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

made under subsections 7(3), (3AA), (4) and (4B) of the

Remuneration Tribunal Act 1973

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About this compilation

This compilation

This is a compilation of the *Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2026* that shows the text of the law as amended and in force on 30 August 2026 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 1

1 Name 1
3 When this instrument takes effect 1
4 Authority 1
5 Determination supersedes previous determination 1
7 Definitions 1
8 Administration of this instrument 3

Part 2—Judicial officers 4

Division 1—Application of this Part 4

9 Application of this Part 4

Division 2—Salary and allowances of judicial officers 5

10 Base salary 5
11 Additional allowances 6

Division 3—Vehicle allowance 7

12 Vehicle allowance 7

Division 4—Recreation leave and salary packaging for Judges of the Federal Circuit and Family Court of Australia (Division 2) 9

13 Purpose of this Division 9
14 Recreation leave arrangements—general 9
15 Recreation leave arrangement—transitional 9
16 Election by certain Judges of the Federal Circuit and Family Court of Australia (Division 2) to be covered by general recreation leave arrangements 10
17 Salary packaging for Judges of the Federal Circuit and Family Court of Australia (Division 2) 11

Part 3—Full-time office holders 12

Division 1—Application of this Part 12

18 Application of this Part 12

Division 2—Remuneration 13

19 Meaning of *total remuneration* 13
20 Remuneration and benefits not to be supplemented 13
21 Total remuneration 13
22 Part-time work 14
23 Remuneration packaging 14

Division 3—Superannuation 16

24 Superannuation 16
25 Superannuation salary for the purposes of CSS, PSS, DFRDB and MSBS 17

Division 4—Vehicles and other benefits 19

26 Vehicles 19
27 Vehicle parking 19
28 Business support 19
29 Assistance for Chief Judge Advocates and the Registrar of Military Justice 19

Authorised Version F2026C01036 registered 19/10/2026

Division 5—Leave of absence 20
30 Leave of absence 20
31 Leave accumulated before commencement of this instrument 20
Part 4—Part-time office holders 21
Division 1—Application of this Part 21
32 Application of this Part 21
Division 2—Daily fees, travel tiers and remuneration packaging 22
33 Payment of daily fee....22
34 Calculation of daily fees for part-day work 22
35 Daily fees and travel tiers for Part 4 office holders....23
36 Remuneration packaging....23
Division 3—Special provisions 25
37 Special provisions—alternative and additional remuneration for Part 4 office holders 25
38 Special provisions—daily fees etc. for part-time ART members 25
Part 5—Official travel 26
39 Official travel 26
Part 6—Application and transitional provisions 27
40 Application and transitional provisions—general....27
Endnotes 28
Endnote 1—About the endnotes 28
Endnote 2—Abbreviation key 29
Endnote 3—Legislation history 30
Endnote 4—Amendment history 31

Authorised Version F2026C01036 registered 19/10/2026

Part 1—Preliminary

1 Name

This instrument is the *Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2026*.

3 When this instrument takes effect

This instrument takes effect at the start of 1 July 2026.

4 Authority

This instrument is made under subsections 7(3), (3AA), (4) and (4B) of the *Remuneration Tribunal Act 1973*.

5 Determination supersedes previous determination

This instrument supersedes the *Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2025*.

7 Definitions

In this instrument:

Act means the *Remuneration Tribunal Act 1973*.

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

authority means the court, tribunal or other body to which an office holder is attached.

base salary, in relation to a judicial officer, is the amount specified in column 2 of Table 2A for the office that judicial officer holds.

benefit, in relation to a Part 3 office holder, means:

(a) any non-monetary benefit provided at the authority's expense to or for the benefit of an office holder as a personal benefit, including:
  (i) a vehicle (see section 26); and
  (ii) vehicle parking (see section 27); or

(b) any other benefits received by way of remuneration packaging (see section 23).

CSS (short for Commonwealth Superannuation Scheme) has the same meaning as in the *Superannuation Act 1976*.

Authorised Version F2026C01036 registered 19/10/2026

DFRDB (short for Defence Force Retirement and Death Benefits) means the scheme established by the *Defence Force Retirement and Death Benefits Act 1973*.

employer superannuation contribution, for a Part 3 office holder, means:

(a) if the office holder is a member of the CSS, PSS, DFRDB or MSBS—the value attributed to the employer superannuation contribution under subsection 24(1), (2), (3) or (4); or

(b) if the office holder is a member of the PSSAP—15.4% of ordinary time earnings (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*) for the office holder; or

(c) if the office holder is a member of another superannuation fund—the amount worked out under subsection 24(6).

