

Act 1993 No. 1

**SUPERANNUATION (RETIRED MAGISTRATES)  
AMENDMENT BILL 1993**

**NEWSOUTHWALES**



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to ensure that a Magistrate who ceases to hold office, whether or not voluntarily, as a result of invalidity or physical or mental incapacity is eligible for a breakdown pension under the Superannuation Act 1916.

---

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on assent.

**Clause 3** amends the Superannuation Act 1916 by inserting proposed section 29 (8). It provides that a Magistrate who ceases to hold office on the ground of invalidity or physical or mental incapacity is entitled to a breakdown pension as if the Magistrate had been retired by his or her employer on that ground, if the State Authorities Superannuation Board is satisfied of that invalidity or incapacity, having regard to medical advice. Currently, under section 29, a contributor must be retired by his or her employer before being eligible for a breakdown pension. Since a Magistrate cannot be removed from office except after an inquiry by the Judicial Commission and an address of both Houses of Parliament, this provision enables a Magistrate who is unable to carry out his or her duties to resign and obtain superannuation benefits without the necessity to undergo this process.

---