



Australian Capital Territory Remuneration Tribunal

ACT Supreme Court Judicial Positions

Determination 1 of 2017

made under the
Remuneration Tribunal Act 1995

ACCOMPANYING STATEMENT

Background

Under section 10 of the *Remuneration Tribunal Act 1995* (the Act), the Remuneration Tribunal (the Tribunal) must inquire into and determine the remuneration, allowances and other entitlements to be paid to the holders of Judicial positions mentioned in Schedule 1 of the Act, including the Chief Justice of the ACT Supreme Court, the Associate Judge and Acting Judges. For the Chief Justice, this entitlement is in addition to their entitlements as a resident judge under the *Supreme Court Act 1933*.

Previous determination: Determination 8 of 2016 (commenced 1 November 2016)

The Tribunal determined there would be no change to remuneration for ACT Supreme Court judges at that time, pending information from the Australian Government Remuneration Tribunal on its annual review.

Following the review, the Australian Government Remuneration Tribunal notified jurisdictions of its Determination 2016/17: Judicial and Related Offices – Remuneration and Allowances dated 5 December 2016.

Decision

The Tribunal decided to consider remuneration and entitlements for positions in the ACT Supreme Court at its Autumn 2017 review, which was held during February 2017. This determination sets out the Tribunal's decision during the review.

In considering remuneration and entitlements for judicial positions in the ACT Supreme Court, the Tribunal noted:

- the *Australian Government Remuneration Tribunal Determination 2016/17: Judicial and Related Offices – Remuneration and Allowances*; and
- the government submission provided by the Chief Minister.

The Tribunal decided that this determination is effective from 1 January 2017, which aligns with *Australian Government Remuneration Tribunal Determination 2016/17: Judicial and Related Offices – Remuneration and Allowances*.

ACT Remuneration Tribunal
March 2017



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1. Commencement

This instrument commences 1 January 2017.

2. Remuneration

The benchmark \$441,010 (being the remuneration payable to a Federal Court Judge and ACT Supreme Court Judge on 1 January 2017).

2.1 Chief Justice of the Supreme Court

The Chief Justice of the Supreme Court is entitled to an allowance of \$44,101 per annum in addition to the benchmark.

2.2 Associate Judge of the ACT Supreme Court

The Associate Judge of the Supreme Court is entitled to remuneration of \$396,909 per annum.

The Associate Judge of the Supreme Court is entitled to the travelling allowance rate applicable to a resident Judge of the Federal Court of Australia as per relevant Australian Government Remuneration Tribunal Determinations issued from time to time.

2.3 Acting Judge

An Acting Judge is entitled to be paid remuneration calculated at the rate of 1/230 of the annual remuneration paid to a judge of the ACT Supreme Court per day.

In any 12 month period, total remuneration paid to an Acting judge must not exceed that paid to a judge of the ACT Supreme Court.

3. Salary packaging for the Associate Judge

3.1 The Associate Judge may elect to take remuneration mentioned as:

- a) salary; or
- b) a combination of salary and other benefits (a *salary package*).

3.2 Salary packaging must be consistent with:

- c) taxation laws and guidelines issued by the Australian Taxation Office; and
- d) any salary packaging policy and/or procedures issued for the ACT Public Service, with up to 100% of the remuneration able to be taken as benefits and related costs such as fringe benefits tax.

3.3 Salary packaging must be administered without additional cost to the employer and any fringe benefits tax associated with the provision of a benefit must be included in the salary package.

3.4 Salary for superannuation purposes is not affected by salary packaging.

4. Travelling Allowance for the Associate Judge —within Australia

4.1 If the Associate Judge undertakes official travel within Australia, the employer will pay a travelling allowance of:

- a) If the cost of accommodation is not met—\$345 for each overnight stay in a capital city or \$290 for each overnight stay in a non-capital city; or
- b) If the cost of accommodation is met—\$85 for each overnight stay; or
- c) If the cost of accommodation and one meal is met—\$70 for each overnight stay; or
- d) If the cost of accommodation and all meals is met—\$55 for each overnight stay; or
- e) \$55 for travel that involves an absence from home of at least 10 hours, but does not involve an overnight stay; or
- f) \$55 for travel that involved an overnight stay if the total absence from home is at least 10 hours longer than a multiple of 24 hours.

4.2 If the employer meets the travel cost for the Associate Judge's spouse to accompany the Associate Judge, the additional accommodation cost of a double room over a single room will be paid by the employer.

5. Travelling Allowance for the Associate Judge —outside Australia

5.1 If the Associate Judge undertakes official travel outside Australia, the employer will pay a travelling allowance equivalent to what would be paid to a person who is an executive employed under the *Public Sector Management Act 1994*.

6. Definitions

6.1 In this Determination:


employer means the Australian Capital Territory and includes any person authorised to act on behalf of the Australian Capital Territory.

fringe benefits tax means the tax assessed under the *Fringe Benefits Tax Assessment Act 1986*.

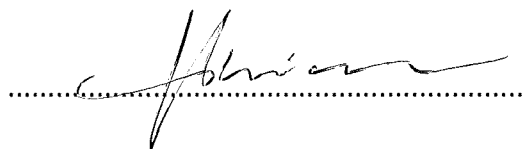
7. Revocation of previous determinations

Determination 8 of 2016 is revoked.

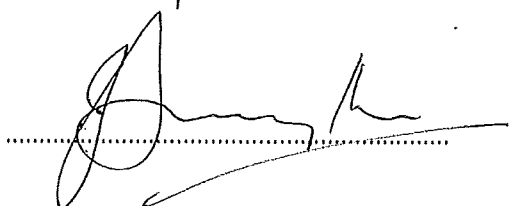
Anne Cahill Lambert AM
Chair



Dr Colin Adrian
Member



James Smythe, PSM
Member



March 2017