



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2026

1. The *Remuneration Tribunal Act 1973* (the Act) establishes the Remuneration Tribunal (the Tribunal) as an independent statutory authority responsible for reporting on and determining the remuneration, allowances and entitlements of key Commonwealth office holders. These include Judges of Federal Courts and most full-time and part-time holders of public offices. An additional function of the Tribunal is to determine a classification structure for Principal Executive Offices and the terms and conditions applicable to each classification within the structure.

Consultation

2. Section 11 of the Act advises that in the performance of its functions the Tribunal:
 - may inform itself in such manner as it thinks fit;
 - may receive written or oral statements;
 - is not required to conduct any proceeding in a formal manner; and
 - is not bound by the rules of evidence.

Review of Remuneration for Holders of Public Office

3. The Tribunal's obligations, under sub-sections 7(3) and 8(1)(b) of the Act are to make determinations in respect of remuneration for various offices within its jurisdiction at periods of not more than one year. To meet this obligation, the Tribunal last issued principal determinations on 18 June 2025.
4. In complying with its obligations, the Tribunal considers whether any general increase to remuneration for offices is warranted. The Tribunal takes account of economic conditions in Australia, past and projected movements in remuneration in the public and private sectors, and the outcome of the wage reviews undertaken by the Fair Work Commission.
5. The Tribunal received 2 submissions on the matter of judicial remuneration as part of this review.
6. On 11 June 2026 the Tribunal notified its decision to determine no adjustment to remuneration for public offices in its jurisdiction with effect 1 July 2026.
7. A statement setting out the Tribunal's reasons for its decision is available at www.remtribunal.gov.au.
8. Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2026 implements the Tribunal's decision for Judicial and Related Offices.

9. Consultation on this outcome was considered unnecessary given the matters contemplated by the Tribunal in making its decision.

Exemption from sunseting

10. Under section 12, item 56 of the Legislation (Exemptions and Other Matters) Regulation 2015, an instrument required to be laid before the Parliament under subsection 7(7) of the *Remuneration Tribunal Act 1973* is exempt from the provisions of paragraph 54(2)(b) of the *Legislation Act 2003*.
11. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
12. As the Remuneration Tribunal makes new principal determinations annually, this principal determination is unlikely to have any practical effect beyond the usual 10 year sunseting period. As such, the exemption from sunseting will not have a practical impact on parliamentary oversight of the relevant measures.

The power to repeal, rescind and revoke, amend and vary

13. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Details of the determination are as follows:

PART 1 – PRELIMINARY

14. Section 1 specifies the name of the instrument as the Remuneration Tribunal (Judicial and Related Offices - Remuneration and Allowances) Determination 2026.
15. Section 2 specifies the commencement date for the instrument as 1 July 2026.
16. Section 3 specifies that the instrument takes effect at the start of 1 July 2026.
17. Section 4 specifies the authority for the instrument, sections 7(3), (3AA), (4) and (4B) of the *Remuneration Tribunal Act 1973*.
18. Section 5 specifies that the determination supersedes the 2025 principal determination.
19. Section 6 specifies that instruments identified in a Schedule to this determination are amended or repealed as indicated.
20. Section 7 specifies definitions for certain words used in the determination.
21. Section 8 provides instructions to authorities administering the determination, including that authorities may issue instructions to assist with the implementation of the determination and may elect to apply the same instructions (including policies or procedures) to their office holders as are applied to other employees, except where they are inconsistent with the determination.

PART 2 – JUDICIAL OFFICERS

22. Division 1 outlines the application of Part 2, and the circumstances in which additional remuneration and benefits may be provided to judicial officers. The provisions of this Division remain unchanged from those contained in Part 2, Division 1 of the previous determination.
23. Division 2 sets the salary and allowances of judicial officers effective from 1 July 2026. The provisions of this Division remain unchanged from those contained in Part 2, Division 2 of the previous determination.
24. Division 3 sets out the conditions relating to the provision of car-with-driver service, private plated Commonwealth vehicles and reimbursement of private vehicle running costs to members of the Commonwealth judiciary. The definition of luxury car has been updated to reflect an amendment to the relevant section of the *A New Tax System (Luxury Car Tax) Act 1999*. The provisions of this Division otherwise remain unchanged from those contained in Part 2, Division 3 of the previous determination.
25. Division 4 sets out the recreation leave and salary packaging conditions for Judges of the Federal Circuit and Family Court of Australia (Division 2). The provisions of this Division remain unchanged from those contained in Part 2, Division 4 of the previous determination.

