

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT  
(JUDGES LONG LEAVE PAYMENTS) ACT

No. 51 of 1980

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Interpretation
4. Long leave payments
5. Payment
6. Appropriation
7. Set off
8. No payment on removal

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 51 of 1980

## AN ACT

To provide for long leave payments to Judges

[Assented to 4 June 1980]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### 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;

"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 retirement or death;

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

## Supreme Court (Judges Long Leave Payments)

(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 period of service as a Judge.

### 4. LONG LEAVE PAYMENTS

- (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 has completed 10 years service as a Judge,

an amount calculated in accordance with sub-section (2) is payable in accordance with this Act.

(2) The amount payable under sub-section (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 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.

### 5. PAYMENT

(1) Subject to sub-section (4), an amount payable under section 4 on the retirement of a Judge is payable to the Judge.

(2) Subject to sub-section (4), an amount payable under section 4 on the death of a Judge is payable -

- (a) where the Judge leaves a widow - to that widow;
- (b) where the Judge does not leave a widow but leaves a dependant - to that dependant; or
- (c) in any other case - to the legal personal representative of the Judge.

## Supreme Court (Judges Long Leave Payments)

(3) Where an amount is payable under sub-section (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 sub-section, 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.