

Judges and Magistrates Group

Annual
Determination

*Report and determination under
section 13 of the Statutory and
Other Offices Remuneration
Tribunal Act 1975*

**25 June
2015**

Judges and Magistrates Group

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Section 1

Introduction

1. The role of the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 6 of the *Statutory and Other Offices Remuneration 1975* (the SOOR Act) was undertaken by Ms Helen Wright from 12 July 2011 until the expiration of her appointment on 11 July 2014. The Tribunal wishes to express its appreciation of Ms Wright's contributions over those years.
2. On 6 August 2014, Mr Richard Grellman AM was appointed to the role of Tribunal pursuant to section 6 of the SOOR Act. The two roles of Assessor assisting the Tribunal pursuant to sections 7 (1) (a) and 7 (1) (b) of the SOOR Act have been undertaken by Mr Blair Comley PSM, Secretary, Department of Premier and Cabinet and Mr Ken Baxter, respectively.

Background

3. Section 13 of the SOOR Act requires the Tribunal, each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year (formerly 1 October). "Remuneration" is defined in Section 10A as salary or allowances payable in money.

Government Wages Policy

4. The Tribunal is required, when making determinations under Part 3 of the SOOR Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act).
5. Section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group. Government policy concerning the

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remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation).

6. In accordance with SOOR Regulation any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if officer-related cost savings for the office holder (or group of office holders) have been achieved to fully offset the increased officer-related costs resulting from increased payment.

The Nexus

7. Historically, a principal feature of remuneration for Judges has been the Agreement between Federal and State Governments, reached in 1989, on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This Agreement provided that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia.
8. Prior to making the 2013 determination the former Tribunal had maintained the remuneration of a State Supreme Court Judge at approximately 85 per cent of the remuneration of a Justice of the High Court. However, the former Tribunal found that the Government's decision to extend the wages cap to judicial officers was not consistent with the maintenance of salary relativities between judicial office holders in NSW and the Federal Courts as provided for in the intergovernmental agreement.
9. In the 2013 and 2014 annual determinations the former Tribunal requested that the Government clarify its view on the continued relevance of the nexus given the Tribunal's statutory obligations in respect of the SOOR Regulation.
10. The Tribunal notes that on 11 May 2015 the Commonwealth Remuneration Tribunal (CRT) determined that Holders of Public Office, including Judges and Related Offices, would receive no increase with effect from 1 July 2015. In making those determinations the CRT noted, in its 2015 Review of Remuneration for Holders of

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Public Office Statement, that:

“The Tribunal has decided to defer until the second half of the 2015 calendar year its consideration of whether any increases to remuneration for offices in its jurisdiction should be determined.

This will allow the Tribunal to consider, as it is required to do under its legislation, the outcome of the 2014-15 Annual Wage Review of the Fair Work Commission, due for release in June 2015.

It will also allow the Tribunal to consider the Federal Government’s Budget outlook, a range of additional indicators including further Wage Price Index releases from the ABS and data on movements in both private and public sector executive remuneration which are produced annually. Updated economic data from the National Accounts will also be available.

At the same time the Tribunal will consider the final remuneration increases for Secretaries, Specified Statutory Offices, and a number of full time offices, noting its comments in 2014 that it does not retreat from its assessment of the proper relative remuneration of those most senior offices.

The Tribunal will give effect to its decision by issuing new determinations prior to 14 May 2015. These determinations will make no annual adjustment to the remuneration for offices in the Tribunal’s jurisdiction.”

11. Following the most recent decision of the CRT a Justice of the High Court of Australia receives a salary of \$486,480 per annum and a Federal Court Judge receives a salary of \$412,550. As the Tribunal now has regard to the Government’s wages policy rather than the nexus a Judge of the Supreme Court of NSW currently receives a higher salary than a Federal Court Judge.

