

Queensland



# **JUDGES (SALARIES AND ALLOWANCES) ACT 1967**

**Reprinted as in force on 8 June 1993  
(includes amendments up to Act No. 32 of 1993)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 8 June 1993. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes, in a suitable place, a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- omit the enacting words as permitted by section 7(1)(a) of that Act;
- use citations and references permitted by Division 2 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use gender neutral office names as permitted by section 25 of that Act;
- use expressions consistent with current legislative drafting practice as permitted by section 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by section 39 of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

**Also see Endnotes for—**

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



**JUDGES (SALARIES AND ALLOWANCES) ACT 1967**

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# **JUDGES (SALARIES AND ALLOWANCES) ACT 1967**

[as amended by all amendments that commenced before 8 June 1993<sup>2</sup>]

**An Act to provide for the salaries of the Judges of the Supreme Court  
and District Court Judges, and for other purposes**

## **PART 1—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Judges (Salaries and Allowances) Act 1967*<sup>3-6</sup>.

## **PART 2—SALARIES AND ALLOWANCES OF SUPREME COURT JUDGES**

### **Salary and allowances of Supreme Court Judges**

**2.** Subject to the *Supreme Court of Queensland Act 1991*, the rate of salary, and the allowances and rates of allowances, payable to the Chief Justice, President of the Court of Appeal, other Judges of Appeal, Senior Judge Administrator, Senior Judges and other Judges of the Supreme Court are those respectively fixed from time to time by determinations made by the Tribunal under Part 5.

## **PART 3—SALARIES AND ALLOWANCES OF DISTRICT COURT JUDGES**

### **Salary and allowances of District Court Judges**

**3.** The rate of salary, and the allowances and rates of allowances, payable to the Chairperson, and a Deputy Chairperson, of the District Courts and other District Court Judges are those respectively fixed from time to time by determinations made by the Tribunal under Part 5.

## **PART 4—SALARIES OF MAGISTRATES**

### **Salaries of Magistrates etc.**

**4.** The rates of salary payable to the Chief Stipendiary Magistrate, the Senior Stipendiary Magistrate and other Stipendiary Magistrates are those respectively fixed from time to time by determinations by the Tribunal under Part 5.

## **PART 5—SALARIES AND ALLOWANCES TRIBUNAL**

### **Establishment of Tribunal**

**5.(1)** For the purposes of this Act there shall be established and thereafter constituted from time to time as prescribed a Tribunal to be called the ‘Salaries and Allowances Tribunal’ (in this Act referred to as the “**Tribunal**”).

**(2)** The Tribunal shall consist of 3 members appointed by the Governor in Council by Gazette notice.

**(3)** A person who is a—

(a) Judge of the Supreme Court;

- (b) Judge of District Courts;
  - (c) member of the Land Court;
  - (d) Commissioner appointed under the *Industrial Relations Act 1990*;
- shall not be appointed or hold office as a member of the Tribunal.

### **Term of office of members**

**6.** Subject to this Act, a member of the Tribunal shall be appointed and hold office for a term of 3 years and shall be eligible for reappointment as a member of the Tribunal, but in every case, unless the member's office is sooner vacated as prescribed, the appointment shall continue until the member's successor is duly appointed.

### **Vacation of office of members**

**7.(1)** The office of a member of the Tribunal shall become vacant if the member—

- (a) dies; or
- (b) is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy; or
- (c) becomes incapable, in the opinion of the Governor in Council, of discharging the duties of office; or
- (d) resigns by writing signed by the member furnished to the Minister; or
- (e) attains the age of 70 years; or
- (f) is removed from office by the Governor in Council.

**(2)** The Governor in Council may, for any cause that appears to the Governor in Council to be sufficient, remove a member of the Tribunal from office as such member.

**(3)** A member of the Tribunal shall be deemed to have vacated office—

- (a) in the event of the member's resignation—upon the receipt by the Minister of the member's notice of resignation;
- (b) in the event of the member's removal—upon the issue by the

Minister of notice of the member's removal.

### **Casual vacancies**

**8.(1)** When a casual vacancy occurs in the office of a member of the Tribunal during the currency of the member's term of office as such member the Governor in Council may appoint another person to fill that vacancy.

**(2)** A person appointed to fill a casual vacancy shall be appointed and hold office for the balance of the person's predecessor's term of office or until the person sooner vacates that office and shall be eligible for reappointment as a member of the Tribunal.

