

Judges (Long Leave Payments) Act 1979

No. 90 of 1979

An Act to make provision for payments, in lieu of long leave, on the retirement or death of certain Judges (other than Justices of the High Court) and persons having the status of Judges.

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

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| Short title | 1. This Act may be cited as the <i>Judges (Long Leave Payments) Act 1979</i> . ¹ |
| Commencement | 2. This Act shall come into operation on the day on which it receives the Royal Assent. ¹ |
| Interpretation | 3. In this Act, unless the contrary intention appears—
“Judge” means—
(a) a Judge of a federal court (other than the High Court) or of the Supreme Court of an internal Territory; or
(b) a person who, by virtue of an Act, has the same status as a Judge of a court referred to in paragraph (a);
“judicial salary”, in relation to a Judge, means salary at a weekly rate equal to one fifty-second of the annual rate of salary that was payable to the Judge immediately before his retirement or death;
“retirement”, in relation to a Judge, means ceasing to be a Judge otherwise than by death. |
| Payment on retirement or death of Judge | 4. (1) On—
(a) the retirement of a Judge after having completed at least 10 years’ service as a Judge; or
(b) the death of a Judge, whether or not he has completed 10 years’ service as a Judge,
an amount calculated in accordance with sub-section (2) is payable in accordance with this Act.

(2) The amount payable under sub-section (1) in respect of a Judge is an amount equal to the judicial salary of the Judge for—
(a) a period of 52 weeks; or |

(b) a period of weeks calculated at the rate of 5.2 weeks for each completed year of his qualifying service, whichever is the lesser period.

(3) In this section—

“qualifying service”, in relation to a Judge, means the period of his service as a Judge, other than any period of such service in respect of which the Judge has taken long leave or has been paid in lieu of such leave;

“service as a Judge”, in relation to a Judge, means the period that is to be regarded, in relation to the Judge, as service as a Judge for the purposes of section 6 of the *Judges’ Pensions Act 1968*.

5. (1) An amount payable under section 4 on the retirement of a Judge is payable to the Judge. Recipient of payment under section 4

(2) An amount payable under section 4 on the death of a Judge is payable to—

- (a) where the Judge leaves a widow or widower—that widow or widower;
- (b) where the Judge does not leave a widow or widower but leaves a dependant or dependants—that dependant or those dependants; or
- (c) in any other case—the legal personal representative of the Judge.

(3) Where an amount is payable under paragraph (2) (b) to the dependants of a Judge, the Attorney-General may give a direction as to the distribution of the amount between or among those dependants.

(4) Where an amount is payable under this section to a person who is under a legal disability, the Attorney-General may, instead of authorizing payment of the amount to the person, authorize payment of the amount to such trustee or trustees as the Attorney-General appoints to be held by that trustee or those trustees upon such trusts for the benefit of the person as the Attorney-General directs.

6. Payments under this Act shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly. Appropriation

7. Unless the Governor-General otherwise directs, an amount is not payable under this Act by reason of the removal of a Judge under section 72 of the Constitution or under any similar provision in an Act. Amount not payable on removal of Justice

NOTE

1. Act No. 90, 1979; assented to 31 August 1979.