Master in Equity by virtue of his office
as Master in Equity and Master in the Protective
Jurisdiction of the Supreme Court.

BY AUTHORITY:

Judges' Pensions and Equity (Amendment).

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10 (c) by inserting in subsection three of section eight after the words "District Court" the words ", or an acting member of the Workers' Compensation Commission"; Sec. 8. (Prior judicial service under the State.)

(d) by inserting at the end of section eleven the following new subsection :— Sec. 11. (Application of Act.)

15 (3) Notwithstanding the foregoing provisions of this section the amendments made to sections six and seven of this Act by the Judges' Pensions and Equity (Amendment) Act, 1964, shall not apply to and in relation to persons who before the commencement of such Act became entitled to a pension pursuant to those sections as enacted before such commencement.

20 **3.** The Equity Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1901.

25 (a) by omitting from paragraph (b) of subsection one of section 71A the words "on permanent disability or infirmity or"; Sec. 71A. (Tenure of office and pension of the Master.)

(b) by omitting from the same paragraph the words "twenty one-hundredths" and by inserting in lieu thereof the words "twenty-five per centum";

30 (c) by omitting from the same paragraph the words "three one-hundredths" and by inserting in lieu thereof the words "three and one-half per centum";

(d)

THE HISTORY OF THE UNITED STATES

OF THE

REPUBLIC OF THE UNITED STATES

OF AMERICA

BY

WILLIAM F. SWANWICK

OF THE

UNIVERSITY OF CALIFORNIA

BERKELEY

1901

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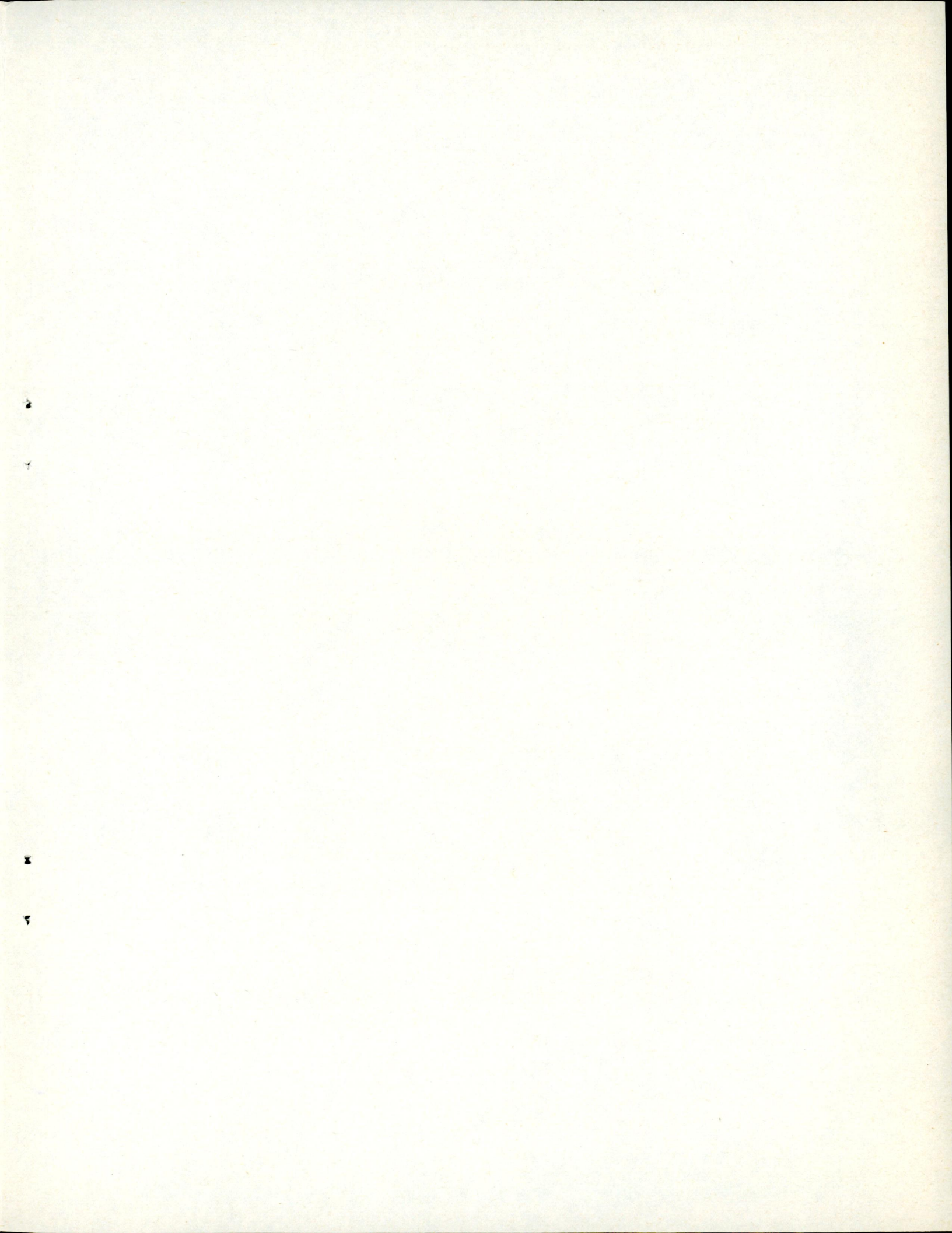
PUBLISHERS

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THE

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No. , 1964.

A BILL

To make further provisions with respect to pensions for the widows of deceased judges and deceased retired judges and for the Master in Equity and the widow of a Master in Equity; to amend the Judges' Pensions Act, 1953, and the Equity Act, 1901, as amended, in certain respects; and for purposes connected therewith.

[MR. MANNIX;—19 November, 1964.]

BE it enacted by the Queen'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
5 follows:—

1. (1) This Act may be cited as the "Judges' Pensions and Equity (Amendment) Act, 1964".

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(2) The Judges' Pensions Act, 1953, as amended by this Act, may be cited as the Judges' Pensions Act, 1953-1964.