### **Payment of Tribunal members**

**9.** A member of the Tribunal shall be paid such remuneration, fees and allowances in respect of the discharge of duties as a member as the Governor in Council approves from time to time.

### **Chairperson**

**10.(1)** The Governor in Council, by Gazette notice, shall appoint a member of the Tribunal to be the Chairperson thereof.

**(1A)** The Chairperson shall hold office as chairperson until the Chairperson's office as member of the Tribunal is vacated or the term of office current at the material time expires, whichever event first occurs.

**(2)** When an appointment is made to fill a casual vacancy in the office of a member who was Chairperson of the Tribunal the Governor in Council shall, by Gazette notice, appoint a member of the Tribunal to be the Chairperson thereof.

### **Meetings of Tribunal**

**11.(1)** The Tribunal shall meet as often as is necessary for the exercise and performance of its powers, authorities, functions and duties.

**(1A)** The Chairperson may at any time convene a meeting of the Tribunal.



(2) The Chairperson of the Tribunal shall preside at all meetings of the Tribunal at which the Chairperson is present and in the Chairperson's absence from any cause another member of the Tribunal nominated by the Chairperson shall preside.

(2A) Where the Chairperson fails to nominate another member to be Chairperson another member of the Tribunal nominated by the Minister shall preside.

(2B) While so presiding the member so nominated shall have and may exercise the powers, authorities and immunities and shall perform the functions and duties of the Chairperson.

(3) At a meeting of the Tribunal—

- (a) the procedure shall be as determined by the Tribunal;
- (b) 2 members constitute a quorum;
- (c) all questions shall be decided by a majority of the votes of the members present and voting;
- (d) the member presiding has a deliberative vote.

(4) In the event of an equality of votes being cast on any question arising at a meeting of the Tribunal, consideration of that question shall be deferred until a subsequent meeting of the Tribunal at which all members are present.

### **Inquiry and report on judicial salaries and allowances**

**12.(1)** The Tribunal must inquire into, and, at intervals of not more than 1 year, report to the Minister the changes (if any) that should be made to—

- (a) the rates of salary, and the allowances and rates of allowances, respectively payable to the Chief Justice, President of the Court of Appeal, other Judges of Appeal, Senior Judge Administrator, Senior Judges and other Judges of the Supreme Court; and
- (b) the rates of salary, and the allowances and rates of allowances, respectively payable to the Chairperson, and a Deputy Chairperson, of the District Courts and other District Court Judges; and
- (c) the rates of salary respectively payable to the Chief Stipendiary Magistrate, Senior Stipendiary Magistrate and other Stipendiary

### Magistrates.

(2) The report of the Tribunal must be—

- (a) in writing; and
- (b) signed by the members of the Tribunal; and
- (c) given to the Minister.

(3) If the Tribunal decides that changes should be made to judicial salaries and allowances, the Tribunal must, in the report, determine the salaries and allowances that should be paid.

(4) Determinations made by the Tribunal are subordinate legislation.

(5) When a copy of the determination is laid before the Legislative Assembly under subsection (4), a copy of the report is also to be laid before the Legislative Assembly.

(6) The Tribunal may determine whether there shall be 1 or more divisions of Magistrates (other than the Chief Stipendiary Magistrate and the Senior Stipendiary Magistrate) and fix the rate of salary under subsection (1) in relation to Magistrates in each division.

(7) Allowances for Magistrates are not to be fixed under this Act.

### **Method of inquiry by Tribunal**

**13.(1)** In the performance of its functions—

- (a) the Tribunal may inform itself in such manner as it thinks fit; and
- (b) the Tribunal may receive written or oral statements; and
- (c) the Tribunal is not required to conduct any proceeding in a formal manner; and
- (d) the Tribunal is not bound by rules of evidence.

(2) The Tribunal must not decide that changes should be made to the salaries and allowances of a Judge or the salaries of a Magistrate unless it considers that the changes are equitable after having had regard to the rate of salaries and allowances payable to Judges or Magistrates of the Commonwealth and of other States and the Territories and to any other matter that in the opinion of the Tribunal has relevance to the responsibilities and conditions of service of such a Judge or such a Magistrate.

(3) For the purposes of the exercise and performance of its powers and functions under this Act, the Tribunal has all the powers, authorities, protection and jurisdiction of a Commission of Inquiry under the *Commissions of Inquiry Act 1950*, save such as are by those Acts confined to a Judge of the Supreme Court.

