



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement Number 182

Chief Magistrate, Magistrates & Special Magistrates

Background

Sub-section 10(1) 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 2004, and issued Statement and Determination Number 162 dated 30 November 2004.

Submissions

Written submissions were received from the Acting Chief Magistrate on behalf of all Magistrates and from the Chief Magistrate on return from leave. The submissions were considered by the Tribunal at its meeting on 2 September 2005 and subsequently in December 2005.

Tribunal Consideration

The Tribunal determined that the Chief Magistrate, Magistrates and Special Magistrates should receive a 4.1% increase in remuneration. The \$5,000 allowance to reflect that there may be a requirement to undertake coronial, tribunal or presidential duties is not to be increased.

The Tribunal decided the Chief Magistrate, Magistrates and Special Magistrates should have access to salary packaging in line with salary packaging available to employees of the ACTPS and subject to any administrative arrangements established by the Department of Justice and Community Safety.

ACT Remuneration Tribunal
December 2005



AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL

Determination Number 182

Chief Magistrate, Magistrates & Special Magistrates

Pursuant to sub-section 10(1) 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 shall take effect from 1 November 2005.

Alan Kerr AM
Chair

December 2005

Roberta McRae OAM
Member

Jill Greenwell
Member



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination Number 182

Chief Magistrate, Magistrates & Special Magistrates

Pursuant to sub-section 10(1) 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 Number 162 dated 30 November 2004 is revoked.

Remuneration

2. Remuneration at the rate of \$233,040 per annum shall be payable to the Chief Magistrate. An additional allowance of \$5,000 per annum is payable to reflect that there may be a requirement to undertake coronial, tribunal or presidential duties.
3. Remuneration at the rate of \$204,067 per annum shall be payable to a Magistrate. An additional allowance of \$5,000 per annum is payable to reflect that there may be a requirement to undertake coronial, tribunal or presidential duties.
4. Remuneration at the rate of \$718 per diem shall be payable to a Special Magistrate.

Travelling Allowance

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.

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 no more than 75% 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.
 - (e) The salary for superannuation purposes is unaffected by participation in the salary packaging scheme.
7. This determination shall take effect from 1 November 2005.
