



Australian Capital Territory Remuneration Tribunal

## Determination 9 of 2024

### ACT Magistrates Court Judicial Positions

made under the  
Remuneration Tribunal Act 1995, section 10 (Inquiries about holders of certain positions)

## ACCOMPANYING STATEMENT

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### Background

Under section 10 of the *Remuneration Tribunal Act 1995* (the Act), the Remuneration Tribunal (the Tribunal) is required to inquire into, and determine, the remuneration, allowances and other entitlements for holders of certain public offices. This includes the Head of Service, Directors-General and people engaged as an executive (known collectively as executives) under the *Public Sector Management Act 1994*.

### Considerations

In July 2024, the Tribunal commenced its Spring Sitting to consider the remuneration, allowances and other entitlements of the following office-holders:

- ACT Magistrates;
- ACT Supreme Court judges;
- ACT Civil and Administrative Tribunal members;
- the ACT Integrity Commission (Integrity Commissioner and Chief Executive Officer);
- the Principal Registrar, Courts and Tribunal;
- the Director of Public Prosecutions;
- part-time Holders of Public Office on Boards, Tribunals and Committees; and
- any other positions that have been referred to the Tribunal for consideration.

The Tribunal advertised its Spring Sitting on its website and in the Canberra Times on 4 May 2024. The Tribunal also wrote to the relevant office-holders inviting submissions.

At its meeting in July 2024, the Tribunal met with the Chief Minister, ACT Government Treasury officials and officials responsible for the Enterprise Agreement bargaining for ACT Public Sector non-executive employees. The Tribunal also met with a number of full-time public office-holders, part-time public office holders and departmental officials.

In its deliberations, the Tribunal noted the importance of the Territory providing competitive and equitable remuneration, allowances and other entitlements to attract and

retain high calibre individuals. The Tribunal also considered community expectations that good quality services ought be delivered at a reasonable cost to the ratepayer. The Tribunal noted the wage policies and recent remuneration determinations by its Commonwealth and State/Territory counterparts. The Tribunal continues to be cognisant of the future compounding effect of not providing increases in remuneration.

While the rise in cost of living continues to be material, the Tribunal recognised that CPI growth is gradually slowing and noted the additional cost of living relief for wage and salary earners resulting from the personal income tax cuts that came into effect on 1 July 2024.<sup>1</sup>

The briefing provided to the Tribunal by ACT Treasury confirmed that the Territory continues to experience sustained economic and employment growth with high levels of participation in the labour market. The Tribunal noted that the labour market continues to be tight, particularly given the growth in the Commonwealth Public Service. The Tribunal also noted that wage price forecasts are moderating slightly while inflationary pressures persist.

Treasury officials confirmed that wage growth in the ACT was at around the national average through the year to the June Quarter 2024, supported by a recent strengthening in public sector wages growth. The Tribunal noted that the wage price index for the public and private sectors is evening out across Australia, including in the ACT.<sup>2</sup>

The Australian Bureau of Statistics released the Consumer Price Index for the June Quarter on 31 July 2024, which included an increase of 0.9 per cent for the ACT during the June quarter, with a 3.1 per cent increase over the year (June 2023 to June 2024).<sup>3</sup> The national mean inflation was 3.8 per cent over the year.<sup>4</sup>

The Tribunal had regard to the 2023–24 ACT Budget Review, released in February 2024 by ACT Treasury, which detailed a stabilising economy in 2022–23, including a 4 per cent increase in WPI and 5.7 per cent increase in CPI during that financial year.<sup>5</sup>

The Tribunal met with the Chief Magistrate and a Magistrate of the Magistrates Court, who provided detail of the impact of the expanded operation of the Children’s Court, drawing the Tribunal’s attention to Section 375AA of the *Crimes Act 1900* (ACT)<sup>6</sup> that was inserted by the *Crimes Legislation Amendment Act 2023* in September 2023. The Tribunal noted that this has resulted in increasingly complex matters being considered in the Magistrates Court.

In further discussion with the Chief Magistrate, the Tribunal explored the nature and associated responsibilities of the role of Chief Magistrate in leading the ACT Magistrates Court.

Having regard to settings of other jurisdictions and reflecting on the particular structure of the ACT court system, the Tribunal determined an increase of 4 per cent was appropriate.