Note 1: A Part 3 office holder's employer superannuation contribution is part of the office holder's total remuneration (see section 19).

Note 2: Superannuation contributions made as a result of remuneration packaging do not form part of a Part 3 office holder's employer superannuation contribution (see section 23).

Federal Court means the Federal Court of Australia.

fringe benefits tax means fringe benefits tax (within the meaning of the *Fringe Benefits Tax Assessment Act 1986* as it applies of its own force or because of the *Fringe Benefits Tax (Application to the Commonwealth) Act 1986*).

judicial officer: see section 10.

MSBS (short for Military Superannuation and Benefits Scheme) has the same meaning as ***Scheme*** has in the *Military Superannuation and Benefits Act 1991*.

office holder means a judicial officer, a Part 3 office holder or a Part 4 office holder.

office locality, in relation to a Part 3 office holder, means the geographic locality of the office holder's usual place of work on official business.

official travel determination means the *Remuneration Tribunal (Official Travel) Determination 2026* (or any determination that supersedes that determination).

Part 3 office holder: see section 18.

Part 4 office holder: see section 32.

PSS (short for Public Sector Superannuation Scheme) has the same meaning as ***Public Sector Superannuation Scheme*** has in the *Superannuation Act 1990*.

PSSAP (short for Public Sector Superannuation Accumulation Plan) has the same meaning as in the *Superannuation Act 2005*.

superannuation salary, for a Part 3 office holder who is a member of the CSS, PSS, DFRDB or MSBS, is the amount worked out under section 25.

Authorised Version F2026C01036 registered 19/10/2026

Table 2A means the table of base salary for judicial officers in section 10.

Table 3A means the table of total remuneration for Part 3 office holders in section 21.

Table 3B means the table of superannuation salaries for Part 3 office holders in subsection 25(1).

Table 3C means the table of superannuation salaries for specified Part 3 office holders in subsection 25(2).

Table 4A means the table of daily fees and travel tiers for Part 4 office holders in section 35.

Table 6A means the table of application and transitional provisions in section 40.

total remuneration, in relation to a Part 3 office holder, has the meaning given by section 19.

8 Administration of this instrument

An authority administering this instrument:

(a) is to pay to an office holder any annual amount specified in proportion (pro rata) to the office holder's period of service during a year; and

(b) may issue procedural instructions to assist in the implementation of this instrument; and

(c) may elect to apply the same instructions (including policies or procedures in relation to the administration of recreation leave) as the authority does for employees, except where those instructions are not in accordance with this instrument.

Authorised Version F2026C01036 registered 19/10/2026

Part 2—Judicial officers

Division 1—Application of this Part

9 Application of this Part

(1) This Part sets a base level of remuneration and benefits for judicial officers.

(2) However, additional remuneration and benefits may be provided under the following:

(a) a general law of the Commonwealth concerning employment;

(b) the law of the Commonwealth that established the office the judicial officer holds;

(c) the Constitution, which grants certain executive powers to the Governor-General and to Ministers of State.

Authorised Version F2026C01036 registered 19/10/2026

Division 2—Salary and allowances of judicial officers

10 Base salary

The following table (***Table 2A***) sets out, for a person (a ***judicial officer***) who holds an office specified in column 1:

(a) the full-time base salary (if any), per year, of the judicial officer; and

(b) the travel tier (if any) that applies to the judicial officer for the purposes of the official travel determination.

Table 2A—Full-time base salary for judicial officers

Column 1 Office	Column 2 Full-time base salary	Column 3 Travel tier
High Court—Chief Justice	$688,780	1
High Court—Justice	$625,050	1
Federal Court—Chief Justice	$583,270	1
Federal Court—Judge	$530,080	1
Federal Circuit and Family Court of Australia (Division 1)—Chief Justice	$583,270	1
Federal Circuit and Family Court of Australia (Division 1)—Deputy Chief Justice	$545,750	1
Federal Circuit and Family Court of Australia (Division 1)—Judge	$530,080	1
Federal Circuit and Family Court of Australia (Division 2)—Chief Judge	$530,080	1
Federal Circuit and Family Court of Australia (Division 2)—Deputy Chief Judge (Family Law)	$495,620	1
Federal Circuit and Family Court of Australia (Division 2)—Deputy Chief Judge (General and Fair Work)	$495,620	1
Federal Circuit and Family Court of Australia (Division 2)—Judge	$460,780	1
National Native Title Tribunal—President (Judicial)	$530,080	1
Administrative Review Tribunal—President	$583,270	1
Australian Competition Tribunal—President	$530,080	1
Australian Law Reform Commission—President (Judicial)	$530,080	1
Copyright Tribunal of Australia—President	$530,080	1
Copyright Tribunal of Australia—Deputy President (Judicial)	Nil	1
Defence Force Discipline Appeal Tribunal—President	Nil	No travel tier

Note: The reference to a Judge of the Federal Circuit and Family Court of Australia (Division 1) includes a Senior Judge of the Federal Circuit and Family Court of Australia (Division 1).