(3) The Equity Act, 1901, as amended by subsequent Acts, Rules of Court thereunder, and by this Act, may be cited as the Equity Act, 1901-1964.

2. The Judges' Pensions Act, 1953, is amended—

Amendment of Act No. 41, 1953.

(a) by inserting in section six after the word "salary" the following new paragraph :—

Sec. 6.
(Pension to widow on death of judge before retirement.)

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Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more than five years, be at the rate of one-fifth of his salary and at the additional rate of one per centum of his salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of his salary.

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(b) by inserting in section seven after the word "retirement" where secondly occurring the following new paragraph :—

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Judges' Pensions and Equity (Amendment).

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10 (c) by inserting in subsection three of section eight after the words "District Court" the words ", or an acting member of the Workers' Compensation Commission";

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3. The Equity Act, 1901, as amended by subsequent Acts, is amended—

Amendment of Act No. 24, 1901.

25 (a) by omitting from paragraph (b) of subsection one of section 71A the words "on permanent disability or infirmity or";

Sec. 71A.
(Tenure of office and pension of the Master.)

(b) by omitting from the same paragraph the words "twenty one-hundredths" and by inserting in lieu thereof the words "twenty-five per centum";

30 (c) by omitting from the same paragraph the words "three one-hundredths" and by inserting in lieu thereof the words "three and one-half per centum";

(d)

Judges' Pensions and Equity (Amendment).

- (d) by omitting from the same paragraph the word
"one-half" and by inserting in lieu thereof the words
"sixty per centum";
- 5 (e) by omitting from the same paragraph the words—
"In this paragraph 'salary' means the aggregate
of the salaries paid to the Master in Equity as
Master in Equity and as Master in Lunacy.";
- (f) by inserting next after the same subsection the
following new subsections : —
- 10 (1A) A Master in Equity who has attained the
age of sixty years and has served as such for not
less than ten years may retire voluntarily from his
office, and on so retiring shall be entitled to an
15 annual pension in all respects as if he had attained
the age of seventy years and had retired from that
office in accordance with law.
- (1B) Where a Master in Equity retires from his
office, and the Director-General of Public Health
certifies that his retirement is by reason of per-
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- (a) he shall, if his retirement occurs after he
has served as Master in Equity for not less
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- (1C) (a) Where a Master in Equity dies before
his retirement his widow shall be entitled to an
annual pension at the rate of twenty per centum
of his salary and where he has served in such office
35 for more than five years at the additional rate of
one per centum of his salary for each complete year
of

Judges' Pensions and Equity (Amendment).

of his service after the expiration of the said five years to the time of his death, but so that the rate of such pension shall not exceed thirty per centum of such salary.

5 (b) Upon the death of a retired Master
in Equity who was, immediately before his death
in receipt of a pension under this section, his widow
shall be entitled to an annual pension, if her mar-
riage to the Master in Equity took place before
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20 (c) If the widow re-marries, her pension
under this subsection shall thereupon cease and
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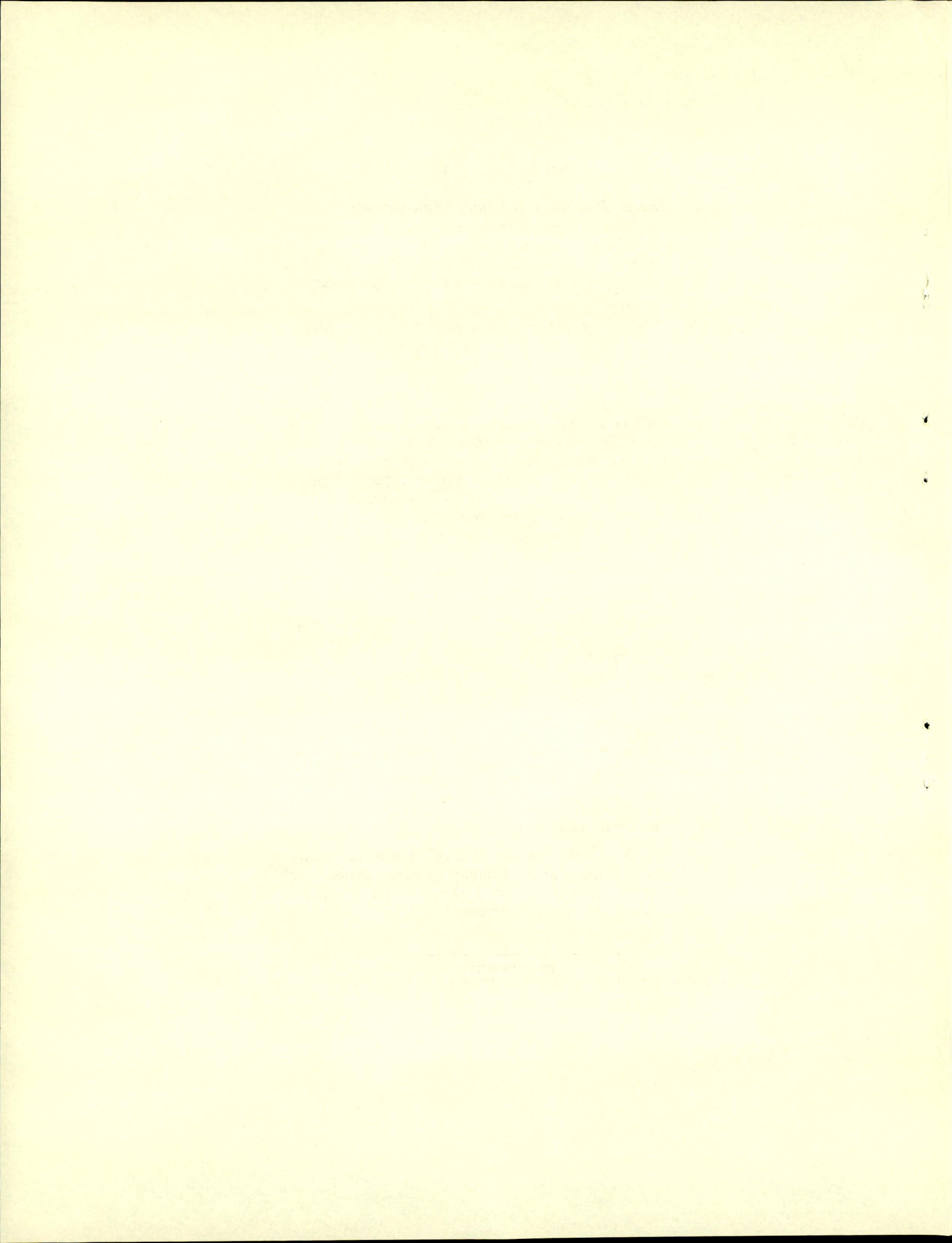
(g) by omitting from subsection four of the same sec-
tion the words "Master in Lunacy" wherever
25 occurring and by inserting in lieu thereof the words
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Supreme Court";

