



NORTHERN TERRITORY OF AUSTRALIA

REMUNERATION TRIBUNAL

REPORT

AND

RECOMMENDATION No. 1 of 2004

MAGISTRATES OF THE NORTHERN TERRITORY

REMUNERATION TRIBUNAL

**REPORT - MAGISTRATES OF THE
NORTHERN TERRITORY**

NORTHERN TERRITORY OF AUSTRALIA

REMUNERATION TRIBUNAL

REPORT

MAGISTRATES OF THE NORTHERN TERRITORY

INTRODUCTION

1. The remuneration and allowances paid to Magistrates is a matter for determination by the Administrator from time to time under section 6 of the *Magistrates Act*.
2. The Tribunal is established by section 6(1) of the *Remuneration Tribunal Act*. Section 10(1) of that Act enables the Administrator to request the Tribunal to inquire into and report with recommendations on the remuneration and allowances to be paid to a person or class of persons, as well as other entitlements to be granted for their services. Tribunal reports are required to be tabled in the Legislative Assembly within 6 sitting days next following their receipt by the Administrator.
3. On 31 July 1981 the Administrator issued a formal Notice of Request to the Tribunal, specifying Magistrates as a class of persons to come within these arrangements and requesting the Tribunal to undertake its duties in this regard “from time to time”.
4. Within this standing authority, each inquiry and report sequence of Tribunal activity has been initiated on the written request of the Chief Minister of the Northern Territory.

5. The last full inquiry was completed on 22 August 2003, on which date the Tribunal made its Recommendation 2 of 2003 to the Administrator.
6. The Report and Recommendation was deemed to have been tabled in the House of Assembly on 7 October 2003. On 19 December 2003 the Administrator made a Determination accepting all the Tribunal's recommendations.
7. The Chief Minister initiated the current sequence by letter to the Tribunal dated 22 October 2003, requesting that the inquiry commence on 1 December 2003.
8. The Tribunal has completed the inquiry and this report and recommendation completes the review.

CONDUCT OF THE REVIEW

9. The Magistrates and relevant departmental officers were made aware of the review by letter dated 8 December 2003.
10. The Tribunal received and considered the following submissions from Magistrates:
 - (i) A submission from Mr David Loadman SM dated 15 December 2003 that the relativity with Judges should continue and inflation should be recognised.
 - (ii) A submission from Mr Michael Ward SM dated 6 February 2004 on behalf of Magistrates seeking a 10% pay increase and an extra week of leave both to preserve judicial and jurisdictional relativities, and to recognise hardship and special work characteristics.
 - (iii) A submission from Mr Michael Ward SM dated 6 February 2004 on his own account as Deputy Chief Magistrate seeking salary parity with the Coroner.
 - (iv) Submissions from Mr Vincent Luppino SM dated 13 and 19 February 2004, requesting recognition of the extra work done by him in performing duties as a member of the Mental Health Review Tribunal.

- (v) Submission from Mr John Lowndes SM dated 20 February and 8 March 2004 pointing out the need to bear in mind the extra responsibility of Managing Magistrate under the Work Health Act when considering any higher salary for the Magistrate serving the Mental Health Review Tribunal.
 - (vi) A submission from Ms Jenny Blokland SM dated 23 February 2004 seeking more flexible working arrangements.
 - (vii) A submission from the Department of Justice on 25 February 2004 responding to the issues before the Tribunal and requesting some flexibility in the way entitlements are administered.
 - (viii) A submission from Mr Michael Ward SM on behalf of Magistrates on 3 March 2004 responding to the salary and leave elements of the Government submission to the Tribunal.
 - (ix) A submission from Mr Daynor Trigg SM dated 11 March 2004 advocating equal payment for all Magistrates.
 - (x) A submission from the Department of Justice dated 12 March 2004 about the non implementation of certain recommendations leading up to the position of managing magistrate of the Work Health Court, leave banking operated by the Power and Water Authority, and Magistrate exchange programs.
11. The Tribunal was available in Darwin from 17 February to 21 February 2004 to receive submissions and note economic conditions.
 12. The Chief Magistrate provided the Tribunal with a comparison of Australian Magistrates' conditions, a summary of the jurisdiction of the Magistrates Court, and an NTPS Bulletin on Salary Sacrifice Packaging. He confirmed that his Delegate on the Mental Health Review Tribunal shouldered extra responsibility and helped that Tribunal to a position of pre-eminence in the field in Australia. He expressed the view that salary sacrifice for leave could be allowed provided that sufficient advance notice were given. He said that he had the feeling that out of hours work (during the one week in 12 roster) was increasing because of a rising trend in the incidence of domestic violence.