(4) The Minister may, if the Minister thinks fit, appoint a person or persons to assist the Tribunal in an inquiry.

### **Fees and allowances**

14. Any person appointed under section 13(4) to assist the Tribunal may be paid such remuneration, fees and allowances as the Governor in Council determines.

### **Act subject to Supreme Court of Queensland Act**

15. This Act has effect subject to the *Supreme Court of Queensland Act 1991*.

### **Regulations**

16. The Governor in Council may make regulations, not inconsistent with this Act, with respect to any matter that—

- (a) is required or permitted to be prescribed by this Act; or
- (b) is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**ENDNOTES****1 Index to Endnotes**

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**2 Date to which amendments incorporated**

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 8 June 1993. Future amendments of the *Judges (Salaries and Allowances) Act 1967* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

**3 List of legislation****Judges' Salaries and Allowances Act 1967 No. 40**

date of assent 14 December 1967

commenced on date of assent

as amended by—

**Judges' Salaries and Pensions Act Amendment Act 1970 No. 2**

date of assent 2 April 1970

commenced on date of assent

**Judges' Salaries and Pensions Act Amendment Act 1971 No. 22**

date of assent 21 April 1971

commenced on date of assent

**Judges' Salaries and Pensions Act Amendment Act 1973 No. 21**

date of assent 13 April 1973

ss 4–5 commenced 1 April 1973 (see s 2(2))

remaining provisions commenced on date of assent

**Judges' Salaries and Pensions Act and Another Act Amendment Act 1980  
No. 16 Pt 2**

date of assent 12 May 1980

commenced on date of assent

**Judges' Salaries and Pensions Act Amendment Act 1984 No. 75**

date of assent 18 October 1984

commenced on date of assent

**Judges' Salaries and Pensions Act Amendment Act 1989 No. 46**

date of assent 5 May 1989

commenced on date of assent

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 Sch 1**

date of assent 14 November 1990

commenced 7 December 1989 (see s 2(4)(b))

**Supreme Court of Queensland Act 1991 No. 68 s 111 Sch 2**

date of assent 24 October 1991

commenced 14 December 1991 (1991 SL No. 173)

**Stipendiary Magistrates Act 1991 No. 75 s 25 Sch 2**

date of assent 21 November 1991

commenced 14 December 1991 (see s 2(1))

**Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 Sch 2**

date of assent 3 June 1993

commenced on date of assent

## 4 List of annotations

**Key to abbreviations in list of annotations**

RA	=	<i>Reprints Act 1992</i>
amd	=	amended
ins	=	inserted
om	=	omitted
renum	=	renumbered
sub	=	substituted
Chap	=	Chapter
Pt hdg	=	Part heading
Div hdg	=	Division heading
Sdiv hdg	=	Subdivision heading
hdg prec	=	heading preceding
prov hdg	=	provision heading
cl	=	clause
prev	=	previous
pres	=	present

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

**Short title**

s 1 sub 1991 No. 68 s 111 Sch 2

**PART 2—SALARIES AND ALLOWANCES OF SUPREME COURT JUDGES**

Pt hdg sub 1991 No. 68 s 111 Sch 2

**Salary and allowances of Supreme Court Judges**

prov hdg sub 1993 No. 32 s 3 Sch 2

- s 2** prev s 2 amd 1973 No. 21 s 3; 1980 No. 16 s 4  
om 1991 No. 68 s 111 Sch 2  
pres s 2 ins 1991 No. 68 s 111 Sch 2  
amd 1993 No. 32 s 3 Sch 2

**Interpretation**

- s 2A** ins 1990 No. 80 s 3 Sch 1  
om 1991 No. 68 s 111 Sch 2

**PART 3—SALARIES AND ALLOWANCES OF DISTRICT COURT JUDGES**

- Pt hdg** sub 1991 No. 68 s 111 Sch 2

**Salary and allowances of District Court Judges**

- prov hdg** ins 1993 No. 32 s 3 Sch 2
- s 3** prev s 3 amd 1970 No. 2 s 2; 1971 No. 22 s 2; 1973 No. 21 s 4; 1980 No. 16 s 5; 1984 No. 75 s 2  
om 1991 No. 68 s 111 Sch 2  
pres s 3 ins 1991 No. 68 s 111 Sch 2  
amd 1993 No. 32 s 3 Sch 2

