



Australian Capital Territory Remuneration Tribunal

## ACT Supreme Court Judicial Positions

### Determination 16 of 2017

made under the  
Remuneration Tribunal Act 1995, section 10 (Inquiries about holders of certain positions)

## ACCOMPANYING STATEMENT

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### 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*.

### Considerations

The Tribunal's 2017 review of remuneration and entitlements for the ACT Supreme Court was advertised in September 2017. The Chief Justice provided a submission as did the Chief Minister on behalf of the ACT Government.

The Tribunal met on 25-26 October 2017 and this determination sets out the Tribunal's decision following the review.

The Tribunal considered the Australian Government Remuneration Tribunal Determination 2017/09: Judicial and Related Offices – Remuneration and Allowances dated 1 July 2017.

In considering remuneration and entitlements for judicial positions in the ACT Supreme Court, the Tribunal noted the *Australian Government Remuneration Tribunal Determination 2017/09: Judicial and Related Offices – Remuneration and Allowances*.

In considering remuneration and allowances for the ACT Supreme Court, the Tribunal also had discussions with the Chief Minister and the Justice and Community Safety Directorate. Treasury officials provided a comprehensive briefing to the Tribunal on the prevailing economic circumstances for 2017 and forecasts for the coming years.

**Decision**

The Tribunal determined to maintain the allowance for the position of the Chief Justice of the ACT Supreme Court at its current rate relative to an ACT Supreme Court Judge.

The Tribunal determined to maintain the remuneration for the position of the Associate Judge of the ACT Supreme Court at its current rate relative to an ACT Supreme Court Judge.

The Tribunal determined to maintain the remuneration for the position of Acting Judge of the ACT Supreme Court, at the rate of 1/230 of the annual remuneration paid to a judge of the ACT Supreme Court per day.

November 2017



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#### 1. Commencement

This instrument commences 1 July 2017.

#### 2. Remuneration

The benchmark \$449,840 (being the remuneration payable to a Federal Court Judge and ACT Supreme Court Judge on 1 July 2017).

##### *2.1 Chief Justice of the Supreme Court*

The Chief Justice of the Supreme Court is entitled to an allowance of \$44,984 per annum in addition to the benchmark.

##### *2.2 Associate Judge of the ACT Supreme Court*

The Associate Judge of the ACT Supreme Court is entitled to remuneration of \$404,856 per annum.

The Associate Judge of the Supreme Court is entitled to the same travelling allowance provisions for other ACT Supreme Court Judges (being a Judge of the Federal Court of Australia); which is outlined in Commonwealth Remuneration Tribunal Determinations for Judicial and Related Offices, 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 and outside Australia

4.1 The Associate Judge of the Supreme Court is entitled to the same travelling allowance provisions for other ACT Supreme Court Judges (being a Judge of the Federal Court of Australia), which is outlined in Commonwealth Remuneration Tribunal Determinations for Judicial and Related Offices, issued from time to time.

### 5. Other entitlements

5.1 Other entitlements such as vehicle, parking, relocation and leave arrangements are outlined in the *Supreme Court (Master) Conditions of Appointment 2017 (No.1)*, NI2017-242.

### 6. Definitions

6.1 In this Determination:

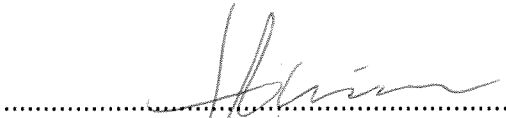
**employer** means the Australian Capital Territory and includes any person authorised to act on behalf of the Australian Capital Territory.

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

### 7. Revocation of previous determinations

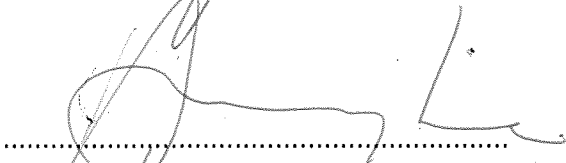
Determination 1 of 2017 and 6 of 2017 are revoked.

Dr Colin Adrian  
Chair



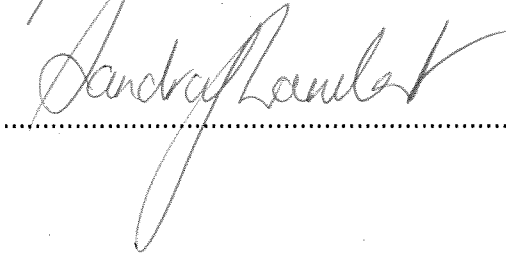
A handwritten signature in cursive script, appearing to read 'Colin Adrian', positioned above a horizontal dotted line.

Mr James Smythe PSM  
Member



A handwritten signature in cursive script, appearing to read 'James Smythe', positioned above a horizontal dotted line.

Ms Sandra Lambert AM  
Member



A handwritten signature in cursive script, appearing to read 'Sandra Lambert', positioned above a horizontal dotted line.

November 2017