Internal Salary Relativities

12. Historically, internal salary relativities have existed between offices in the Judges and Magistrates Group. Those relativities have been altered due to a number of factors which include:
 - a decision of the former Tribunal in 2012 to provide some judicial office holders with an increase of 3 per cent while other judicial office holders received only a 2.5 per cent increase
 - impact of the introduction of the SOOR Regulation in 2013
 - increases in the Superannuation Guarantee Contribution (SGC) in 2013 and 2014.

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13. Also, the salary relativities that previously linked the remuneration paid to offices within the Court and Related Officers Group and the Judges and Magistrates Group were also impacted following the 2011 amendments to the SOOR Act.
14. The Tribunal's findings in relation to the CRT decision, the Government's position on the nexus and historical internal salary relativities are outlined in Section 4 of this report.

Section 2

2014 Determination

15. On 11 July 2014 the former Tribunal made its 2014 annual determination and concurrently a special determination for the Judges and Magistrates Group.

Special Determination (pursuant to section 14 of the SOOR Act)

16. The special determination was made following a direction from the Premier in respect to office holders who did not receive an annual adjustment following the disallowance of the 2013 determination - being those judicial office holders who were not the subject of the Tribunal's special determination of 19 December 2013.
17. The special determination provided an increase in the salary payable to those office holders of 2.27 per cent, for the period 1 October 2013 to 30 June 2014, in accordance with the Premier's direction.

Annual Determinations (pursuant to section 13 of the SOOR Act)

18. The annual determination provided an increase of 1.88 for Judges, Acting Judges, Associate Judges and the President of the Workers Compensation Commission and an increase of 1.70 per cent for judicial office holders not eligible to receive a pension under the *Judges' Pension Act 1953*, being those office holders subject of the section 14 special determination on and from 1 July 2014.
19. The increases of 1.88 per cent and 1.70 per cent were discounted amounts to reflect the start date of 1 July rather than the later date of 1 October, at which date the Tribunal's previous determinations have taken effect. The Tribunal adjusted the

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increase to ensure the office holders salaries did not increase by more than 2.5 per cent over a twelve month period.

20. The annual determination included the report and determination for travel allowances for NSW Judges and Magistrates based on the Australian Tax Office (ATO) reasonable travel allowances for 2014 (TD2014/19) effective on and from 1 July 2014.

Section 3

2015 Annual Review

Invitation for Submissions

21. As is the usual practice, prior to making its Reports and Determinations, the Tribunal invited submissions from office holders on 20 March 2015 and from the Secretary NSW Treasury on 19 March 2015.
22. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.
23. Under current legislation the Tribunal determines remuneration for office holders, which is either a salary or a total remuneration package. Information on other employment entitlements and/or personal appointment benefits provided to individual office holders or groups of office holders by their employer is not readily available to the Tribunal. Further, the overall cost to the State of engaging these office holders is not readily quantifiable by the Tribunal.
24. Should office holders, or groups of office holders, consider that the Tribunal in determining whether officer-related cost savings will or have been achieved, should have regard to other employment entitlements and/or personal appointment benefits, the types and costs of those entitlements would need to be made available

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(and independently verified) to the Tribunal.

Office Holder Submissions

25. For the 2015 review the Tribunal received six submissions from office holders in the Judges and Magistrates Group. The Tribunal also met with Judges of the Supreme Court, the President of the Industrial Relations Commission, the Chief Judge of the District Court and the Chief Magistrate. The Tribunal thanks the office holders for their time and effort they have put into their submissions.
26. The submission from the Supreme Court requested that the salary of Judges be increased by 2.5 per cent from 1 July 2015 and also that the conveyance allowance be increased to reflect increased costs since it was last increased in 2011.
27. In support of this increase the Supreme Court refers to the relevant economic indicators – Fair Work Commission’s 2014 3 per cent increase in the national minimum wage; wage price indexes through the year to the December quarter 2014 - 2.5 per cent (private sector) and 2.7 per cent (public sector); and February 2015 Statement of Monetary Policy that year end wage growth had stabilised around 2-3 per cent in most industries.
28. The submission also noted the intention of the CRT to defer its 2015 annual determination of judicial and other salaries until the outcome of the 2014-15 Annual Wage Review of the Fair Work Commission, due for release in June 2015, and its decision in the 2014 annual determination that there would be no salary increases for 2014-15. The Supreme Court consider that the salary of a Justice of the High Court is presently at an inappropriate level and as a result the salaries of judges of the High Court and Federal Court do not provide relevant comparators for the Tribunal to consider in its 2015 determination and that it would be inappropriate for the Tribunal to defer its 2015 determination to await the CRT’s 2015 determination. The Tribunal notes that the Supreme Court submission was made prior to the CRT making their 2015 determinations which have provided a nil increase.
29. The submission from the Chief Judge of the District Court requested that salary of Judges and the conveyance allowance be increased by at least 2.5 per cent.
30. As in last year’s submission the Chief Judge refers to the erosion of the internal