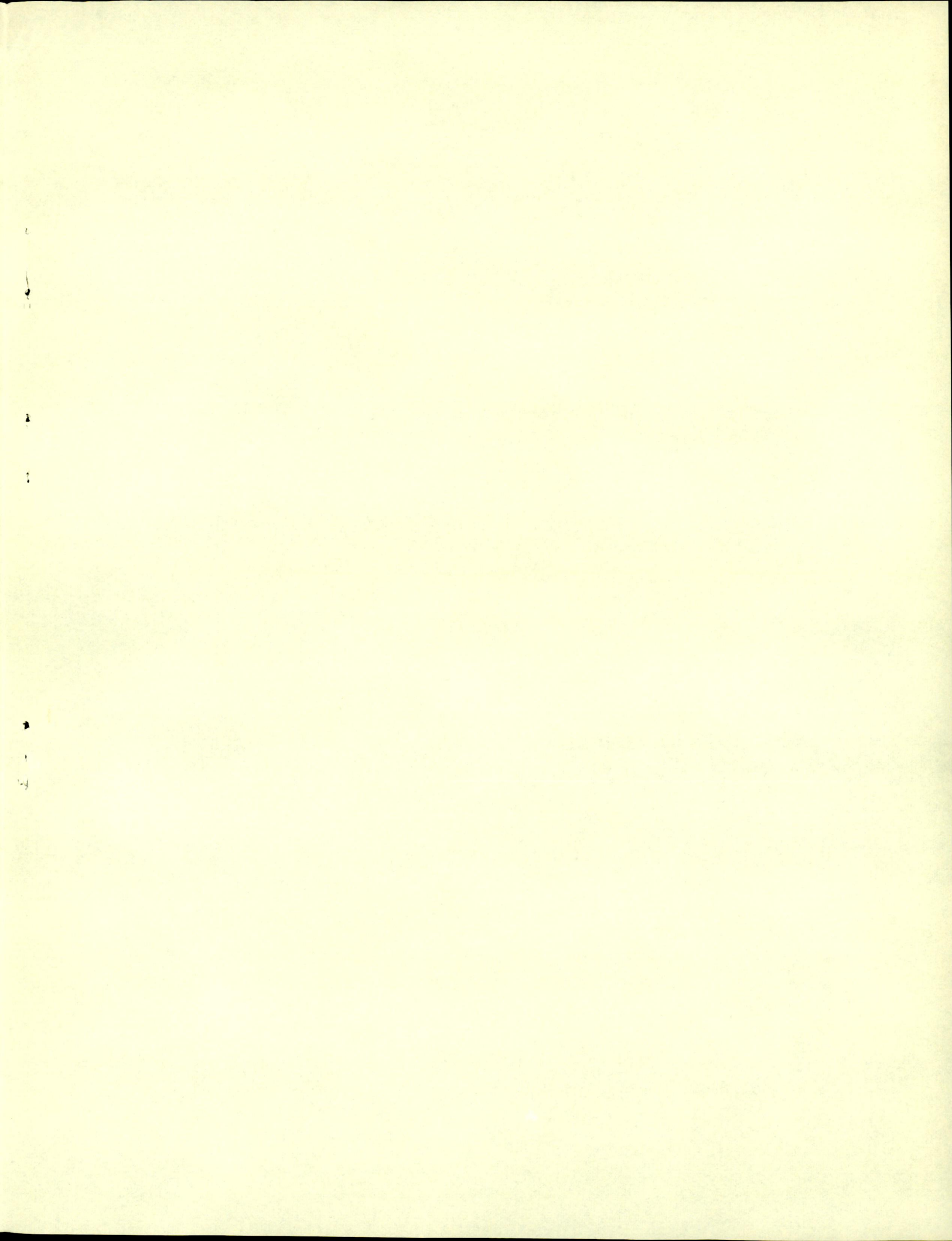
(h) by inserting at the end of the same section the
following new subsection :—

30 (5) In this section "salary" means the salary
paid to the Master in Equity by virtue of his office
as Master in Equity and Master in the Protective
Jurisdiction of the Supreme Court.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964
[8d.]





JUDGES' PENSIONS AND EQUITY (AMENDMENT) BILL, 1964.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (1) to increase the pension entitlement of a widow of a judge or retired judge to whom the Judges' Pensions Act, 1953, applies where such judge has served for more than five years in a judicial office and dies after the commencement of this amending legislation ;
- (2) to provide the like pension entitlement for the Master in Equity and the widow of a Master in Equity or a retired Master in Equity as that applicable to a judge or the widow of a judge or retired judge.

JUDGES, ATTORNEYS AND LEGAL EMPLOYMENT, 1944

STATE OF NEW YORK

IN SENATE
January 10, 1944

REPORT
OF THE
COMMISSIONERS OF THE JUDICIAL SYSTEM
AND THE
ATTORNEYS GENERAL

ALBANY: THE UNIVERSITY OF THE STATE OF NEW YORK PRESS, 1944.

No. , 1964.

