



REMUNERATION TRIBUNAL

Explanatory Memorandum: Judicial and related offices – remuneration and allowances Determination 2004/14

1. The Remuneration Tribunal has inquired into and determined the remuneration and significantly related matters for public office holders, as it is empowered to do by the *Remuneration Tribunal Act 1973*.
2. This Determination reflects the Tribunal's adoption of a 'total remuneration' approach for certain office holders. The introduction of total remuneration will provide office holders with flexible and transparent remuneration arrangements.

PART A – GENERAL

3. Part A sets out the authority for the determination (Clause A1) and its effect with regard to other determinations of the Tribunal (Clause A2) and laws of the Commonwealth (Clause A3). Clause A4 articulates the exceptions to Clause A3 (those office holders on Total Remuneration arrangements). Clause A5 sets out administrative arrangements.

Part B – REMUNERATION AND RELATED MATTERS

4. Part B deals with the duties, remuneration and related matters for the judicial and related offices specified in Table 1 (Rates of Remuneration – Judicial Offices), Table 2 (Rates of Remuneration – Non-Judicial Offices) and Table 3 (Rates of Remuneration – Offices on Total Remuneration).
5. Clause B1 specifies remuneration of certain persons holding a full-time office, including certain additional allowances (B2).
6. Clauses B3 through B9 deal with the remuneration of persons holding a part-time office.
7. Clauses B10 and B11 deal with the leave entitlements of office holders other than Judges.
8. Clauses B12 through B16 deal with the separation benefits available to office holders other than Judges.
9. Clause B17 specifies recreation leave entitlements for Federal Magistrates including scope to 'cash out' or 'purchase' annual leave within certain limits.

PART C – OFFICIAL TRAVEL AND RELATED MATTERS

10. Part C deals with the conditions governing official travel and related matters for Judicial and related offices.
11. Clause C1 specifies the Determination 2004/03 for the provision of travel entitlements at the Tier specified under this determination.

12. Clause C2 deals with the provision of a 'Canberra allowance' for Justices of the High Court.

PART D – COMMONWEALTH PROVIDED VEHICLES IN RESPECT OF JUDGES

13. Part D deals with the provision of car-with-driver service, privately plated Commonwealth vehicles and reimbursement of private vehicle running costs to members of the Commonwealth Judiciary.
14. Clause D1 provides definitions of terms used in Part D.
15. Clause D2 provides that the relevant Chief Justice may issue guidelines for the purposes of this Part. Where guidelines are issued under paragraph D6(a), they must take account of established Commonwealth standards for the efficient, effective and ethical use of Commonwealth resources.
16. Clause D3 provides that the Chief Justice of the High Court of Australia shall be entitled to a Commonwealth car-with-driver service and access to a Commonwealth-provided privately plated vehicle in accordance with the Executive Vehicle Scheme (EVS) or reimbursement of private vehicle running costs incurred by the Chief Justice up to \$8,000.
18. Clause D4 provides that any other Judge to whom the determination applies shall be entitled to a Commonwealth-provided privately plated vehicle in accordance with the EVS if they elect to forego regular Commonwealth car-with-driver services or reimbursement of private vehicle running costs incurred by the Judge up to \$8,000.
19. Clause D5 provides that Federal Magistrates shall be entitled to a Commonwealth-provided privately plated vehicle in accordance with the EVS Guidelines or reimbursement of private vehicle running costs incurred by the Federal Magistrate up to \$8,000.
20. Clause D6 prohibits the cashing-out of any benefit provided under Part D.
21. Clause D7 specifies that a Chief Justice of the High Court or a Judge or a Federal Magistrate may elect to vary his or her allowance under D1 or D2 or D3 provided that no additional administrative or other expenses are incurred by the Commonwealth through this election.

PART E – PROVISIONS FOR OFFICES ON TOTAL REMUNERATION

22. Part E deals with the Total Remuneration arrangements applying to office holders listed in Table 3.
23. Clause E1 provides definitions of terms used in this Part.
24. Clause E2 sets out the intention of the Determination in relation to Total Remuneration.
25. Clause E3 specifies the Total Remuneration to be paid to an office holder who is listed in Table 3.
26. Clause E4 provides for up to 50% of Total Remuneration to be packaged for those offices paid under Table 3.
27. Clause E5 defines salary for superannuation purposes.
28. Clause E6 specifies that for the purposes of this determination, where an office holder is a member of either the CSS or PSS superannuation schemes, the notional

amount that is to be deducted from their Total Remuneration for compulsory employer superannuation contributions is 15% of base salary. Where the office holder is a member of an alternate scheme, the amount deducted is to be that which the employer is liable to make.

29. Clause E7 specifies that where an agency vehicle is provided for private use, the full cost to the employer, including parking and Fringe Benefits Tax, is to be deducted from the office holder's total remuneration. The deduction can be reduced for business usage (if any) based on the 'cents per kilometre' method using log books over a representative period of 12 weeks.
30. Clause E8 provides a personal loss of tenure loading for Mr Chris Doogan.

Authority: Sub-sections 7(3) and 7(4)
of the *Remuneration Tribunal Act 1973*