**PART 3A—SALARIES OF MAGISTRATES**

- Pt hdg** prev Pt 3A hdg renum as Pt 4 hdg 1993 No. 32 s 3 Sch 2

**PART 4—SALARIES OF MAGISTRATES**

- Pt hdg** prev Pt 4 hdg om 1993 No. 32 s 3 Sch 2  
pres Pt 4 hdg (prev Pt 3A hdg) ins 1991 No. 75 s 25 Sch 2  
renum 1993 No. 32 s 3 Sch 2

**Salaries of Magistrates etc.**

- s 4** prev s 4 om 1991 No. 68 s 111 Sch 2  
pres s 4 ins 1991 No. 75 s 25 Sch 2

**PART 5—SALARIES AND ALLOWANCES TRIBUNAL**

- Pt hdg** prev Pt 5 hdg ins 1973 No. 21 s 6  
om 1991 No. 68 s 111 Sch 2  
pres Pt 5 hdg (prev Pt 6 hdg) ins 1980 No. 16 s 8  
renum 1993 No. 32 s 3 Sch 2

**Establishment of Tribunal**

- s 5** prev s 5 amd 1970 No. 2 s 3; 1971 No. 22 s 3; 1973 No. 21 s 5; 1980 No. 16 s 6; 1984 No. 75 s 3; 1989 No. 46 s 3  
om 1991 No. 68 s 111 Sch 2  
pres s 5 (prev s 20) ins 1980 No. 16 s 8  
amd 1991 No. 68 s 111 Sch 2  
renum 1993 No. 32 s 3 Sch 2

**Term of office of members**

- s 6** prev s 6 om 1991 No. 68 s 111 Sch 2  
pres s 6 (prev s 21) ins 1980 No. 16 s 8  
renum 1993 No. 32 s 3 Sch 2

**Vacation of office of members**

- s 7** prev s 7 om 1991 No. 68 s 111 Sch 2  
pres s 7 (prev s 22) ins 1980 No. 16 s 8

amd 1990 No. 80 s 3 Sch 1  
renum 1993 No. 32 s 3 Sch 2

**PART 4—AMENDMENTS OF “THE JUDGES’ PENSIONS ACT OF 1957”**

**Pt hdg** prev Pt 4 hdg om 1993 No. 32 s 3 Sch 2

**Casual vacancies**

**s 8** prev s 8 om 1993 No. 32 s 3 Sch 2  
pres s 8 (prev s 23) ins 1980 No. 16 s 8  
renum 1993 No. 32 s 3 Sch 2

**Payment of Tribunal members**

**s 9** prev s 9 om 1993 No. 32 s 3 Sch 2  
pres s 9 (prev s 24) ins 1980 No. 16 s 8  
renum 1993 No. 32 s 3 Sch 2

**Chairperson**

**s 10** prev s 10 om 1993 No. 32 s 3 Sch 2  
pres s 10 (prev s 25) ins 1980 No. 16 s 8  
renum 1993 No. 32 s 3 Sch 2

**Meetings of Tribunal**

**s 11** prev s 11 om 1993 No. 32 s 3 Sch 2  
pres s 11 (prev s 26) ins 1980 No. 16 s 8  
amd 1990 No. 80 s 3 Sch 1  
renum 1993 No. 32 s 3 Sch 2

**Inquiry and report on judicial salaries and allowances**

**s 12** prev s 12 om 1993 No. 32 s 3 Sch 2  
pres s 12 (prev s 27) ins 1980 No. 16 s 8  
amd 1984 No. 75 s 5; 1989 No. 46 s 5; 1990 No. 80 s 3 Sch 1  
sub 1991 No. 68 s 111 Sch 2  
amd 1991 No. 75 s 25 Sch 2  
renum 1993 No. 32 s 3 Sch 2  
amd 1993 No. 32 s 3 Sch 2

**Method of inquiry by Tribunal**

**s 13** prev s 13 om 1993 No. 32 s 3 Sch 2  
pres s 13 (prev s 29) ins 1980 No. 16 s 8  
amd 1984 No. 75 s 7; 1990 No. 80 s 3 Sch 1; 1991 No. 68 s 111 Sch 2;  
1991 No. 75 s 25 Sch 2  
renum 1993 No. 32 s 3 Sch 2

**Fees and allowances**

**s 14** prev s 14 om 1993 No. 32 s 3 Sch 2  
pres s 14 (prev s 30) ins 1980 No. 16 s 8  
renum 1993 No. 32 s 3 Sch 2

**Act subject to Supreme Court of Queensland Act**

**s 15** prev s 15 om 1993 No. 32 s 3 Sch 2  
pres s 15 (prev s 31) ins 1991 No. 68 s 111 Sch 2  
renum 1993 No. 32 s 3 Sch 2

