

CONSTITUTION ALTERATION (RETIREMENT OF JUDGES) 1977

No. 83 of 1977

An Act to alter the Constitution so as to provide for Retiring Ages for Judges of Federal Courts.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, with the approval of the electors, as required by the Constitution, as follows:—

1. This Act may be cited as the *Constitution Alteration (Retirement of Judges) 1977*.¹ Short title.

2. The Constitution is altered by adding at the end of section 72 the following paragraphs:— Justices' appointment, tenure and remuneration.

“The appointment of a Justice of the High Court shall be for a term expiring upon his attaining the age of seventy years, and a person shall not be appointed as a Justice of the High Court if he has attained that age.

“The appointment of a Justice of a court created by the Parliament shall be for a term expiring upon his attaining the age that is, at the time of his appointment, the maximum age for Justices of that court and a person shall not be appointed as a Justice of such a court if he has attained the age that is for the time being the maximum age for Justices of that court.

“Subject to this section, the maximum age for Justices of any court created by the Parliament is seventy years.

“The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a court created by the Parliament and may at any time repeal or amend such a law, but any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment.

“A Justice of the High Court or of a court created by the Parliament may resign his office by writing under his hand delivered to the Governor-General.

“Nothing in the provisions added to this section by the *Constitution Alteration (Retirement of Judges)* 1977 affects the continuance of a person in office as a Justice of a court under an appointment made before the commencement of those provisions.

“A reference in this section to the appointment of a Justice of the High Court or of a court created by the Parliament shall be read as including a reference to the appointment of a person who holds office as a Justice of the High Court or of a court created by the Parliament to another office of Justice of the same court having a different status or designation.”

NOTE

1. Act No. 83, 1977; assented to and commenced 29 July 1977. See the statement showing the result of the referendum upon the proposed law to alter the Constitution that became this Act in *Gazette* 1977, No. S100, p. 2.