Authorised Version F2026C01036 registered 19/10/2026

11 Additional allowances

A sitting Judge who also holds any of the following offices on a part-time basis is to be provided with an additional expense allowance of $2,744 per year:

(a) Aboriginal Land Commissioner;
(b) Chairperson of the Australian Electoral Commission;
(c) Chief Judge of the Supreme Court of Norfolk Island;
(e) President of the Australian Competition Tribunal;
(f) President of the Copyright Tribunal of Australia.

Authorised Version F2026C01036 registered 19/10/2026

Division 3—Vehicle allowance

12 Vehicle allowance

Chief Justice of the High Court

(1) In addition to a Commonwealth car-with-driver service, the Chief Justice of the High Court is allowed annually:
   (a) a private plated vehicle, that is generally made available by the Commonwealth for the purpose, and is not a luxury car, leased in accordance with the FVS Policy; or
   (b) reimbursement for private vehicle running costs incurred by the Chief Justice up to $15,394.

Judges

(2) A Judge, other than the Chief Justice of the High Court of Australia or a Judge of the Federal Circuit and Family Court of Australia (Division 2), who has elected for the time being to forgo the entitlement, either in the Judge's city of residence or in the city in which the principal registry of the Judge's court is situated, to a regular Commonwealth car-with-driver service, is allowed annually in that city and as the alternatives to that service:
   (a) a private plated vehicle, that is generally made available by the Commonwealth for the purpose, and is not a luxury car, leased in accordance with the FVS Policy; or
   (b) reimbursement for private vehicle running costs incurred by the Judge up to $15,394.

Judges of the Federal Circuit and Family Court of Australia (Division 2)

(3) A Judge of the Federal Circuit and Family Court of Australia (Division 2) is allowed annually:
   (a) a private plated vehicle, that is generally made available by the Commonwealth for the purpose, and is not a luxury car, leased in accordance with the FVS Policy; or
   (b) reimbursement for private vehicle running costs incurred by the Judge up to $15,394.

Election of vehicle allowance

(4) During a year, the Chief Justice of the High Court or a Judge may elect to vary the officer's election under subsection (1), (2) or (3) to, or from, a Commonwealth leased vehicle from, or to, reimbursement for the running costs of a private vehicle if no additional administrative or other expenses are incurred by the Commonwealth as a result.

Authorised Version F2026C01036 registered 19/10/2026

No cashing out of vehicle allowance

(5) The value of the entitlement allowed under subsection (1), (2) or (3) may not be taken as cash, except to the extent that reimbursement is claimed in accordance with paragraph (1)(b), (2)(b) or (3)(b).

Definitions

(6) In this section:

Commonwealth car-with-driver service means the arrangements for the use of a Commonwealth car-with-driver established, from time to time, by the Attorney-General with:

(a) the Chief Justice of the High Court; and
(b) the Chief Justice of the Federal Court; and
(c) the Chief Justice of the Federal Circuit and Family Court of Australia (Division 1);

for Judges of those courts.

FVS Policy (short for Fleet Vehicle Selection Policy) means the Department of Finance's policy on the selection of passenger vehicles for the Australian Government Fleet.

Judge means one of the following:

(a) a Justice of the High Court;
(b) a Judge of the Federal Court;
(c) a Judge of the Federal Circuit and Family Court of Australia (Division 1);
(d) a Judge of the Federal Circuit and Family Court of Australia (Division 2).

luxury car means a car the value of which exceeds the luxury car tax threshold (for non-fuel-efficient cars) mentioned in subsection 25-1(3) of the *A New Tax System (Luxury Car Tax) Act 1999*.

principal registry means:

(a) in the case of the High Court—the Registry of the Court; or
(b) in the case of the Federal Court—the Principal Registry of the Court; or
(c) in the case of the Federal Circuit and Family Court of Australia (Division 1)—the Principal Registry of the Court.

private vehicle running costs does not include expenditure relating to the acquisition, leasing or hire of any vehicle.

Authorised Version F2026C01036 registered 19/10/2026

Division 4—Recreation leave and salary packaging for Judges of the Federal Circuit and Family Court of Australia (Division 2)

13 Purpose of this Division

This Division is made for the purposes of subsection 7(3AA) of the Act.