A BILL

To make further provisions with respect to pensions for the widows of deceased judges and deceased retired judges and for the Master in Equity and the widow of a Master in Equity; to amend the Judges' Pensions Act, 1953, and the Equity Act, 1901, as amended, in certain respects; and for purposes connected therewith.

[MR. MANNIX;—19 *November*, 1964.]

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1. (1) This Act may be cited as the "Judges' Pensions and Equity (Amendment) Act, 1964".

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Judges' Pensions and Equity (Amendment).

(2) The Judges' Pensions Act, 1953, as amended by this Act, may be cited as the Judges' Pensions Act, 1953-1964.

(3) The Equity Act, 1901, as amended by subsequent 5 Acts, Rules of Court thereunder, and by this Act, may be cited as the Equity Act, 1901-1964.

2. The Judges' Pensions Act, 1953, is amended—

Amendment of Act No. 41, 1953.

(a) by inserting in section six after the word "salary" the following new paragraph :—

Sec. 6.
(Pension to widow on death of judge before retirement.)

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Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more than five years, be at the rate of one-fifth of his salary and at the additional rate of one per centum of his salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of his salary.

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(b) by inserting in section seven after the word "retirement" where secondly occurring the following new paragraph :—

Sec. 7.
(Pension to widow on death of retired judge.)

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Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more

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Judges' Pensions and Equity (Amendment).

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10 (c) by inserting in subsection three of section eight after the words "District Court" the words "; or an acting member of the Workers' Compensation Commission";

Sec. 8.
(Prior judicial service under the State.)

(d) by inserting at the end of section eleven the following new subsection :—

Sec. 11.
(Application of Act.)

15 (3) Notwithstanding the foregoing provisions of this section the amendments made to sections six and seven of this Act by the Judges' Pensions and Equity (Amendment) Act, 1964, shall not apply to and in relation to persons who before the commencement of such Act became entitled to a pension pursuant to those sections as enacted before such commencement.

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3. The Equity Act, 1901, as amended by subsequent Acts, is amended—

Amendment of Act No. 24, 1901.

25 (a) by omitting from paragraph (b) of subsection one of section 71A the words "on permanent disability or infirmity or";

Sec. 71A.
(Tenure of office and pension of the Master.)

(b) by omitting from the same paragraph the words "twenty one-hundredths" and by inserting in lieu thereof the words "twenty-five per centum";

30 (c) by omitting from the same paragraph the words "three one-hundredths" and by inserting in lieu thereof the words "three and one-half per centum";

(d)

Judges' Pensions and Equity (Amendment).

(d) by omitting from the same paragraph the word "one-half" and by inserting in lieu thereof the words "sixty per centum";

5 (e) by omitting from the same paragraph the words—
"In this paragraph 'salary' means the aggregate of the salaries paid to the Master in Equity as Master in Equity and as Master in Lunacy.";

(f) by inserting next after the same subsection the following new subsections :—

10 (1A) A Master in Equity who has attained the age of sixty years and has served as such for not less than ten years may retire voluntarily from his office, and on so retiring shall be entitled to an annual pension in all respects as if he had attained
15 the age of seventy years and had retired from that office in accordance with law.

20 (1B) Where a Master in Equity retires from his office, and the Director-General of Public Health certifies that his retirement is by reason of permanent disability or infirmity—

25 (a) he shall, if his retirement occurs after he has served as Master in Equity for not less than five years, be entitled, on retiring, to an annual pension in all respects as if he had attained the age of seventy years and had retired from that office in accordance with law;

30 (b) he shall, in any other case, be entitled, on retiring, to an annual pension at the rate of twenty-five per centum of his salary.

35 (1C) (a) Where a Master in Equity dies before his retirement his widow shall be entitled to an annual pension at the rate of twenty per centum of his salary and where he has served in such office for more than five years at the additional rate of one per centum of his salary for each complete year

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Judges' Pensions and Equity (Amendment).

of his service after the expiration of the said five years to the time of his death, but so that the rate of such pension shall not exceed thirty per centum of such salary.

