

# REMUNERATION AND ALLOWANCES AMENDMENT ACT (No. 2) 1976

No. 170 of 1976

An Act relating to the Remuneration and Allowances payable to Justices of the High Court, Judges of the Courts created by the Parliament and the holders of certain other Offices, and for purposes connected therewith.

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 (No. 2) 1976*.<sup>1</sup>

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

Commence-  
ment.

2. (1) Subject to sub-section (2), this Act shall be deemed to have come into operation on 1 June 1976.

(2) Sections 4 and 6 shall come into operation on the day on which this Act receives the Royal Assent.<sup>1</sup>

3. Sections 13 and 14 of the Principal Act are repealed and the following section is substituted:—

Salaries and  
allowances  
of holders of  
judicial and  
certain other  
offices.

“13. (1) Notwithstanding anything in any Act passed before the commencement of this section—

- (a) the rate per annum of the salary applicable to a judicial or other office specified in column 1 of Schedule 3 is the rate per annum specified in column 2 of that Schedule in relation to that office;
- (b) the rate per annum of the annual allowance applicable to a judicial or other office specified in column 1 of Schedule 3 is the rate per annum specified in column 3 of that Schedule in relation to that office; and
- (c) the rate per day of the travelling allowance applicable to a judicial or other office specified in column 1 of Schedule 3 is the rate per day specified in column 4 of that Schedule in relation to that office.

“(2) On and after the date of commencement of this section, sub-section 33 (1) of the *Trade Practices Act 1974* as in force at that date

does not have any effect but, if the person for the time being holding, or acting in, the office of President of the Trade Practices Tribunal is not the Chief Judge of the Australian Industrial Court or the President of the Australian Conciliation and Arbitration Commission, he shall be paid additional remuneration at the rate of \$1,000 per annum and an additional annual allowance at the rate of \$250 per annum.

“(3) If the person for the time being holding, or acting in, the office of President of the Trade Practices Tribunal, not being the Chief Judge of the Australian Industrial Court or the President of the Australian Conciliation and Arbitration Commission, dies or—

- (a) being a Judge of a Federal Court or of the Supreme Court of a Territory, retires as such a Judge; or
- (b) being a person who has the status of a Judge of the Australian Industrial Court, retires from the office by virtue of which he has that status,

the *Judges' Pensions Act* 1968 applies to or in relation to him as if he had been the Chief Judge of the Australian Industrial Court immediately before his death or retirement.

“(4) On the date of commencement of this section, sub-sections 8 (2), (3) and (4) of the *Prices Justification Act* 1973 as in force at that date shall be deemed to be repealed but, if the person for the time being holding, or acting in, the office of Chairman of the Prices Justification Tribunal is a Judge within the meaning of the *Prices Justification Act* 1973 but is not the Chief Judge of the Australian Industrial Court or the President of the Australian Conciliation and Arbitration Commission, he shall be paid additional remuneration at the rate of \$1,000 per annum and an additional annual allowance at the rate of \$250 per annum.

“(5) If the person for the time being holding, or acting in, the office of Chairman of the Prices Justification Tribunal is a Judge within the meaning of the *Prices Justification Act* 1973 but is not the Chief Judge of the Australian Industrial Court or the President of the Australian Conciliation and Arbitration Commission, and that person dies or—

- (a) being a Justice or Judge of a Federal Court (other than the High Court) or of the Supreme Court of a Territory, retires as such a Justice or Judge; or
- (b) being a person who has the status of a Justice or Judge of such a Court, retires from the office by virtue of which he has that status,

the *Judges' Pensions Act* 1968 applies to or in relation to him as if he had been Chief Judge of the Australian Industrial Court immediately before his death or retirement.

“(6) An additional annual allowance at the rate of \$250 per annum is payable to the senior Judge of the Supreme Court of the Australian

Capital Territory appointed under sub-section 7 (1) of the *Australian Capital Territory Supreme Court Act 1933*.

“(7) Sub-section (6) does not have effect on or after the day on which a person is appointed to be the Chief Judge of the Supreme Court of the Australian Capital Territory.

“(8) Notwithstanding any determination of the Remuneration Tribunal that would otherwise be applicable, in the case of the Chairman of the Grants Commission holding office on 1 June 1976 (who was, immediately before his appointment, a Judge of the Supreme Court of New South Wales), the rate of remuneration payable to him is \$39,500 per annum and the rate of the annual allowance payable to him is \$2,250 per annum, being rates recommended by that Tribunal.”

