

Premier,

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

Section 7 of the *Salaries and Allowances Act 1975* (the Act) requires the Tribunal, at intervals of not more than twelve months, to inquire into and report to the Minister on the question of whether any alterations are desirable in the salaries to be paid or provided to Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission. The Act provides further that if the Tribunal reports that alterations are desirable it shall recommend the nature and extent of the alterations that should be made.

A copy of the report must be laid before each House of Parliament within five sitting days of that House after the Minister has received the report.

BACKGROUND

It is customary for the Tribunal to conduct its annual inquiries into judicial remuneration during the last quarter of each year, with any recommendations for change being operative from 1 January of the following year.

The Tribunal, in its report of December 2004, recommended the full flow-on to judges in Western Australia of the increase of the final 5 per cent tranche of the three stage adjustment granted to the Federal judiciary since July 2002 as well as a 3.9 per cent normal increase, again in line with the Commonwealth Remuneration Tribunal.

This year, with effect from 1 July 2005, the Commonwealth Remuneration Tribunal recommended an increase of 4.1 per cent for the Federal judiciary.

CURRENT INQUIRY

As part of conducting its current inquiry, the Tribunal placed an advertisement in "The West Australian" newspaper of 9 September 2005 and on its official website calling for submissions from interested persons and organisations. It also wrote directly to all relevant, affected parties.

The Tribunal received submissions from the Government, the Supreme Court, the Registrars of the Supreme Court, the District Court, the Stipendiary Magistrates' Society of Western Australia and a member of the general public. The Tribunal considered all the submissions received.

SUBMISSIONS

Some of the main issues raised in the submissions are outlined below.

Most of the submissions expressed the view that the established relativities between this jurisdiction and the Federal judiciary should be maintained.

The Government submission requested the Tribunal to closely scrutinise the appropriateness of passing on the Federal increase in Western Australia but still supporting the appropriateness of maintaining national relativity in relation to judicial salaries. The Government also submitted that any increase should apply prospectively from 1 January 2006.

The Supreme Court submission argued that existing relativities with Federal courts should be maintained and that the operative date of any increase should align with the Federal Jurisdiction and be retrospective to 1 July rather than prospective to 1 January.

The submission from the Registrars of the Supreme Court reiterated their continuing concerns over the relativity of their salaries with those of the Masters of the Supreme Court.

The submission from the District Court raised concerns in the context of sentencing responsibilities about the remuneration of the Senior Master of the Supreme Court being higher than that of a Judge of the District Court.

In addition to some of the matters raised in other submissions the Magistrates' Society raised issues relating to travel allowances and motor vehicles. These are addressed later in this report.

CONSIDERATIONS

In the formulation of this year's report, the Tribunal has given consideration to the submissions and a range of economic and other indices, as is its usual practice. The indices have included the latest relevant data issued by the Australian Bureau of Statistics, such as the 2005 June Quarter Consumer Price (CPI) Index and Labour Price Index. It also has considered the Western Australian Labour Price Index, Wage Cost Index and Average Weekly Earnings over the last twelve months and the Government's Wages Policy for the current financial year. The Tribunal also has been mindful of increases it has provided to other officeholders under its jurisdiction over the past twelve months

Although a Court of Appeal was established earlier this year, the Court is still to become fully operational and accordingly this matter will be subject to ongoing review by the Tribunal.

The Tribunal has considered the requests to align the effective date of its report with that of the Federal Tribunal. It has stated in earlier reports that it sees no compelling

reasons to change the operative date of its report. It remains of this opinion. Accordingly, the next increase will be effective from 1 January 2006.

RECOMMENDATION

The Tribunal recommends adjustments to the salaries paid or provided to Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission to be in line with those set out in the attached Schedule. For ease of reference, the Schedule consists of a consolidated listing of all the entitlements and benefits provided by way of past and current recommendations of the Tribunal. Specifically, the current recommendation is that a 4.1 per cent increase in remuneration be granted with effect from 1 January 2006.

TABLING OF REPORT

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

Dated at Perth this 30th day of November 2005.

Professor Michael Wood
CHAIRMAN

J A S Mews
MEMBER

M L Nadebaum
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

SCHEDULE

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

REMUNERATION ARRANGEMENTS, INCORPORATING RECOMMENDED ALTERATIONS

1. Salaries

Effective from 1 January 2006, the remuneration of a Puisne Judge of the Supreme Court shall be increased to \$ 300,809 per annum.

Salaries shall consequently be payable at the following rates to Judges, Masters and Magistrates.

