

Queensland



ANNO VICESIMO NONO

ELIZABETHAE SECUNDAE REGINAE

---

No. 16 of 1980

**An Act to amend the Judges' Salaries and Pensions Act  
1967-1973 and the Judges' Pensions Act 1957-1974  
each in certain particulars**

[ASSENTED TO 12TH MAY, 1980]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as the *Judges' Salaries and Pensions Act and Another Act Amendment Act 1980*.

**2. Arrangement.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF THE JUDGES' SALARIES AND PENSIONS ACT 1967-1973;

PART III—AMENDMENT OF THE JUDGES' PENSIONS ACT 1957-1974.

PART II—AMENDMENTS OF THE JUDGES' SALARIES AND PENSIONS ACT 1967-1973

**3. Citation.** (1) In this Part, the *Judges' Salaries and Pensions Act 1967-1973* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Judges' Salaries and Pensions Act 1967-1980*.

**4. Amendment of s. 2.** Section 2 of the Principal Act is amended by—

(a) omitting the expression "ALLOWANCES." and substituting the expression "ALLOWANCES;"

(b) adding at the end thereof the following words:—

"PART VI—SALARIES AND ALLOWANCES TRIBUNAL."

**5. Amendment of s. 3.** Section 3 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words "twenty-nine thousand dollars" and substituting the expression "\$69 800";

(ii) omitting the words "one thousand five hundred dollars" and substituting the expression "\$3 640";

(b) in subsection (2),

(i) omitting the words "twenty-five thousand dollars" and substituting the expression "\$60 170";

(ii) omitting the words "one thousand dollars" and substituting the expression "\$2 430".

**6. Amendment of s. 5.** Section 5 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words "twenty-three thousand dollars" and substituting the expression "\$55 370";

(ii) omitting the words "one thousand five hundred dollars" and substituting the expression "\$3 640";

(b) in subsection (2), omitting the words "twenty-two thousand dollars" and substituting the expression "\$52 960".

**7. Amendment of s. 18.** Section 18 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the expression "1973" where firstly occurring and substituting the expression "1980";

(ii) omitting all words from and including the words "variation which has occurred" to and including the words "ending on the thirtieth day of June 1973" and substituting the words "determination made by the Tribunal pursuant to section 27 (1) in respect of the year ending on the thirtieth day of June in question";

(b) in subsection (3), omitting the words "ten dollars" and substituting the expression "\$10".

**8. New Part VI.** The Principal Act is amended by inserting after section 19 the following heading and sections:—

"PART VI—SALARIES AND ALLOWANCES TRIBUNAL

**20. Establishment of Tribunal.** (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 three members appointed by the Governor in Council by notification published in the Gazette.

(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 Conciliation and Arbitration Act 1961-1976*,

shall not be appointed or hold office as a member of the Tribunal.

**21. Term of office of members.** Subject to this Act, a member of the Tribunal shall be appointed and hold office for a term of three years and shall be eligible for re-appointment as a member of the Tribunal, but in every case, unless his office is sooner vacated as prescribed, his appointment shall continue until his successor is duly appointed.

**22. Vacation of office of members.** (1) The office of a member of the Tribunal shall become vacant if he—

(a) dies;

(b) is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy;

- (c) becomes incapable, in the opinion of the Governor in Council, of discharging the duties of his office;
- (d) resigns his office by writing signed by him furnished to the Minister for Justice;
- (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 him 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 his office—

- (a) in the event of his resignation, upon the receipt by the Minister for Justice of his notice of resignation;
- (b) in the event of his removal, upon the issue by the Minister for Justice of notice of his removal.

**23. Casual vacancies.** (1) When a casual vacancy occurs in the office of a member of the Tribunal during the currency of his 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 his predecessor's term of office or until he sooner vacates that office and shall be eligible for re-appointment as a member of the Tribunal.

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

**25. Chairman.** (1) The Governor in Council, by notification published in the Gazette, shall appoint a member of the Tribunal to be the Chairman thereof.

The Chairman shall hold his office as chairman until his 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 Chairman of the Tribunal the Governor in Council shall, by notification published in the Gazette, appoint a member of the Tribunal to be the Chairman thereof.

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

The Chairman may at any time convene a meeting of the Tribunal.

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

Where the Chairman fails to nominate another member to be Chairman another member of the Tribunal nominated by the Minister for Justice shall preside.

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 Chairman.

(3) At a meeting of the Tribunal—

- (a) the procedure shall be as determined by the Tribunal;
- (b) two 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.

**27. Inquiry and report on judicial salaries.** (1) The Tribunal shall, from time to time as provided by this Act, inquire into, and report to the Minister for Justice on, the question whether any adjustments are desirable in—

- (a) the annual rate of salary and of allowance payable to a Judge of the Supreme Court under Part II, or Part II and Part V;
- (b) the annual rate of salary and, in the case of the Judge designated as chairman of District Courts, of allowance payable to a Judge of District Courts under Part III, or Part III and Part V,

and where the Tribunal reports that any such adjustments are desirable it shall, in its report, determine the nature and extent of the adjustments that should be made.

(2) The report of the Tribunal—

- (a) shall be in writing;
- (b) shall be signed by the members of the Tribunal;
- (c) shall be furnished to the Minister for Justice.

**28. Tribunal to make report annually.** (1) The Tribunal shall, as soon as practicable after 1 July, 1980, but not later than 31 August, 1980, and thereafter at intervals of not more than one year, make and furnish to the Minister for Justice a report in respect of the matters referred to in section 27 (1).

(2) The Minister shall cause a copy of the report to be laid before the Legislative Assembly within 14 sitting days after the report is received by him, if the Legislative Assembly is in session, and if not, then within 14 sitting days after the commencement of the next session.

**29. Method of inquiry by Tribunal.** (1) In the performance of its functions—

- (a) the Tribunal may inform itself in such manner as it thinks fit;
- (b) the Tribunal may receive written or oral statements;
- (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 shall not determine an adjustment in the annual rate of salary and of allowance (if any) payable to the Judge in question under Part II where he is a Judge of the Supreme Court or under Part III where he is a Judge of District Courts unless it considers such adjustment to be equitable after having had regard to the annual rate of salaries and allowances payable to Judges of the Commonwealth and of other States and internal Territories of the Commonwealth 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.

(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 Acts, 1950 to 1954*, save such as are by those Acts confined to a Judge of the Supreme Court.

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

**30. Fees and allowances.** Any person appointed under section 29 (4) to assist the Tribunal may be paid such remuneration, fees and allowances as the Governor in Council determines.”.

#### PART III—AMENDMENT OF THE JUDGES' PENSIONS ACT 1957-1974

**9. Citation.** The *Judges' Pensions Act 1957-1974* as amended by this Part may be cited as the *Judges' Pensions Act 1957-1980*.

**10. Amendment of s. 15.** Section 15 of the *Judges' Pensions Act 1957-1974* is amended by in subsection (1)—

- (a) omitting the expression “ thereof.” and substituting the expression “ thereof.”;

(b) adding at the end thereof the following proviso:

“ Provided further that any Judge of the Supreme Court may, with the approval of the Governor in Council, in lieu of taking six months leave of absence to which he is entitled after completing any period of seven years service in office, take such leave of absence in two separate periods each of which shall be of three months' duration.”