

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 13 November 1985

(*Special Minister of State*)

A BILL

FOR

**An Act to amend the *Judicial and Statutory Officers
(Remuneration and Allowances) Act 1984***

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 1. (1) This Act may be cited as the *Judicial and Statutory Officers (Remuneration and Allowances) Amendment Act 1985*.

(2) The *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984*¹ is in this Act referred to as the Principal Act.

Commencement

10 2. This Act shall be deemed to have come into operation on 1 July 1985.

Salaries and expenses of office allowances

3. Section 3 of the Principal Act is amended—

15 (a) by omitting from paragraph (1) (a) “1 July 1984 and before 1 January 1985” and substituting “1 July 1985 and before 14 November 1985”;

- (b) by omitting from paragraph (1) (b) "1 January" and substituting "14 November";
- (c) by omitting from sub-section (2) "2 or";
- (d) by omitting from sub-sections (5) and (6) "540" and substituting "564";
- (e) by omitting from sub-section (6) all the words from and including "of—" to and including "Commission," and substituting "of President of the Administrative Appeals Tribunal or President of the Trade Practices Tribunal"; and
- (f) by omitting paragraphs (8) (a) and (b) and substituting the following paragraphs:
 - "(a) shall be paid salary at the rate from time to time payable to the holder of an office in the Senior Executive Service of the Australian Public Service that has a classification of Senior Executive Level 6; and
 - (b) shall be paid an expenses of office allowance at the rate of \$1,984 per annum."

Travelling allowances payable to Justices of the High Court

4 Section 4 of the Principal Act is amended—

- (a) by omitting from sub-paragraph (4) (a) (i) "140" and "100" and substituting "155" and "110", respectively;
- (b) by inserting after sub-section (4) the following sub-section:
 - "(4A) Where—
 - (a) a person who holds a judicial office to which this section applies travels within Australia and the external Territories in circumstances that involve an overnight stay in respect of which an allowance is payable under the preceding provisions of this section;
 - (b) the spouse of the person accompanies the person during that overnight stay; and
 - (c) the cost of the travel of the spouse is borne by the Commonwealth,
 the allowance otherwise payable to the person for the overnight stay is increased by—
 - (d) in a case to which paragraph (e) does not apply—\$10; or
 - (e) if the person establishes that the cost of accommodation (excluding the cost of meals) of the person and the spouse in respect of the overnight stay exceeded the amount that would have been the cost of accommodation (excluding the cost of meals) of the person alone in respect of the overnight stay at the same hotel, motel or other accommodation establishment and at the same standard of accommodation—the amount of the excess."

Additional allowance payable to certain Justices of the High Court

5. Section 5 of the Principal Act is amended by omitting from sub-section (1) "9,900" and substituting "10,640".

Travelling allowances payable to holders of certain offices

5 6. Section 6 of the Principal Act is amended—

(a) by inserting "other than the office of President of the Inter-State Commission" in sub-sections (3) and (5) after "any other office held by the person";

10 (b) by omitting from sub-paragraph (4) (a) (i) "125" and "95" and substituting "140" and "105", respectively; and

(c) by inserting after sub-section (4) the following sub-section:

"(4A) Where—

15 (a) a person who holds an office to which this section applies travels within Australia and the external Territories in circumstances that involve an overnight stay in respect of which an allowance is payable under the preceding provisions of this section;

(b) the spouse of the person accompanies the person during that overnight stay; and

20 (c) the cost of the travel of the spouse is borne by the Commonwealth,

the allowance otherwise payable to the person for the overnight stay is increased by—

(d) in a case to which paragraph (e) does not apply—\$10; or

25 (e) if the person establishes that the cost of accommodation (excluding the cost of meals) of the person and the spouse in respect of the overnight stay exceeded the amount that would have been the cost of accommodation (excluding the cost of meals) of the person alone in respect of the overnight stay at the same hotel, motel or other accommodation establishment and at the same standard of accommodation—
30 the amount of the excess."

7. After section 6 of the Principal Act the following section is inserted:

Travelling allowances payable to members of the Inter-State Commission

35 "6A. (1) There is payable to a member of the Inter-State Commission, in respect of the member's expenses of travel in the course of the performance of the member's duties, an allowance at the rates ascertained in accordance with this section.

40 "(2) In respect of travel within Australia and the external Territories, where the member is absent overnight from the member's ordinary place of residence, the rates of the allowance are—

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- (a) in respect of the President—
- (i) for each overnight stay in Canberra—\$95;
 - (ii) for each overnight stay in any other capital city—\$140; or
 - (iii) for any other overnight stay—\$105; or
- (b) in respect of a member other than the President— 5
- (i) for each overnight stay in Canberra—\$95;
 - (ii) for each overnight stay in any other capital city—\$110; or
 - (iii) for any other overnight stay—\$85.
- “(3) In respect of travel outside Australia and the external Territories,
the rates of the allowance are— 10
- (a) in respect of the President—the same rates as would be applicable
to the holders of offices referred to in paragraph (a) of the definition
of ‘office of Secretary’ in sub-section 7 (1) of the *Public Service Act*
1922 in respect of the expenses of similar travel in the performance
of their duties; or 15
- (b) in respect of a member other than the President—the same rates as
would be applicable to the holders of offices in the Senior Executive
Service of the Australian Public Service in respect of the expenses
of similar travel in the performance of their duties.
- “(4) This section has effect notwithstanding sub-section 19 (2) of the *Inter-State Commission Act 1975*.”. 20

Allowance payable to Solicitor-General

8. Section 7 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “On and after 1 January 1985,
there” and substituting “There”; and 25
- (b) by omitting from sub-section (1) “at such rate as is determined by
the Remuneration Tribunal” and substituting “at the rate of \$10,640
per annum”.

Schedule

9. The Schedule to the Principal Act is repealed and the following
Schedule is substituted: 30

SCHEDULE

Sub-section 3 (1)

Column 1	Column 2	Column 3	Column 4
Office	Rate per annum of salary on and from 1 July 1985	Rate per annum of salary on and from 14 November 1985	Rate per annum of expenses of office allowance
	\$	\$	\$
PART I			
Chief Justice of the High Court	115,723	120,120	5,669
Justice (other than Chief Justice) of the High Court.	105,146	109,142	5,100
PART II			
Chief Judge of the Federal Court of Australia.	97,059	100,747	5,100
Chief Justice of the Supreme Court of the Australian Capital Territory	91,459	94,934	5,100
Chief Judge of the Family Court of Australia.	88,971	92,352	5,100
Chairman of the Commonwealth Grants Commission	88,971	92,352	5,100
Judge (other than the Chief Judge) of the Federal Court of Australia	88,971	92,352	4,536
Judge (other than the Chief Justice) of the Supreme Court of the Australian Capital Territory.	88,971	92,352	4,536
President of the Inter-State Commission	88,971	92,352	4,536
Senior Judge of the Family Court of Australia.	80,073	83,116	3,967
Judge (other than the Chief Judge or a Senior Judge) of the Family Court of Australia.	75,625	78,499	3,967

NOTE

1. No. 104, 1984, as amended. For previous amendment, see No. 65, 1985.