REVIEW - REMUNERATION

13. Details of the phased introduction of catch-up salary increases for Federal judicial offices was included in Tribunal report 2/2003.
14. In summary, remuneration for those offices have been or are to be increased over two years as follows:

At 1 July 2002	7% (including changed economic conditions)
At 1 July 2003	5% plus then recognition of economic factors.
At 1 July 2004	5% plus then recognition of economic factors.

15. The July 2003 increase is now effective, and the disallowance period has expired. Judges of the Northern Territory Supreme Court received the 7% pay increase from 1 July 2002, and the second tranche was determined and back-dated to 1 July 2003 by instrument dated 30 January 2004.

16. In recent years the relationship between the Judges and the Magistrates salaries has been as follows:

	Magistrates ¹	Judges	Percentage
	\$	\$	%
1-Dec-1997	140,332	185,548	75.63
1-Dec-1999	153,189	203,500	75.28
1-Dec-2000	160,235	212,900	75.26
1-Dec-2001	165,363	221,500	74.65
1-Dec-2002	176,635	237,100	74.49

17. The main reason for the declining percentages is the use of Territory economic indicators by this Tribunal for the Magistrates and the (effective) use of national economic indicators by the Federal Remuneration Tribunal for the Judges.
18. The salary of Territory Judges was increased to \$258,920 on 1 July 2003. This comprised an increase of 5% for the previously determined catch-up and a compounding 4% increase based on the annual rise in national economic indicators. Economic indicators produced by the Australian Bureau of Statistics for the Northern Territory for the year December 2002 to December 2003 are rather less than the 4% applied nationally by the Commonwealth Remuneration Tribunal based on indicators for the 2002/2003 financial year. That 4% recognises not only the CPI but also a measure of the increase in senior executive salaries in Australia. Consistent

¹ These amounts do not include the special airfares allowance.

with previous trends the Wages Cost Index (based on hourly rates of pay excluding bonuses) rose by 0.8%pa less in the Territory than it did for the national workforce.

19. The Magistrates claim that the so called economic indicators component of their salary movement should be 5% instead of the 3.2% implied in the previous paragraph. The extra increase is to compensate (along with the extra leave dealt with later) for relative jurisdictional burden and for relatively onerous and debilitating work characteristics.
20. The Tribunal accepts that the jurisdiction of the Court continues to be higher in the Northern Territory, where there is no District Court, than elsewhere in Australia. It has no evidence to suggest that the measure of this relative pre-eminence has changed.
21. The demands of and conditions during circuit work are appreciated by the Tribunal, along with the scale of out-of-hours police interaction requirements during the rostered week of on-call duty. These were assessed in some detail in 1989 and recognised in the package of conditions (including leave, upon which more later) at that time. Since then there has certainly been an increase in work and an increase in the number of Magistrates. In the absence of jurisdictional comparisons and longitudinal data on call-outs and days away it is not possible to show whether conditions are better or worse for Magistrates now than they were 15 years ago. In any event the issue is at least partly one of resource application. If progressive individual debilitation can be evidenced then a extra Magistrate rather than salary compensation might have to be considered.
22. With due consideration of all factors available to the Tribunal, including the above comparisons and indicators, the Tribunal considers that the full 5% relativities increase should flow on to Magistrates, and that a compounding economic conditions increase of 3.2% should be applied. This takes the recommended base salary of a Magistrate to \$191,401. This is 73.92% of the salary of a Supreme Court Judge.
23. The Tribunal recommends that the increase be back-dated to the date of the initiation of this review (1 December 2003). This back-dating is a reversion to customary practice, the reasons for which were described in the last report. The salary recommendation with this Report will, if adopted, restore Northern Territory Magistrates to the top ranking of Australian Magistrates.