14 Recreation leave arrangements—general

(1) The recreation leave entitlements of the following are to be determined in accordance with this section:

(a) a Judge of the Federal Circuit and Family Court of Australia (Division 2) who was appointed on or after 1 January 2018;

(b) a Judge of the Federal Circuit and Family Court of Australia (Division 2) who was appointed before 1 January 2018, if an election to be covered by the general recreation leave arrangements is in effect for the Judge.

Note: For elections to be covered by the general recreation leave arrangements, see section 16.

Appointment year

(2) The Judge, for the year (the ***appointment year***) the Judge is appointed in, is entitled to an amount of recreation leave, accruing at the time of the Judge's appointment, that is 8 weeks multiplied by the number obtained by dividing the number of days in the appointment year for which the Judge will be appointed by the number of days in the appointment year.

Years after appointment year

(3) The Judge is entitled to 8 weeks of recreation leave accruing on 1 January of each year after the appointment year.

Expiration of recreation leave

(4) The Judge is entitled to recreation leave accrued under this section only in the year in which the leave accrued.

Payment of unused recreation leave on leaving office

(5) The Judge is to be paid on leaving office as though the Judge were then to take the balance of the recreation leave to which the Judge is entitled.

15 Recreation leave arrangement—transitional

(1) This section applies to a Judge of the Federal Circuit and Family Court of Australia (Division 2) if:

(a) the Judge was appointed before 1 January 2018; and

Authorised Version F2026C01036 registered 19/10/2026

(b) an election to be covered by the general recreation leave arrangements is not in effect for the Judge.

Note: For elections to be covered by the general recreation leave arrangements, see section 16.

Accrual of recreation leave

(2) The Judge is entitled to 4 weeks of recreation leave per year of service accruing on 1 January each year.

Cashing out of recreation leave

(3) The Judge is eligible to cash out part of the Judge's recreation leave if:
(a) the Judge has accrued more than 4 weeks of recreation leave; and
(b) the Judge takes an amount of leave equal to or greater than the amount of leave being cashed out; and
(c) the Judge cashes out a maximum of 2 weeks' recreation leave in any year.

Additional recreation leave

(4) The Judge is eligible to elect to purchase 1, 2, 3 or 4 weeks' additional leave per year.

(5) An amount will be deducted from the base salary of the Judge, dependent on the amount of leave purchased and the Judge's salary, which will be reflected in the Judge's regular salary payments.

(6) Purchased leave counts as service for all purposes.

Payment of unused recreation leave on leaving office

(7) The Judge is to be paid on leaving office as though the Judge were then to take the balance of the Judge's recreation leave.

16 Election by certain Judges of the Federal Circuit and Family Court of Australia (Division 2) to be covered by general recreation leave arrangements

Changing to general recreation leave arrangements

(1) This section applies to a Judge of the Federal Circuit and Family Court of Australia (Division 2) if the Judge was appointed before 1 January 2018.

(2) At any time, the Judge may elect to be covered by the general recreation leave arrangements instead of the transitional recreation leave arrangements. The election takes effect on 1 January following the election.

Note: For the general recreation leave arrangements, see section 14. For the transitional recreation leave arrangements, see section 15.

Authorised Version F2026C01036 registered 19/10/2026

(3) The Judge may make only one election to be covered by the general recreation leave arrangements.

(4) The Judge retains the balance of the Judge's recreation leave that had accrued immediately before the election took effect but, subject to subsection (6), is entitled to this balance only in accordance with subsection 14(5).

Revoking election

(5) At any time, the Judge may revoke the election to be covered by the general recreation leave arrangements. The election takes effect on 1 January following the revocation.

(6) The Judge retains the balance of the Judge's recreation leave mentioned in subsection (4) and is entitled to this balance in accordance with section 15.

Election made under superseded determination

(7) To avoid doubt, an election to be covered by the general recreation leave arrangements instead of the transitional recreation leave arrangements, or a revocation of such an election, that was made under a superseded determination is to be treated as an election or revocation made under this section.

17 Salary packaging for Judges of the Federal Circuit and Family Court of Australia (Division 2)

A Judge of the Federal Circuit and Family Court of Australia (Division 2) may elect to take benefits in lieu of base salary, in accordance with authority policies and procedures on salary packaging, if:

(a) the election is consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office; and

(b) providing the benefit would not result in a cost to the Commonwealth (including any fringe benefits tax) that would not be incurred if benefits able to be taken as salary were taken as salary.

Authorised Version F2026C01036 registered 19/10/2026

Part 3—Full-time office holders

Division 1—Application of this Part

18 Application of this Part

This Part applies to a person (a ***Part 3 office holder***) who:

(a) holds an office specified in column 1 of Table 3A; and

(b) was appointed to that office on a full-time basis.

