



ANNO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1953

No. 45 of 1953.

An Act to amend the Supreme Court Act, 1935-1952.

[Assented to 17th December, 1953.]

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, 1953". Short titles.
- (2) The Supreme Court Act, 1935-1952, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1953".
- (3) The Supreme Court Act, 1935-1952, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 13b of the principal Act is amended by adding at the end thereof the following subsection (the previous part of section 13b being read as subsection (1) thereof) :— Amendment of s. 13b. of principal Act— Pensions for judges in office in 1944.
 - (2) Notwithstanding subsection (1) of this section, the rate of a pension in force under this section at the time of the passing of the Supreme Court Act Amendment Act, 1953, shall, on and after the first day of the month following that time be sixteen hundred and twenty-five pounds a year.
4. Section 13c of the principal Act is amended by inserting after the word "time" in the fourth line of subsection (1) the words "and who had not at the time of his appointment reached the age of sixty-five years". Amendment of s. 13c of principal Act— Right of judges to contribute for pension.

Repeal of
s. 13d of
principal act
and enactment
of other
provisions—
Contribution
by judges.

5. Section 13d of the principal Act is repealed and the following section is enacted in its place :—

13d. (1) Subject to section 13ea of this Act, every judge who is contributing for pension at the time of the passing of the Supreme Court Act Amendment Act, 1953, or who thereafter elects to contribute for a pension pursuant to section 13c of this Act, shall in each month pay to the Treasurer in aid of the General Revenue of the State, a contribution equal to the prescribed percentage of his salary for that month.

(2) The prescribed percentage shall depend on the age at which the judge first became a contributor in accordance with the following table :—

Contributions.

Age at Commencing to Contribute.	Percentage of Salary to be Contributed.
Under 55 years	5·0
55 years and under 56 years	5·2
56 years and under 57 years	5·4
57 years and under 58 years	5·7
58 years and under 59 years	6·0
59 years and under 60 years	6·3
60 years and under 61 years	6·6
61 years and under 62 years	7·0
62 years and under 63 years	7·4
63 years and under 64 years	7·8
64 years and under 65 years	8·3

(3) A judge who elects to contribute for pension shall pay contributions in respect of the period commencing on the first day of the month in which the election is made and ending on the last day of the month preceding the month in which the judge reaches the age of seventy years or retires before reaching that age :

Provided that if a judge who is under the age of sixty-five years at the time of his appointment makes his election to contribute after reaching the age of sixty-five years the period of contribution shall commence on the day following his sixty-fifth birthday.

(4) A judge who is contributing for pension at the time of the passing of the Supreme Court Act Amendment Act, 1953, shall not be obliged to pay any additional contribution in respect of any period before that time.

6. Section 13e of the principal Act is repealed and the following section is enacted in its place :—

Repeal of
s. 13e of
principal Act
and enactment
of other
provisions—

13e. Where a judge has paid contributions as prescribed in section 13d of this Act, he or his widow or personal representatives shall be entitled to the following benefits :—

Benefits to
contributors.

- (a) Where the judge retires, being disabled by permanent invalidity or infirmity from the performance of his duties, or having reached the age of seventy years, he shall be entitled to a pension for life at the annual rate of one-half of the annual rate of his salary at the time of his retirement :
- (b) Where the judge dies before retirement, and is survived by a widow, she shall be entitled to a pension for life at the annual rate of one quarter of the annual rate of the salary of her husband immediately before his death :
- (c) Where the judge dies before retirement without leaving a widow, his personal representatives shall be entitled to a refund of the contributions paid by him :
- (d) Where the judge dies after retirement and is survived by a widow, she shall be entitled to a pension for life at the annual rate of one quarter of the annual rate of the salary of her husband immediately before his retirement :
- (e) Where the judge retires in any circumstances other than those mentioned in paragraph (a) of this section, he shall be entitled to a refund of the contributions paid by him, but his widow shall not, on his death after such retirement, be entitled to pension.

7. The following section is enacted and inserted in the principal Act after section 13e thereof :—

Enactment of
s. 13ea of
principal Act—

13ea. Any judge who is contributing for pension at the time of the passing of the Supreme Court Act Amendment Act, 1953, may by written notice given to the Treasurer

Option to
contribute at
£80 a year.

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within three months after that time, elect to continue to contribute at the rate of eighty pounds a year ; and if a judge so elects he shall continue to contribute, and he or his personal representatives shall be entitled to a pension or refund of contributions, as the case may be, as if the Supreme Court Act Amendment Act, 1953, had not been passed.

Repeal of
s. 13h of
principal Act—
Basis of
pension.

8. Section 13h of the principal Act is repealed.

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

R. A. GEORGE, Governor.