REVIEW - ALLOWANCES

Work Value Claims

Deputy Chief Magistrate

24. The Deputy Chief Magistrate claims additional remuneration based on having an extra Magistrate and extra circuit work to manage, as well as his unpaid performance of the Chief Magistrate's duties while he is absent from time to time. He suggests that the salary of his position should be the same as that payable to the Coroner.
25. Where there is a formal appointment to act in a position it is normal practice for the person acting to receive the same salary as the substantive office holder. The Department of Justice response affirms this principle. Unpaid acting increment must therefore be a clerical error and should be corrected.
26. The Tribunal recognises that the Deputy Chief Magistrate has considerable autonomy in the southern region. At the same time the remoteness of the Deputy from Darwin means that his relationship with the Chief Magistrate is somewhat different from that applying between those positions in other jurisdictions where a good deal more Court administrative responsibility delegation can conveniently occur. Also, as a result of this Tribunal's recommendation in its 2000 Report, a relative salary increase for the Deputy Chief Magistrate occurred as a consequence of the increase of the differential between the salary of the Chief Magistrate and other Magistrates.
27. The Department of Justice points out that the Deputy position attracts a salary comparable with that paid to other Deputy Chief Magistrates and that the Coroner carries the extra responsibility as head of jurisdiction.
28. The Tribunal does not agree that the increase of one in the number of Magistrates managed in the Southern Region adds any justification for a salary increase for the Deputy Chief Magistrate and makes no recommendation in this regard.

President's Delegate on the Mental Health Review Tribunal

29. Submissions have been received over the past two years from Mr Luppino SM requesting that extra remuneration be paid to him for performing demanding duties as Delegate of the President of the Mental Health Review Tribunal (MHRT). This Tribunal deferred consideration of this claim pending comment from the Chief Magistrate and from the Department of Justice.

30. The MHRT is an independent statutory body that has power to make legally enforceable decisions about the care and treatment of people who have mental illness or mental disturbance.
31. Mr Luppino and other Magistrates are appointed as legal practitioner members of the MHRT, and the Chief Magistrate is its President. These appointments are in the personal name of the respective practitioner, without reference to their position as Magistrates.
32. Members of the MHRT receive time based fees, allowances and expenses by Determination made under the *Remuneration (Statutory Bodies) Act*. That Determination specifically precludes Magistrates from receiving any remuneration, allowances or expenses as a member of the MHRT (or as the holder of any of the other statutory appointments within the Determination).
33. That Determination could be amended but only at the expense of a principle underlying the remuneration policy towards all government-employed members of statutory bodies. Also it is probable that any payment for work in addition to the standard rate payable to a Magistrate would have to receive the approval of the Attorney-General under Section 11(2) of the *Magistrates Act*.
34. This returns us to the issue of whether Mr Luppino is performing such a level of duty as to justify remuneration at some higher order that paid to him for his service as a Magistrate.
35. There is no doubt that meetings of the MHRT can be particularly stressful affairs involving unique and difficult assessments, and that there is an administrative load to be carried. Nevertheless, judicial officers are appointed because of their capacity to assimilate change and conquer unfamiliarity. "A capacity to deal with greater complexity is within the capacity of an experienced judge or magistrate."² As with any vocation it is common that executive officers are required to take on new and important tasks without extra pay to see how they cope and to provide a guide to their suitability for higher positions.
36. Mr Luppino has drawn the Tribunal's attention to a range of matters in support of his claim, including:
 - Whilst there are other Magistrates appointed as legal practitioner members of the MHRT, he has been the de facto head of the Tribunal and is responsible to the President for its direction and administration.