PART 3 – FULL-TIME OFFICE HOLDERS

26. Division 1 outlines the application of Part 3. The provisions of this Division remain unchanged from those contained in Part 3, Division 1 of the previous determination.
27. Division 2 sets out the total remuneration and other related matters for full-time office holders. The provisions of this Division remain unchanged from those contained in Part 3, Division 2 of the previous determination.
28. Division 3 sets out the superannuation arrangements and other related matters for full-time office holders, including superannuation salary for specific offices and office holders. The provisions of this Division remain unchanged from those contained in Part 3, Division 3 of the previous determination.
29. Division 4 sets out the entitlements for vehicles and other benefits for full-time office holders, including business support. The provisions of this Division remain unchanged from those contained in Part 3, Division 4 of the previous determination.
30. Division 5 sets out the entitlements for leave of absence and leave accrual for full-time office holders. The provisions of this Division remain unchanged from those contained in Part 3, Division 5 of the previous determination.

PART 4 – PART-TIME OFFICE HOLDERS

31. Division 1 outlines the application of Part 4. The provisions of this Division remain unchanged from those contained in Part 4, Division 1 of the previous determination.
32. Division 2 sets out the daily fees and travel tier, remuneration packaging and other related matters for part-time office holders. The provisions of this Division

remain unchanged from those contained in Part 4, Division 2 of the previous determination.

33. Division 3 sets out special provisions for certain part-time office holders. The provisions of Part 4, Division 3 remain unchanged from those contained in Part 4 of the previous determination.

PART 5 – OFFICIAL TRAVEL

34. Part 5 sets out the entitlements for travel and accommodation assistance for specified office holders.
35. The provisions of this Part remain unchanged from those contained in Part 5 of the previous determination, as amended.

SCHEDULE 1 – REPEALS

36. Schedule 1 specifies the instrument which has been repealed, namely Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2025.

Authority: Sub-sections 7(3), (3AA), (4) and (4B)
Remuneration Tribunal Act 1973

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Remuneration Tribunal (Judicial and Related Offices - Remuneration and Allowances) Determination 2026

This disallowable legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Instrument

The legislative instrument, or determination, formalises the Tribunal's decision to determine no adjustment to remuneration for judicial and related offices from 1 July 2026. The decision follows a review of remuneration (and significantly related matters) carried out by the Tribunal consistent with sub-section 7(3) of the *Remuneration Tribunal Act 1973*.

The determination supersedes the previous Remuneration Tribunal (Judicial and Related Offices - Remuneration and Allowances) Determination 2025 (as amended).

Human rights implications

This instrument engages the right to work in Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the right to the enjoyment of just and favourable conditions of work, primarily contained in Article 7 of ICESCR.

Right to work and to just and favourable conditions of work

Article 6 of the ICESCR recognises '*... the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts ...*' The right to just and favourable conditions of work include, but is not limited to, ensuring '*fair wages and equal remuneration for work of equal value without distinction of any kind*', and '*a decent living for themselves and their families*' (Article 7(1)(a)).

Consistent with Articles 6 and 7 of the ICESCR, this instrument ensures that individuals appointed to the public offices subject to the determination continue to be fairly remunerated in respect of the work they undertake as public office holders. Specifically, the instrument maintains all relevant terms of the superseded determination.

By establishing remuneration, allowances and entitlements based on an assessment of the work value of offices and reviewing those conditions annually, the instrument supports the principle of ensuring '*fair wages and equal remuneration for work of equal value*' per Article 7(1)(a) of the ICESCR and more broadly contributes to '*... the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts ...*' per Article 6 of the ICESCR.

Conclusion

This instrument is compatible with human rights because it promotes the protection of human rights, in particular, the right to work and to just and favourable conditions of work through maintaining the principle of fair remuneration for work performed.

The Remuneration Tribunal