



Judicial and Statutory Officers Remuneration Legislation Amendment Act 1989

No. 152 of 1989

**An Act to amend legislation relating to the remuneration of
the holders of certain judicial and statutory offices, and for
related purposes**

[Assented to 5 December 1989.]

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

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Judicial and Statutory Officers
Remuneration Legislation Amendment Act 1989*.

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Commencement

2. (1) This Part, section 4 and Part 3 commence on the day on which this Act receives the Royal Assent.

(2) Except for section 4 and subsection 5 (4), Part 2 is to be taken to have commenced on 1 March 1989.

(3) Subsection 5 (4) is to be taken to have commenced on 25 May 1988.

**PART 2—AMENDMENTS OF THE JUDICIAL AND STATUTORY
OFFICERS (REMUNERATION AND ALLOWANCES) ACT**

Principal Act

3. In this Part, “**Principal Act**” means the *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984*.

4. After section 2 of the Principal Act the following section is inserted:

Act subject to Remuneration Tribunal Act

“2A. This Act has effect subject to the *Remuneration Tribunal Act 1973*.”.

Salaries

5. (1) Section 3 of the Principal Act is amended:

(a) by omitting subsections (1) and (2) and substituting the following subsections:

“(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.”;

(b) by omitting from subsection (3) “subsections (4) and (5)” and substituting “subsection (4)”;

(c) by omitting from subsection (3) “salary and expenses of office allowance” (first occurring) and substituting “salary, or salary and expenses of office allowance,”;

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- (d) by omitting from subsection (3) “and expenses of office allowance as are” and substituting “as is”;
- (e) by omitting from subsection (4) “or expenses of office allowance” (first occurring);
- (f) by omitting from subsection (4) “salary or expenses of office allowance,” (second occurring) and substituting “salary, or salary and expenses of office allowance,”;
- (g) by omitting from subsection (4) “by way of salary or expenses of office allowance, as the case may be,” and substituting “by way of salary”;
- (h) by omitting subsections (5) and (6);
- (j) by omitting from paragraph (8) (b) “\$2,371 per annum” and substituting “\$2,627 per year”.

(2) In spite of the amendment made by paragraph (1) (a), in the case of an office of Judge of the Family Court of Australia occupied by a person who is also a Judge of the Family Court of a State, the salary of the office, in respect of the period to which this subsection applies, is salary at the rate applicable under the Principal Act as amended by this Act less the amount of any salary that has been paid to the holder of the office as a Judge of the Family Court of the State in respect of that period.

(3) Subsection (2) applies to the period that commenced on 1 March 1989 and ends on the day on which this Act receives the Royal Assent.

(4) Section 3 of the Principal Act is amended by inserting in subsection (6) “, Aboriginal Land Commissioner” after “Tribunal” (first occurring).

(5) In subsection (2):

“Judge of the Family Court of Australia” has the meaning assigned to “Judge” in Part IV of the *Family Law Act 1975*.

Travelling allowances payable to Justices of the High Court

6. Section 4 of the Principal Act is amended:

- (a) by omitting from sub-subparagraph (4) (a) (i) (A) “\$190” and substituting “\$250”;
- (b) by omitting from sub-subparagraph (4) (a) (i) (B) “\$120” and substituting “\$130”.

Additional allowance payable to certain Justices of the High Court

7. Section 5 of the Principal Act is amended by omitting from subsection (1) “\$12,910 per annum” and substituting “\$15,118 per year”.

Travelling allowances payable to holders of certain offices

8. Section 6 of the Principal Act is amended:

- (a) by omitting “Part II” from the definition of “office to which this section applies” in subsection (1) and substituting “Part 2”;

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- (b) by omitting from sub-subparagraph (4) (a) (i) (A) "\$180" and substituting "\$235";
- (c) by omitting from sub-subparagraph (4) (a) (i) (B) "\$115" and substituting "\$125".