Authorised Version F2026C01036 registered 19/10/2026

Division 2—Remuneration

19 Meaning of *total remuneration*

(1) For the purposes of this instrument, the ***total remuneration*** of a Part 3 office holder is the amount, per year, in column 2 of Table 3A.

(2) The total remuneration of a Part 3 office holder represents the value, calculated at the total cost to the authority of the office holder (including fringe benefits tax), of the following in relation to the office holder:
  (a) salary, allowances and lump sum payments;
  (b) benefits;
  (c) the employer superannuation contribution.

(3) However, the total remuneration of a Part 3 office holder does not include the following:
  (a) the value of facilities provided as business support that are not required to be included in total remuneration under section 28;
  (b) reimbursement of expenses incurred on geographic relocation following appointment as an office holder, in accordance with authority policies and practices where approved by the authority;
  (c) assistance for the offices of Chief Judge Advocate and the Registrar of Military Justice (see section 29);
  (d) travel expenses and allowances under the official travel determination;
  (e) payment in lieu of recreation leave in accordance with section 30;
  (f) compensation for early loss of office in accordance with the *Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018* (or any determination that supersedes that determination).

20 Remuneration and benefits not to be supplemented

The amount of total remuneration to a Part 3 office holder under Table 3A is exhaustive of the remuneration and significantly-related benefits payable to a Part 3 office holder, to the extent that the Tribunal is empowered to determine such remuneration and benefits. The amount of total remuneration to which the office holder is entitled under this Division must not be supplemented by an authority other than the Tribunal if to do so would be inconsistent with this instrument.

21 Total remuneration

The following table (***Table 3A***) sets out, for a holder of each office in column 1:
  (a) the total remuneration, per year, of the Part 3 office holder; and
  (b) the travel tier that applies to the Part 3 office holder for the purposes of the official travel determination.

Authorised Version F2026C01036 registered 19/10/2026

Table 3A—Total remuneration for Part 3 office holders

Column 1 Office	Column 2 Total remuneration (per year)	Column 3 Travel tier
High Court—Chief Executive and Principal Registrar	$564,950	1
Federal Court—Chief Executive Officer	$564,950	1
Federal Court—Assessor (Full-time)	$318,790	2
Federal Circuit and Family Court of Australia (Division 1)—Chief Executive Officer and Principal Registrar	$439,400	1
Administrative Review Tribunal—Non-Judicial Deputy President (salaried)	$562,400	2
Administrative Review Tribunal—Principal Registrar (salaried)	$502,180	2
Administrative Review Tribunal—Senior member (salaried)	$408,800	2
Administrative Review Tribunal—General member (salaried)	$251,110	2
Australian Law Reform Commission—President (non-judicial)	$525,190	1
Australian Law Reform Commission—Commissioner (non-judicial)	$318,470	2
Military Justice System—Chief Judge Advocate	$492,800	2
Military Justice System—Deputy Chief Judge Advocate	$468,170	2
Military Justice System—Registrar of Military Justice	$312,530	2
National Native Title Tribunal—President (non-judicial)	$520,120	1
National Native Title Tribunal—Deputy President	$472,530	1
National Native Title Tribunal—Member	$362,840	1
National Native Title Tribunal—Registrar	$342,970	2

22 Part-time work

(1) If a Part 3 office holder's authority has approved the office holder to perform the duties of the office on a part-time basis, the total remuneration for that office is to be paid on a pro rata basis in accordance with the proportion of full-time hours worked.

(2) However, if the proposed hours are less than 60% of the full-time hours, prior agreement of the Tribunal is required for the level of remuneration.

23 Remuneration packaging

(1) Subject to this Part, a Part 3 office holder may elect to receive the benefit of the total remuneration, other than the employer superannuation contribution, as salary or a combination of salary and benefits if:

Authorised Version F2026C01036 registered 19/10/2026

(a) the election is consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office; and

(b) providing the benefit would not result in a cost to the authority (including any fringe benefits tax) that would not be incurred if the office holder received the remuneration in the form of salary.

(2) To avoid doubt, a superannuation contribution made as a result of an election by a Part 3 office holder under subsection (1) does not form part of the employer superannuation contribution for the office holder.

Authorised Version F2026C01036 registered 19/10/2026

Division 3—Superannuation

24 Superannuation

Commonwealth Superannuation Scheme

(1) For a Part 3 office holder who is a member of the CSS:

(a) the office holder's annual rate of salary for the purposes of the CSS is the office holder's superannuation salary; and

(b) for the purposes of paragraph (a) of the definition of ***employer superannuation contribution*** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the definition of ***superannuation salary*** for a Part 3 office holder who is a member of the CSS, see section 25.

