



# **Judicial and Statutory Officers (Remuneration and Allowances) Act 1984**

**Act No. 104 of 1984 as amended**

This compilation was prepared on 10 July 2008  
taking into account amendments up to Act No. 73 of 2008

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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# **An Act relating to the remuneration and allowances payable to the holders of certain judicial and statutory offices**

## **1 Short title** [see Note 1]

This Act may be cited as the *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984*.

## **2 Commencement**

This Act shall be deemed to have come into operation on 1 July 1984.

## **2A Act subject to Remuneration Tribunal Act**

This Act has effect subject to the *Remuneration Tribunal Act 1973*.

## **3 Salaries**

- (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.
- (2A) Subsection (2) applies to the following offices:
  - (a) Chief Justice of the Supreme Court of Norfolk Island;
  - (b) President of the Administrative Appeals Tribunal;
  - (c) Aboriginal Land Commissioner;
  - (d) President of the Trade Practices Tribunal.
- (3) Subject to subsection (4) a person being a Judge of the Federal Court of Australia who holds office by virtue of an appointment that took effect while the person was a Judge (including the Chief Judge) of any other court or courts created by the Parliament or while the person was a member of the Inter-State Commission shall, while the person continues to hold office both as a Judge of

the Federal Court of Australia and as a Judge (including the Chief Judge) of that other court or of any of those other courts, or as a member of the Inter-State Commission, as the case may be, be remunerated with the salary, or salary and expenses of office allowance, to which the person is from time to time entitled as a Judge of the other court or courts or as a member of the Inter-State Commission, as the case may be, and, if the person continues to be a Judge of the Federal Court of Australia after the person no longer holds any other office referred to in this subsection, other than an office as an additional Judge of the Supreme Court of a Territory or as a Judge of the Supreme Court of an external Territory, the person shall receive such salary as is applicable to the office held by the person as a Judge of the Federal Court of Australia.

- (4) In the case of a person who is a Judge of the Federal Court of Australia to whom subsection (3) applies, if the salary to which the person would be entitled as a Judge of that Court if that subsection were not applicable exceeds the salary, or salary and expenses of office allowance, as the case may be, by which the person is remunerated in accordance with that subsection, the person shall receive, in respect of the person's office as a Judge of that Court, an additional amount by way of salary equal to the excess.
- (7) Subsection (1) does not apply in respect of the office of Chairperson of the Commonwealth Grants Commission unless subsection 8(6A) of the *Commonwealth Grants Commission Act 1973* applies to the holder of the office.
- (8) A member of the Inter-State Commission other than the President of that Commission:
  - (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 \$2,627 per year.

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

- (1) In this section, *judicial office to which this section applies* means the office of Chief Justice of the High Court or an office of Justice of the High Court.

- (2) For the purposes of this section:
- (a) the Australian Capital Territory shall be deemed to constitute a single locality;
  - (b) each capital city of a State shall be deemed to constitute a single locality; and
  - (c) each other city or town shall be deemed to constitute a single locality.
- (3) There is payable to a person who holds a judicial office to which this section applies an allowance ascertained in accordance with subsections (4) and (4A) in respect of the person's expenses of travel within Australia and the external Territories:
- (a) if the sole or principal place of residence of the person is at a place in the Australian Capital Territory, in connection with the performance of the person's duties otherwise than in the Australian Capital Territory; or
  - (b) in any other case, in connection with the performance of the person's duties otherwise than in:
    - (i) the Australian Capital Territory; and
    - (ii) the locality in which the person's sole or principal place of residence is situated.
- (4) The allowance in respect of the expenses of travel payable under subsection (3) to a person who holds a judicial office to which this section applies is:
- (a) if the travel involves an absence from the person's sole or principal place of residence and from the Australian Capital Territory that includes an overnight stay or overnight stays:
    - (i) if subparagraphs (ii) and (iii) do not apply:
      - (A) for an overnight stay in a capital city—\$250; or
      - (B) for any other overnight stay—\$130;
    - (ii) if the number of hours of the absence is not less than the number ascertained in accordance with the formula  $24A + 10$ , where **A** is the number of overnight stays included in the absence—the sum of the amount that would be ascertained under subparagraph (i) if that subparagraph were applicable and \$30; or
    - (iii) if the cost of accommodation and meals of the person in respect of an overnight stay is borne by the Commonwealth—\$30 for the overnight stay; or

- (b) if the travel involves an absence from the person's sole or principal place of residence and from the Australian Capital Territory of not less than 10 hours but does not include an overnight stay—\$30.

(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.

- (5) There is payable to a person who holds a judicial office to which this section applies, in respect of travel outside Australia and the external Territories in connection with the performance of the person's duties, an allowance by way of reimbursement of the reasonable expenses of that travel.