² Judicial Remuneration Tribunal (Victoria) Report of 23 February 2000

- He prepares reports on the operation of the MHRT, attends and arranges annual meetings of Heads of Jurisdictions, and is conducting a major review of the relevant Act.
 - The MHRT is breaking new ground, requiring practice and procedural development, training of legal practitioners, and exercising general a policy development role that is an order above that required in the Magistrates Court
37. The Department of Justice submitted that, whilst highly valuing the cooperation of Magistrates sitting on the MHRT, *"the decision of the Chief Magistrate as President of the Tribunal to delegate any of his tasks to a particular Magistrate does no of itself justify additional remuneration to be paid to that Magistrate. In this respect it is submitted that whilst the President may have delegated many of his powers he is still the ultimate repository of such powers and, as such, still carries the full responsibilities of the position. In addition, it should also be noted that when a legal member sits who is not a Magistrate the rate of remuneration payable to that legal member is less than that payable to Magistrates"*.
38. The Chief Magistrate confirmed that he has relied on Mr Luppino to guide the MHRT and develop policy for his endorsement as President. He explained that in some respects the MHRT is setting best practice benchmarks for Australian mental health review Tribunals. He made the observation that other Tribunals on which Magistrates serve operate much more closely to the normal Magistrates Court model.
39. Having carefully considered these representations, this Tribunal agrees that Mr Luppino is exercising an administrative responsibility over and above that exercised during standard magisterial service and should receive some recognition for this. The fact that the President retains ultimate responsibility for the MHRT, though not attending to the day to its day running and development, does not disqualify him from being paid to exercise some of his responsibilities in this role any more than retention of overall responsibility would disqualify the Deputy Chief Magistrate from receiving more pay than other Magistrates.
40. As to the observation by the Department that a non-Magistrate legal member of the MHRT is paid less than a Magistrate, this may be so where a meeting is for say eight hours. However, for a meeting of lasting slightly over four hours the full daily rate is still payable. The daily rate is currently \$490 so there can be circumstances where more than a Magistrate's earnings could be paid.

41. Some other jurisdictions recognise extra duties in their assessment of Magistrate remuneration. For example in South Australia there is an allowance for certain Magistrates created in the following terms :

"Stipendiary Magistrate directed by the Chief Magistrate, with the concurrence of the Attorney-General, to perform special administrative duties at a particular court (Magistrate-in-Charge) paid the allowance shown for as long as the person continues to perform such duties. \$5,090"

In NSW the Chief Industrial Magistrate and the Deputy Chair of the Licensing Court each receive an allowance of \$3,265.

42. One might observe that such allowances are paid where there is an element of high level administration, such as scheduling and supervision of other Magistrates – the same principle that underlies the justification for the extra salary paid to the Deputy Chief Magistrate.
43. Mr Luppino estimates that he spends an average of over two hours per week on MHRT administration, some of it after hours, and that at a Magistrate's average hourly salary this increment adds up to more than the difference between the salary of a Magistrate and that of the Deputy Chief Magistrate. On this basis his claim is that he should be paid the equivalent of the Deputy Chief Magistrate, back-dated to 1 December 2002, and receive a car of the model available to the Deputy Chief Magistrate.
44. The Tribunal does not accept that the measure of any salary increment for a Magistrate should be related to extra hours worked. Magistrates are remunerated as carrying senior executive level responsibilities. Those responsibilities are relentless and not time bounded. It is for the Chief Magistrate to fairly allocate responsibility for the work of the Court, and for the Attorney-General accountably to ensure so far as is possible, that there are sufficient Magistrates to see that there is capacity in the Court to provide a reasonable level of service. Mr Luppino recognises this when says that "the appropriate quantum would not be any different if the role involved the additional responsibilities and did not involve me in any actual additional work."
45. The President of the MHRT may direct any Tribunal member, not just a legal practitioner member, to take on the President's power to:
- nominate the three members to constitute the Tribunal;
 - to determine questions of law at hearings;
 - provide certain reports required from the President;

- as President sitting alone as the Tribunal to:
 - issue a warrant of apprehension upon proper application; and
 - to issue detention and community management orders under interstate mental health orders.
- 46. Mr Luppino says that such directions as are in force are not in writing and that all practitioner members are effectively delegates of the President. Presumably this only relates to the power to determine questions of law at hearings, as it is hard to imagine that someone delegated by direction with the power to issue a warrant would be able to do so if that direction were verbal or tacit.
- 47. A degree of informality surrounds the administration of the MHRT and the Chairmanship of its hearings. Mr Luppino has the responsibility to make the Tribunal function well, and the evidence is that this is happening under his stewardship. His role is also informal. He holds no instrument of appointment imposing extra responsibility to which justified remuneration may be attached.
- 48. Under the NSW and South Australian precedents, where Magistrates holding appointments in particular Courts have an allowance for being Magistrate – in-charge³, the situations appear to cover continuous duty directing the affairs of the Court and the disposition of its Magistrates. In the Territory the actual workload of the MHRT can be handled on a part-time basis, though it could be argued that the administrative demands in the absence of the President's direct involvement are similar in scope to those applying in larger jurisdictions.
- 49. The Tribunal is recommending that certain extra remuneration be paid to the Magistrate responsible for the administration of the MHRT, with such extra remuneration to apply only from the date of a written direction to the Magistrate concerned to that effect.

