

Justices (Long Leave Payments) Amendment Act 1985

No. 1 of 1985

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

[Assented to 14 March 1985]

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

**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.

# 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*1is 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

(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.

“(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,

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.”.

# Formal amendments

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

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

# Principal Act

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

# 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

**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

(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.

“(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 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 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) (by—

After “he”, insert “or she”.

# Paragraph 4 (2) (by—

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.

[*Minister’s second reading speech made in—*

*House of Representatives on 22 February 1985  
Senate on 27 February 1985*]