5 (b) Upon the death of a retired Master
in Equity who was, immediately before his death
in receipt of a pension under this section, his widow
shall be entitled to an annual pension, if her mar-
riage to the Master in Equity took place before
10 his retirement, at the rate of twenty per centum of
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but so that the rate of such pension shall not exceed
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20 (c) If the widow re-marries, her pension
under this subsection shall thereupon cease and
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(g) by omitting from subsection four of the same sec-
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25 occurring and by inserting in lieu thereof the words
"Master in the Protective Jurisdiction of the
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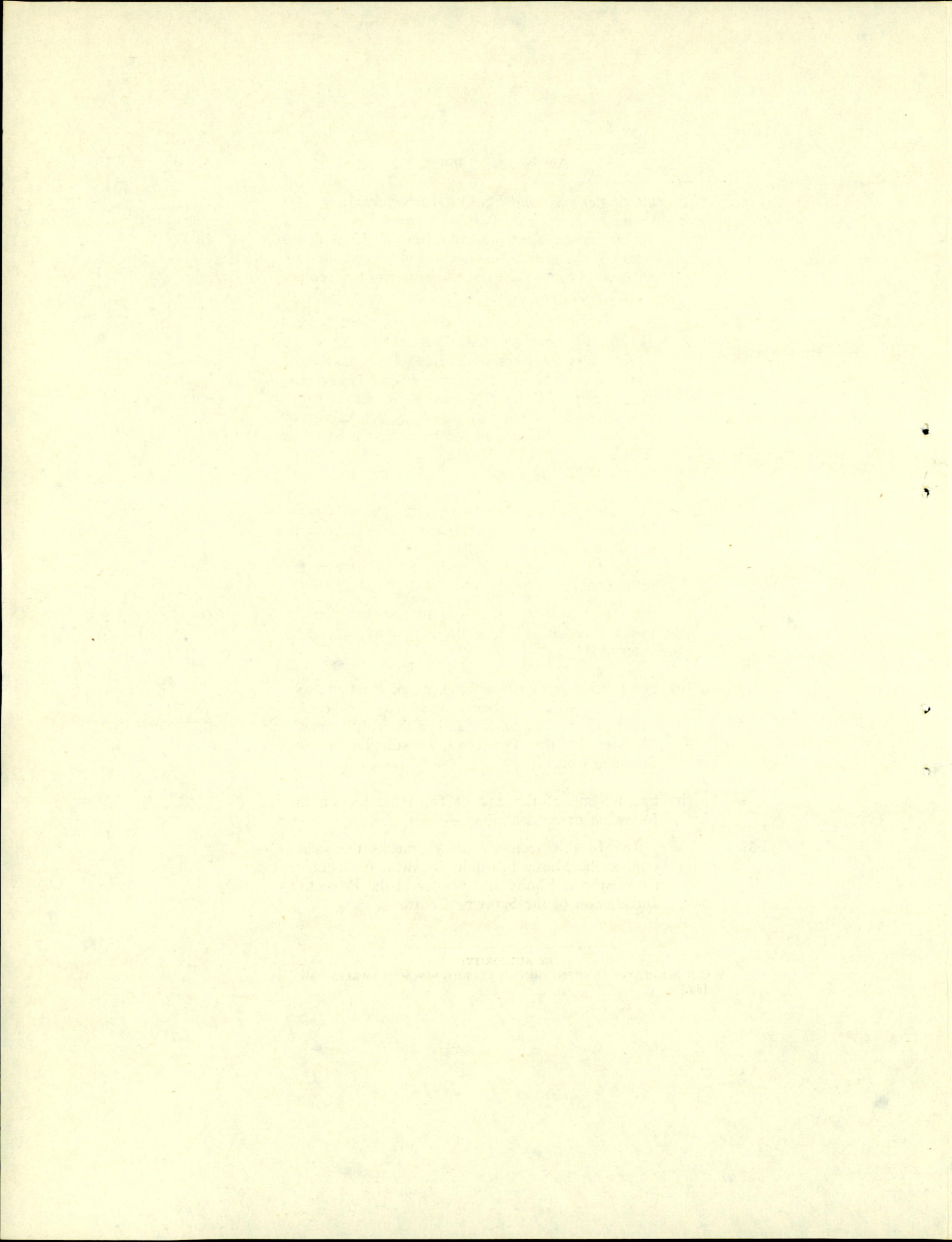
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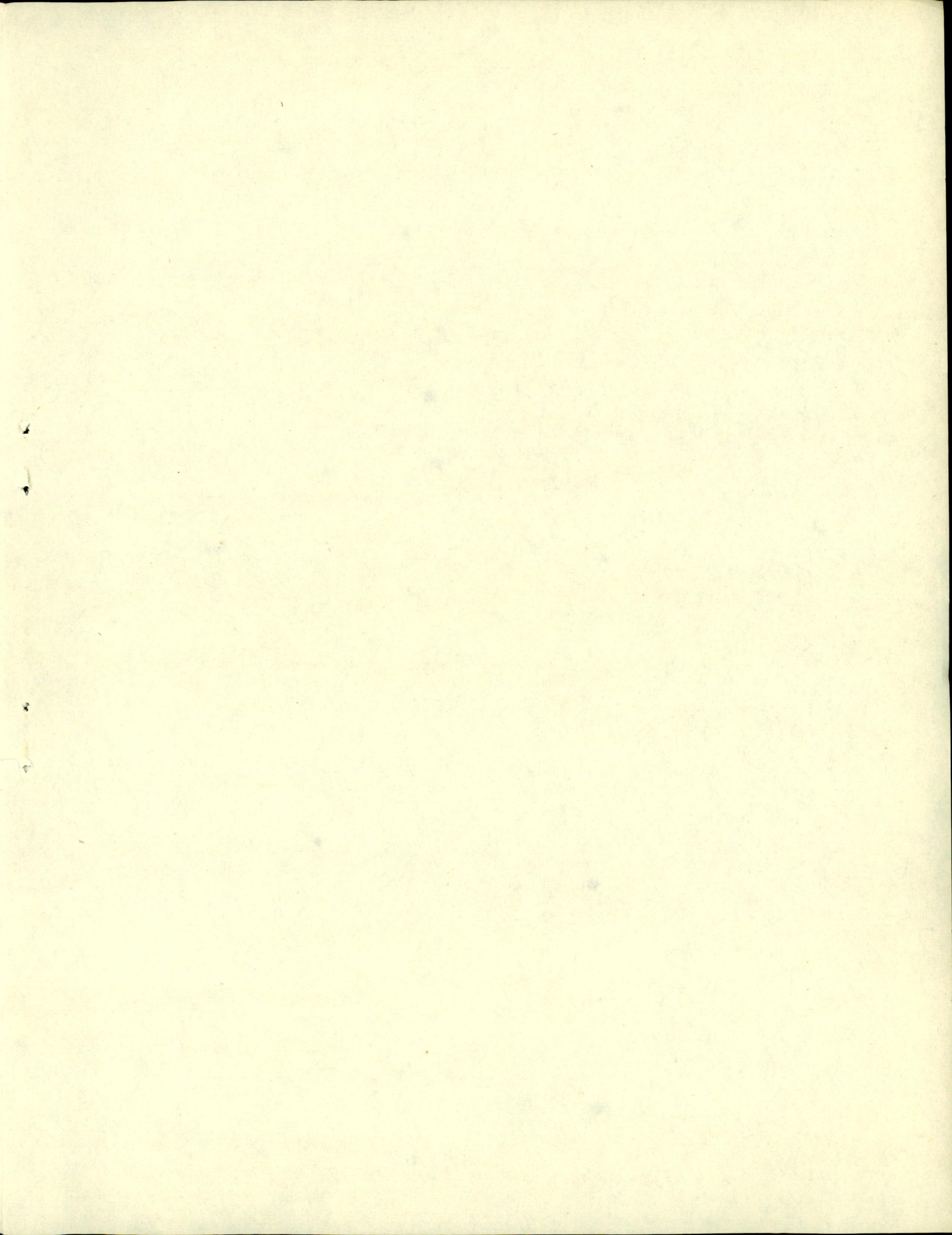
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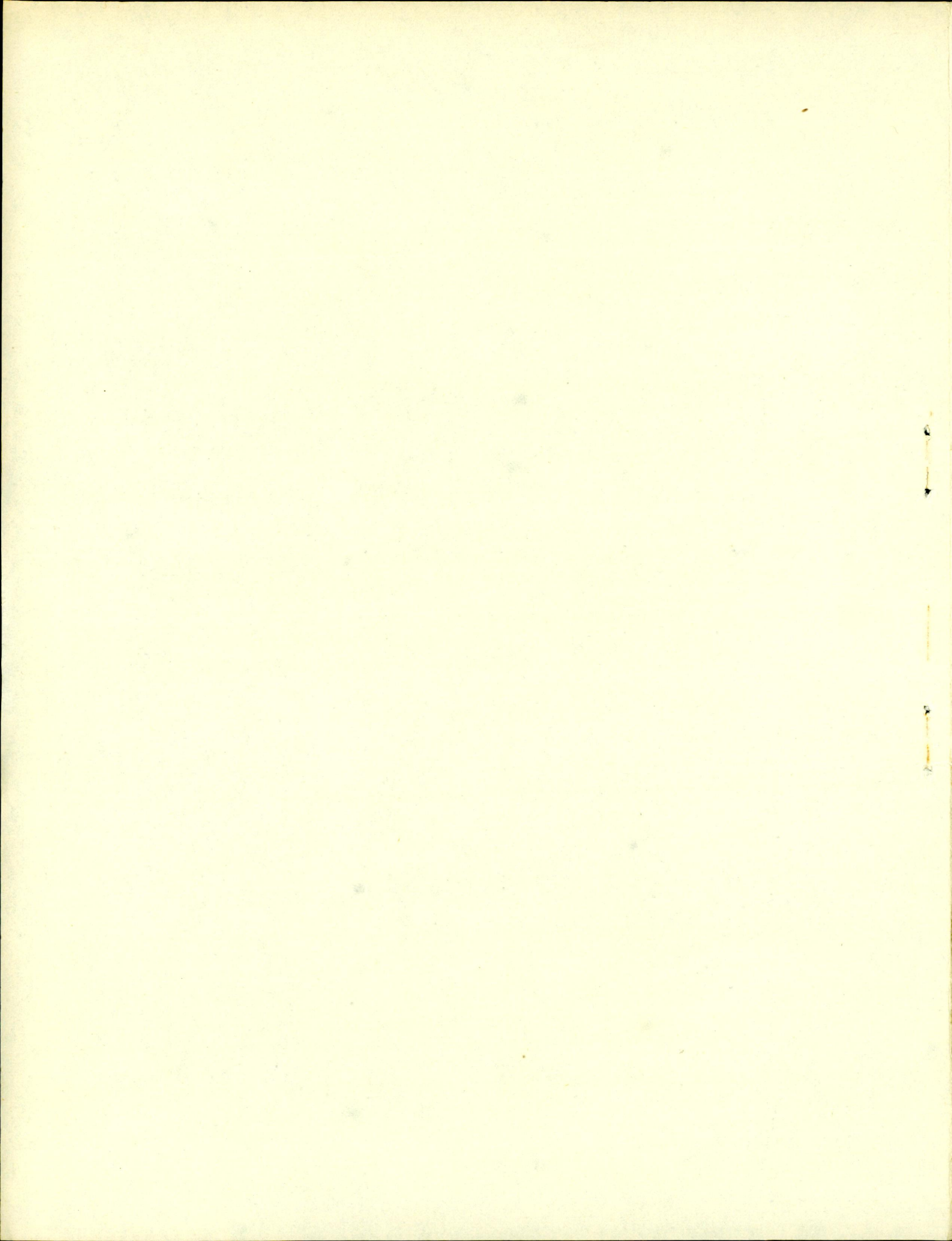
BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