**Regulations**

- s 16** prev s 16 om 1993 No. 32 s 3 Sch 2  
 pres s 16 (prev s 32) ins 1991 No. 68 s 111 Sch 2  
 renum 1993 No. 32 s 3 Sch 2

**Repeal of and new s. 15**

- s 17** om 1993 No. 32 s 3 Sch 2

**PART 5—FUTURE ADJUSTMENT OF SALARIES AND ALLOWANCES**

- Pt hdg** prev Pt 5 hdg ins 1973 No. 21 s 6  
 om 1991 No. 68 s 111 Sch 2

**Future adjustment of salaries and allowances**

- s 18** ins 1973 No. 21 s 6  
 amd 1980 No. 16 s 7; 1984 No. 75 s 4; 1989 No. 46 s 4; 1990 No. 80 s 3  
 Sch 1  
 om 1991 No. 68 s 111 Sch 2

**Orders in Council to be laid before Legislative Assembly**

- s 19** ins 1973 No. 21 s 6  
 om 1991 No. 68 s 111 Sch 2

**PART 6—SALARIES AND ALLOWANCES TRIBUNAL**

- Pt hdg** prev Pt 6 hdg renum as Pt 5 hdg 1993 No. 32 s 3 Sch 2

**Establishment of Tribunal**

- s 20** prev s 20 renum as s 5 1993 No. 32 s 3 Sch 2

**Term of office of members**

- s 21** prev s 21 renum as s 6 1993 No. 32 s 3 Sch 2

**Vacation of office of members**

- s 22** prev s 22 renum as s 7 1993 No. 32 s 3 Sch 2

**Casual vacancies**

- s 23** prev s 23 renum as s 8 1993 No. 32 s 3 Sch 2

**Payment of Tribunal members**

- s 24** prev s 24 renum as s 9 1993 No. 32 s 3 Sch 2

**Chairperson**

- s 25** prev s 25 renum as s 10 1993 No. 32 s 3 Sch 2

**Meetings of Tribunal**

- s 26** prev s 26 renum as s 11 1993 No. 32 s 3 Sch 2

**Inquiry and report on judicial salaries and allowances**

- s 27** prev s 27 renum as s 12 1993 No. 32 s 3 Sch 2

**Tribunal to make report annually**

- s 28** ins 1980 No. 16 s 8  
 amd 1984 No. 75 s 6; 1990 No. 80 s 3 Sch 1  
 om 1991 No. 68 s 111 Sch 2

**Method of inquiry by Tribunal**

- s 29** prev s 29 renum as s 13 1993 No. 32 s 3 Sch 2



**Fees and allowances**

**s 30** prev s 30 renum as s 14 1993 No. 32 s 3 Sch 2

**Act subject to Supreme Court of Queensland Act**

**s 31** prev s 31 renum as s 15 1993 No. 32 s 3 Sch 2

**Regulations**

**s 32** prev s 32 renum as s 16 1993 No. 32 s 3 Sch 2

## 5 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS  
under section 43 of *Reprints Act 1992*

Original	Renumbered as
10(1) (2nd sentence)	10(1A)
11(1) (2nd sentence)	11(1A)
11(2) (2nd sentence)	11(2A)
11(2) (3rd sentence)	11(2B)

## 6 Transitional and savings provisions

Section 4 of Act No. 22 of 1971 provides—

### **Emoluments for performing Chief Justice's duties on specific occasion**

4. It is hereby declared that the Puisne Judge of the Supreme Court who performed the duties of the Chief Justice of Queensland for the period commencing on the first day of July, 1969, and concluding upon the expiration of the fourteenth day of April, 1970, was, while performing those duties, entitled to be paid and shall be paid in respect of that period salary and allowance at the rates that were, at the material time, prescribed with respect to the salary and allowance payable to the Chief Justice.

Section 8 of Act No 75 of 1984 provides—

### **Savings**

8. On and from the commencement of this Act, and until any alteration is

made in accordance with the Principal Act as amended by this Act, a Judge of the Supreme Court, and a Judge of District Courts shall be paid, and in the case of a Judge appointed before the commencement of this Act, shall continue to be paid, the salary and allowance payable to him as if this Act had not been passed.