



## NORTHERN TERRITORY OF AUSTRALIA

No. 19 of 1985

### AN ACT

To amend the *Supreme Court (Judges Pensions) Act*

[Assented to 23 May 1985]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

#### 1. SHORT TITLE

This Act may be cited as the *Supreme Court (Judges Pensions) Amendment Act 1985*.

#### 2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3. PRINCIPAL ACT

The *Supreme Court (Judges Pensions) Act* is in this Act referred to as the Principal Act.

#### 4. PENSIONS OF JUDGES

Section 4 of the Principal Act is amended by omitting sub-section (2) and substituting the following:

"(2) Where -

- (a) a Judge, whether by reason of the terms of his appointment or otherwise, is to cease to hold office as a Judge upon his attaining a particular age;
- (b) he ceases to be a Judge upon his attaining that age;
- (c) at the time of his so ceasing, he had served as a Judge for not less than 6 years; and

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- (d) he is not a person to whom sub-section (1) applies,

he is entitled to a pension at a rate equal to -

- (e) 0.5% of the appropriate current judicial salary for each completed month of his period of service as a Judge; or

- (f) 60% of the appropriate current judicial salary,

whichever results in the lesser pension entitlement.

"(3) Where a Judge, not being a Judge to whom sub-section (1) or (2) applies, retires and the Attorney-General certifies that the retirement is due to permanent disability or infirmity, the Judge is entitled to a pension at a rate equal to -

- (a) if, at the time of his appointment, his period of service as a Judge could not exceed 10 years, 0.5% of the appropriate current judicial salary for each complete month -

- (i) of his prior judicial service (if any); and

- (ii) that he could have potentially served, calculated from his appointment as a Judge until he would have ceased to hold office as a Judge upon his attaining a particular age; or

- (b) in all other cases - 60% of the appropriate current judicial salary."

5: TRANSITIONAL

(1) Section 4(3) of the Principal Act as amended by this Act does not apply to or in relation to a Judge, within the meaning of the Principal Act, who was appointed as a Judge before the commencement of this Act.

(2) Notwithstanding the omission of section 4(2) of the Principal Act by section 4 of this Act, that section, as in force immediately before the commencement of this Act, continues to apply to and in relation to Judges, within the meaning of the Principal Act, who were appointed as Judges before the commencement of this Act.