Managing Magistrate of the Work Health Court.

- 50. Mr Lowndes SM has submitted that as the formally appointed managing Magistrate of the Work Health Court (WHC) he should receive extra remuneration at least equal to any allowed the President's Delegate on the MHRT. He points out that Rule 1.11 of the Work Health Rules states:

³ see paragraph 41 above

"subject to the directions of the Chief Magistrate, the managing magistrate must manage the business of the Court as he or she thinks fit, including the assigning of a magistrate to supervise a proceeding."

51. The Department of Justice supports concept of extra remuneration for the managing Magistrate, distinguishing that position from the Delegate on the MHRT by its statutory responsibilities.
52. There are, however, similarities between the two positions. Each is expected to be responsible for the application and development of an efficient and modern determinative structure, and to participate in review of governing legislation. As such, formally or informally, the incumbent is expected to carry an increment of responsibility above that imposed on other Magistrates.

Special considerations for extra remuneration of office

53. There is a view that Magistrates pass through various appointments, formal and informal during their tenure. The salary of a Magistrate is determined against that reality, so variations in responsibility level are already comprehended. According to one submission extra remuneration is unwarranted where there is no dedicated staff, office or budget to manage, or where extra burdens are generated by choice. That submission agrees with this Tribunal that extra time worked should be balanced out through management decisions by the Chief Magistrate.
54. The question of retrospectivity of any determination of extra salary presents a difficult dimension to these claims. Usually when a new Court or Tribunal is created with a hearings environment outside the Magistrates Court, the incumbent Chairperson has separately determined benefits, eg the creation of the Lands and Mining Tribunal and the appointment of Mr Loadman SM to it in 2000..
55. There is no requirement that MHRT hearings have a Chairperson, so administration is vague and must always sheet home to the once removed President (Chief Magistrate). The WHC was created to be presided over by a managing Magistrate, acting at the same level as an ordinary Magistrate taking direction from the Chief Magistrate but having powers over other Magistrates.
56. Should some extra salary be now justified to the two responsible Magistrates, what recognition, if any, should be paid to those Magistrates who performed the same task as predecessors to the current incumbent, or, indeed, to the same Magistrates by way of backdating of the increase?

57. This Tribunal does not back away from recommending the backdating of increases where fair and necessary. In these cases, however, some point has to be picked at which the status quo should no longer maintain.
58. Both mental health and work health are jurisdictions that are growing quickly in their importance to society and in their caseload complexity and volume. This is an Australia-wide phenomenon. If extra salary is to be backdated significantly it may have to be increased by some step or steps during that period of backdating to compensate for the rising responsibility over that time.
59. The Tribunal prefers that there be full state-like compensation for extra judicial responsibility from the point where growth demands its recognition. The Tribunal does not support backdating, possibly across a succession of Magistrates, where it would have to attempt to gauge the level of responsibility that may have been carried by them on each of some series of past milestones.
60. In NSW the extra remuneration for being the senior Magistrate in a Court, eg the Chief Industrial Magistrate, is about 1.75% of the NSW Magistrate salary. In South Australia the increment is 2.8% of the salary of a South Australian Magistrate.
61. The Tribunal is not sufficiently conversant with the responsibilities of the senior Magistrates in NSW and South Australia to be confident that anything more than the minimum precedent figure be recommended for the MHRT and the WHC. Submissions to subsequent inquiries may help obtain a better understanding of where the best comparison can be made and the considerations that should be applied.
62. Section 11(2) of the *Magistrates Act* provides that a Magistrate must not undertake paid employment "outside his or her office under this Act" without the approval of the Attorney-General. Because it can be argued that extra work for the MHRT or the WHC relate to administration under different Acts it is recommended that (as in South Australia) for certainty the extra remuneration recommended should apply only with the approval of the Attorney-General.

