

# Remuneration and Allowances Amendment Act 1980

No. 164 of 1980

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## An Act to amend the *Remuneration and Allowances Act 1973*

[Assented to 10 December 1980]

BE IT ENACTED by the Queen, and the Senate and the 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 1980*.

(2) The *Remuneration and Allowances Act 1973*<sup>1</sup> is in this Act referred to as the Principal Act.

### Commencement

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

(2) The amendments made by sections 3, 4 and 5 shall be deemed to have taken effect on 1 July 1980.

### Salaries and allowances of certain office holders

3. Section 13 of the Principal Act is amended—

(a) by omitting paragraphs (b) and (c) of sub-section (1) and substituting the following word and paragraph:

“and (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

(b) by omitting sub-sections (5) and (6).

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

**Travelling allowance payable to the Chief Justice and Justices of the High Court**

“13A. (1) In this section, ‘judicial office to which this section applies, means the office of Chief Justice of the High Court or an office of Justice of the High Court.

“(2) For the purposes of this section—

- (a) the Australian Capital Territory shall be deemed to constitute a single locality;
- (b) each capital city of a State shall be deemed to constitute a single locality; and
- (c) each other city or town shall be deemed to constitute a single locality.

“(3) There is payable to a person who holds a judicial office to which this section applies an allowance ascertained in accordance with sub-section (4) in respect of his expenses of travel within Australia and the external Territories—

- (a) if the sole or principal place of residence of the person is at a place in the Australian Capital Territory—in connection with the performance of his duties otherwise than in the Australian Capital Territory; or
- (b) in any other case—in connection with the performance of his duties otherwise than in—
  - (i) the Australian Capital Territory; and
  - (ii) the locality in which his sole or principal place of residence is situated.

“(4) The allowance in respect of the expenses of travel payable under sub-section (3) to a person who holds a judicial office to which this section applies is—

- (a) if the travel involves an absence from his sole or principal place of residence and from the Australian Capital Territory that includes an overnight stay or overnight stays—
  - (i) in a case to which sub-paragraph (ii) does not apply—\$80 per overnight stay; or
  - (ii) if the number of hours of the absence is not less than the number ascertained in accordance with the formula  $24x + 10$ , where  $x$  is the number of overnight stays included in the absence—the sum of the amount that would be ascertained under sub-paragraph (i) if that sub-paragraph were applicable and \$20; or
- (b) if the travel involves an absence from his sole or principal place of residence and from the Australian Capital Territory of not less than 10 hours but does not include an overnight stay—\$20.

“(5) There is payable to a person (other than a person to whom an allowance is payable by virtue of section 13B)—

- (a) who holds a judicial office to which this section applies by virtue of an appointment made after 1 July 1980; and

- (b) whose sole or principal place of residence at the time (in this sub-section referred to as the 'relevant time') when that appointment took effect was at a place outside, but not in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory,

an allowance ascertained in accordance with sub-section (6) in respect of his expenses of travel in connection with the performance of his duties in the Australian Capital Territory, being travel—

- (c) if the person establishes his sole or principal place of residence at a place in, or in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory before the expiration of 3 months after the relevant time—before the time when he establishes his sole or principal place of residence at such a place; or
- (d) in a case to which paragraph (c) does not apply—before the expiration of 3 months after the relevant time.

“(6) The allowance in respect of the expenses of travel payable under sub-section (5) to a person who holds a judicial office to which this section applies is—

- (a) if the travel involves an absence from his sole or principal place of residence that includes an overnight stay or overnight stays—
  - (i) in a case to which sub-paragraph (ii) does not apply—\$80 per overnight stay; or
  - (ii) if the number of hours of the absence is not less than the number ascertained in accordance with the formula  $24x + 10$ , where  $x$  is the number of overnight stays included in the absence—the sum of the amount that would be ascertained under sub-paragraph (i) if that sub-paragraph were applicable and \$20; or
- (b) if the travel involves an absence from his sole or principal place of residence of not less than 10 hours but does not include an overnight stay—\$20.

“(7) There is payable to a person who holds a judicial office to which this section applies, in respect of travel outside Australia and the external Territories in connection with the performance of his duties, an allowance by way of reimbursement of the reasonable expenses of that travel.

#### **Additional allowance payable to certain Justices of the High Court**

“13B. (1) There is payable to a person—

- (a) who holds a judicial office to which this section applies;
- (b) who, on 1 July 1980, held a judicial office to which this section applies; and
- (c) whose sole or principal place of residence is, and was on that date, at a place outside, but not in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory,

an allowance, on account of expenses that will be incurred by him by reason that his sole or principal place of residence is at a place outside, and not in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory, at the rate of \$7,500 per annum.

“(2) In this section, ‘judicial office to which this section applies’ has the same meaning as in section 13A.

**Travelling allowances payable to holders of certain offices**

“13C. (1) In this section—

‘headquarters’, in relation to a person who holds an office to which this section applies, means—

- (a) if that office is an office of Chief Judge, Senior Judge or Judge of a Court and the sole or principal place of residence of the person is situated in a locality in which there is a registry of that Court—that locality; or
- (b) in a case to which paragraph (a) does not apply—the locality where the person ordinarily performs the duties of that office;

‘office to which this section applies’ means—

- (a) an office specified in column 1 of Part II of Schedule 3;
- (b) President of the Australian Conciliation and Arbitration Commission;
- (c) Deputy President of the Australian Conciliation and Arbitration Commission; or
- (d) Chairman of the Law Reform Commission.