[8d.]







827

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 52, 1964.

An Act to make further provisions with respect to pensions for the widows of deceased judges and deceased retired judges and for the Master in Equity and the widow of a Master in Equity; to amend the Judges' Pensions Act, 1953, and the Equity Act, 1901, as amended, in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1964.]

BE it enacted by the Queen'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. (1) This Act may be cited as the "Judges' Pensions and Equity (Amendment) Act, 1964". Short title and citation.

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(2) The Judges' Pensions Act, 1953, as amended by this Act, may be cited as the Judges' Pensions Act, 1953-1964.

(3) The Equity Act, 1901, as amended by subsequent Acts, Rules of Court thereunder, and by this Act, may be cited as the Equity Act, 1901-1964.

Amendment
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Sec. 6.
(Pension
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2. The Judges' Pensions Act, 1953, is amended—

(a) by inserting in section six after the word "salary" the following new paragraph :—

Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more than five years, be at the rate of one-fifth of his salary and at the additional rate of one per centum of his salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of his salary.

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(b) by inserting in section seven after the word "retirement" where secondly occurring the following new paragraph :—

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- (c) by inserting in subsection three of section eight after the words "District Court" the words ", or an acting member of the Workers' Compensation Commission";
- (d) by inserting at the end of section eleven the following new subsection :—

Sec. 8.
(Prior judicial service under the State.)

Sec. 11.
(Application of Act.)

(3) Notwithstanding the foregoing provisions of this section the amendments made to sections six and seven of this Act by the Judges' Pensions and Equity (Amendment) Act, 1964, shall not apply to and in relation to persons who before the commencement of such Act became entitled to a pension pursuant to those sections as enacted before such commencement.

3. The Equity Act, 1901, as amended by subsequent Acts, is amended—

Amendment of Act No. 24, 1901.

- (a) by omitting from paragraph (b) of subsection one of section 71A the words "on permanent disability or infirmity or";
- (b) by omitting from the same paragraph the words "twenty one-hundredths" and by inserting in lieu thereof the words "twenty-five per centum";
- (c) by omitting from the same paragraph the words "three one-hundredths" and by inserting in lieu thereof the words "three and one-half per centum";

Sec. 71A.
(Tenure of office and pension of the Master.)

