

REMUNERATION AND ALLOWANCES AMENDMENT ACT 1978

No. 166 of 1978

An Act relating to the remuneration and allowances payable to the holders of certain judicial and other offices, and for other purposes.

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

Short title,
&c.

1. (1) This Act may be cited as the *Remuneration and Allowances Amendment Act 1978*.¹

(2) The *Remuneration and Allowances Act 1973*² is in this Act referred to as the Principal Act.

Commence-
ment

2. (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.¹

(2) The amendments made by sections 3 and 5 shall be deemed to have taken effect on 1 July 1978 and the amendments made by section 4 shall be deemed to have taken effect on 1 January 1974.

Salaries and
allowances
of holders of
certain
judicial and
other offices

3. Section 13 is amended—

(a) by omitting from sub-section (4) “\$2,500 per annum and an annual allowance at the rate of \$250 per annum” and substituting “\$2,623 per annum”; and

(b) by omitting from sub-section (5) “\$51” and substituting “\$55”.

Remuner-
ation of
office-holder
who is
appointed to
another
office

4. Section 17 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) Where a regulation made for the purposes of sub-section (1) provides for the payment to the holder of a statutory office in respect of that office—

(a) of remuneration at a rate specified in, or ascertainable in accordance with, the regulation; or

(b) of remuneration at a rate, and annual allowance at a rate, specified in or ascertainable in accordance with, the regulation,

the regulation has effect only if, and so long as—

- (c) in a case to which paragraph (a) applies, the rate of remuneration payable in accordance with the regulation exceeds—
 - (i) if remuneration, but no annual allowance, would, but for this section, be payable in respect of the office—the rate of that remuneration; or
 - (ii) if both remuneration and an annual allowance would, but for this section, be payable in respect of the office—the sum of the rate of that remuneration and the rate of that annual allowance; and
- (d) in a case to which paragraph (b) applies, the sum of the rate of remuneration and the rate of annual allowance payable in accordance with the regulation exceeds—
 - (i) if remuneration, but no annual allowance, would, but for this section, be payable in respect of the office—the rate of that remuneration; or
 - (ii) if both remuneration and an annual allowance would, but for this section, be payable in respect of the office—the sum of the rate of that remuneration and the rate of that annual allowance.”.

5. Schedule 3 to the Principal Act is repealed and the following Schedule substituted:

SCHEDULE 3

Section 13

Column 1	Column 2	Column 3	Column 4
	Rate per annum of Salary	Rate per annum of Annual Allowance	Rate per day of Travelling Allowance
	\$	\$	\$
PART I			
Chief Justice of the High Court	59,817	3,900	62
Justice (other than the Chief Justice) of the High Court	54,113	3,250	62
PART II			
Chief Judge of the Federal Court of Australia	50,684	2,975	55
Chief Judge of the Family Court of Australia	46,280	2,975	55
President of the Administrative Appeals Tribunal	46,280	2,975	55
President of the Trade Practices Tribunal	46,280	2,975	55
Director-General of Security	46,280	2,975	55
Judge (other than the Chief Judge) of the Federal Court of Australia	46,280	2,700	55
Chief Judge of the Supreme Court of the Australian Capital Territory	44,707	2,975	55
Chief Judge of the Supreme Court of the Northern Territory	44,707	2,975	55
Chief Judge of the Australian Industrial Court	44,707	2,700	55
Judge (other than the Chief Judge) of the Australian Industrial Court	43,658	2,700	55

SCHEDULE 3—continued

Column 1	Column 2	Column 3	Column 4
	Rate per annum of Salary	Rate per annum of Annual Allowance	Rate per day of Travelling Allowance
	\$	\$	\$
Judge of the Federal Court of Bankruptcy	43,658	2,700	55
Judge (other than the Chief Judge) of the Supreme Court of the Australian Capital Territory	43,658	2,700	55
Judge (other than the Chief Judge) of the Supreme Court of the Northern Territory	43,658	2,700	55
Chairman of the Commonwealth Grants Commission	43,658	2,700	55
Senior Judge of the Family Court of Australia	42,085	2,700	55
Judge (other than the Chief Judge or a Senior Judge) of the Family Court of Australia	37,890	2,700	55

NOTES

1. Act No. 166, 1978; assented to 28 November 1978.
2. Act No. 14, 1973, as amended. For previous amendments *see* Act No. 203, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 8, 1975; Nos. 83, 170 and 182, 1976; and Nos. 81 and 111, 1977.