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relativities in the judicial office holders group whereby the salary of a District Court Judge is now below 90 per cent of the salary of a Supreme Court Judge. The Chief Judge has requested that the Tribunal recommend to Government that the salary and remuneration of the District Court Judge be fixed by statute as 90 per cent of the Supreme Court Justices as is the case in Queensland (*Judicial Remuneration Act 2007* (QLD)). The Chief Judge's submission submits that the District Court is the busiest trial court in Australia with the highest workload, breadth of jurisdiction and complexity of caseload – moreover the workload has increased significantly.

31. The submission from the Local Court noted the limitations on the Tribunal to determine any increase above 2.5 per cent and on that basis did not provide a lengthy submission nor sought an increase above 2.5 per cent.
32. The submission from the President, Industrial Relations Commission (IRC) requested that the Tribunal increase the salaries of judicial and non-judicial members of the IRC by 2.5 per cent and increase the conveyance allowance by a sum sufficient to reflect increases in relevant costs since the last increase in 2011. The President also requested that the historical nexus which existed between judicial and non-judicial members of the IRC be restored.
33. The submission from the Chief Judge, Land and Environment Court requested that the Tribunal award an increase of 2.5 per cent to both the salaries and allowances, including the conveyance allowance.
34. The Chief Judge supported the view of the Supreme Court that the salaries of judges of the High Court and Federal Court no longer provide relevant comparators for judges of the Supreme Court and Land and Environment Court. Further, that it is not appropriate for the Tribunal to defer the making of the 2015 determination because the CRT has deferred its annual determination of federal judicial salaries.
35. The submission from the President Workers Compensation Commission requested that the Tribunal continue to link the President's remuneration to that of a Supreme Court Judge. The President also informed the Tribunal that on 20 April 2015 he wrote to the Attorney General, the Hon Gabrielle Upton MP, recommending that the *Judicial Officers Act 1986* be amended to include the office of President of the

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Workers Compensation Commission.

Government Submission

36. The Secretary NSW Treasury provided the Government submission to the Tribunal on 7 May 2015. The Government submits that the Tribunal should determine an increase of 2.5 per cent for office holders in the Judges and Magistrates Group, on the basis that it is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AB of the SOOR Act and the SOOR Regulation, to the extent allowable under section 16(6) of the SOOR Act.
37. In respect to the nexus the Government submission provides the following comment:

“NSW Treasury sought comments from the Department of Justice in respect of the Government’s submission for the 2015 SOORT Determination.... In its submission, the Department of Justice notes within the bounds of this limitation, that it continues to support the nexus with federal judges, noting this may mean there is no increase awarded or an increase is deferred pending the Commonwealth Tribunal’s decision. The Department also maintains support for the maintenance of the internal relativity between Supreme Court judges and the judges of the District and Local Courts.

To defer pending the Commonwealth Tribunal’s decision would raise an expectation that NSW will adjust the Judges and Magistrates Group accordingly through application of historical nexus, rather than in accordance with NSW Public Sector Wages Policy.

To ensure consistency with the NSW Public Sector Wages Policy 2011 and consistent with the Government’s recent submissions it would be appropriate to continue to provide for a wage increase for this group.”

