



Australian Capital Territory Remuneration Tribunal

ACT Magistrates Court Judicial Positions

Determination 9 of 2014

made under the
Remuneration Tribunal Act 1995

ACCOMPANYING STATEMENT

Background

Under section 10 of the *Remuneration Tribunal Act 1995*, 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 Magistrate, Magistrates and Special Magistrates.

Previous determination: **Determination 12 of 2013** (commenced 1 November 2013)

In the December 2013 determination, the Tribunal granted significant increases in remuneration to Magistrates, reflecting a change in role and work value of those positions, specifically relating to increased civil and financial jurisdiction bringing increased complexity and a requirement for greater specialist knowledge.

The Tribunal set remuneration for the Chief Magistrate at \$371,202 while remuneration for ACT Magistrates was set at \$325,915. Further, the Tribunal decided that Special Magistrates would be entitled to rates equal to the remuneration paid to a Magistrate but calculated on a daily basis or a proportion thereof.

Considerations for the 2014 review

The Tribunal's 2014 review of entitlements for ACT Magistrates Court Judicial positions was advertised early 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 Magistrate on behalf of all Magistrates. 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.

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 decided no further increases in remuneration will be granted to Magistrates in this review.

ACT Remuneration Tribunal

November 2014



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1. Commencement

This instrument commences on 1 November 2014.

2. Remuneration

2.1 Chief Magistrate

The Chief Magistrate is entitled to remuneration of \$371,202 per annum.

2.2 Magistrates

A Magistrate is entitled to remuneration of \$325,915 per annum.

2.3 Special Magistrates

- a) If a Special Magistrate sits for 3 hours or more on any given day, they are entitled to daily remuneration calculated at the rate of 1/230 of the remuneration paid to a Magistrate. When determining whether the Special Magistrate has been engaged for 3 hours or more the Chief Magistrate may include reasonable travelling time.
- b) Where a Special Magistrate sits for less than 3 hours, they are entitled to three fifths of the daily remuneration rate.

2.4 Special Magistrate - Northern Territory

- a) No remuneration is payable to a Special Magistrate if they are a Magistrate under the *Magistrates Act* (NT) and they are already entitled to remuneration determined under the laws of the Northern Territory.

3. Other Entitlements

Travel Allowance

- 3.1 For travel on official business the Chief Magistrate or a Magistrate is entitled to the reasonable amounts for daily travel allowance expenses according to salary levels and destinations specified in Taxation Determination 2014/19 '***What are the reasonable travel and overtime meal allowance expense amounts for the 2014-15 income year?***' issued by the Australian Taxation Office and any determination that supersedes *Taxation Determination 2014/19*. (Current taxation determinations can be viewed under the Law, rulings and policy directory at <http://ato.gov.au>)
- 3.2 Where the cost of accommodation is met, the rate for accommodation in the Taxation Determination is not payable. Where the cost of accommodation and any meal is met, the rates for accommodation and that meal in the Taxation Determination are not payable. Where the cost of accommodation and all meals are met, only the rate for incidentals in the Taxation Determination is payable.

Salary Packaging

- 3.3 The Chief Magistrate or a Magistrate may elect to take their remuneration mentioned as:
- a) salary; or
 - b) a combination of salary and other benefits (a ***salary package***).
- 3.4 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.
- 3.5 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.
- 3.6 Salary for superannuation purposes is not affected by salary packaging.

4. Definitions

- 4.1 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*.

5. Revocation of previous determinations

Determination 12 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