



DEPARTMENT OF  
JUSTICE & ATTORNEY GENERAL  
OF PAPUA NEW GUINEA  
**OFFICE OF THE ATTORNEY GENERAL**



**MEDIA RELEASE**

**RETIREMENT BENEFITS & PENSION SCHEME  
FOR JUDGES**

I would like to announce to the public that the retirement benefits and pension scheme for Judges of the National and Supreme Court will be improved to give judges a descent retirement after life on the bench.

The current pension scheme under the *Judges Pension Act 1997* is simply inadequate. We will amend the *Income Tax Act* to have the judges exempted from paying personal tax on their pension. We will also be considering some other fringe benefits as well for judges on retirement. Currently, only Members of Parliament are exempted from paying tax on their pension upon retirement, I would like to see the same for the judges as well.

This is one of the new initiatives undertaken by the Marape/Rosso government to modernize the judiciary and our court system to meet the challenges of the 21<sup>st</sup> century. This will further compliment the newly approved three-tier court system I announced recently. I would like to see all these changes taking place within this term of Parliament.

Amongst the imperatives to improve capacity and performance, the government has recently approved to increase the ceiling of judges from 40 to 60. Annual budgetary appropriations to the judiciary has also increased in recent years. The government believes that maintenance of the rule of law by a vibrant and independent judiciary is vital for growth and development. A strong and robust judicial system provides a good platform for investment and gives investor confidence.

Some of our judges are now nearing their compulsory retirement age. Many of them have spent most of their active working life on the bench for over 30 years or more. A judicial appointment to the bench is a life-time calling in many respects and it is for this reason that judges must be adequately and sufficiently remunerated both during their time in office and also at retirement.

Judges make important constitutional decisions, passed judgments and developed underlying laws through pronouncements that reinforced and strengthened the rule of law that provides for an orderly and peaceful society. This is a significant responsibility indeed and weighs heavily on the judges every time they sit in court. This responsibility must be properly recognized and reciprocated.

A judge has a very restricted lifestyle not that he chooses to, but because of the nature of the work that he does. He does not have the freedom that other ordinary citizens enjoy. He does not socialize much with other people and live a very secluded and private lifestyle. Judges have to sacrifice a lot to remain neutral and independent in every aspects and facets of their lives. It's all about perception. Their independence continue even after retirement. It is common knowledge that judges do not have a lot of friends given the nature of the job they do.

The compulsory retirement age of a judge is 72, but the Judicial Legal Service Commission (JLSC) may, under certain exceptional circumstances, extend it up to 75. With that age at retirement, it is not possible for a judge to secure another gainful employment after retirement. He relies solely on his pension salary on retirement which is already taxed by half. Other allowances and fringe benefits payable to a judge ceases upon retirement.

In addition, the current medical scheme for judges do not extend to retirement leaving the judges without an adequate medical cover on retirement. At such age, constant health care is important. With no medical cover at retirement, a judge is expected to dig deeper to pay for his own medical expenses.

The current pension scheme for judges is unattractive and needed to be reviewed, and this government is committed to making it better to give our judges a good retirement. There is no gain for the judges under the current pension scheme. Judges deserve better given the important constitutional office they occupy and the number of years they put in to serve the country and its people. Judges make up the third – arm of government as are the Members of Parliament who comprise the other two – arms of government. Judges deserve to be treated the same as Members of Parliament or even better, on matters concerning pension entitlements.

The passing of the proposed amendment to the *Income Tax Act* by Parliament will put the judges on par with the Members of Parliament on tax exemption on their pension. It would be another milestone achievement for the judiciary under the current Marape/Rosso government. It would also leave behind a lasting legacy of a government who is committed to ensuring that members of our judiciary are well looked after even after retirement. It is a way of us acknowledging and appreciating in a tangible way, the important role performed by our judges. It would make the terms and conditions of judges much more attractive for experienced lawyers who have resisted calls in the past to join the bench. The development of our own local jurisprudence will get a boost if lawyers with years and wealth of experience get appointed to the bench.

Finally, with these improved terms and conditions of employment for judges, the court would be expected to increase its cases disposition rates, reduce backlog and clear outstanding reserved judgments promptly and in a timely manner.

**HON. PILA NININGI, LLB, MP**  
Minister For Justice & Attorney General  
Member for Imbonggu