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

- (1) There is payable to a person:
  - (a) who holds a judicial office to which this section applies; and
  - (b) whose sole or principal place of residence was at the time when the person's appointment, or first appointment, as the case may be, to any such judicial office took effect, and has at all subsequent times been, at a place outside, but not in a

part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory;

an allowance, on account of expenses that will be incurred by the person by reason that the person's sole or principal place of residence is at a place outside, and not in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory, at the rate of \$15,118 per year.

- (2) In this section, *judicial office to which this section applies* means the office of Chief Justice of the High Court or an office of Justice of the High Court.

## 6 Travelling allowances payable to holders of certain offices

- (1) In this section:

*headquarters*, in relation to a person who holds an office to which this section applies, means:

- (a) if that office is an office of Chief Justice, Chief Judge, Senior Judge or Judge of a Court and the sole or principal place of residence of the person is situated in a locality in which there is a registry of that Court—that locality; or
- (aa) if that office is an office of President or Deputy President of the Australian Industrial Relations Commission, and the sole or principal place of residence of the person is situated in a locality in which there is a registry of the Australian Industrial Registry—that locality; or
- (b) in a case to which paragraph (a) or (aa) does not apply—the locality where the person ordinarily performs the duties of that office.

*office to which this section applies* means:

- (a) an office specified in column 1 of Part 2 of the Schedule (other than the office of President of the Inter-State Commission); or
  - (b) President or Deputy President of the Australian Industrial Relations Commission.
- (2) For the purposes of this section:
- (a) the Australian Capital Territory shall be deemed to constitute a single locality;

- (b) each capital city of a State shall be deemed to constitute a single locality; and
  - (c) each other city or town shall be deemed to constitute a single locality.
- (3) There is payable to a person who holds an office to which this section applies an allowance ascertained in accordance with subsections (4) and (4A) in respect of the person's expenses of travel within Australia and the external Territories in connection with the performance of the person's duties (including duties of any other office held by the person) other than the office of President of the Inter-State Commission otherwise than at:
- (a) the person's headquarters; and
  - (b) the locality in which the person's sole or principal place of residence is situated.
- (4) The allowance in respect of the expenses of travel payable under subsection (3) to a person who holds an office to which this section applies is:
- (a) if the travel involves an absence from the person's sole or principal place of residence and from the person's headquarters that includes an overnight stay or overnight stays:
    - (i) if subparagraphs (ii) and (iii) do not apply:
      - (A) for an overnight stay in a capital city—\$235; or
      - (B) for any other overnight stay—\$125; or
    - (ii) if the number of hours of the absence is not less than the number ascertained in accordance with the formula  $24A + 10$ , where **A** is the number of overnight stays included in the absence—the sum of the amount that would be ascertained under subparagraph (i) if that subparagraph were applicable and \$30; or
    - (iii) if the cost of accommodation and meals of the person in respect of an overnight stay is borne by the Commonwealth—\$30 for the overnight stay; or
  - (b) if the travel involves an absence from the person's sole or principal place of residence and from the person's headquarters of not less than 10 hours but does not include an overnight stay—\$30.

(4A) Where:

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- (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
  - (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.
- (5) There is payable to a person who holds an office to which this section applies, in respect of the person's expenses of travel outside Australia and the external Territories in connection with the performance of the person's duties (including duties of any other office held by the person) other than the office of President of the Inter-State Commission the same allowance as would be applicable to the holders of offices referred to in paragraph (a) of the definition of *office of Secretary* in subsection 7(1) of the *Public Service Act 1922* in respect of the expenses of similar travel in the performance of their duties.
- (6) Where a person who holds 2 or more offices to which this section applies travels in connection with the performance of the person's duties as the holder of any one or more of those offices, nothing in this Act or in any other Act entitles the person to be paid in respect of the expenses of that travel an amount exceeding the amount that the person would be entitled to be paid if the person held only the office, or one of the offices, to the duties of which the travel relates.

- (7) Notwithstanding subsection (1), the office of Chairperson of the Commonwealth Grants Commission shall not be taken to be an office to which this section applies unless subsection 8(6A) of the *Commonwealth Grants Commission Act 1973* applies to the holder of the office.

### **6A Travelling allowances payable to members of the Inter-State Commission**

- (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.
- (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:
- (a) in respect of the President:
    - (i) for each overnight stay in Canberra—\$115;
    - (ii) for each overnight stay in any other capital city—\$235;
    - or
    - (iii) for any other overnight stay—\$125; or
  - (b) in respect of a member other than the President:
    - (i) for each overnight stay in Canberra—\$115;
    - (ii) for each overnight stay in any other capital city—\$136;
    - or
    - (iii) for any other overnight stay—\$105.
- (3) In respect of travel outside Australia and the external Territories, the rates of the allowance are:
- (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 subsection 7(1) of the *Public Service Act 1922* in respect of the expenses of similar travel in the performance of their duties; or
  - (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.
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- (4) This section has effect notwithstanding subsection 19(2) of the *Inter-State Commission Act 1975*.