“(2) For the purposes of this section—

- (a) the Australian Capital Territory shall be deemed to constitute a single locality;
- (b) each capital city of a State shall be deemed to constitute a single locality; and
- (c) each other city or town shall be deemed to constitute a single locality.

“(3) There is payable to a person who holds an office to which this section applies an allowance ascertained in accordance with sub-section (4) in respect of his expenses of travel within Australia and the external Territories in connection with the performance of his duties otherwise than at—

- (a) his headquarters; and
- (b) the locality in which his sole or principal place of residence is situated.

“(4) The allowance in respect of the expenses of travel payable under sub-section (3) to a person who holds an office to which this section applies is—

- (a) if the travel involves an absence from his sole or principal place of residence and from his headquarters that includes an overnight stay or overnight stays—
  - (i) in a case to which sub-paragraph (ii) does not apply—\$72 per overnight stay; or

- (ii) if the number of hours of the absence is not less than the number ascertained in accordance with the formula  $24x + 10$ , where  $x$  is the number of overnight stays included in the absence—the sum of the amount that would be ascertained under sub-paragraph (i) if that sub-paragraph were applicable and \$20; or
- (b) if the travel involves an absence from his sole or principal place of residence and from his headquarters of not less than 10 hours but does not include an overnight stay—\$20.

“(5) There is payable to a person who holds an office to which this section applies, in respect of his expenses of travel outside Australia and the external Territories in connection with the performance of his duties, the same allowance as would be applicable to officers of the First Division of the Australian Public Service in respect of the expenses of like travel in the performance of their duties.

“(6) Where a person who holds 2 or more offices to which this section applies travels in connection with the performance of his duties as the holder of any one or more of those offices, nothing in this Act or in any other Act entitles him to be paid in respect of the expenses of that travel an amount exceeding the amount that he would be entitled to be paid if he held only the office, or one of the offices, to the duties of which the travel relates.

“(7) Notwithstanding sub-section (1), the office of President of the Administrative Appeals Tribunal or the office of Director-General of Security shall not be taken to be an office to which this section applies unless the President or the Director-General, as the case may be, is a Judge of a court created by the Parliament.

“(8) Notwithstanding sub-section (1), the office of Chairman of the Commonwealth Grants Commission shall not be taken to be an office to which this section applies unless sub-section 8 (6A) of the *Commonwealth Grants Commission Act 1973* applies to the holder of the office.

“(9) Notwithstanding sub-section (1), the office of Chairman of the Law Reform Commission shall not be taken to be an office to which this section applies unless the Chairman is a Judge of a court created by the Parliament or the holder of an office referred to in paragraph (b) or (c) of the definition of ‘office to which this section applies’ in sub-section (1).”.

**Schedule 3**

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

**SCHEDULE 3**

Section 13

| Column 1  | Column 2                       | Column 3                                    |
|---|--------------------------------|---|
|   | Rate<br>per annum<br>of salary | Rate<br>per annum<br>of annual<br>allowance |
|   | \$                             | \$  |
| <b>PART I</b>   |                                |   |
| Chief Justice of the High Court . . . . .   | 77,000                         | 4,000                                       |
| Justice (other than the Chief Justice) of the High Court . . . . .                                    | 70,000                         | 3,350                                       |
| <b>PART II</b>  |                                |   |
| Chief Judge of the Federal Court of Australia . . . . .   | 65,000                         | 3,075                                       |
| Chief Judge of the Supreme Court of the Australian Capital Territory . . . . .                        | 61,000                         | 3,075                                       |
| Chief Judge of the Family Court of Australia . . . . .  | 59,000                         | 3,075                                       |
| President of the Administrative Appeals Tribunal . . . . .  | 59,000                         | 3,075                                       |
| President of the Trade Practices Tribunal . . . . .   | 59,000                         | 3,075                                       |
| Director-General of Security . . . . .  | 59,000                         | 3,075                                       |
| Chairman of the Commonwealth Grants Commission . . . . .  | 59,000                         | 3,075                                       |
| Judge (other than the Chief Judge) of the Federal Court of Australia . . . . .                        | 59,000                         | 2,800                                       |
| Judge (other than the Chief Judge) of the Supreme Court of the Australian Capital Territory . . . . . | 59,000                         | 2,800                                       |
| Chief Judge of the Australian Industrial Court . . . . .  | 55,000                         | 2,800                                       |
| Judge (other than the Chief Judge) of the Australian Industrial Court . . . . .                       | 52,000                         | 2,800                                       |
| Judge of the Federal Court of Bankruptcy . . . . .  | 52,000                         | 2,800                                       |
| Senior Judge of the Family Court of Australia . . . . .   | 52,000                         | 2,800                                       |
| Judge (other than the Chief Judge or a Senior Judge) of the Family Court of Australia . . . . .       | 48,000                         | 2,800                                       |

**NOTE**

- No. 14, 1973, as amended. For previous amendments, see No. 203, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 8, 1975; Nos. 83, 170 and 182, 1976; Nos. 81 and 111, 1977; No. 166, 1978; and No. 140, 1979.