

JUDGES' SALARIES AND PENSIONS AMENDMENT BILL 2007

Introduction and First Reading

Bill introduced, on motion by **Mr J.A. McGinty (Attorney General)**, and read a first time.

Explanatory memorandum presented by the Attorney General.

Second Reading

MR J.A. MCGINTY (Fremantle - Attorney General) [12.42 pm]: I move -

That the bill be now read a second time.

The Judges' Salaries and Pensions Amendment Bill 2007 brings Western Australia into line with legislation relating to remuneration of judicial officers in all other states and territories. Under the Judges' Salaries and Pensions Act 1950, judges become entitled to a judicial pension on retirement if they are over 60 years of age and have served at least 10 years as a judge. Currently, a person who is appointed as a judge after he or she has turned 60 years of age does not become eligible for a judicial pension, as he or she must retire at age 70. In every other Australian jurisdiction, some form of pro rata pension or payment is provided in these circumstances. In order to overcome this anomaly and at the same time expand the pool of persons who may be considered for judicial appointment to include persons over 60 years of age, the bill will amend section 6 of the act to provide that anyone who was 60 years of age or older at the time he or she was appointed as a judge should receive a pro rata pension upon retiring at the statutory retiring age of 70 years.

The bill will apply to a judge who was over 60 years of age when appointed and retires at the statutory retiring age of 70 years. The bill will also provide that the judge is entitled during his or her retirement to a pension that is the proportion of the rate of pension that would have been payable to the judge if he or she had served 10 years as a judge that is equal to the proportion of 10 years that was served by him or her as a judge. For example, if the judge serves seven years and six months, the judge would be entitled to a pension at a rate that is 75 per cent of the rate of pension available to a judge who has served the full 10 years. A judge would become entitled to a judicial pension only if he or she has worked right through to the statutory retiring age of 70 years, unless forced to retire earlier due to permanent disability or infirmity. The amendment will apply to judges appointed before or after it comes into operation. I commend the bill to the house.

Debate adjourned, on motion by **Mr A.J. Simpson**.