



Australian Capital Territory Remuneration Tribunal

ACT Supreme Court Judicial Positions

Determination 5 of 2016

made under the
Remuneration Tribunal Act 1995

ACCOMPANYING STATEMENT

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 President of the Court of Appeal, the Associate Judge (formerly 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*.

2015 review

In Determination 8 of 2015, the Tribunal determined to defer a determination of remuneration and allowances in relation to ACT Supreme Court Judicial positions (with the exception of the President of the Court of Appeal) pending the outcome of the Australian Government Remuneration Tribunal's review of Judicial and Related Offices.

The Tribunal decided not to determine remuneration for the President of the Court of Appeals as the position has been abolished.

2016 Decision

On 9 December 2015 the Australian Government Remuneration Tribunal issued Determination 2015/18 relating to Judicial and Related Offices. This Determination increases the basic remuneration for Supreme Court Judicial positions to \$420,810.

The Tribunal also received correspondence from the Chief Justice of the ACT Supreme Court dated 15 December 2015 alerting it to the changes made by the Australian Government Remuneration Tribunal. The submission is published on the Tribunal's website.

The Tribunal decided to consider the matter at its autumn review.

Decisions regarding remuneration, allowances and other entitlements

The Tribunal noted that the basic remuneration for ACT Supreme Court judges is \$420,810, as specified under its Act, and decided that:

- the Chief Justice of the Supreme Court is entitled to an allowance of \$42,081 per annum in addition to the benchmark;
- the Associate Judge of the Supreme Court is entitled to remuneration of \$378,729 per annum; and
- this determination commences on 1 January 2016.

ACT Remuneration Tribunal

April 2016



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1. Commencement

This instrument commences 1 January 2016.

2. Remuneration

The benchmark \$420,810 (being the remuneration payable to a Federal Court Judge and ACT Supreme Court Judge on 1 January 2016).

2.1 Chief Justice of the Supreme Court

The Chief Justice of the Supreme Court is entitled to an allowance of \$42,081 per annum in addition to the benchmark.

2.2 Associate Judge of the ACT Supreme Court

The Associate Judge of the Supreme Court is entitled to remuneration of \$378,729 per annum.

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 Australia

4.1 If the Associate Judge 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 Associate Judge's spouse to accompany the Associate Judge, the additional accommodation cost of a double room over a single room will be paid by the employer.

5. Travelling Allowance for the Associate Judge —outside Australia

5.1 If the Associate Judge 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 8 of 2015 is revoked.

Anne Cahill Lambert AM
Chair



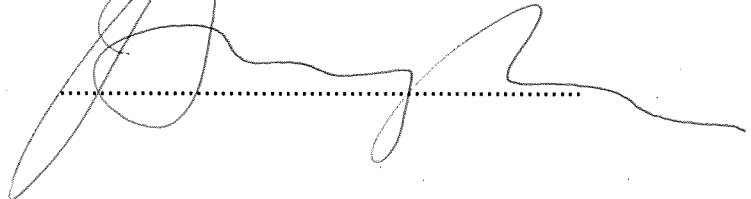
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Dr Colin Adrian
Member



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James Smythe PSM
Member



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April 2016

