



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement Number 140

Chief Magistrate, Magistrates & Special Magistrates

Background

Section 10(1)(e) and (f) of the *Remuneration Tribunal Act* 1995 requires the Tribunal to inquire into, and determine, the remuneration and allowances to be paid, and other entitlements to be granted, to the Chief Magistrate and Magistrates.

The Tribunal last reviewed remuneration and allowances for the Chief Magistrate and Magistrates in May 2003, and issued Statement and Determination Number 121 dated 22 May 2003.

Submissions

This review was advertised in the Public Notices of *The Canberra Times* on 13 and 16 August 2003. Written submissions were received from the Chief Magistrate on behalf of all Magistrates and the Department of Justice and Community Safety and were considered by the Tribunal at its hearing on 21 October 2003.

The Tribunal reconvened on 28 October 2003 to further consider material provided to the Tribunal.

Tribunal Consideration

General comments and salary adjustment

The Tribunal noted that the Commonwealth Remuneration Tribunal granted an increase in the remuneration of the Commonwealth Judiciary with effect from 1 July 2003. This comprised the 5% foreshadowed in its 2002 review and 4% as an economic adjustment.

The Tribunal was provided with detailed submissions and other material in the course of this review. After consideration of all of the material put before it, including all of the matters raised by the parties, the Tribunal has decided that:

- it will not create a nexus with other judicial positions or jurisdictions;
- remuneration in the Commonwealth and other jurisdictions is a significant and useful factor, but it is not the only issue to be considered in determining movements in remuneration for magistrates in the ACT;
- it is important that the remuneration of magistrates in the ACT maintain a degree of relativity with other jurisdictions;
- while previous reviews of the Tribunal acknowledged that magistrates had been required to undertake coronial, tribunal and presidential duties and that this work

had been considered in setting remuneration in previous years – it was felt, however, that the extent to which this particular work had been taken into account in determining salaries had become difficult to quantify;

- there were some specific issues presented by the magistrates during this review in support of an increase in remuneration, including the particular nature of the ACT jurisdiction and the different types of skill required of magistrates carrying out coronial and other duties in the ACT compared with magistrates in jurisdictions that have separate coroner, deputy chief magistrate and supervising magistrate positions; and
- the Tribunal decided not to grant the full increase that was granted by the Commonwealth Remuneration Tribunal given the scope of its review,

and concluded, after examination of the material before it, that an increase of 2.5% would be appropriate to maintain a degree of relativity with other jurisdictions, together with a component to reflect economic factors.

Accordingly the Tribunal agreed that the remuneration for the Chief Magistrate and Magistrates be increased by 2.5% to maintain relativity with other jurisdictions and that an increase of 3.6% (the Wage Cost Index) also be awarded as an economic adjustment.

In addition, the Tribunal decided to award a separate allowance of \$5,000 per annum for the Chief Magistrate and the Magistrates as a payment in recognition of the requirement to undertake coronial, tribunal and/or presidential duties.

Special Magistrates

The Tribunal noted that in its statement on remuneration for Magistrates accompanying Determination 121 that the Tribunal decided to maintain the existing arrangements for Special Magistrates and suggested that more detailed evidence in support of this submission be provided for its next review.

No new information was provided to the Tribunal to support a specific increase or the provision of any other entitlements to Special Magistrates, although the Chief Magistrate did briefly raise the matters canvassed in previous years when giving his oral presentation.

The Tribunal determined a 2.5% increase for relativity maintenance and a 3.6% increase for economic factors (Wage Cost Index).

Other Issues

The Tribunal noted the magistrates' concern that the departmental submissions have been late each year in recent times and also noted the Tribunal Secretary's intention that tighter arrangements would be put in place to avoid this happening in future.

In relation to the date of effect of any increase, it was determined that the date will be 1 November each year.



AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL

Determination Number 140

Chief Magistrate, Magistrates & Special Magistrates

Pursuant to section 10(1)(e) and (f) of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid, and other entitlements to be granted to the Chief Magistrate and Magistrates.

This Determination shall take effect from 1 November 2003.

Alan Kerr AM
Acting Chair

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December 2003

Roberta McRae OAM
Member

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AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination Number 140

Pursuant to section 10(1)(e) and (f) of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid to the Chief Magistrate and Magistrates and determines as follows: -

1. Determination Number 121 dated 22 May 2003 is revoked.
2. Remuneration at the rate of \$215,203 per annum shall be payable to the Chief Magistrate. This remuneration includes a separate allowance of \$5,000 per annum to reflect that there may be a requirement to undertake coronial, tribunal or presidential duties.
3. Remuneration at the rate of \$189,069 per annum shall be payable to a Magistrate. This remuneration includes a separate allowance of \$5,000 per annum to reflect that there may be a requirement to undertake coronial, tribunal or presidential duties.
4. Remuneration at the rate of \$647 per diem shall be payable to a Special Magistrate.
5. Travelling Allowance (within Australia)
 - (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 \$175 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.

6. This determination shall take effect from 1 November 2003.
