

**REPORT ON THE REMUNERATION OF
JUDGES, DISTRICT COURT JUDGES, MASTERS OF THE SUPREME COURT,
MAGISTRATES AND THE PARLIAMENTARY INSPECTOR OF THE
CORRUPTION AND CRIME COMMISSION**

1. Section 7 of the *Salaries and Allowances Act 1975* ('the Act') requires the Tribunal, at intervals of not more than twelve months, to inquire into and report to the Minister responsible on the question of whether any alterations are desirable in the remuneration to be paid or provided to Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission. The Act provides further that if the Tribunal reports that alterations are desirable, it shall recommend the nature and extent of the alterations to be made.
2. A copy of the report must be laid before each House of Parliament within five sitting days of that House after the Minister has received the report.

CURRENT INQUIRY

3. In discharging its statutory requirements with respect to the remuneration of the judiciary, the Tribunal's approach has been to:
 - Advertise for public submissions;
 - Write to key office holders; and
 - Consider relevant labour market and economic data.
4. This process provided an opportunity for members of the public, the Government, the judiciary themselves or any other interested party to make a submission.

SUBMISSIONS

5. The Tribunal received submissions from the Chief Judge of the District Court and the Chief Magistrates. The Tribunal considered all the submissions received.

CONSIDERATIONS

6. In January 2013 the Tribunal resolved to implement a new approach in adjusting the remuneration for the various classes of public office appointees under its jurisdiction.
7. Rather than considering each group separately at various times of the year, the Tribunal decided on a general adjustment to operate from the 1st of July.

8. Under this approach, the economic circumstances prevailing at the time of the adjustment apply across the board. The various classes of public office holders will not be subject to different outcomes as economic circumstances change at various times throughout the year. This approach affords the opportunity for better budgeting by the various authorities and mitigates the problem of 'catch up'.
9. With the implementation of this 'general remuneration adjustment', the Tribunal can ensure the degree of transparency necessary in levels of remuneration for public offices in Western Australia. It affords the opportunity to assess relativities between various holders of public officers and statutory appointments. It also identifies the cost particular to appointments necessary for the administration of Justice.

REMUNERATION OF JUDGES, DISTRICT COURT JUDGES, MASTERS OF THE SUPREME COURT, MAGISTRATES AND THE PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND CRIME COMMISSION

Consistent with emerging trends in economic indicators and the degree of caution expressed by economic commentators generally, the Tribunal reports that an increase in remuneration of 2.6% effective from 1 July 2013 is recommended to apply to Members of the Judiciary under Section 7 of the *Salaries and Allowances Act 1975*.

TABLING OF REPORT

10. Under the provisions of the *Salaries and Allowances Act 1975*, this report is required to be laid before each House of Parliament within five sitting days of the House after its receipt by the Minister. Either House of Parliament, within 15 sitting days of that House, having a copy of the report laid before it, may pass a resolution disapproving a recommendation made by the Tribunal.

The determination will now issue.

Signed this 27th day of June 2013

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

SCHEDULE

REPORT ON THE REMUNERATION OF JUDGES, DISTRICT COURT JUDGES, MASTERS OF THE SUPREME COURT, MAGISTRATES, AND THE PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND CRIME COMMISSION

REMUNERATION ARRANGEMENTS, INCORPORATING RECOMMENDED ALTERATIONS

PART 1: REMUNERATION

Remuneration shall be payable at the following rates to judges, masters and magistrates with effect from 1 July 2013.

POSITION	REMUNERATION
Chief Justice	\$487,413
President of the Court of Appeal	\$456,190
Senior Puisne Judge	\$435,584
Senior Judge of the Court of Appeal	\$435,584
Puisne Judge	\$422,691
Senior Master of the Supreme Court	\$391,706
Master of the Supreme Court	\$380,421
Chief Judge District Court	\$422,691
Senior Judge District Court	\$391,706
Judge District Court	\$380,421
Chief Magistrate	\$380,421
Deputy Chief Magistrate	\$333,463
Principal Registrar/Magistrate Supreme Court *	\$333,463
Principal Registrar/Magistrate Family Court *	\$333,463
Magistrates	\$313,848
Registrars/Magistrates Family Court *	\$313,848
Parliamentary Inspector, Corruption and Crime Commission	\$169,076

*The relevant office holders have Commissions to be Magistrates while having been given leave to hold offices of Registrar and Principal Registrar as the case may be.

PART 2: TRAVELLING AND ACCOMMODATION ALLOWANCE

Where an overnight stay away from home is involved, a travelling and accommodation allowance (inclusive of accommodation, meals and incidentals) shall be payable in accordance with the relevant Australian Taxation Office reasonable benefit limit applicable from time to time and where accompanied by certification that the expense was appropriately incurred.

- 2.1 If the reasonably and properly incurred travelling and accommodation expenses exceed the abovementioned specified rates, the actual costs should be reimbursed. Receipts or vouchers must be provided in support of any claim for reimbursement in excess of the specified rate.
- 2.2 Claims for overnight stays in the Perth metropolitan area should be subject in each case to the approval of the relevant Chief Judicial Officer.
- 2.3 Part payment of travelling and accommodation allowances shall apply in the following circumstances:
 - 2.3.1 Where the Judge, Master or Magistrate 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 shall be payable.
 - 2.3.2 Where the cost of commercial accommodation is met by an entity other than the Judge, Master or Magistrate, an allowance shall be payable in accordance with the relevant Australian Taxation Office reasonable benefit limit for meals and incidentals applicable from time to time and where accompanied by certification that the expense was appropriately incurred.
 - 2.3.3 Where in the case of commercial accommodation referred to in 2.3.2 above, the cost of a meal or meals is met by an entity other than the Judge, Master or Magistrate, the amount of travelling allowance shall be reduced by the relevant amount(s) referred to in the preceding paragraph.