Section 4

2015 Determination

The Nexus

38. As requested by the former Tribunal the Government submission has addressed the continued relevance of the “nexus” in determining judicial salaries. The Tribunal notes that while the Secretary of the Department of Justice continues to support the nexus, within the bounds of the SOOR Act, the Government’s submission supports the view that the NSW Wages Policy is the primary authority for wage increases and recommends that the Tribunal should award an increase of 2.5 per cent.
39. The NSW Wages Policy as articulated in the SOOR Regulation will expire on 1 September 2018. The Tribunal is drawn to the conclusion that while ever the SOOR Regulation continues to apply in its current format the Agreement between Federal and State Governments, reached in 1989, on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court is not a relevant determinant for the Tribunal to consider.
40. The Tribunal notes that as a consequence of the application of the SOOR Regulation to judicial officers in 2013, Supreme Court Judges in NSW now receive a higher level of remuneration than Federal Court Judges and equivalent judges in Victoria and Queensland. This is likely to continue whilever the CRT determines no annual increase for office holders within their jurisdiction. Should the Government consider that judicial salaries should retain a fixed relativity with Federal Judges, or judges in any other jurisdiction, it may wish to consider providing for this in legislation, as is the case with judges in Victoria and Queensland.

Internal Salary Relativities

41. The Tribunal notes that long standing salary relativities have eroded both within the Judges and Magistrates Group and between the Judges and Magistrates Groups and

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office holders in the Court and Related Officers Group. This is a consequence of a decision in 2012 which limited some, but not all, judicial officer increases to 2.5 per cent, the application of the SOOR Regulation to all office holders in 2013, and the impact of changes to the SGC. In 2014 the former Tribunal considered what options, if any, were available to it to restore the historical relativities. The former Tribunal made the following statement in regard to this matter in the 2014 annual determination:

“56. ...As previously stated the Tribunal’s determinations in this regard were in no way intended to imply that the Tribunal considered that the role and standing of those offices had diminished in any way. On the contrary, the Tribunal is well aware of the continuing increased pressures on and improvements in productivity of the several Courts and other groups headed by officers within this group, and the commitment, skills and effort which those officers have demonstrated in that regard. But the Tribunal is presently very constrained in what it may do to recognise those increased pressures and improvements in productivity.

57. In determining appropriate adjustments for 2014 the Tribunal has considered what options, if any, are available to it to restore the historical relativities. The Tribunal found that most possible combinations of adjustments to remuneration could require that some office holders receive an annual increase of more than 2.5 per cent, and/or that some office holders receive a decrease. The Tribunal is unable to restore relativities using any of those possible combinations as an increase of more than 2.5 per cent is contrary to the provisions of the SOOR Regulation 2013, and section 21 of the SOOR Act prevents the Tribunal from making a determination which would reduce the remuneration payable to office holders in Schedule 1....

59. As outlined in the Tribunal’s 2012 and 2013 determinations, as soon as the current climate of fiscal restraint is relaxed to any extent, and if the legislation in existence at the time (noting that the current legislation has an expiry date) does not prohibit the Tribunal from doing so, the Tribunal will immediately consider restoring the original relativities both between office holders within this group and with certain office holders in the Court and Related Officer Group.”

42. The Tribunal has reviewed the previous findings of the former Tribunal and identified the increases that would be required in both the Judges and Magistrates Group and the Court and Related Officers Group to restore the original salary relativities. Those increases are outlined in Table 1 below.