4. After section 13 of the Principal Act the following sections are inserted in Part IV:—

Application of certain provisions of section 13.

“14. The provisions of sub-sections 13 (2), (3), (4) and (5) do not apply to a person who is a Judge of the Federal Court of Australia.

Salaries and allowances of holders of certain additional offices.

“15. In respect of a judicial office specified in column 1 of Schedule 4—

- (a) the rate per annum of the salary applicable to the office is the rate per annum specified in column 2 of that Schedule in relation to the office;
- (b) the rate per annum of the annual allowance applicable to the office is the rate per annum specified in column 3 of that Schedule in relation to the office; and
- (c) the rate per day of the travelling allowance applicable to the office is the rate per day specified in column 4 of that Schedule in relation to the office.

Judges of other courts appointed to Federal Court of Australia.

“16. (1) Notwithstanding the foregoing provisions of this Act but subject to sub-sections (2) and (3), a Judge of the Federal Court of Australia who holds office by virtue of an appointment that took effect while he was a Judge (including the Chief Judge) of any other court or courts created by the Parliament shall, while he 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, be remunerated with the salary and annual allowance to which he is from time to time entitled as a Judge of the other court or courts, and, if he continues to be a Judge of the Federal Court of Australia after he no longer holds any other judicial office referred to in this sub-section, 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, he shall receive such salary and annual allowances as are applicable to the office held by him as a Judge of the Federal Court of Australia.

“(2) In the case of a Judge of the Federal Court of Australia to whom sub-section (1) applies, if the salary or annual allowance to which he would be entitled as a Judge of that Court if that sub-section were not applicable exceeds the salary or annual allowance, as the case may be, by which he is remunerated in accordance with that sub-section, he shall receive, in respect of his office as a Judge of that Court, an additional amount by way of salary or annual allowance, as the case may be, equal to the excess.

“(3) Where sub-section (1) applies to a Judge of the Federal Court of Australia who also holds the office of Chief Judge of the Supreme Court of the Australian Capital Territory or of the Supreme Court of the Northern Territory of Australia, sub-section (2) does not apply, but he shall, while he continues to hold both those offices, receive, in respect of his office as a Judge of the Federal Court of Australia, in addition to the salary and annual allowance by which he is remunerated in accordance with sub-section (1), salary at the annual rate of \$2,500.”.

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

**SCHEDULE 3**

Section 13

Column 1	Column 2	Column 3	Column 4
Office	Rate per annum of Salary	Rate per annum of Annual Allowance	Rate per day of Travelling Allowance
Chief Justice of the High Court . . . . .	\$ 52,500	\$ 3,300	52
Justice (other than the Chief Justice) of the High Court . . . . .	47,500	2,750	52
Chief Judge of the Australian Industrial Court . . . . .	40,500	2,500	46
President of the Australian Conciliation and Arbitration Commission . . . . .	40,500	2,500	46
President of the Administrative Appeals Tribunal . . . . .	40,500	2,500	46
Judge (other than the Chief Judge) of the Australian Industrial Court . . . . .	39,500	2,250	46
Chief Judge of the Family Court of Australia . . . . .	39,500	2,250	46
Judge of the Federal Court of Bankruptcy . . . . .	39,500	2,250	46
Judge of the Supreme Court of the Australian Capital Territory . . . . .	39,500	2,250	46
Judge of the Supreme Court of the Northern Territory . . . . .	39,500	2,250	46
Deputy President of the Australian Conciliation and Arbitration Commission . . . . .	39,500	2,250	46
Senior Judge of the Family Court of Australia . . . . .	38,000	2,000	46
Judge (other than the Chief Judge or a Senior Judge) of the Family Court of Australia . . . . .	33,000	2,000	46

Schedule 4. **6.** The Principal Act is amended by adding at the end thereof the following Schedule:—

SCHEDULE 4			Section 15
Column 1	Column 2	Column 3	Column 4
Office	Rate per annum of Salary	Rate per annum of Annual Allowance	Rate per day of Travelling Allowance
	\$	\$	\$
Chief Judge of the Federal Court of Australia . . . . .	46,000	2,500	46
Judge (other than the Chief Judge) of the Federal Court of Australia . . . . .	42,000	2,250	46
Chief Judge of the Supreme Court of the Australian Capital Territory . . . . .	40,500	2,500	46
Chief Judge of the Supreme Court of the Northern Territory of Australia . . . . .	40,500	2,500	46

**NOTES**

1. Act No. 170, 1976; assented to 13 December 1976.
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; and No. 83, 1976.