REVIEW - LEAVE

Recreation Leave

63. Magistrates in the Northern Territory are entitled to six weeks annual leave. Magistrates in other parts of Australia receive four weeks annual leave.
64. Magistrates claim that an extra week of leave should be granted as part of the compensation for on-duty work, recognising remote travel time and conditions as well as call-outs.
65. The Department of Justice responds that in industries where leave compensation is granted in compensation for out-of-hours work the extent of that out-of hours work is far greater than that exhibited here. Its submission also says that Northern Territory public sector executives on similar salaries to Magistrates are expected to work additional hours without recompense.
66. This issue has a long history. In 1989 the Tribunal accepted that such a "relentless high volume of work" was performed by Magistrates that it should recommend that they be granted six weeks extra leave after every three years of service, for the purpose of undertaking study or attending conferences. This recommendation was accepted.
67. Eight years later in 1997 everyone agreed that the "study leave" entitlement was not working. It was revoked and any balance paid out. An extra week of salary was added to the base salary of Magistrates, and it was expected that all Magistrates would be authorised to attend at least one conference per year. This augmentation embedded some compensation for relatively hard conditions. Together with a further increase to recognise jurisdictional changes it took the Magistrate salary to 75% of that of a Supreme Court Judge and made it the highest in Australia.
68. Magistrates made another case for a week of study leave in 2000. The Tribunal did not agree to this, noting that there was already a right to apply for study leave available to Magistrates through the application of general public sector conditions of service via the nexus clause in the Determination.
69. Magistrates made a case for extra week of recreation leave as compensation for growing out-of-hours work in 2001 and again in 2002. No relative jurisdictional material or local time series comparisons were available so the Tribunal made no recommendation.
70. In 2003, in response to further reference to workloads the Department of Justice drew attention to the unexpected availability of Mr Loadman to share

the workload. As stated, this year the Department submission does not see that extra leave is justified in the Northern Territory executive working environment, but it does note "that some Magistrates have expressed concern with the effects of out of hours duty on their health and to that end Court Support Services will be working with Magistrates to identify strategies to minimise the effects of those duties".

71. The Tribunal needs more evidence of individual workload increase (not just that some individual Magistrates find it hard to cope), along with being able to make a well formed view that an application of extra Magisterial resources is unlikely to occur, before agreeing that extra recreation leave is justified as a general entitlement for all Magistrates. In any case, if leave justification is to be made on this basis, rather than by application of industrial standards, then such leave entitlement may have to include a requirement that all leave be taken in the year following its accrual.

Leave Banking

72. A Magistrate has asked the Tribunal consider introducing an entitlement for Magistrates to buy extra leave in order to better balance work – family commitments ("leave-banking"). Attention has been drawn to favourable experience with such arrangements in Victoria and in Canada, being of particular interest to any Magistrate with dependant children or facing the need to care for frail elderly family members.
73. The Tribunal supposes that salary over the ensuing year would be reduced by the full cost of the number of weeks leave chosen.
74. The Department of Justice is generally supportive of the principle of buying leave, but points out that to ensure smooth administration of the Court, during a leave-bank year the Magistrate would have to: receive the approval of the Chief Magistrate; take the leave in some minimum leave block size; and give a pre-determined period of notice to take each block.
75. From the information available to the Tribunal this entitlement is not in place anywhere else in the Northern Territory public sector payroll system. Consequently, there may need to be advance planning for its introduction to formulate workable guidelines and to ensure that the salary system can handle the arrangement.
76. If suitable guidelines and reassurances are available in time for the next review the Tribunal will formulate a recommendation to create an entitlement of this sort.

REVIEW – VARIATION OF ALLOWANCES AND CONDITIONS

Magistrates on secondment.

77. There is agreement between States and Territories that Magistrates may be seconded to other jurisdictions, with salary and superannuation continuing through the home jurisdiction and certain other conditions, travelling allowance as an example, being paid by the foreign jurisdiction at their own rates and from their own sources.
78. The Department of Justice has requested that this arrangement be allowed under the Determination and the Tribunal has recommended accordingly.

Minor variations to Magistrate entitlements.