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Table 1: Increases required to restore original 2010 salary relativities

Group	Office Holders	Increase required to restore original 2010 salary relativities
Judges and Magistrates Group	District Court Judges Associate Judge	3%
	Deputy President of the Industrial Relations Commission Chief Magistrate Deputy Chief Magistrate State Coroner Chief Industrial Magistrate Magistrate Children's Magistrate Deputy State Coroner Commissioners, Industrial Relations Commission	3.4%
Court and Related Officers Group	Director of Public Prosecutions Solicitor General	6.6%
	Chairperson, Law Reform Commission Crown Advocate Deputy Directors of Public Prosecution Senior Crown Prosecutor Senior Public Defender Deputy Senior Crown Prosecutor Deputy Senior Public Defender Solicitor for Public Prosecutions Crown Prosecutor Public Defender Deputy President, Workers Compensation Commission Senior Commissioner, Land & Environment Court Commissioner, Land & Environment Court	7.1%

43. As the restoration of original salary relativities will require adjustments of more than 2.5 per cent the Tribunal is presently unable to make such a determination, unless office holders can offset any additional increase with officer-related cost savings.

General Increase

44. It is open to the Tribunal to determine an increase of up to 2.5 per cent without the need for office holders to offset any additional increase with officer-related cost savings.

45. The Tribunal finds that an increase of 2.5 per cent is justified having regard to the significant role judicial office holders undertake in the State's justice system,

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including but not limited to, their achievements in delivering reforms and initiatives which have demonstrated productivity improvements.

46. A number of productivity improvements were articulated in the submissions to the Tribunal and raised in discussions with the Tribunal. Achievements are also highlighted in the Australian Productivity Commission's Report on Government Services 2015 which, in relation to the NSW Courts, states:

"NSW Courts performed well in 2013-14. The NSW Supreme Court reduced the percentage of civil appeal and non-appeal matters older than 12 and 24 months. The overall Supreme Court clearance rate remained above 100 per cent for the third consecutive year. Net expenditure per finalisation for District Court criminal and civil matters declined, and the overall criminal clearance rate increased to over 100 per cent. The Local Court 6 month criminal and civil backlogs fell, and the net cost per finalisation reached its overall lowest level since 2010-2011. Children's Court net cost per finalisation declined for both criminal and civil matters, reaching its overall lowest level in over 10 years. The Children's Court clearance rate also increased to above 100 per cent.

NSW increased its use of new technologies, significantly improving services with processes streamlined for speed and accuracy."

47. The Productivity Commission Report goes on to list particular achievements across the Justice sector in 2013-14 including, but not limited to:

- *"Launch of an interactive online registry, with over 43,000 forms lodged online for the Supreme, District and Local Courts during the year, representing more than 50 per cent of all forms.*
- *Implementation of a new Jury Management System. It provides jurors and potential jurors with the benefits of a web based system, streamlining numerous traditional manual and paper based processes.*
- *Launch of the Justice AVL and Court Technology Project, designed to established efficient end-to-end AVL usage for all Justice Sector stakeholders. \$40 million has been allocated over four years to enable this major reform.*
- *Continued expansion of the Courts Service Centre, which now answers over 50,000 calls per month. Over \$10 million and 30,000 transactions in 2013-14."*

(Productivity Commission Report on Government Services 2015 Volume 1, Part C, Chapter 7 Courts.)

48. While the Courts have demonstrated productivity savings, it would appear to the Tribunal that these savings are of a type which would not satisfy the requirements of the SOOR Regulation should they be relied upon to justify officer-related cost savings (as defined by the Regulation).

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49. The Tribunal has not been asked to consider an increase, either a general increase or an increased based on work value assessment, in excess of 2.5 per cent, and therefore a detailed assessment of whether or not officer-related costs savings have been achieved has not been required for this group of office holders.
50. As noted by the former Tribunal the amendments to the SOOR Act and SOOR Regulation make it difficult for office holders, and, in particular, groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify an increase of more than 2.5 per cent.
51. The Tribunal has reviewed the intent of the SOOR Regulation and reviewed comments made by the former Tribunal in previous determinations. Having regard to the information before it, the Tribunal is drawn to the view that increases of more than 2.5 per cent may not be achievable as the SOOR Regulation, as presently constructed, would appear to make the identification and assessment of officer-related cost savings prohibitively complex and difficult.
52. The Tribunal notes that the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* and SOOR Regulation were introduced to require the Tribunal to give effect to the Government's wages policy and to require the same policies on increases in remuneration as apply to public service workers to also apply to those officers whose remuneration is determined by the Tribunal. However, as a consequence of a number of factors, increases have not been applied uniformly to all office holder groups and a possible unintended consequence has been the erosion of long standing salary relativities.
53. The Tribunal notes that the SOOR Regulation will expire on 1 September 2018. The Tribunal intends to write to the Premier to seek his views on the restoration of internal relativities and whether or not there is any intention to repeal, or amend, the SOOR Regulation before 2018 which may enable office holders to seek increases of more than 2.5 per cent and/or for the Tribunal to determine increases of more than 2.5 for the purpose of restoring long standing salary relativities.