PART 3: MOTOR VEHICLES

The following arrangements apply or continue to apply, as the case may be, to each Judge, Master and full-time Magistrate for the provision of a fully maintained motor vehicle for business and private use.

- 3.1 All vehicles (being part of the Government-owned State Fleet) should be managed in accordance with the policies and conditions established and amended from time to time by the Department of Finance (the effective owner of the State Fleet). Applicable terms and conditions are currently set out in the document "State Fleet - Agency General Agreement".

- 3.2 Selection of appropriate vehicles should be subject to consultation between the Department of the Attorney General (as the department administratively supporting the Courts and therefore the "Agency" responsible for managing the leasing arrangements for vehicles provided to Judges, Masters and Magistrates) and the relevant Court. Although the cost of the vehicles is centrally funded, as a consequence of it being a benefit recommended under the *Salaries and Allowances Act 1975*, the area remains an administrative responsibility of the Department to manage in a cost effective manner.
- 3.3 In providing for the use of a motor vehicle under this arrangement, the Tribunal requires that office holders and the Department of the Attorney General will take account of the following principles established by the Tribunal. The provision of a motor vehicle should:
- meet the operational conveyance needs of the judiciary;
 - be representative of fair value and benefit;
 - be supportive of the efficient, effective and ethical use of State resources;
 - be consistent with current principles of environmental sustainability, in particular, fuel efficiency and Government emissions targets;
 - provide for adequate safety and security of judicial office holders;
 - be commensurate with the status of judicial offices; and
 - where private use of a vehicle is permitted, provide scope for personal preference in choice of motor vehicle consistent with the above principles.
- 3.4 For the purposes of determining the value of the motor vehicle lease relative to the value of the relevant benefit set out in this determination, the lease value shall be based on a whole of life lease over two years/40,000 kilometres. The lease value will be determined at the time of ordering the motor vehicle and will be inclusive of the cost of accessories. No additional costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.
- 3.5 The notional lease value must include the lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is:
- $L + R + aD + FBT + I + LCT$, where
- | | | |
|-----|---|-----------------------------|
| L | = | Lease payments |
| R | = | Registration costs |
| a | = | Running cost per kilometre |
| D | = | nominated annual kilometres |
| FBT | = | Fringe Benefits Tax |
| I | = | Insurance |
| LCT | = | Luxury car tax |
- 3.6 Motor vehicles leased for judicial office holders shall not be changed prior to the expiration of the lease unless it is for operational reasons approved by the relevant Chief Judicial Officer in consultation with the Department of the Attorney General.
- 3.7 The Chief Justice is entitled to the provision of a vehicle to the notional value of \$27,300 per annum.

- 3.8 Judges, Masters and the Chief Magistrate are entitled to the provision of a vehicle to the notional value of \$26,900 per annum.
- 3.9 Magistrates are entitled to the provision of a vehicle to the notional value of \$25,400 per annum.
- 3.10 Judges, Masters, the Chief Magistrate and Magistrates may choose any vehicle and accessories in the Common Use Contract or an “off contract” vehicle and accessories available under Government leasing arrangements, the total cost of which does not exceed the maximum cost of accessing a motor vehicle benefit determined in this report. Where the total cost of the chosen vehicle and accessories exceeds the maximum cost of accessing a motor vehicle benefit determined in this report, the additional cost must be borne by the individual. This includes the purchase cost of any accessories and the installation cost and removal costs if required before disposal of the vehicle.
- 3.11 In order to contain additional administrative costs associated with “off contract” leases, office holders may request cost quotations for not more than three vehicles outside the Government’s Common User Contract for motor vehicles, in the process of selecting a vehicle under this arrangement.
- 3.12 Vehicles with V8 engines are not included. Turbo charged and super charged engines with a capacity greater than 3.0 litres are not included.
- 3.13 Each actual lease should be tailored to achieve the most cost-effective arrangement based on individual usage patterns.
- 3.14 Where the use of an off road vehicle is substantiated by operational need, this must be approved by the Chief Judicial Officer. Off road vehicles shall be of a standard, the cost of which does not exceed the whole of life notional lease value of the Toyota Prado GXL Auto 3.0 litre Turbo Diesel fitted with “roo” bar (air bag compliant) or the relevant notional value listed in Parts 3.7 to 3.9, whichever is higher. This includes the purchase cost of other essential accessories approved by the relevant Chief Judicial Officer.
- 3.15 For the Magistrate resident in Kununurra, use of the Government provided vehicle is permitted to and from the Northern Territory for periods of usage up to seven days under the same conditions as if the vehicle were in Western Australia. Under the State Fleet – Agency General Agreement, office holders are required to seek approval from State Fleet for travel outside Western Australia for periods of seven days or more.
- 3.16 Where a Magistrate is employed on a part time basis, a pro rata amount should be added to the remuneration in lieu of a motor vehicle. For that purpose, the full value of the vehicle is assessed at \$24,000 per annum.
- 3.17 Where an acting magistrate is employed for less than two years, a pro rata amount should be added to the remuneration in lieu of a motor vehicle. For this purpose, the full value of the vehicle is assessed at \$24,000 per annum.

The determination will now issue.

Signed this 27th day of June 2013

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL