JUDICIAL APPOINTMENT (WESTERN SAMOA) BILL 1980

Date Introduced: 21 August 1980
House: House of Representatives
Presented by: Hon. R.I. Viner, Minister for Employment and Youth Affairs and Minister representing the Attorney General

Short Digest of Bill

Purpose and Background

In June 1979 the Government of Western Samoa (an independent nation and member of the Commonwealth) asked the Australian Government to help find a successor to the retiring Chief Justice of Western Samoa. Subsequently, Mr. Justice St. John, a Judge of the Federal Court of Australia, was sworn into that office for two years from 7 July 1980. This follows similar appointments to assist our Pacific neighbours. Thus several years ago Sir John Nimmo was appointed as Chief Justice of Fiji.

The Bill gives statutory approval to the appointment and ensures that the service of Mr. Justice St. John counts for his rights and entitlements as an Australian Judge. Western Samoa will pay his salary for the period of his appointment and Mr. Justice St. John has waived any Australian salary that would be payable during that period.

Main Provisions

Clause 4 approves the acceptance by Mr. Justice St. John of the appointment and provides that such acceptance does not affect his office as a Judge, allows him to accept an extension of the appointment (with the approval of the Governor-General) and counts all service in that appointment as service as an Australian Judge.

Clause 5 provides that the waiver of salary by Mr. Justice St. John during the period of the appointment shall not affect his entitlements under the Judges' Pensions Act 1968 or the Judges (Long Leave Payments) Act 1979.
Clause 6 provides that for the purposes of the Judges' Pensions Act 1968 Mr. Justice St. John shall be taken not to have retired so long as he holds the appointment.

22 August 1980

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