

STATUTORY SALARIES

Table of Contents

Page

Principal

Statutory Salaries Act 1974

Table of Provisions	510,201
Table of Amendments	510,401
Statutory Salaries Act 1974	510,601

Subsidiary

Supreme Court Judges Conditions of Service, Salaries and Allowances Regulations 2020

Table of Provisions	511,801
Table of Amendments	512,001
Supreme Court Judges Conditions of Service, Salaries and Allowances Regulations 2020	512,201

Statutory Salaries (Clerk of Parliament Conditions of Service and Salary) Regulations 2020

Table of Provisions	513,001
Table of Amendments	513,201
Statutory Salaries (Clerk of Parliament Conditions of Service and Salary) Regulations 2020	513,401

[The next page is 510,201]

Statutory Salaries Act 1974

TABLE OF PROVISIONS

<i>Section</i>	<i>Title</i>
1	Short title and commencement
2	Salaries of Judges and the Clerk of Parliament to be fixed by regulations
3	Salaries and allowances of Judges and the Clerk of Parliament before the commencement of this Act

[The next page is 510,401]

Statutory Salaries Act 1974

TABLE OF AMENDMENTS

The Statutory Salaries Act 1974 No 13 was certified and commenced on 5 December 1974 (GN No 349/1974; Gaz 50/1974).

Amending Legislation	Certified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 510,601]

An Act to provide for the salaries and allowances of Judges of the Supreme Court and the Clerk of Parliament.

Enacted by the Parliament of Nauru as follows:

1 Short title and commencement

This Act may be cited as the *Statutory Salaries Act 1974* and came into effect on 5 December 1974.

2 Salaries of Judges and the Clerk of Parliament to be fixed by regulations

- (1) The Cabinet shall from time to time by regulations fix the salaries and allowances of Judges of the Supreme Court and the Clerk of Parliament:
Provided that:
 - (a) the salaries and allowances payable to a person office of a Judge of the Supreme Court or of the Clerk of Parliament shall not be altered to his or her disadvantage during the term of his or her appointment; and
 - (b) the salary and allowances of the Clerk of Parliament shall be fixed by the Cabinet only after consultation with the Speaker.
- (2) The salaries and allowances payable to Judges of the Supreme Court and the Clerk of Parliament shall be paid out of, and be a charge upon, the Treasury Fund.

3 Salaries and allowances of Judges and the Clerk of Parliament before the commencement of this Act

For the avoidance of doubt, it is hereby declared that all salaries and allowances paid in respect of any period before the commencement of this Act to Judges of the Supreme Court and to the Clerk of Parliament are to be deemed for all purposes to have been salaries and allowances prescribed by law.

[The next page is 511,801]

Supreme Court Judges Conditions of Service, Salaries and Allowances Regulations 2020

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Objective
4	Interpretation
5	Salary of the Chief Justice
6	Salary of Supreme Court Judge
7	Salary of Justice of Appeal [<i>Repealed</i>]
8	When salary payable
9	Other allowances
10	Travel
11	Accommodation
12	Transport
13	Medical
14	Leave
15	Telecommunication
16	Allowances not taxable
17	Employment and services tax
18	Repeal
19	Transition
	SCHEDULE 1 — GROSS SALARY OF A SUPREME COURT JUDGE
	SCHEDULE 2 — OTHER ALLOWANCES OF A SUPREME COURT JUDGE
	SCHEDULE 3 — BENEFITS

[The next page is 512,001]

Supreme Court Judges Conditions of Service, Salaries and Allowances Regulations 2020

TABLE OF AMENDMENTS

The Supreme Court Judges Conditions of Service, Salaries and Allowances Regulations 2020 SL 23 were notified on 24 July 2020 and commenced on 1 August 2020 (reg 2).

Amending Legislation	Notified	Date of Commencement
Judicial Officers Conditions of Service, Salaries and Allowances (Amendment) Regulations 2022 SL 16	13 July 2022	13 July 2022

[The next page is 512,201]

The Cabinet makes the following Regulations under Section 2 of the *Statutory Salaries Act 1974*:

1 Citation

These Regulations may be cited as the *Supreme Court Judges Conditions of Service, Salaries and Allowances Regulations 2020*.

[reg 1 am SL 16 of 2022 reg 5, opn 13 July 2022]

2 Commencement

These Regulations come into effect on 1 August 2020.