79. The Department of Justice has submitted that their administrative office should be able to vary entitlements within the same purpose, at the request of a Magistrate, if there is no extra cost.
80. The Tribunal concurs, but in the interests of transparency, and so that individual Magistrate entitlements do not drift significantly apart, it recommends that its agreement should be part of the variation process. Any variations would then be reported in the next inquiry report by the Tribunal to the Administrator.
81. This concludes the Report.

**Magistrates – Comparative salaries of
State and Territories as at their date of effect
Includes taxable allowances**

	<u>Chief Magistrate</u> \$	<u>Magistrate</u> \$	<u>Date of Effect</u>
Commonwealth ^a	216,330	186,960	1.7.03
New South Wales ^{a1}	233,065	186,450	1.10.03
Victoria ^b	196,800	162,900	29.10.02
Queensland ^c	192,885	173,610	1.7.02
South Australia ^{b1}	213,250	180,750	1.11.03
Western Australia ^a	214,545	190,708	1.1.04
Tasmania ^a	179,092	161,183	1.7.03
ACT ^d	215,203	189,069	1.11.03
Northern Territory ^a (current)	198,716	176,635	1.12.02
Northern Territory (recommended)	215,328	191,401	1.12.03

Notes (1) The Northern Territory Chief Magistrate and other Magistrates are paid an additional air fare allowance of \$3,500 pa.

(2) Comparisons are to be noted with caution, as the jurisdictions of the courts differ. the responsibilities of the Chief Magistrates vary, different approaches are taken to car costs, and superannuation entitlements vary even within each jurisdiction.

(3) Those with recent date of effect may still be within the parliamentary disallowance period.

Footnotes

- a Serviced car provided no cost
a1 Additional Car allowance of \$13,000pa paid but not counted for superannuation purposes.
b Additional car allowance of \$5,400. Salary can be sacrificed for leased government car
b1 Additional car allowance of \$9,549. Salary can be sacrificed for leased government car
c Car provided for circuits or mileage rate paid
d Serviced car provided at nominal cost

NORTHERN TERRITORY OF AUSTRALIA

REMUNERATION TRIBUNAL

RECOMMENDATION No. 1 of 2004

MAGISTRATES OF THE
NORTHERN TERRITORY COURT

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REMUNERATION TRIBUNAL

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MAGISTRATES OF THE NORTHERN TERRITORY COURT

In accordance with a request from the Administrator that the Tribunal from time to time inquire into and report with recommendations on the remuneration and allowances to be paid and other entitlements to be granted to magistrates within the meaning of the *Magistrates Act*, the Tribunal recommends that:

(a) the remuneration payable to magistrates be varied by the Administrator under section 6 of the *Magistrates Act*, effective from 1 December 2003.

	Rate per annum Base salary \$	Rate per annum Salary package \$
Chief Magistrate	215,328	218,828
Coroner	207,352	210,852
Deputy Chief Magistrate	199,377	202,877
Magistrate	191,401	194,901

The salary package includes \$3,500 in lieu of airfares.

(b) the following allowance be determined by the Administrator under section 6 of the *Magistrates Act* in respect of certain magistrates, effective from the date of such Determination:

An allowance payable at the rate of 1.75% of the salary of a Magistrate where:

(a) a Magistrate undertakes administrative responsibilities for the Mental Health Review Tribunal according to the terms of a written direction made by the President of that Tribunal; and

(b) a Magistrate holds the appointment of managing magistrate for the Work Health Court; and

(c) in either case the Attorney-General agrees

(c) where a Magistrate is seconded to a Court in another State or Territory, all or any of the allowances and entitlements, but not remuneration or superannuation, determined for the Magistrate may be varied or replaced to match those applying in that other jurisdiction by agreement, including agreement as to issues such as the source of funding and liability coverage, between the respective Attorney-Generals.

(d) the Department of Justice may, at the request of a Magistrate and with the agreement of the Remuneration Tribunal, vary an entitlement for some other entitlement with the same purpose and at no greater cost.

Dated this sixteenth day of March Two thousand and four.

A handwritten signature in black ink, appearing to be 'O. Alder', written in a cursive style.

O. Alder
Member of the
Northern Territory Remuneration Tribunal