Public Sector Superannuation Scheme

(2) For a Part 3 office holder who is a member of the PSS:

(a) the office holder's basic salary for the purposes of the PSS is the office holder's superannuation salary; and

(b) the amount of the office holder's recognised allowances for the purposes of the PSS is nil; and

(c) for the purposes of paragraph (a) of the definition of ***employer superannuation contribution*** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the definition of ***superannuation salary*** for a Part 3 office holder who is a member of the PSS, see section 25.

Defence Force Retirement and Death Benefits

(3) For a Part 3 office holder who is a member of the DFRDB:

(a) the office holder's annual rate of salary for the purposes of the DFRDB is the office holder's superannuation salary; and

(b) for the purposes of paragraph (a) of the definition of ***employer superannuation contribution*** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the definition of ***superannuation salary*** for a Part 3 office holder who is a member of the DFRDB, see section 25.

Military Superannuation and Benefits Scheme

(4) For a Part 3 office holder who is a member of the MSBS:

Authorised Version F2026C01036 registered 19/10/2026

(a) the office holder's annual rate of salary for the purposes of the MSBS is the office holder's superannuation salary; and

(b) for the purposes of paragraph (a) of the definition of ***employer superannuation contribution*** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the definition of ***superannuation salary*** for a Part 3 office holder who is a member of the MSBS, see section 25.

Public Sector Superannuation Accumulation Plan

(5) For a Part 3 office holder who is a member of PSSAP, the office holder's superannuation salary for the purposes of the *Superannuation (PSSAP) Trust Deed* is the office holder's ordinary time earnings (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*).

Other superannuation funds

(6) For a Part 3 office holder who is a member of any other superannuation fund, the employer superannuation contribution is the minimum contribution required to avoid creating, or contributing to, a superannuation guarantee shortfall under the *Superannuation Guarantee (Administration) Act 1992*.

25 Superannuation salary for the purposes of CSS, PSS, DFRDB and MSBS

(1) Subject to subsection (2), the ***superannuation salary*** for a Part 3 office holder who is a member of the CSS, PSS, DFRDB or MSBS is worked out in accordance with the following table (***Table 3B***).

Table 3B—Superannuation salary for the purposes of CSS, PSS, DFRDB and MSBS

Item	If the Part 3 office holder's total remuneration is …	the Part 3 office holder's superannuation salary is …
1	$502,180 or more	70% of the office holder's total remuneration (rounded up to the nearest $10).
2	Less than $502,180	73% of the office holder's total remuneration (rounded up to the nearest $10).

(2) If an office or a Part 3 office holder is specified in column 1 of the following table (***Table 3C***), the amount in column 2 is the superannuation salary for the Part 3 office holder who holds that office, or for that Part 3 office holder.

Authorised Version F2026C01036 registered 19/10/2026

Table 3C—Superannuation salary for the purposes of CSS, PSS, DFRDB and MSBS for specified Part 3 office holders

Item	Column 1 Office or Part 3 office holder	Column 2 Superannuation salary
1	Military Justice System—Registrar of Military Justice	$268,770
2	Mr Richard Glenn, High Court—Chief Executive and Principal Registrar	$423,720

Authorised Version F2026C01036 registered 19/10/2026

Division 4—Vehicles and other benefits

26 Vehicles

(1) If a Part 3 office holder:

(a) accepts an offer of a vehicle owned or leased by the office holder's authority for private use; or

(b) has access to a vehicle owned or leased by the office holder's authority for private use;

the actual cost of the vehicle to the authority (including fringe benefits tax), less a reasonable amount (if any) reflecting business usage patterns, is taken to be a benefit.

(2) For the purposes of subsection (1):

(a) if the annual business kilometres are less than 5,000—the business usage amount is to be based on the "cents per kilometre" method; or

(b) if the annual business kilometres are 5,000 or more:

(i) any business usage amount is to be assessed on log book records for at least a 12 week representative period; and

(ii) the percentage of business use to total kilometres travelled per year is to be applied to the total cost of the vehicle.

27 Vehicle parking

If a Part 3 office holder accepts an offer of a car park at Commonwealth expense, the actual cost (including fringe benefits tax) of the car park to the authority is taken to be a benefit.

28 Business support

If a Part 3 office holder is provided with communications, information technology or other office facilities necessary for the efficient conduct of the office holder's office, incidental private use of those facilities does not require the value of the facilities to be included in total remuneration.

29 Assistance for Chief Judge Advocates and the Registrar of Military Justice

The authority may approve housing, relocation and medical assistance in accordance with authority policy and practices for the offices of Chief Judge Advocate and the Registrar of Military Justice.

