JUSTICES (LONG LEAVE PAYMENTS) AMENDMENT BILL 1985

Date Introduced: 22 February 1985
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P., Deputy Prime Minister and Attorney-General

Short Digest of Bill

Purpose

To enable Judges who have either 6 years service and retire due to reaching the mandatory retiring age, or who retire on the grounds of invalidity, to receive pro-rata payment in lieu of long service leave.

Background

The High Court Justices (Long Leave Payments) Act and the Judges (Long Leave Payments) Act (Principal Acts) were passed in 1979 to regulate payments to retiring Judges in lieu of long service leave. At present, to be entitled to such payments the Judge must have served for a minimum of 10 years. The Judges' Pension Act 1978 was amended in 1981 to allow pro-rata payments in lieu of a pension for Judges with less than 10 years service if they retired either on the grounds of invalidity or due to reaching the mandatory retiring age after 6 years service. The situation therefore exists where a Judge with between 6 and 10 years service, who retires on the grounds mentioned, is entitled to pro-rata payments in lieu of a pension but not in relation to long service leave. The Bill aims to correct this anomaly and place Judges in a similar position to that applying under the Long Service Leave (Commonwealth Employees) Act 1976.

Main Provisions

Clause 4 amends section 4 of the High Court Justices (Long Leave Payments) Act to provide that Justices employed under the Act and who retire at the mandatory age after at least 6 years service, or on the grounds of invalidity, are eligible for pro-rata payment in lieu of long service leave at the rate of 5.2 weeks salary for each completed year of service.

Clause 8 amends the Judges (Long Leave Payments) Act in the same manner.
Clause 7 removes Judges of the Northern Territory Supreme Court from the Judges (Long Leave Payments) Act by amending section 3. They are now under the authority of the Northern Territory Government.

Remarks

In his Second Reading Speech, the Attorney-General estimated that the approximate cost of the amendments will be $61,000 in the year 1984-85, and $110,000 in 1985-86. There should be no cost in the following year unless an eligible judge retires due to invalidity.[1]

For further information, if required, contact:

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References

1. House of Representatives, Hansard, 22 February 1985, p.84.