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<sup>1</sup> [Tax cuts to help with the cost of living | Treasury.gov.au](https://www.treasury.gov.au)

<sup>2</sup> Australian Bureau of Statistics Release 13 August 2024 [Wage Price Index, Australia, June 2024 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au)

<sup>3</sup> ACT Treasury, 24 April 2024, CPI – March Quarter 2024 [Consumer Price Index \(CPI\) \(act.gov.au\)](https://www.act.gov.au)

<sup>4</sup> Australian Bureau of Statistics Release 31 July 2024 [Consumer Price Index, Australia, June Quarter 2024 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au)

<sup>5</sup> [ACT Budget 2023-2024 Budget Review](https://www.act.gov.au), page 9.

<sup>6</sup> [Crimes Act 1900 | Acts](https://www.act.gov.au)

**Decision**

The Tribunal determines to increase remuneration by 4 per cent for ACT Magistrates Court judicial positions, with effect from 1 November 2024.

22 August 2024



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made under the

**Remuneration Tribunal Act 1995, section 10 (Inquiries about holders of certain positions)**

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#### 1. Commencement

This instrument is taken to have commenced on 1 November 2024.

#### 2. Remuneration

##### *Chief Magistrate*

2.1 The Chief Magistrate is entitled to remuneration of \$478,572 per annum.

##### *Magistrates*

2.2 A Magistrate is entitled to remuneration of \$420,168 per annum.

2.3 Additional salary of \$7,500 per annum is payable to the Chief Magistrate and Magistrates. This salary is to be paid on a pro rata basis for a magistrate working on a part-time basis.

##### *Special Magistrates*

2.3 If a Special Magistrate undertakes judicial duties for 3 hours or more on any given day, they are entitled to the daily remuneration calculated at the rate of 1/230 of the annual 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.

2.4 If a Special Magistrate undertakes judicial duties for less than 3 hours, they are entitled to three fifths of the daily remuneration rate.

2.5 **Judicial duties** includes the following:

- court sitting time, as listed by the Chief Magistrate;
- preparation, decision writing and judicial education approved by the Chief Magistrate;
- reasonable travelling time other than for travel between the person's home and principal place of work.

### *Special Magistrate - Northern Territory*

- 2.6 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.

#### *Part-time work*

- 2.7 For a magistrate working on a part-time basis in accordance with section 7C of the *Magistrates Act 1930*, the remuneration, allowances and entitlements for the Magistrate are to be paid on a pro rata basis in accordance with the proportion of full-time hours worked.
- 2.8 For the purposes of clause 2.4, 'remuneration, allowances and entitlements' does not include any pro-rata business support entitlements, official travel entitlements, training and development entitlements and relocation and security assistance entitlements prescribed under the *Magistrates Court (Conditions of Appointment) Decision 2019*, NI2019-262, or its replacement, made under section 7C of the Magistrates Court Act, or travel allowance under this Determination. The full-time rates of these entitlements are provided to part-time Magistrates.

### **3. 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 Australian Taxation Office – [Taxation Determination 2023/3 Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2023-24 income year?](#) or its replacement.
- 3.2 Where the cost of accommodation is met by the employer or another organisation, the rate for accommodation in the Australian Taxation Office Determination is not payable. Where the cost of accommodation and any meal is met by the employer or another organisation, the rates for accommodation and that meal in the Australian Taxation Office Determination are not payable.
- 3.3 Where the cost of accommodation and all meals are met by the employer or another organisation, only the rate for incidentals in the Australian Taxation Determination is payable.

### **4. Salary Packaging**

- 4.1 A person appointed to an office listed in clause 2 of this Determination may elect to take their remuneration mentioned as:
- a) salary; or
  - b) a combination of salary and other benefits (a **salary package**).
- 4.2 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.

4.3 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.

4.4 Salary for superannuation purposes is not affected by salary packaging.

## 5. Other entitlements

Other entitlements such as vehicle, parking, official travel and leave arrangements are outlined in the *Magistrates Court (Conditions of Appointment) Decision 2019*, NI2019-262, or its replacement.

## 6. Employer's superannuation contribution

6.1 A person, appointed to an office mentioned in clause 2 of this Determination, is only eligible for the employer's superannuation contribution in this determination if their superannuation entitlements are not provided for elsewhere.

6.2 Superannuation entitlements for a person appointed to an office listed in clause 2 of this Determination are consistent with clause D7 in the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2023-2026* or its replacement.

6.3 The value of the employer's superannuation contribution must not be paid in cash to the person appointed to an office mentioned in clause 2 of this Determination.

## 7. Definitions

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*.

## 8. Revocation of previous determination

Determination 12 of 2023 is revoked.

Ms Sandra Lambert AM  
Chair

Ms Pam Davoren PSM  
Member

Mr Michael Manthorpe PSM FIPAA  
Member

22 August 2024