Note: Assistance under this section is not included as part of total remuneration: see paragraph 19(3)(c).

Authorised Version F2026C01036 registered 19/10/2026

Division 5—Leave of absence

30 Leave of absence

(1) A Part 3 office holder is entitled to the following types and amounts of leave of absence:

(a) an office holder may be absent without loss of pay on public holidays that are observed by the Australian Public Service in the location in which the office is based;

(b) paid recreation leave of 4 weeks per year of service, accruing on a pro rata basis;

(c) other paid and unpaid leave, including sick and carers' leave, at the discretion of the Commonwealth.

(2) A Part 3 office holder may elect:

(a) to take recreation leave on a half-pay basis; or

(b) to cash out up to one week's recreation leave in a financial year.

(3) A Part 3 office holder is to be paid the balance of their recreation leave on leaving office, calculated on the basis of the office holder's reference salary.

(4) The Part 3 office holder's ***reference salary*** is the office holder's total remuneration, less the amount of total remuneration that reflects the employer superannuation contribution for the office holder.

31 Leave accumulated before commencement of this instrument

Any entitlement to recreation leave accrued by a Part 3 office holder before the commencement of this instrument is taken to have been accrued under this instrument.

Authorised Version F2026C01036 registered 19/10/2026

Part 4—Part-time office holders

Division 1—Application of this Part

32 Application of this Part

This Part applies to a person (a ***Part 4 office holder***) who:

(a) holds an office specified in column 1 of Table 4A; and

(b) was appointed to that office on a part-time basis.

Authorised Version F2026C01036 registered 19/10/2026

Division 2—Daily fees, travel tiers and remuneration packaging

33 Payment of daily fee

(1) A Part 4 office holder is entitled to be paid the daily fee specified in column 2 of Table 4A for the office held by the office holder.

(2) The nature, reasonableness and duration of official business by the office holder is to be reviewed prior to the payment of any daily fee to the office holder, according to arrangements established by the authority.

(3) The maximum amount payable to the office holder for any one day is the daily fee for the office holder.

(4) Unless the authority determines otherwise, the minimum amount that may be claimed for payment at any one time is one daily fee, except that the final payment to any individual prior to leaving office may be less than one daily fee.

34 Calculation of daily fees for part-day work

(1) This section applies to a Part 4 office holder who works for less than a full day.

Note: This section does not apply to a member of the ART to whom section 38 applies.

(2) On a formal meeting or hearing day, the following amounts of the office holder's daily fee are payable to the office holder:
(a) for a period of less than 2 hours—40% of the daily fee;
(b) for a period of between 2 and 3 hours—60% of the daily fee;
(c) for a period of 3 hours or more—100% of the daily fee.

(3) On any other day, for each period of at least 1 hour spent entirely on authority business, the amount of the office holder's daily fee payable to the office holder is 20% of that daily fee for each hour, up to a maximum of 5 hours on any one day.

(4) The periods of work mentioned in subsection (2) do not include any normal preparation time for a formal meeting or hearing. There is no additional payment for time spent on normal preparation. However, if extraordinary preparation time is required by the officer for the formal meeting or hearing, the authority may authorise an additional payment in accordance with subsection (3).

(5) If the office holder is required to work at a location other than the office locality, any reasonable time required to travel between an office holder's home or usual place of work and the other location may be included by the authority in calculating payments under this section. Travel time between the office holder's home and usual place of work is not included for the purpose of calculation of payments.

Authorised Version F2026C01036 registered 19/10/2026

35 Daily fees and travel tiers for Part 4 office holders

The following table (***Table 4A***) sets out, for a holder of each office in column 1:

(a) the daily fee for the Part 4 office holder; and

(b) the special provisions (if any) of this instrument that apply to the Part 4 office holder; and

(c) the travel tier that applies to the Part 4 office holder for the purposes of the official travel determination.

Table 4A—Daily fees for Part 4 office holders

Column 1 Office	Column 2 Daily fee	Column 3 Special provisions	Column 4 Travel tier
Federal Court—Assessor (Part-time)	$1,163		1
Administrative Review Tribunal—Deputy President (sessional)	$2,210	Section 38	2
Administrative Review Tribunal—Senior member (sessional)	$1,700	Section 38	2
Administrative Review Tribunal—General member (sessional)	$1,078	Section 38	2
Copyright Tribunal of Australia—Deputy President (non-Judicial)	$1,252	Subsection 37(1)	1
Copyright Tribunal of Australia—Member	$1,252	Subsection 37(1)	1
Australian Competition Tribunal—Member	$1,163	Subsection 37(2)	1
Australian Law Reform Commission—Member (Part-time)	$1,163		1
Australian Security Intelligence Organisation—prescribed authority	$1,752		1
Defence Force Discipline Appeal Tribunal—Member	$995		1
Military Justice System—Judge Advocate General	$2,833		2
Military Justice System—Deputy Judge Advocate General	$2,550		2
Military Justice System—Judge Advocate	$2,067		2
Military Justice System—Defence Force Magistrate	$2,067		2
National Native Title Tribunal—Deputy President	$1,644	Subsection 37(1)	1
National Native Title Tribunal—Member	$1,207	Subsection 37(1)	1

