

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 22 February 1985

(Attorney-General)

A BILL

FOR

An Act to amend the *High Court Justices (Long Leave Payments) Act 1979* and the *Judges (Long Leave Payments) Act 1979*

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

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Justices (Long Leave Payments) Amendment Act 1985*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

10 **PART II—AMENDMENTS OF THE HIGH COURT JUSTICES
(LONG LEAVE PAYMENTS) ACT 1979**

Principal Act

3. The *High Court Justices (Long Leave Payments) Act 1979*¹ is in this Part referred to as the Principal Act.

Payment on retirement or death of Justice

4. Section 4 of the Principal Act is amended by inserting after sub-section (2) the following sub-sections:

“(2A) Where—

- (a) a Justice (not being a Justice to whom sub-section (1) applies) is to cease to hold office as a Justice upon attaining a particular age, and the Justice ceases to be a Justice upon attaining that age; and . 5
- (b) at the time of the Justice’s so ceasing, the period of his or her service as a Justice was not less than 6 years,

an amount calculated in accordance with sub-section (2C) is payable in accordance with this Act. 10

“(2B) Where—

- (a) a Justice (not being a Justice to whom sub-section (1) applies) retires; and
- (b) the Attorney-General certifies under section 6 of the *Judges’ Pensions Act 1968* that the retirement is due to permanent disability or infirmity, . 15

an amount calculated in accordance with sub-section (2C) is payable in accordance with this Act.

“(2C) The amount payable under sub-section (2A) or (2B) in respect of a Justice is an amount equal to the judicial salary of the Justice for a period of weeks calculated at the rate of 5.2 weeks for each completed year of the Justice’s qualifying service.”. 20

Formal amendments

- 5. The Principal Act is amended as set out in Schedule 1. 25

PART III—AMENDMENTS OF THE JUDGES (LONG LEAVE PAYMENTS) ACT 1979

Principal Act

6. The *Judges (Long Leave Payments) Act 1979*² is in this Part referred to as the Principal Act. 30

Interpretation

7. Section 3 of the Principal Act is amended by omitting “an internal Territory” from paragraph (a) of the definition of “Judge” and substituting “the Australian Capital Territory”.

Payment on retirement or death of Judge 35

8 Section 4 of the Principal Act is amended by inserting after sub-section (2) the following sub-sections:

“(2A) Where—

- (a) a Judge (not being a Judge to whom sub-section (1) applies) is to cease to hold office as a Judge upon attaining a particular age, and the Judge ceases to be a Judge upon attaining that age; and 40

(b) at the time of the Judge's so ceasing, the period of his or her service as a Judge was not less than 6 years,
an amount calculated in accordance with sub-section (2C) is payable in accordance with this Act.

5 “(2B) Where—

(a) a Judge (not being a Judge to whom sub-section (1) applies) retires;
and

(b) the Attorney-General certifies under section 6 of the *Judges' Pensions Act 1968* that the retirement is due to permanent disability or
10 infirmity,

an amount calculated in accordance with sub-section (2C) is payable in accordance with this Act.

“(2C) The amount payable under sub-section (2A) or (2B) in respect of a Judge is an amount equal to the judicial salary of the Judge for a period of weeks calculated at the rate of 5.2 weeks for each completed year of the Judge's
15 qualifying service.”.

Formal amendments

9. The Principal Act is amended as set out in Schedule 2.

SCHEDULE 1

Section 5

FORMAL AMENDMENTS OF THE HIGH COURT JUSTICES (LONG LEAVE PAYMENTS) ACT 1979

Section 3 (definition of “judicial salary”)—

Omit “his”, substitute “the Justice's”.

Paragraph 4 (1) (b)—

After “he”, insert “or she”.

Paragraph 4 (2) (b)—

Omit “his”, substitute “the Justice's”.

Sub-section 4 (3) (definition of “qualifying service”)—

After “his”, insert “or her”.

SCHEDULE 2

Section 9

FORMAL AMENDMENTS OF THE JUDGES (LONG LEAVE PAYMENTS) ACT 1979

Section 3 (definition of “judicial salary”)—

Omit “his”, substitute “the Judge's”.

SCHEDULE 2—continued

Paragraph 4 (1) (b)—

After “he”, insert “or she”.

Paragraph 4 (2) (b)—

Omit “his”, substitute “the Judge’s”.

Sub-section 4 (3) (definition of “qualifying service”)—

After “his”, insert “or her”.

NOTES

1. No. 89, 1979.
2. No. 90, 1979.