



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement 19 of 2007

Chief Magistrate, Magistrates & Special Magistrates

Background

Section 10 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, Magistrates and Special Magistrates in October 2006, and issued Statement and Determination 203, dated 30 November 2006. Subsequently, the Tribunal issued Statement and Determination 8, dated 8 June 2007 in respect of access to salary packaging.

The latest inquiry was notified in the press on 4 August 2007.

Submissions

Written submissions were received from the Acting Chief Magistrate on behalf of all Magistrates, the Chief Magistrate and from the Government. The submissions were considered by the Tribunal at its meetings on 8 and 17 October 2007.

Tribunal Consideration

The Tribunal made relevant inquiries and considered all the material before it, including but not limited to, submissions from interested parties, wage cost and other Australian Bureau of Statistics indices, remuneration increases for the ACT and other employees and comparative data from other jurisdictions.

The Tribunal considered that the additional allowance granted to the Chief Magistrate and Magistrates for the requirement to undertake coronial, presidential and tribunal duties should be rolled into annual remuneration. When the Tribunal determined this allowance in 2003 it was considered appropriate that it be a separate component of remuneration. While the requirement to perform coronial, presidential and tribunal duties remains an identifiable element in determining remuneration, the Tribunal recognised that the nature of the ACT jurisdiction also needs to be considered. The Tribunal therefore decided that there should no longer be a separate allowance and that any such additional entitlement should be included in salary.

The Tribunal has determined a 4% increase in base salary. In addition, the separate allowance should be increased to \$10,000 and rolled into total annual remuneration.

Travel allowance has been increased for overnight stays other than in a capital city.

ACT Remuneration Tribunal
November 2007



**AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL**

Determination 19 of 2007

Chief Magistrate, Magistrates & Special Magistrates

Under section 10 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 is effective on and from 1 November 2007.

Alan Kerr AM
Chair

Roberta McRae OAM
Member

Jill Greenwell
Member

Dated: November 2007



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination 19 of 2007

Chief Magistrate, Magistrates & Special Magistrates

Under section 10 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 8 of 2007, dated 8 June 2007 is revoked.

Remuneration

2. Remuneration at the rate of \$259,632 per annum shall be payable to the Chief Magistrate.
3. Remuneration at the rate of \$228,597 per annum shall be payable to a Magistrate.
4. Remuneration at the rate of \$780 per diem shall be payable to a Special Magistrate.

Travelling Allowance (within Australia)

5. (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 \$290 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 up to 100% 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.

The salary for superannuation purposes is unaffected by participation in the salary packaging scheme.

Date of Effect

- 7. This determination is effective on and from 1 November 2007.

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