

House of Assembly

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South Australia

Director of Public Prosecutions (Pension Entitlements) Amendment Bill 2019

A BILL FOR

An Act to amend the *Director of Public Prosecutions Act 1991*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Director of Public Prosecutions (Pension Entitlements) Amendment Act 2019*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Director of Public Prosecutions Act 1991*

3—Insertion of section 4A

After section 4 insert:

4A—Pension entitlements

- (1) This section applies if a person who is or has been—
 - (a) a Judge as defined in the *Judges' Pensions Act 1971*; or

- (b) the holder of any other office that is treated as if it were judicial service for the purposes of the *Judges' Pensions Act 1971*,
- is appointed as the Director.
- (2) The Governor may, by instrument in writing made at the time the person is appointed to be the Director, apply the *Judges' Pensions Act 1971* to or in relation to the Director as if the Director were a Judge as defined in that Act and service as the Director were judicial service as defined in that Act (or a continuation of any period of service that is, or is treated as if it were, such judicial service).
- (3) The instrument may—
- (a) impose conditions on the application of the *Judges' Pensions Act 1971* (including a condition that the Act will only apply if the person is made a Judge following the person's term of office as the Director); and
- (b) apply the *Judges' Pensions Act 1971* subject to any modifications specified in the instrument.
- (4) Notwithstanding anything in this section, unless the Governor otherwise directs, no pension is to be payable under the *Judges' Pensions Act 1971* if the appointment of the Director is terminated under section 4(8).
- (5) If, pursuant to an instrument under this section, the *Judges' Pensions Act 1971* has applied to a person who is or has been Director and that person is subsequently appointed as a Judge as defined in the *Judges' Pensions Act 1971*, that Act will apply to and in relation to that person as if—
- (a) service by that person as the Director were judicial service as defined in that Act; and
- (b) section 5 of that Act had not been enacted.
- (6) If a person referred to in subsection (5) was, immediately before being appointed as a Judge, in receipt of a pension under the *Judges' Pensions Act 1971*, that pension ceases on the appointment as a Judge.
- (7) If, pursuant to an instrument under this section, the *Judges' Pensions Act 1971* is to apply to a person appointed as the Director and the person was, immediately before being appointed as the Director, in receipt of a pension under that Act, that pension ceases on the appointment as Director.