(d)

Judges' Pensions and Equity (Amendment).

- (d) by omitting from the same paragraph the word "one-half" and by inserting in lieu thereof the words "sixty per centum";
- (e) by omitting from the same paragraph the words—
"In this paragraph 'salary' means the aggregate of the salaries paid to the Master in Equity as Master in Equity and as Master in Lunacy.";
- (f) by inserting next after the same subsection the following new subsections : —

(1A) A Master in Equity who has attained the age of sixty years and has served as such for not less than ten years may retire voluntarily from his office, and on so retiring shall be entitled to an annual pension in all respects as if he had attained the age of seventy years and had retired from that office in accordance with law.

(1B) Where a Master in Equity retires from his office, and the Director-General of Public Health certifies that his retirement is by reason of permanent disability or infirmity—

- (a) he shall, if his retirement occurs after he has served as Master in Equity for not less than five years, be entitled, on retiring, to an annual pension in all respects as if he had attained the age of seventy years and had retired from that office in accordance with law;
- (b) he shall, in any other case, be entitled, on retiring, to an annual pension at the rate of twenty-five per centum of his salary.

(1C) (a) Where a Master in Equity dies before his retirement his widow shall be entitled to an annual pension at the rate of twenty per centum of his salary and where he has served in such office for more than five years at the additional rate of one per centum of his salary for each complete year

of

Judges' Pensions and Equity (Amendment).

of his service after the expiration of the said five years to the time of his death, but so that the rate of such pension shall not exceed thirty per centum of such salary.

(b) Upon the death of a retired Master in Equity who was, immediately before his death in receipt of a pension under this section, his widow shall be entitled to an annual pension, if her marriage to the Master in Equity took place before his retirement, at the rate of twenty per centum of his salary at the time of his retirement and where he has served in such office for more than five years at the additional rate of one per centum of his salary at the time of his retirement for each complete year of his service after the expiration of the said five years to the date of his retirement, but so that the rate of such pension shall not exceed thirty per centum of his salary at the time of his retirement.

(c) If the widow re-marries, her pension under this subsection shall thereupon cease and determine.

- (g) by omitting from subsection four of the same section the words "Master in Lunacy" wherever occurring and by inserting in lieu thereof the words "Master in the Protective Jurisdiction of the Supreme Court";
- (h) by inserting at the end of the same section the following new subsection :—

(5) In this section "salary" means the salary paid to the Master in Equity by virtue of his office as Master in Equity and Master in the Protective Jurisdiction of the Supreme Court.

BY AUTHORITY:

THE HISTORY OF THE

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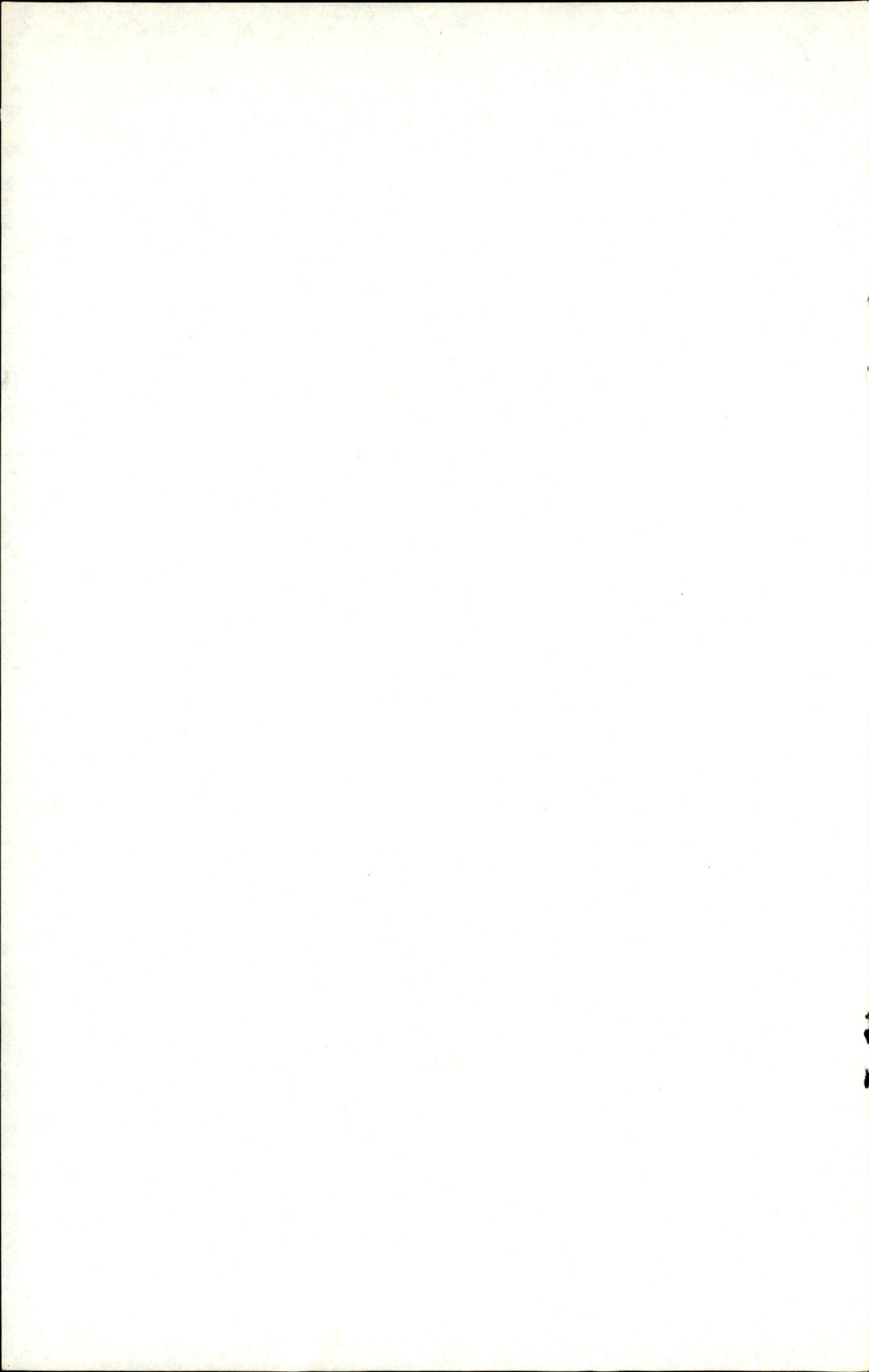
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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 December, 1964.*

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 52, 1964.

