**REMUNERATION AND ALLOWANCES AMENDMENT ACT 1978**

**No. 166 of 1978**

An Act relating to the remuneration and allowances payable to the holders of certain judicial and other offices, and for other purposes.

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* 1978.

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

**Commencement**

**2.** (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) The amendments made by sections 3 and 5 shall be deemed to have taken effect on 1 July 1978 and the amendments made by section 4 shall be deemed to have taken effect on 1 January 1974.

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

**3.** Section 13 is amended—

(a) by omitting from sub-section (4) “$2,500 per annum and an annual allowance at the rate of $250 per annum” and substituting “$2,623 per annum “; and

(b) by omitting from sub-section (5) “$51” and substituting “$55”.

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

**4.** Section 17 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1a) Where a regulation made for the purposes of sub-section (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 annual 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 annual 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 annual 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 annual allowance; and

(d) in a case to which paragraph (b) applies, the sum of the rate of remuneration and the rate of annual allowance payable in accordance with the regulation exceeds—

(i) if remuneration, but no annual 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 annual 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 annual allowance.”.

**Schedule**

**5.** Schedule 3 to the Principal Act is repealed and the following Schedule substituted:

SCHEDULE 3 Section 13

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Column 1 | Column 2 | Column 3 | Column 4 | |
|  | Rate per annum of Salary | Rate per annum of Annual Allowance | Rate per day of Travelling Allowance | |
|  | $ | $ | $ | |
| PART I |  |  |  | |
| Chief Justice of the High Court | 59,817 | 3,900 | 62 | |
| Justice (other than the Chief Justice) of the High Court | 54,113 | 3,250 | 62 | |
| PART II |  |  |  | |
| Chief Judge of the Federal Court of Australia | 50,684 | 2,975 | 55 | |
| Chief Judge of the Family Court of Australia | 46,280 | 2,975 | 55 | |
| President of the Administrative Appeals Tribunal | 46,280 | 2,975 | 55 | |
| President of the Trade Practices Tribunal | 46,280 | 2,975 | 55 | |
| Director-General of Security | 46,280 | 2,975 | 55 | |
| Judge (other than the Chief Judge) of the Federal Court | 46,280 | 2,700 | 55 | |
| Chief Judge of the Supreme Court of the Australian Capital Territory | 44,707 | 2,975 | 55 | |
| Chief Judge of the Supreme Court of the Northern | 44,707 | 2,975 | 55 | |
| Chief Judge of the Australian Industrial Court | 44,707 | 2,700 | 55 | |
| Judge (other than the Chief Judge) of the Australian Industrial Court | 43,658 | 2,700 | 55 | |
| Judge of the Federal Court of Bankruptcy | 43,658 | 2,700 | | 55 |
| Judge (other than the Chief Judge) of the Supreme Court of the Australian Capital Territory | 43,658 | 2,700 | | 55 |
| Judge (other than the Chief Judge) of the Supreme Court of the Northern Territory | 43,658 | 2,700 | | 55 |
| Chairman of the Commonwealth Grants Commission | 43,658 | 2,700 | | 55 |
| Senior Judge of the Family Court of Australia | 42,085 | 2,700 | | 55 |
| Judge (other than the Chief Judge or a Senior Judge) of the Family Court of Australia | 37,890 | 2,700 | | 55 |