Travelling allowances payable to members of the Inter-State Commission

9. Section 6A of the Principal Act is amended:

- (a) by omitting from subparagraph (2) (a) (i) "\$105" and substituting "\$115";
- (b) by omitting from subparagraph (2) (a) (ii) "\$180" and substituting "\$235";
- (c) by omitting from subparagraph (2) (a) (iii) "\$115" and substituting "\$125";
- (d) by omitting from subparagraph (2) (b) (i) "\$105" and substituting "\$115";
- (e) by omitting from subparagraph (2) (b) (ii) "\$125" and substituting "\$136";
- (f) by omitting from subparagraph (2) (b) (iii) "\$95" and substituting "\$105".

Schedule

10. The Schedule to the Principal Act is repealed and the following Schedule is substituted:

"SCHEDULE

Subsection 3 (1)

Column 1	Column 2 Rate per year of salary
\$	
PART 1	
Chief Justice of the High Court	160,852
Justice (other than Chief Justice) of the High Court	146,218
PART 2	
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

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Column 1	Column 2 Rate per year of salary
	\$
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".

**PART 3—AMENDMENTS OF THE REMUNERATION TRIBUNAL
ACT**

Principal Act

11. In this Part, “Principal Act” means the *Remuneration Tribunal Act 1973*².

Interpretation

12. Section 3 of the Principal Act is amended by omitting paragraphs (4) (h) and (j).

Inquiries and reports by Tribunal

13. Section 6 of the Principal Act is amended:

- (a) by omitting subsection (2);
- (b) by omitting from subsection (3) “, (2)”.

Inquiries and determinations by Tribunal

14. Section 7 of the Principal Act is amended:

- (a) by omitting from subsection (5) “A determination” and substituting “Subject to subsection (5A), a determination”; and
- (b) by inserting after subsection (5) the following subsections:

“(5A) A determination to which this subsection applies comes into operation according to subsections (5C) and (5D).

“(5B) Subsection (5A) applies to a determination that relates to the remuneration to be paid to a holder of:

- (a) an office of Justice or Judge of a Federal Court or of the Supreme Court of a Territory; or
- (b) the office of a person who, under an Act, has the same status as a Justice or Judge of a court referred to in paragraph (a).

“(5C) So far as it relates to a holder of an office referred to in subsection (5B), a determination to which subsection (5A) applies takes effect on the latest of the following:

- (a) the date specified by the Tribunal in the determination;

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- (b) the day after the fifteenth sitting day of the House of Representatives after a copy of the determination is laid before that House;
- (c) the day after the fifteenth sitting day of the Senate after a copy of the determination is laid before the Senate.

“(5D) Except to the extent that subsection (5C) applies, a determination to which subsection (5A) applies takes effect according to subsection (5).

“(5E) Where, under subsection (5C), a determination, so far as it relates to a particular office, comes into operation after the date specified in the determination, a person who held the office at any time during the period of deferral is entitled to receive the difference between:

- (a) the remuneration that would have been payable to him or her in respect of that period if the determination had come into operation according to subsection (5); and
- (b) the remuneration that was payable to him or her in respect of that period.

“(5F) For the purposes of subsection (5E), the period of deferral is the period commencing on the date specified in the determination and ending on the day on which the determination comes into operation in relation to the holder of the particular office.”.

Determination of certain salaries not affected by amendments

15. (1) Where, on the day on which this Act receives the Royal Assent, there is in force a determination of the Remuneration Tribunal fixing the remuneration to be paid to the holder of an office to which this section applies, the determination does not operate to alter the salary payable to the holder of the office by virtue of the *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984*, as amended by this Act.

(2) This section applies to:

- (a) an office of Judicial Registrar of the Family Court of Australia; and
- (b) the office of Master of the Supreme Court of the Australian Capital Territory.

NOTES

1. No. 104, 1984, as amended. For previous amendments, see Nos. 65 and 199, 1985; No. 105, 1986; and No. 96, 1988.
2. No. 215, 1973, as amended. For previous amendments, see No. 80, 1974; No. 96, 1975; Nos. 60 and 178, 1978; Nos. 26, 108, 136 and 155, 1979; No. 160, 1980; Nos. 61, 74 and 176, 1981; Nos. 78 and 111, 1982; Nos. 39 and 128, 1983; Nos. 63, 73 and 164, 1984; Nos. 65 and 187, 1985; and Nos. 87, 109 and 123, 1988.

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*[Minister's second reading speech made in—
House of Representatives on 17 August 1989
Senate on 30 October 1989]*