An Act to make further provisions with respect to pensions for the widows of deceased judges and deceased retired judges and for the Master in Equity and the widow of a Master in Equity; to amend the Judges' Pensions Act, 1953, and the Equity Act, 1901, as amended, in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1964.]

BE it enacted by the Queen'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. (1) This Act may be cited as the "Judges' Pensions and Equity (Amendment) Act, 1964".

Short title
and citation.

(2)

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

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Judges' Pensions and Equity (Amendment).

(2) The Judges' Pensions Act, 1953, as amended by this Act, may be cited as the Judges' Pensions Act, 1953-1964.

(3) The Equity Act, 1901, as amended by subsequent Acts, Rules of Court thereunder, and by this Act, may be cited as the Equity Act, 1901-1964.

Amendment
of Act No.
41, 1953.

Sec. 6.
(Pension
to widow
on death of
judge before
retirement.)

2. The Judges' Pensions Act, 1953, is amended—

- (a) by inserting in section six after the word "salary" the following new paragraph :—

Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more than five years, be at the rate of one-fifth of his salary and at the additional rate of one per centum of his salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of his salary.

Sec. 7.
(Pension
to widow
on death of
retired
judge.)

- (b) by inserting in section seven after the word "retirement" where secondly occurring the following new paragraph :—

Notwithstanding the foregoing the annual pension payable to any person who, immediately before the commencement of the Judges' Pensions and Equity (Amendment) Act, 1964, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall, where the judge in respect of whom such person becomes so entitled served in any judicial office for more

than

Judges' Pensions and Equity (Amendment).

than five years, be at the rate of one-fifth of the salary payable to him immediately before his retirement and at the additional rate of one per centum of such salary for each complete year of his service as a judge in that judicial office in excess of five years, but so that the rate of such pension shall not exceed thirty per centum of such salary.

- (c) by inserting in subsection three of section eight after the words "District Court" the words ", or an acting member of the Workers' Compensation Commission";

Sec. 8.
(Prior judicial service under the State.)

- (d) by inserting at the end of section eleven the following new subsection :—

Sec. 11.
(Application of Act.)

(3) Notwithstanding the foregoing provisions of this section the amendments made to sections six and seven of this Act by the Judges' Pensions and Equity (Amendment) Act, 1964, shall not apply to and in relation to persons who before the commencement of such Act became entitled to a pension pursuant to those sections as enacted before such commencement.

3. The Equity Act, 1901, as amended by subsequent Acts, is amended—

Amendment of Act No. 24, 1901.

- (a) by omitting from paragraph (b) of subsection one of section 71A the words "on permanent disability or infirmity or";
- (b) by omitting from the same paragraph the words "twenty one-hundredths" and by inserting in lieu thereof the words "twenty-five per centum";
- (c) by omitting from the same paragraph the words "three one-hundredths" and by inserting in lieu thereof the words "three and one-half per centum";

Sec. 71A.
(Tenure of office and pension of the Master.)

(d)

Judges' Pensions and Equity (Amendment).

(d) by omitting from the same paragraph the word "one-half" and by inserting in lieu thereof the words "sixty per centum";

(e) by omitting from the same paragraph the words—
"In this paragraph 'salary' means the aggregate of the salaries paid to the Master in Equity as Master in Equity and as Master in Lunacy.";

(f) by inserting next after the same subsection the following new subsections : —

(1A) A Master in Equity who has attained the age of sixty years and has served as such for not less than ten years may retire voluntarily from his office, and on so retiring shall be entitled to an annual pension in all respects as if he had attained the age of seventy years and had retired from that office in accordance with law.

(1B) Where a Master in Equity retires from his office, and the Director-General of Public Health certifies that his retirement is by reason of permanent disability or infirmity—

(a) he shall, if his retirement occurs after he has served as Master in Equity for not less than five years, be entitled, on retiring, to an annual pension in all respects as if he had attained the age of seventy years and had retired from that office in accordance with law ;

(b) he shall, in any other case, be entitled, on retiring, to an annual pension at the rate of twenty-five per centum of his salary.

(1C) (a) Where a Master in Equity dies before his retirement his widow shall be entitled to an annual pension at the rate of twenty per centum of his salary and where he has served in such office for more than five years at the additional rate of one per centum of his salary for each complete year
of

Judges' Pensions and Equity (Amendment).

of his service after the expiration of the said five years to the time of his death, but so that the rate of such pension shall not exceed thirty per centum of such salary.

(b) Upon the death of a retired Master in Equity who was, immediately before his death in receipt of a pension under this section, his widow shall be entitled to an annual pension, if her marriage to the Master in Equity took place before his retirement, at the rate of twenty per centum of his salary at the time of his retirement and where he has served in such office for more than five years at the additional rate of one per centum of his salary at the time of his retirement for each complete year of his service after the expiration of the said five years to the date of his retirement, but so that the rate of such pension shall not exceed thirty per centum of his salary at the time of his retirement.

(c) If the widow re-marries, her pension under this subsection shall thereupon cease and determine.

(g) by omitting from subsection four of the same section the words "Master in Lunacy" wherever occurring and by inserting in lieu thereof the words "Master in the Protective Jurisdiction of the Supreme Court";

(h) by inserting at the end of the same section the following new subsection :—

(5) In this section "salary" means the salary paid to the Master in Equity by virtue of his office as Master in Equity and Master in the Protective Jurisdiction of the Supreme Court.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 9th December, 1964.*

