NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) ACT

As in force at 25 June 1991

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NORTHERN TERRITORY OF AUSTRALIA

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As in force at 25 June 1991
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SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) ACT

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*.

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*.

Judge does not include:

(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 his or her retirement or death.

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

(2)   For the purposes of this Act a period of service by a Judge:

(a)   as an acting Judge; or

(b)   being 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,

(whether or not immediately before a period of service as a Judge) shall be added to and deemed to be part of his or her period of service as a Judge.

4   Payment on retirement or death of Judge

(1) On:

(a)   the retirement of a Judge after having completed not less than 10 years service as a Judge; or

(b)   the death of a Judge, whether or not he or she 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 his or her service as a Judge, other than any period of such service in respect of which the Judge has taken long leave or has been paid in lieu of such leave,

whichever is the lesser period.

(3) Where:

(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 the Judge's so ceasing, the period of his or her service as a Judge was not less than 6 years,

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

(4) Where:

(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* 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 his or her service as a Judge, other than any period of such service in respect of which the Judge has taken long leave or has been paid in lieu of such 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)   where the Judge leaves a widow or widower – to that widow or widower;

(b)   where the Judge does not leave a widow or widower but leaves a dependant – to that dependant; or

(c)   in any other case – to the legal personal representative of the Judge.

(3) Where 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) Where an amount is payable under this section to a person who is under a legal disability, the Attorney-General may authorize payment of the amount to such trustee as the Attorney-General appoints to be held by that trustee upon such trusts for the benefit of the person as the Attorney-General directs.

6   Appropriation

Payments under this Act shall be made out of the Consolidated Fund, which is appropriated accordingly.

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*.

ENDNOTES

1   KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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 (*Gaz* 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

3   LIST OF AMENDMENTS

s 3   amd No. 53, 1990, s 4
s 4   amd No. 53, 1990, ss 3 and 4; No. 31, 1991, s 14
s 5   amd No. 53, 1990, s 4