Workers Compensation Commission President

54. The office of President, Workers Compensation Commission is not defined as a

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“judicial officer” in accordance with the *Judicial Officers Act 1986*. This is anomalous as the *Workplace Injury Management and Workers Compensation Act 1998* stipulates that to be eligible for appointment as President the person must be a Judge of a Court of Record, i.e. a judicial officer.

55. The Tribunal continues to include the office of President of the Workers Compensation Commission in the Judges and Magistrates Group Determination for the purpose of determining the remuneration for this office.
56. The President will receive the same annual increase as applies to other judicial office holders eligible to receive a judicial pension.
57. The Tribunal notes that the President, Workers Compensation Commission has written to the Attorney General, the Hon Gabrielle Upton MP, requesting an amendment to the *Judicial Officers Act 1986* to resolve this matter.

Conveyance Allowance

58. The Tribunal has undertaken a review of the conveyance allowance and determined that the allowance will increase by 2.5 per cent on and from 1 July 2015.
59. As part of the 2016 Annual Review the Tribunal intends to review the methodology for determining the quantum of increase to conveyance allowance and will consider if the general increase should apply irrespective of the adjustments in motor vehicle costs.

Conclusion

60. The Tribunal is obligated to undertake its duties consistent with the legislation. On that basis the Tribunal, after considering the views of Assessors, considers that an increase of 2.5 per cent to remuneration and the conveyance allowance is appropriate and so determines.
61. Pursuant to Section 13 of the SOOR Act the Tribunal determines that the remuneration to be paid to office holders in the Judges and Magistrates Group, on and from 1 July 2015 shall be as specified in Determination Nos. 1-5.

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The Statutory and Other Offices Remuneration Tribunal

(Signed)

Richard Grellman AM

Dated: 25 June 2015

Section 5

Report on travel allowances for NSW Judges and Magistrates

Background

1. 'Remuneration' is defined in the SOOR Act, as salary and allowances payable to office holders. Judges and magistrates are holders of offices specified in Schedule 1 of the SOOR Act.
2. 'Allowance' is defined as follows:

allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

a Judge or Acting Judge of a court, or

any other judicial officer (within the meaning of the Judicial Officers Act 1986) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition."

3. The Tribunal in this determination will be setting rates for overnight stays in capital cities, for overnight stays in areas other than capital cities and meal rates for day or part of day absences from headquarters. The Tribunal has also determined the conditions upon which the rates are to be paid.

2015 Review

4. Historically the Tribunal has had regard to movements in the travel rates as adopted for the NSW Public Sector generally. These rates are based on the reasonable travel allowances as determined by the Australian Taxation Office (ATO). At the time of the making of this determination the ATO has not made a determination for the 2015

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financial year. On that basis the Tribunal determines the rates that are based on ATO TD 2014/19 will continue to apply.

Principles Adopted

5. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.
 - (a) Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from home/place of work on official business. Such costs include accommodation, meals and incidental expenses.
 - (b) Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.
 - (c) Office holders are not expected to gain or lose financially as a result of travelling on official business.
6. Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.

Conclusion

7. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2014/19. Non metropolitan accommodation rates and meal rates are also as set out in the Determination.
8. The Tribunal makes Determination No 6 effective on and from 1 July 2015.

