



Australian Capital Territory Remuneration Tribunal

Determination 8 of 2024

ACT Supreme Court Judicial Positions

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

ACCOMPANYING STATEMENT

Background

Under section 10 of the *Remuneration Tribunal Act 1995* (the Act), the Remuneration Tribunal (the Tribunal) is required to inquire into, and determine, the remuneration, allowances and other entitlements for holders of certain public offices. This includes the Head of Service, Directors-General and people engaged as an executive (known collectively as executives) under the *Public Sector Management Act 1994*.

Considerations

In July 2024, the Tribunal commenced its Spring Sitting to consider the remuneration, allowances and other entitlements of the following office-holders:

- ACT Magistrates;
- ACT Supreme Court judges;
- ACT Civil and Administrative Tribunal members;
- the ACT Integrity Commission (Integrity Commissioner and Chief Executive Officer);
- the Principal Registrar, Courts and Tribunal;
- the Director of Public Prosecutions;
- part-time Holders of Public Office on Boards, Tribunals and Committees; and
- any other positions that have been referred to the Tribunal for consideration.

The Tribunal advertised its Spring Sitting on its website and in the Canberra Times on 4 May 2024. The Tribunal also wrote to the relevant office-holders inviting submissions.

At its meeting in July 2024, the Tribunal met with the Chief Minister, ACT Government Treasury officials and officials responsible for the Enterprise Agreement bargaining for ACT Public Sector non-executive employees. The Tribunal also met with a number of full-time public office-holders, part-time public office holders and departmental officials.

In its deliberations, the Tribunal noted the importance of the Territory providing competitive and equitable remuneration, allowances and other entitlements to attract and retain high calibre individuals. The Tribunal considered community expectations that good quality services ought be delivered at a reasonable cost to the ratepayer. The Tribunal noted the wage policies and recent remuneration determinations by its Commonwealth and State/Territory counterparts. The Tribunal continues to be cognisant of the future compounding effect of not providing increases in remuneration.

While the rise in cost of living continues to be material, the Tribunal recognised that CPI growth is gradually slowing and noted the additional cost of living relief for wage and salary earners resulting from the personal income tax cuts that came into effect on 1 July 2024.¹

The briefing provided to the Tribunal by ACT Treasury confirmed that the Territory continues to experience sustained economic and employment growth with high levels of participation in the labour market. The Tribunal noted that the labour market continues to be tight, particularly given the growth in the Commonwealth Public Service. The Tribunal also noted that wage price forecasts are moderating slightly while inflationary pressures persist.

Treasury officials confirmed that wage growth in the ACT was at around the national average through the year to the June Quarter 2024, supported by a recent strengthening in public sector wages growth. The Tribunal noted that the wage price index for the public and private sectors is evening out across Australia, including in the ACT.²

The Australian Bureau of Statistics released the Consumer Price Index for the June Quarter on 31 July 2024, which included an increase of 0.9 per cent for the ACT during the June quarter, with a 3.1 per cent increase over the year (June 2023 to June 2024).³ The national mean inflation was 3.8 per cent over the year.⁴

The Tribunal had regard to the 2023–24 ACT Budget Review, released in February 2024 by ACT Treasury, which detailed a stabilising economy in 2022–23, including a 4 per cent increase in WPI and 5.7 per cent increase in CPI during that financial year.⁵

The Tribunal notes the increase to the remuneration of Federal Court Judges, to which the remuneration of ACT Supreme Court Judges is linked under legislation. This increase is reflected in the current determination for Supreme Court judges. Consistent with past practice, the Tribunal made a commensurate increase to the allowance payable to the Chief Justice of the Supreme Court.

Decision

The Tribunal determines to increase the allowance for the position of the Chief Justice of the ACT Supreme Court to \$51,765 per annum continuing the existing relativity of this allowance to salary and noting also the increases in remuneration and entitlements

¹ [Tax cuts to help with the cost of living | Treasury.gov.au](#)

² Australian Bureau of Statistics Release 13 August 2024 [Wage Price Index, Australia, June 2024 | Australian Bureau of Statistics \(abs.gov.au\)](#)

³ ACT Treasury, 24 April 2024, CPI – March Quarter 2024 [Consumer Price Index \(CPI\) \(act.gov.au\)](#)

⁴ Australian Bureau of Statistics Release 31 July 2024 [Consumer Price Index, Australia, June Quarter 2024 | Australian Bureau of Statistics \(abs.gov.au\)](#)

⁵ [ACT Budget 2023-2024 Budget Review](#), page 9.

provided to Federal Judicial positions in July 2024 by the Commonwealth Remuneration Tribunal which therefore determines the remuneration provided to ACT Judicial positions.

Following the removal of the position of the Associate Judge from relevant legislation, the Tribunal has removed the Associate Judge from its determinations.

The Tribunal determines 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.

The retrospective application of this Determination to 1 July 2024 does not affect the rights of a person (other than the ACT Government) in a manner prejudicial to that person, nor does it impose any liability on such person.

22 August 2024



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1. Commencement

This instrument is taken to have commenced on 1 July 2024.

2. Remuneration

2.1 The benchmark is \$517,650 (being the remuneration payable to a Federal Court Judge and ACT Supreme Court Judge on 1 July 2024).

Chief Justice of the Supreme Court

2.2 The Chief Justice of the Supreme Court is entitled to an allowance of \$51,765 per annum in addition to the benchmark.

Acting Judge

2.3 If an Acting Judge undertakes judicial duties for 3 hours or more on any given day, they are entitled to the daily remuneration calculated at the rate of 1/230 of the annual remuneration paid, from time to time, to a Judge of the ACT Supreme Court.

2.4 If an Acting Judge undertakes judicial duties for fewer than 3 hours on any given day, they are entitled to half of the daily remuneration rate.

2.5 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.

2.6 The Chief Justice may include reasonable travelling time other than for travel between the person's home and principal place of work in the number of hours in a given day in which the Chief Justice determines that the Acting Judge has undertaken judicial duties.

2.7 **Judicial duties** includes the following:

- court sitting time, as listed by the Chief Justice;
- preparation, decision writing and judicial education approved by the Chief Justice; and
- reasonable travelling time other than for travel between the person's home and principal place of work.

2.8 An Acting Judge is entitled to an allowance in lieu of a vehicle equal to the amount of reimbursement for private vehicle running costs that applies to Federal Court Judges, as determined by the Commonwealth Remuneration Tribunal, from time to time. This allowance is paid pro-rata for the period of the appointment and is not superable.

3. Travelling Allowance for an Acting Judge — within and outside Australia

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

4. Employer superannuation contribution – Acting Judge

4.1 An Acting Judge of the Supreme Court is only eligible for the employer’s superannuation contribution in this determination if their superannuation entitlements are not provided for elsewhere.

4.2 Superannuation entitlements for an Acting Judge are consistent with clause D7 in the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2023-2026* or its replacement.

4.3 The value of the employer’s superannuation contribution must not be paid in cash to the person appointed to an office in clause 2 of this Determination.

5. Definitions

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*.

6. Revocation of previous determination

Determination 11 of 2023 is revoked.

Ms Sandra Lambert AM
Chair



Ms Pam Davoren PSM
Member



Mr Michael Manthorpe PSM FIPAA
Member



22 August 2024