## **7 Allowance payable to Solicitor-General**

- (1) There is payable to a person:
- (a) who holds the office of Solicitor-General of the Commonwealth;
  - (b) whose principal place of residence was, at the time when the person's appointment, or first appointment, as the case may be, to that office took effect, at a place outside, but not in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory; and
  - (c) whose headquarters for the purposes of payment of travelling allowance are in the Australian Capital Territory and who, in accordance with a requirement made upon the appointment of the person to that office, has established the person's principal place of residence in the Australian Capital Territory or in a part of New South Wales that is adjacent to or in the vicinity of the Australian Capital Territory;
- an allowance at such rate as is determined by the Remuneration Tribunal for the period in which the person maintains the principal place of residence established as mentioned in paragraph (c).
- (2) An allowance payable by virtue of subsection (1) shall be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

## **8 Remuneration of office-holder who is appointed to another office**

- (1) Where a person appointed to hold a statutory office in a full-time capacity was, immediately before the appointment, the holder in a full-time capacity of another statutory office or an officer (including an unattached officer) of the Australian Public Service or an officer in the service of a body corporate established for a public purpose by or under an Act, the person shall, if the regulations so provide, be paid, during the period of the appointment (including any period of re-appointment) to the first-mentioned statutory office, in lieu of the remuneration and expenses of office allowance (if any) payable in respect of that office, remuneration at such rate and an expenses of office

allowance at such rate (if any) as are specified in, or ascertained in accordance with, the regulations.

- (2) Where a regulation made for the purposes of subsection (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 an expenses of office 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 expenses of office 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 expenses of office 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 expenses of office allowance; and
  - (d) in a case to which paragraph (b) applies, the sum of the rate of remuneration and the rate of expenses of office allowance payable in accordance with the regulation exceeds:
    - (i) if remuneration, but no expenses of office 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 expenses of office 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 expenses of office allowance.
- (3) The Governor-General may make regulations prescribing all matters permitted to be prescribed by this section.

**9 Repeal and saving**

- (1) Sections 13, 13A, 13B, 13C and 17 of, and the Schedule to, the *Remuneration and Allowances Act 1973* are repealed.
- (2) Any regulations under section 17 of the *Remuneration and Allowances Act 1973* that were in force immediately before the commencement of this Act continue in force as if made under section 8 of this Act.

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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
Judge (other than Chief Justice) of the Supreme Court of the Australian Capital Territory .....	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

**Table of Acts**

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

**Note 1**

The *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984* as shown in this compilation comprises Act No. 104, 1984 amended as indicated in the Tables below.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Judicial and Statutory Officers (Remuneration and Allowances) Act 1984</i>	104, 1984	15 Oct 1984	1 July 1984	
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985 (a)	—
<i>Judicial and Statutory Officers (Remuneration and Allowances) Amendment Act 1985</i>	199, 1985	16 Dec 1985	1 July 1985	—
<i>Remuneration and Allowances Alteration Act 1986</i>	105, 1986	23 Oct 1986	Parts II and III (ss. 3–13) and s. 14: 1 July 1986 Remainder: Royal Assent	—
<i>Industrial Relations (Consequential Provisions) Act 1988</i>	87, 1988	8 Nov 1988	Ss. 1 and 2: 8 Nov 1988 Remainder: 1 Mar 1989 (see s. 2(2) and <i>Gazette</i> 1989, No. S53)	—
<i>Judicial and Statutory Officers (Remuneration and Allowances) Amendment Act 1988</i>	96, 1988	24 Nov 1988	2 Dec 1987	—
<i>Judicial and Statutory Officers Remuneration Legislation Amendment Act 1989</i>	152, 1989	5 Dec 1989	Ss. 3, 5(1)–(3), (5) and 6–10: 1 Mar 1989 S. 5(4): 25 May 1988 Remainder: Royal Assent	S. 5(2), (3) and (5)

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

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Statute Law Revision Act 2008</i>	73, 2008	3 July 2008	Schedule 4 (items 376, 377): 4 July 2008	—

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**Act Notes**

- (a) The *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.



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**Table of Amendments**

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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Provision affected	How affected
S. 2A .....	ad. No. 152, 1989
S. 3.....	am. Nos. 65 and 199, 1985; No. 105, 1986; Nos. 87 and 96, 1988; No. 152, 1989; No. 73, 2008
Ss. 4, 5.....	am. No. 199, 1985; No. 105, 1986; No. 96, 1988; No. 152, 1989
S. 6.....	am. Nos. 65 and 199, 1985; No. 105, 1986; Nos. 87 and 96, 1988; No. 152, 1989; No. 73, 2008
S. 6A .....	ad. No. 199, 1985 am. No. 105, 1986; No. 96, 1988; No. 152, 1989
S. 7.....	am. No. 199, 1985; No. 105, 1986
Schedule .....	rs. No. 199, 1985; No. 105, 1986; No. 96, 1988; No. 152, 1989