The Statutory and Other Offices Remuneration Tribunal

(Signed)

Richard Grellman AM

Dated: 25 June 2015

Section 6

Determinations

Determination No. 1-Judicial Officers not referred to in determination No. 2

Determination of the Remuneration for Judicial Officers as defined in the *Judicial Officers Act 1986* being judicial officers of the Supreme Court and judicial officers linked by legislation to the remuneration of the Supreme Court, effective on and from 1 July 2015

Position	Salary per annum	Conveyance Allowance (NOTE 1)
Chief Justice of the Supreme Court	\$482,470	\$23,115
President of the Court of Appeal	\$451,770	\$23,115
President of the Industrial Relations Commission	\$451,770	\$23,115
Chief Judge of the Land and Environment Court	\$451,770	\$23,115
Judge of the Supreme Court	\$431,160	\$23,115
Vice-President of the Industrial Relations Commission	\$431,160	\$23,115
Judge of the Land and Environment Court	\$431,160	\$23,115
Deputy President of the Industrial Relations Commission (being a judicial member)	\$431,160	\$23,115
Judge of the District Court	\$386,160	\$20,805
Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)	\$386,160	\$20,805

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

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Determination No. 2-Judicial Officers not referred to in determination No.1

Determination of the Remuneration for Judicial Officers as defined in the *Judicial Officers Act 1986* but not referred to in Determination No.1, effective on and from 1 July 2015

Position	Salary per annum	Conveyance Allowance (NOTE 1)
Deputy President of the Industrial Relations Commission (not being a judicial member)	\$427,350	\$23,115
Chief Magistrate	\$384,610	\$20,805
Deputy Chief Magistrate	\$325,000	\$16,645
State Coroner	\$325,000	\$16,645
Chief Industrial Magistrate	\$313,070	\$16,645
Magistrate	\$307,690	\$16,645
Children's Magistrate	\$307,690	\$16,645
Deputy State Coroner	\$307,690	\$16,645
Commissioner Industrial Relations Commission	\$282,050	\$16,645

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Determination No. 3-President of the Workers Compensation Commission

Determination of the Remuneration to be paid to the President of the Workers Compensation Commission (Pursuant To Section 369 of the *Workplace Injury Management And Workers Compensation Act 1988*) effective on and from 1 July 2015

Position	Salary per annum	Conveyance Allowance (NOTE 1)
President, Workers Compensation Commission	\$431,160	\$23,115

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

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Determination No. 4-Acting Judges rates

Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court \$1,870 per day

District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court \$1,670 per day

Determination No. 5-Annual leave loading

Determination of leave loading for Judicial Officers effective on and from 1 July 2015

Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, to each of the following office holders:

- Magistrates
- Deputy President of the Industrial Relations Commission (not being a judicial member)
- Commissioners, Industrial Relations Commission

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Determination No. 6-Travel allowances for Judges and Magistrates

Pursuant to section 13 of the SOOR Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 July 2015.

A. Travel necessitating an overnight stay

Travel Allowances	
Capital City Rates	
Adelaide	\$379.00
Brisbane	\$427.00
Canberra	\$416.00
Darwin	\$457.00
Hobart	\$365.00
Melbourne	\$435.00
Perth	\$469.00
Sydney	\$435.00
Other Centre Rates	
Newcastle	\$360.00
Wollongong	\$360.00
Other Centres	\$360.00

Conditions

General conditions are to be as determined from time to time by the Attorney General.

In addition the following specific conditions will apply.

- The full daily travel allowance rate is to be paid only where the judge/magistrate stays overnight at commercial accommodation. Where the judge/magistrate stays overnight at non-commercial accommodation then one third of the daily rate is to be paid.
- Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

Judges and Magistrates Group

B. Travel not involving an overnight stay

Meal Allowances for travel NOT involving an overnight stay

Meal	Amount
Breakfast	\$25.35
Lunch	\$28.55
Dinner	\$48.65

The Statutory and Other Offices Remuneration Tribunal

(Signed)

Richard Grellman AM

Dated: 25 June 2015