



Australian Capital Territory Remuneration Tribunal

ACT Supreme Court Judicial Positions

Determination 8 of 2014

made under the
Remuneration Tribunal Act 1995

ACCOMPANYING STATEMENT

Background

Under section 10 of the *Remuneration Tribunal Act 1995*, 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 President of the Court of Appeal, the Master of the Supreme Court and Acting Judges. For the Chief Justice and President, these entitlements are in addition to their entitlements as a resident judge under the *Supreme Court Act 1933*.

Previous Determination: Determination 10 of 2013 (commenced 1 November 2013)

Remuneration for the Chief Justice is that of a Federal Court judge plus an allowance, which the Tribunal set at 10 per cent of that remuneration.

Remuneration for the President of the Court of Appeal is that of a Federal Court judge plus an allowance set by the Tribunal at 9.5 per cent of that remuneration.

Remuneration for the Master of the Supreme Court was set at \$350,668 per annum. The same rate was provided for the Retired Master until 31 October 2014 or until all the Retired Master of the Supreme Court judgements are delivered, whichever occurs first.

Acting Judges are entitled to a daily proportion of the remuneration paid to a Supreme Court Judge.

Considerations for the 2014 review

The Tribunal's 2014 review of entitlements for these positions was advertised in July 2014. All relevant stakeholders, including occupants of each position under review, received advice about the Tribunal's review.

Meetings of the Tribunal were held during September 2014 and this determination sets out the Tribunal's decisions following that review.

In conducting its review, the Tribunal considered an oral and written submission from the Chief Justice of the Supreme Court which addressed matters relating to the positions of the Chief Justice and the Master of the Supreme Court. The Tribunal was also mindful of the

economic and financial considerations facing the ACT and as enunciated by the Chief Minister in her submission to the Tribunal. ACT Treasury provided a comprehensive briefing to the Tribunal on the prevailing economic circumstances for 2014 and forecasts for the coming years. In addition, the Tribunal took advice from staff of the Justice and Community Safety Directorate.

Advice was also received from the Retired Master that all judgements had been delivered by August 2014. No further determination is therefore required in relation to the salary and entitlements of the Retired Master.

The Tribunal also noted the remuneration increases of approximately 1.5 per cent for the majority of ACT Public Servants under the *ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013-2017*.

The Tribunal also noted that Determination 2014/18 of the Australian Government Remuneration Tribunal for Judicial and related offices provided no increase in remuneration for those positions.

Decision

The Tribunal has determined that there will be no alteration to allowances applying to the Chief Justice and President of the Court of Appeals. They will remain at the existing proportions of 10 per cent and 9.5 per cent of a Federal Court judge respectively.

Following a demonstrated increase in the complexity and work of the Master of the Supreme Court, the Tribunal has decided to increase the remuneration by 1.5 per cent.

The Tribunal decided to retain the previous remuneration for Acting Judges as being entitled to a daily proportion of the remuneration paid to a Supreme Court Judge, viz. 1/230 of the annual remuneration per day.

ACT Remuneration Tribunal

November 2014



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1. Commencement

This instrument commences on 1 November 2014.

2. Remuneration

The benchmark is \$412,550 (being the remuneration payable to a Federal Court Judge and ACT Supreme Court Judge on 1 November 2014).

2.1 Chief Justice of the Supreme Court

The Chief Justice of the Supreme Court is entitled to an allowance of \$41,255 per annum in addition to the benchmark.

2.2 President of the Court of Appeal

The President of the Court of Appeal is entitled to an allowance of \$39,192 per annum in addition to the benchmark.

2.3 Master of the ACT Supreme Court

The Master of the Supreme Court is entitled to remuneration of \$356,856 per annum.

2.4 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 Master

3.1 The Master 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 Master —within Australia

4.1 If the Master 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 Master's spouse to accompany the Master, the additional accommodation cost of a double room over a single room will be paid by the employer. The additional cost will be \$10.

5. Travelling Allowance for the Master —outside Australia

5.1 If the Master 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 10 of 2013 is revoked.

Anne Cahill Lambert AM
Chair

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Dr Colin Adrian
Member

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James Smythe PSM
Member

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November 2014