

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) ACT 1980

As in force at 1 June 2023

Table of provisions

1	Short title	1
2	Commencement	1
3	Interpretation	1
3A	Application of Act.....	2
4	Payment on retirement or death of Judge	2
5	Payment	3
6	Appropriation	4
7	Set off	4
8	No payment on removal	4

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 June 2023

SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) ACT 1980

An Act to provide for long leave payments to Judges

1 Short title

This Act may be cited as the *Supreme Court (Judges Long Leave Payments) Act 1980*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Interpretation

(1) In this Act, unless the contrary intention appears:

acting Judge and **additional Judge** have the meanings ascribed thereto in the *Supreme Court Act 1979*.

Judge means a Supreme Court Judge other than:

- (a) an acting Judge or an additional Judge; or
- (b) a Judge who also holds office as a Judge of a court established by or under a Commonwealth Act.

judicial salary, in relation to a Judge, means salary at a weekly rate equal to one-fifty-second of the annual rate of salary that was payable to the Judge immediately before the Judge's retirement or death.

retirement, in relation to a Judge, means ceasing to be a Judge otherwise than by death.

Note for subsection (1)

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

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- (2) For this Act, the following periods served by a Judge are taken to be periods of service as a Judge and are added to the Judge's period of service as a Judge:
- (a) a period of service as an acting Judge;
 - (b) a period of service as a judge of a court other than the Supreme Court determined by the Administrator to be a period of service as a Judge for the purposes of this Act.
- (3) For subsection (2) it is immaterial whether the Judge served a period mentioned in subsection (2)(a) or (b) immediately before a period of service as a Judge.

3A Application of Act

- (1) This Act does not apply to a person who is appointed to be a Judge under section 32(1)(c) or (d) of the *Supreme Court Act 1979* on or after the commencement of this section.
- (2) To avoid doubt, this Act applies to a person who is appointed to be the Chief Justice of the Court on or after the commencement of this section if the person was appointed to be a Judge of the Court under section 32(1)(d) of the *Supreme Court Act 1979* before the commencement of this section.

4 Payment on retirement or death of Judge

- (1) On:
- (a) the retirement of a Judge after having completed at least 10 years service as a Judge; or
 - (b) the death of a Judge, whether or not the Judge has completed 10 years service as a Judge,

an amount calculated in accordance with subsection (2) is payable in accordance with this Act.

- (2) The amount payable under subsection (1) in respect of a Judge is an amount equal to the judicial salary of the Judge for:
- (a) a period of 52 weeks; or
 - (b) a period of weeks calculated at the rate of 5.2 weeks for each completed year of service as a Judge, other than any period of service in respect of which the Judge has taken long leave or has been paid in lieu of taking leave,

whichever is the lesser period.

(3) If:

- (a) a Judge (not being a Judge to whom subsection (1) applies) is to cease to hold office as a Judge on attaining a particular age, and the Judge ceases to be a Judge on attaining that age; and
- (b) at the time of cessation, the period of the Judge's service as a Judge was at least 6 years,

an amount calculated in accordance with subsection (5) is payable in accordance with this Act.

(4) If:

- (a) a Judge (not being a Judge to whom subsection (1) applies) retires; and
- (b) the Attorney-General certifies under section 4(3) of the *Supreme Court (Judges Pensions) Act 1980* that the retirement is due to permanent disability or infirmity,

an amount calculated in accordance with subsection (5) is payable in accordance with this Act.

- (5) The amount payable under subsection (3) or (4) in respect of a Judge is an amount equal to the judicial salary of the Judge for a period of weeks calculated at the rate of 5.2 weeks for each completed year of service as a Judge, other than any period of service in respect of which the Judge has taken long leave or has been paid in lieu of taking leave.

5 Payment

- (1) Subject to subsection (4), an amount payable under section 4 on the retirement of a Judge is payable to the Judge.
- (2) Subject to subsection (4), an amount payable under section 4 on the death of a Judge is payable:
 - (a) if the Judge leaves a spouse or de facto partner – to that spouse or de facto partner;
 - (b) if the Judge does not leave a spouse or de facto partner but leaves a dependant – to that dependant; or
 - (c) in any other case – to the legal personal representative of the Judge.

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- (3) If an amount is payable under subsection (2)(b) to more than one dependant of a Judge, the Attorney-General may give a direction as to the distribution of the amount between or among those dependants.
 - (4) If an amount is payable under this section to a person who is under a legal disability, the Attorney-General may authorise payment of the amount to a trustee appointed by the Attorney-General to be held by the trustee on trust for the benefit of the person as the Attorney-General directs.

6 Appropriation

Payments under this Act are to be made from the public moneys of the Territory and the appropriation for that purpose is established or increased to the extent necessary.

7 Set off

- (1) Where:
 - (a) an amount is payable under this Act by reason of the service of a Judge as a Judge; and
 - (b) an amount is or becomes payable otherwise than under this Act in respect of the service of that Judge referred to in section 3(2)(b),

the amount that would, but for this subsection, be payable under this Act in respect of that latter period shall be reduced by the amount that is payable in respect of that period.

- (2) In this section, a reference to an amount in respect of service referred to in section 3(2)(b) shall be read as a reference to any amount or allowance paid or payable, whether by virtue of a law or otherwise, out of moneys provided in whole or in part by the Territory, a State, the Commonwealth or another Territory, being an amount or allowance paid or payable by reason of judicial service or judicial service and any other service.

8 No payment on removal

Unless the Administrator otherwise directs, an amount is not payable under this Act by reason of the removal of a Judge pursuant to section 40 of the *Supreme Court Act 1979*.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Supreme Court (Judges Long Leave Payments) Act 1980 (Act No. 51, 1980)***

Assent date	4 June 1980
Commenced	2 April 1982 (<i>Gaz</i> G13, 2 April 1982, p 4)

Supreme Court (Judges Long Leave Payments) Amendment Act 1990 (Act No. 53, 1990)

Assent date	15 October 1990
Commenced	15 October 1990

Statute Law Revision Act 1991 (Act No. 31, 1991)

Assent date	25 June 1991
Commenced	25 June 1991

Statute Law Revision Act 1999 (Act No. 27, 1999)

Assent date	18 June 1999
Commenced	18 June 1999

Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)

Assent date	7 January 2004
Commenced	17 March 2004 (<i>Gaz</i> G11, 17 March 2004, p 8)

Financial Management Amendment Act 2009 (Act No. 15, 2009)

Assent date	18 June 2009
Commenced	18 June 2009

Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016</i> (Act No. 9, 2016) and <i>Gaz</i> S34, 29 April 2016)

Judicial and Other Officers' Entitlements Legislation Amendment Act 2023 (Act No. 14, 2023)

Assent date	31 May 2023
Commenced	1 June 2023 (s 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 80 *Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003* (Act No. 1, 2004)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 4 and 8.

5 LIST OF AMENDMENTS

s 3	amd No. 53, 1990, s 4; No. 8, 2016, s 45; No. 14, 2023, s 20
s 3A	ins No. 14, 2023, s 21
s 4	amd No. 53, 1990, ss 3 and 4; No. 31, 1991, s 14; No. 14, 2023, s 22
s 5	amd No. 53, 1990, s 4; No. 1, 2004, s 62; No. 14, 2023, s 22
s 6	sub No. 27, 1999, s 15 amd No. 15, 2009, s 16