



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement 11 of 2008

Chief Magistrate, Magistrates & Special Magistrates

Background

Section 10 of the *Remuneration Tribunal Act 1995* requires the Tribunal to inquire into and determine remuneration, allowances and other entitlements to be paid to the Chief Magistrate and Magistrates.

The Tribunal last reviewed remuneration and allowances for the Chief Magistrate and Magistrates in October 2007, and issued Statement and Determination 19, dated 28 November 2007.

The latest inquiry was notified in the press on 9 August 2008.

Submissions

Written submissions were received and considered by the Tribunal at its meeting on 27 October 2008.

Tribunal Consideration

The Tribunal made relevant inquiries and considered all the material before it, including but not limited to, submissions from interested parties, wage cost and other Australian Bureau of Statistics indices, remuneration increases for the ACTPS and for other employees and comparative data from other jurisdictions.

The Tribunal was cognisant of the complexities and nature of the work of the magistrates, and the extent of the magistrate jurisdiction.

It is evident that there has been a decline over recent years in the remuneration of the magistrates and the chief magistrate compared with similar offices in other jurisdictions. The Tribunal took this into account in determining an increase in the annual remuneration of the chief magistrate to \$285,537 and the magistrates to \$250,698.

The Tribunal also considered the per diem rate of remuneration for Special Magistrates. In the light of its consideration of remuneration for Magistrates and the Chief Magistrate, the Tribunal determined that this rate shall be increased to \$961 per diem.

ACT Remuneration Tribunal
December 2008



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination 11 of 2008

Chief Magistrate, Magistrates & Special Magistrates

Under section 10 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration, allowances and other entitlements to be paid to the Chief Magistrate and Magistrates.

This Determination is effective on and from 1 November 2008.

Alan Kerr AM
Chair

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Roberta McRae OAM
Member

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Jill Greenwell
Member

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// December 2008



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Determination 11 of 2008

Chief Magistrate, Magistrates & Special Magistrates

Under section 10 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration, allowances and other entitlements to be paid to the Chief Magistrate and Magistrates and determines as follows: -

1. Determination 19 of 2007, dated 28 November 2007 is revoked.

Remuneration

2. Remuneration at the rate of \$285,537 per annum shall be payable to the Chief Magistrate.
3. Remuneration at the rate of \$250,698 per annum shall be payable to a Magistrate.
4. Remuneration at the rate of \$961 per diem shall be payable to a Special Magistrate.

Travelling Allowance (within Australia)

5. (a) For travel on official business outside Canberra but within Australia the Chief Magistrate or Magistrate shall be entitled to \$345 per overnight stay in a capital city or \$290 per overnight stay in other than a capital city.

(b) An allowance of \$55 shall be payable where travel involves an absence from home of at least 10 hours, but does not involve an overnight stay.

(c) Where the absence specified in sub-paragraph (a) exceeds a multiple of 24 hours by at least 10 hours, an extra \$55 shall be payable in addition to the appropriate overnight stay payments.

(d) Where the Government meets the travel cost for the spouse of the Chief Magistrate or a Magistrate to accompany the Chief Magistrate or Magistrate, the additional cost of a double room over a single room accommodation shall be added to the appropriate overnight stay payment. Such additional cost shall be assessed at \$10 unless vouched.

(e) Where the cost of accommodation is met, travelling allowance at the rate of \$85 only shall be payable per overnight stay.

(f) Where the costs of accommodation and a meal per day are met, travelling allowance at the rate of \$70 only shall be payable per overnight stay.

- (g) Where the costs of accommodation and all meals are met, travelling allowance at the rate of \$55 only shall be payable per overnight stay.

Salary Packaging

6. (a) Subject to the following conditions, a Chief Magistrate or Magistrate may elect to take remuneration as salary or take a combination of salary and other benefits best suited to his or her personal needs and preferences.
 - (b) The scheme is to be consistent with taxation laws and guidelines applicable to salary packaging schemes, issued by the Australian Taxation Office.
 - (c) The Department of Justice and Community Safety will administer the scheme which is to be based on the ACT Public Service Salary Packaging Policy and Procedures issued by the Commissioner for Public Administration, with up to 100% of the relevant remuneration to be taken as benefits and related costs such as fringe benefits tax.
 - (d) The scheme shall be operated and administered so that there will be no additional cost to the ACT Government. In particular, any fringe benefits tax associated with the provision of a benefit is to be included in the salary package.

The salary for superannuation purposes is unaffected by participation in the salary packaging scheme.

Date of Effect

7. This determination is effective on and from 1 November 2008.
