

1987-88-89

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 17 August 1989

*(Minister for Industrial Relations)*

**A BILL**

FOR

**An Act to amend legislation relating to the remuneration of the holders of certain judicial and statutory offices, and for related purposes**

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

**PART 1—PRELIMINARY**

**Short title**

- 5     **1.** This Act may be cited as the *Judicial and Statutory Officers Remuneration Legislation Amendment Act 1989*.

### Commencement

2. (1) This Part, section 4 and Part 3 commence on the day on which this Act receives the Royal Assent.

(2) Except for section 4 and subsection 5 (4), Part 2 is to be taken to have commenced on 1 March 1989. 5

(3) Subsection 5 (4) is to be taken to have commenced on 25 May 1988.

## PART 2—AMENDMENTS OF THE JUDICIAL AND STATUTORY OFFICERS (REMUNERATION AND ALLOWANCES) ACT

### Principal Act 10

3. In this Part, “**Principal Act**” means the *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984*<sup>1</sup>.

4. After section 2 of the Principal Act the following section is inserted:

#### Act subject to Remuneration Tribunal Act

“2A. This Act has effect subject to the *Remuneration Tribunal Act 1973*.” 15

### Salaries

5. (1) Section 3 of the Principal Act is amended:

(a) by omitting subsections (1) and (2) and substituting the following subsections: 20

“(1) Subject to subsection (2), the rate per year of the salary of an office specified in the Schedule is the rate specified in the Schedule in relation to that office.

“(2) When an office of Judge of the Federal Court of Australia (other than the office of Chief Justice) is held by a person who also holds an office to which this subsection applies, the rate per year of the salary of that office of Judge is \$125,023 per year. 25

“(2A) Subsection (2) applies to the following offices:

(a) Chief Justice of the Supreme Court of Norfolk Island; 30

(b) President of the Administrative Appeals Tribunal;

(c) Aboriginal Land Commissioner;

(d) President of the Trade Practices Tribunal.”;

(b) by omitting from subsection (3) “subsections (4) and (5)” and substituting “subsection (4)”;

(c) by omitting from subsection (3) “salary and expenses of office allowance” (first occurring) and substituting “salary, or salary and expenses of office allowance.”; 35

- (d) by omitting from subsection (3) “and expenses of office allowance as are” and substituting “as is”;
- (e) by omitting from subsection (4) “or expenses of office allowance” (first occurring);
- 5 (f) by omitting from subsection (4) “salary or expenses of office allowance,” (second occurring) and substituting “salary, or salary and expenses of office allowance,”;
- (g) by omitting from subsection (4) “by way of salary or expenses of office allowance, as the case may be,” and substituting “by way of salary”;
- 10 (h) by omitting subsections (5) and (6).

(2) In spite of the amendment made by paragraph (1) (a), in the case of an office of Judge of the Family Court of Australia occupied by a person who is also a Judge of the Family Court of a State, the salary of the office, in respect of the period to which this subsection applies, is salary at the rate applicable under the Principal Act as amended by this Act less the amount of any salary that has been paid to the holder of the office as a Judge of the Family Court of the State in respect of that period.

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(3) Subsection (2) applies to the period that commenced on 1 March 1989 and ends on the day on which this Act receives the Royal Assent.

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(4) Section 3 of the Principal Act is amended by inserting in subsection (6) “, Aboriginal Land Commissioner” after “Tribunal” (first occurring).

(5) In subsection (2):

“**Judge of the Family Court of Australia**” has the meaning assigned to “Judge” in Part IV of the *Family Law Act 1975*.

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#### **Travelling allowances payable to Justices of the High Court**

6. Section 4 of the Principal Act is amended:

- (a) by omitting from sub-subparagraph (4) (a) (i) (A) “\$190” and substituting “\$250”;
- 30 (b) by omitting from sub-subparagraph (4) (a) (i) (B) “\$120” and substituting “\$130”.

#### **Additional allowance payable to certain Justices of the High Court**

7. Section 5 of the Principal Act is amended by omitting from subsection (1) “\$12,910 per annum” and substituting “\$15,118 per year”.

#### **Travelling allowances payable to holders of certain offices**

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8. Section 6 of the Principal Act is amended:

- (a) by omitting “Part II” from the definition of “office to which this section applies” in subsection (1) and substituting “Part 2”;
- (b) by omitting from sub-subparagraph (4) (a) (i) (A) “\$180” and substituting “\$235”;
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- (c) by omitting from sub-subparagraph (4) (a) (i) (B) “\$115” and substituting “\$125”.

### Schedule

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

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**“SCHEDULE**

Subsection 3 (1)

Column 1	Column 2 Rate per year of salary
	\$
<b>PART 1</b>	
Chief Justice of the High Court . . . . .	160,852
Justice (other than Chief Justice) of the High Court . . . . .	146,218
<b>PART 2</b>	
Chief Justice of the Federal Court of Australia . . . . .	135,650
Chief Justice of the Family Court of Australia . . . . .	135,650
Chief Justice of the Supreme Court of the Australian Capital Territory . . . . .	128,331
Deputy Chief Justice of the Family Court of Australia . . . . .	127,542
Judge (other than Chief Justice) of the Federal Court of Australia . . . . .	124,277
Judge Administrator of the Family Court of Australia . . . . .	124,277
Judge assigned to the Appeal Division of the Family Court of Australia (other than the Chief Justice or the Deputy Chief Justice) . . . . .	124,277
Senior Judge of the Family Court of Australia . . . . .	124,277
Any other Judge of the Family Court of Australia . . . . .	124,277
Chairman of the Commonwealth Grants Commission . . . . .	125,023
President of the Inter-State Commission . . . . .	124,277
Master of the Supreme Court of the Australian Capital Territory . . . . .	91,206
Judicial Registrar of the Family Court of Australia . . . . .	82,092”.

**PART 3—AMENDMENTS OF THE REMUNERATION TRIBUNAL  
ACT**

### Principal Act

10. In this Part, “Principal Act” means the *Remuneration Tribunal Act 1973*².

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### Interpretation

11. Section 3 of the Principal Act is amended by omitting paragraphs (4) (h) and (j).

### Inquiries and reports by Tribunal

12. Section 6 of the Principal Act is amended:

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- (a) by omitting subsection (2);
- (b) by omitting from subsection (3) “, (2)”.

**Determination of certain salaries not affected by amendments**

5 13. (1) Where, on the day on which this Act receives the Royal Assent, there is in force a determination of the Remuneration Tribunal fixing the remuneration to be paid to the holder of an office to which this section applies, the determination does not operate to reduce the salary payable to the holder of the office by virtue of the *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984*, as amended by this Act.

(2) This section applies to:

- 10 (a) an office of Judicial Registrar of the Family Court of Australia; and  
(b) the office of Master of the Supreme Court of the Australian Capital Territory.
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**NOTES**

1. No. 104, 1984, as amended. For previous amendments, see Nos. 65 and 199, 1985; No. 105, 1986; and No. 96, 1988.
2. No. 215, 1973, as amended. For previous amendments, see No. 80, 1974; No. 96, 1975; Nos. 60 and 178, 1978; Nos. 26, 108, 136 and 155, 1979; No. 160, 1980; Nos. 61, 74 and 176, 1981; Nos. 78 and 111, 1982; Nos. 39 and 128, 1983; Nos. 63, 73 and 164, 1984; Nos. 65 and 187, 1985; and Nos. 87, 109 and 123, 1988.



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