36 Remuneration packaging

A Part 4 office holder may elect to take, in lieu of the fee payable to the office holder under this Part, benefits or a combination of fee and benefits if:

Authorised Version F2026C01036 registered 19/10/2026

(a) the election is consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office; and

(b) providing the benefit would not result in a cost to the authority (including any fringe benefits tax) that would not be incurred if the office holder had received fees instead of the benefit.

Authorised Version F2026C01036 registered 19/10/2026

Division 3—Special provisions

37 Special provisions—alternative and additional remuneration for Part 4 office holders

(1) If column 3 of Table 4A mentions this subsection in relation to an office mentioned in column 1, the minimum annual payment to the holder of the office is an amount that is 10 times the daily fee mentioned in column 2 in relation to the office.

(2) If column 3 of Table 4A mentions this subsection in relation to an office mentioned in column 1, the holder of the office is entitled to an annual payment of $27,750 in addition to the daily fee mentioned in column 2 in relation to the office.

38 Special provisions—daily fees etc. for part-time ART members

(1) This section applies, and section 34 does not apply, to a member of the ART on a part-time basis.

(2) A daily fee is payable once a member has undertaken official business of 7 hours duration in aggregate, regardless of the day or days on which that work is done.

(3) Official business may include a hearing, preparation for a hearing, reading submissions, decision writing and travel time other than for travel between the person's home and principal place of work.

(4) The member is to be paid a cancellation fee equal to an amount that is 50% of the daily fee if all of a day's work is cancelled with less than 5 working days' notice (this includes the circumstance where a hearing does not proceed on a day on which a member has attended).

Authorised Version F2026C01036 registered 19/10/2026

Part 5—Official travel

39 Official travel

Justices of the High Court

(1) A Justice of the High Court (including the Chief Justice) who does not establish the Justice's principal place of residence in Canberra is to be paid $41,240 a year in lieu of the travelling allowance that would otherwise be payable to the Justice under the official travel determination.

President of the Fair Work Commission

(2) The President of the Fair Work Commission has the same travel entitlements when travelling within Australia as the Chief Justice of the Federal Court has under the official travel determination.

Authorised Version F2026C01036 registered 19/10/2026

Part 6—Application and transitional provisions

40 Application and transitional provisions—general

The following table (***Table 6A***) sets out application and transitional provisions for the provisions in column 1.

Table 6A—Application and transitional provisions

Item	Column 1 Provision	Column 2 Application and transitional provisions
1	Paragraphs 12(1)(b), (2)(b) and (3)(b) and subsection 39(1)	The amendments of these provisions made by the *Remuneration Tribunal Amendment Determination (No. 4) 2026* apply on and after 30 August 2026.
2	Subsection 24(6)	The amendment of this provision made by the *Remuneration Tribunal Amendment Determination (No. 4) 2026* applies in the same way as the amendments of the *Superannuation Guarantee (Administration) Act 1992* made by Schedule 1 to the *Treasury Laws Amendment (Payday Superannuation) Act 2025* apply under item 182 of that Schedule.

Authorised Version F2026C01036 registered 19/10/2026

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

Authorised Version F2026C01036 registered 19/10/2026

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

Authorised Version F2026C01036 registered 19/10/2026

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2026	18 June 2026 (F2026L00742)	1 July 2026 (s 2(1) item 1)	
Remuneration Tribunal Amendment Determination (No. 4) 2026	28 Aug 2026 (F2026L01119)	sch 1 (items 1-5): 29 Aug 2026 (s 2(1) item 2) sch 1 (item 33): 30 Aug 2026 (s 2(1) item 3)	—

Authorised Version F2026C01036 registered 19/10/2026

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 6	rep LA s 48C
s 7	am F2026L01119
Part 2	
Division 3	
s 12	am F2026L01119
Part 3	
Division 3	
s 24	am F2026L01119
Part 5	
s 39	am F2026L01119
Part 6	
Part 6	ad F2026L01119
s 40	ad F2026L01119
Schedule 1	rep LA s 48C

Authorised Version F2026C01036 registered 19/10/2026