3 Objective

The objective of these Regulations is to prescribe the conditions of service, salaries and allowances of:

- (a) the Chief Justice; and
- (b) the Judges of the Supreme Court.
- (c) [repealed]

[reg 3 am SL 16 of 2022 reg 6, opn 13 July 2022]

4 Interpretation

‘*Judge*’ means a Supreme Court Judge appointed under Article 49(2) of the *Constitution*, which includes the Chief Justice unless the context requires specific reference to a Judge or the Chief Justice;

[def insrt SL 16 of 2022 reg 7, opn 13 July 2022]

‘*Judicial Officer*’

[def rep SL 16 of 2022 reg 7, opn 13 July 2022]

‘*month*’ means a calendar month beginning on any day of a named month and ending:

- (a) at the end of the day before the corresponding day of the next named month;
or
- (b) if there is no corresponding day, at the end of the next named month.

5 Salary of the Chief Justice

The salary of the Chief Justice is fixed and set out in Schedule 1.

(1) [subreg (1) rep SL 16 of 2022 reg 8, opn 13 July 2022]

(2) [subreg (2) rep SL 16 of 2022 reg 8, opn 13 July 2022]

6 Salary of Supreme Court Judge

The salary of a Supreme Court Judge is fixed and set out in Schedule 1.

7 Salary of Justice of Appeal

[reg 7 rep SL 16 of 2022 reg 9, opn 13 July 2022]

8 When salary payable

- (1) Where the employment of a Judge is on a full time basis, requiring him or her to be present in the Republic, he or she shall be paid an annual salary of an aggregate of 12 months salary fixed and set out in Schedule 1.

[subreg (1) am SL 16 of 2022 reg 10, opn 13 July 2022]

- (2) Where the employment of a Judge is on a circuit or for a specific cause or matter, he or she shall be paid a salary for the period he or she is in the Republic commencing from the date of arrival to the date of departure.

[subreg (2) am SL 16 of 2022 reg 10, opn 13 July 2022]

- (3) For the purposes of subregulation (2), the salary of a Judge shall:

- (a) be paid on a monthly basis or part thereof depending on the period of his or her presence in the Republic; and
- (b) include Saturdays, Sundays and Public Holidays.

[subreg (3) am SL 16 of 2022 reg 10, opn 13 July 2022]

9 Other allowances

- (1) A Judge shall be paid a non-accountable subsistence allowance per month or part thereof for the period of his or her presence in the Republic as set out in item 1 of Schedule 2.

[subreg (1) am SL 16 of 2022 reg 11, opn 13 July 2022]

- (2) The Chief Justice shall be provided with a reimbursable entertainment allowance as set out in item 2 of Schedule 2.

[subreg (2) am SL 16 of 2022 reg 11, opn 13 July 2022]

10 Travel

- (1) Subject to the availability of flight and a seat, a Judge shall be entitled to a business class return airfare from his or her place of residence to the Republic.

[subreg (1) am SL 16 of 2022 reg 13, opn 13 July 2022]

- (2) Where a Judge is required to travel on official travel, he or she shall be entitled to a business class return airfare.

[subreg (2) am SL 16 of 2022 reg 13, opn 13 July 2022]

- (3) The spouse of the Chief Justice may accompany him or her to the Republic or on official travel on a business class return airfare.

- (4) Where a Judge travels on official travel, he or she:

- (a) shall be paid a per diem as set out in Schedule 2; and
- (b) is not eligible to be paid any salary unless he or she is employed on a full-time basis.

[subreg (4) am SL 16 of 2022 reg 13, opn 13 July 2022]

11 Accommodation

A furnished paid for accommodation shall be provided to a Judge by the Republic.

[reg 11 am SL 16 of 2022 reg 12, opn 13 July 2022]

12 Transport

- (1) A Judge shall be provided with transport and a driver.

[subreg (1) am SL 16 of 2022 reg 13, opn 13 July 2022]

(2) A Judge has unlimited use of the vehicle during the period of his or her presence in the Republic.

[subreg (2) am SL 16 of 2022 reg 13, opn 13 July 2022]

13 Medical

A Judge is entitled without charge for any medical treatment available at the Republic of Nauru Hospital.

[reg 13 am SL 16 of 2022 reg 13, opn 13 July 2022]

14 Leave

(1) Where a Judge is employed on a full-time basis, he or she shall be entitled to the following leave:

- (a) recreation leave of 20 working days;
- (b) sick leave of 10 working days;
- (c) special leave of 3 working days; and
- (d) any other leave contained in the Contract of Employment or as the Cabinet may approve.

[subreg (1) am SL 16 of 2022 reg 13, opn 13 July 2022]

(2) The Judge who is employed on a full time basis may take leave of absence from the Republic during a judicial vacation.

[subreg (2) am SL 16 of 2022 reg 13, opn 13 July 2022]

15 Telecommunication

A Judge shall be provided with an official phone number and internet facility as set out in Schedule 3.

[reg 15 am SL 16 of 2022 reg 13, opn 13 July 2022]

16 Allowances not taxable

The allowances and other benefits of a Judge are not taxable income.

[reg 16 am SL 16 of 2022 reg 13, opn 13 July 2022]

17 Employment and services tax

The salary of a Judge shall be subject to the provisions of the *Employment and Services Tax Act 2014*.

[reg 17 am SL 16 of 2022 reg 13, opn 13 July 2022]

18 Repeal

The *Judicial Salaries Regulations 1980* are repealed.

19 Transition

(1) These Regulations shall not apply to an existing contract of employment of any Judge until the date of expiry of such contract, when it is deemed to have come to an end.

[subreg (1) am SL 16 of 2022 reg 13, opn 13 July 2022]

- (2) A Judge may be re-appointed under a new contract of employment on the terms and conditions prescribed in these Regulations, once a contract is deemed to have come to an end under subregulation (1).

[subreg (2) am SL 16 of 2022 reg 13, opn 13 July 2022]

[The next page is 512,401]

SCHEDULE 1

[Regulations 5 and 6]

GROSS SALARY OF A SUPREME COURT JUDGE

[Sch 1 subst SL 16 of 2022 reg 14, opn 13 July 2022]

Supreme Court Judge	Gross salary per month
Chief Justice	\$30,000
Judge	\$25,000

[The next page is 512,601]

SCHEDULE 2

[Regulations 9 and 10]

OTHER ALLOWANCES OF A SUPREME COURT JUDGE

[Sch 2 subst SL 16 of 2022 reg 15, opn 13 July 2022]

Item 1

Supreme Court Judge	Non-accountable Allowance per month	Per diem for official travel
Chief Justice	\$1,200.00	At the rate provided for in the Republic of Nauru travel allowance (per diem) for official travel on behalf of the Republic.
Judge	\$1,200.00	At the rate provided for in the Republic of Nauru travel allowance (per diem) for official travel on behalf of the Republic.

Item 2

Reimbursable entertainment allowance of the Chief Justice	\$5,000 per annum
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[The next page is 512,801]

SCHEDULE 3

[Regulations 11, 12 and 15]

BENEFITS

[Sch 3 am SL 16 of 2022 reg 13, opn 13 July 2022]

The Judges are entitled to the following benefits:

- (a) fully paid and furnished accommodation;
- (b) official vehicle and driver [unlimited use]; and
- (c) a sim card with 50GB data per month.

[The next page is 513,001]

Statutory Salaries (Clerk of Parliament Conditions of Service and Salary) Regulations 2020

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Objective
4	Salary of the Clerk of Parliament
5	Travel
6	Transport
7	Leave
8	Telecommunication
9	Repeal
SCHEDULE — SALARY OF CLERK	

[The next page is 513,201]

Statutory Salaries (Clerk of Parliament Conditions of Service and Salary) Regulations 2020

TABLE OF AMENDMENTS

The Statutory Salaries (Clerk of Parliament Conditions of Service and Salary) Regulations 2020 SL 35 were notified and commenced on 13 November 2020.

Amending Legislation	Notified	Date of Commencement
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[The next page is 513,401]

The Cabinet makes the following Regulations under Section 2 of the *Statutory Salaries Act 1974*:

1 Citation

These Regulations may be cited as the *Statutory Salaries (Clerk of Parliament Conditions of Service and Salary) Regulations 2020*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Objective

The objective of these Regulations is to prescribe the conditions of service, salary and allowances of the Clerk of Parliament.

4 Salary of the Clerk of Parliament

The salary of the Clerk is set out in the Schedule.

5 Travel

- (1) Where the Clerk is required to travel on official travel, he or she shall be entitled to a business class return airfare.
- (2) Where the Clerk travels on official travel, he or she shall be paid a per diem at the rate provided for Heads of Departments in the Republic of Nauru travel allowance for official travel on behalf of the Republic.

6 Transport

The Clerk shall be provided with transport for his or her official and personal use for the duration of his or her appointment.

7 Leave

- (1) The Clerk shall be entitled to the following leave:
 - (a) recreation leave of 20 working days;
 - (b) sick leave of 10 working days;
 - (c) special leave of 3 working days;
 - (d) long service and furlough leave; and
 - (e) any other leave as the Speaker may approve.
- (2) The Clerk may take such leave as may be appropriate in consultation with and approval of the Speaker.

8 Telecommunication

The Clerk shall be provided with an official phone, official phone number and internet facility as approved by the Speaker.

9 Repeal

The *Clerk of Parliament's Salary Regulations 1979* are hereby repealed.

[The next page is 513,601]

SCHEDULE

[Regulation 4]

SALARY OF CLERK

	Gross salary per annum
Clerk of Parliament	\$49,736

[The next page is 540,001]