Position	\$ per annum
Chief Justice	339,314
President of the Court of Appeal	324,649
Senior Puisne Judge	309,985
senior Judge of the Court of Appeal	309,985
Puisne Judge	300,809
Senior Master of the Supreme Court	278,759
Master of the Supreme Court	270,728
Chief Judge District Court	300,809
Senior Judge District Court	278,759
Judge District Court	270,728
Chief Stipendiary Magistrate	243,654
Deputy Chief Stipendiary Magistrate	230,118
Principal Registrar/Stipendiary Magistrate Family Court	230,118
Stipendiary Magistrates	216,583
Registrars/Stipendiary Magistrates Family Court	216,583
Parliamentary Inspector, Corruption and Crime Commission	120,324

NB: There is no provision for the payment of leave loading on top of the above salaries

2. Travelling and Accommodation Allowance

2.1 Effective from 1 January 2004, where an overnight stay away from home is involved, a travelling and accommodation allowance (inclusive of accommodation, meals and incidentals) shall be payable in accordance with the following rates –

Location	Judges and Masters	Magistrates
Western Australia North of the 26° Latitude	\$340	As per the Public Service Award 1992 – Schedule I plus 5per cent
Sydney	\$350	\$285
Melbourne, Brisbane	\$340	\$255
Perth, Adelaide, Canberra, Darwin & Hobart	\$290	\$215
Other than a Capital City	\$220	\$180

2.2 If the reasonably and properly incurred travelling and accommodation expenses exceed the abovementioned specified rates, the actual costs should be reimbursed. Receipts or vouchers must be provided in support of any claim for reimbursement in excess of the specified rate.

2.3 Claims for overnight stays in the Perth metropolitan area should be subject in each case to the approval of the relevant Chief Judicial Officer.

2.4 Part payment of travelling and accommodation allowance shall apply in the following circumstances, when an entity other than the Judge, Master or Magistrate meets the cost of accommodation and/or meals -

2.4.1 Where the Judge, Master or Magistrate is accommodated in private, non-commercial accommodation, such as the home of a family member or friend, a rate of one third of the specified rate shall be payable.

2.4.2 Where the cost of commercial accommodation is met by an entity other than the Judge, Master or Magistrate, an allowance only of \$95 per overnight stay shall be payable (comprised of: Dinner \$35, Lunch \$25, Breakfast \$16, Incidentals \$19).

2.4.3 Where in the case of commercial accommodation the cost of a meal or meals is met by an entity other than the Judge, Master or Magistrate, the amount of travelling allowance shall be reduced by the relevant amount(s) referred to in the preceding paragraph.

3. Motor Vehicles

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

3.1 Judges, Masters and the Chief Stipendiary Magistrate are entitled to the provision of a prestige vehicle, selected from the Government's Common Use Contract no. 012A1994, Items 1008 (Prestige Class) and 1009 (Restricted Prestige Class), as amended from time to time.

3.2 Magistrates are entitled to the provision of a prestige vehicle selected from Item 1008 (Prestige Class), as amended from time to time.

3.3 Vehicles with supercharged or V8 engines are not included. Availability of Ford LTD or GMH Caprice models are restricted to the Chief Justice.

3.4 Judges, Masters, the Chief Stipendiary Magistrate and Magistrates may choose any vehicle and accessories in the Common Use Contract the total cost of which does not exceed the maximum cost of accessing a vehicle to which an entitlement exists in the relevant Prestige Class.

The total cost will be based on individual usage patterns. Each lease should be tailored to achieve the most cost-effective arrangement, but with the maximum lease term being two years and include any standard accessories (including a tow bar or for those entitled to a prestige vehicle selected from Item 1009 also a sunroof).

Where the total cost of the chosen vehicle and accessories exceeds the maximum cost of accessing a vehicle to which an entitlement exists in the relevant Prestige Class the additional cost must be borne by the individual. This includes the purchase cost of an accessory(ies), the installation cost and removal costs if required before disposal of the vehicle.

3.5 The relevant Chief Judicial Officer must approve the selection of the vehicle and approve that the provision of a 4-wheel drive vehicle is substantiated by operational need.

3.6 All vehicles (being part of the Government-owned State Fleet) should be managed in accordance with the policies and conditions established and amended from time to time by the Department of Treasury and Finance (the effective owner of the State Fleet).

Applicable terms and conditions are currently set out in the document "State Fleet - Agency General Agreement".

3.7 Selection of appropriate vehicles should be subject to consultation between the Department of Justice (as the department administratively supporting the Courts and therefore the "Agency" responsible for managing the leasing arrangements for vehicles provided to Judges, Masters and Magistrates) and the relevant Court.

Although the cost of the vehicles is centrally funded as a consequence of it being an emolument recommended under the *Salaries and Allowances Act 1975*, the area nevertheless remains an administrative responsibility of the Department to manage.

3.8 Where a Magistrate is employed on a part time basis, a pro rata amount should be added to the remuneration in lieu of a motor vehicle. For that purpose, the full value of the vehicle is assessed at \$19,200 per annum.

Dated at Perth this 30th day of November 2005.

Professor Michael Wood
CHAIRMAN

J A S Mews
MEMBER

M L Nadebaum
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

**SALARIES AND ALLOWANCES TRIBUNAL
DETERMINATION VARIATION
SALARIES AND ALLOWANCES ACT 1975**

PREAMBLE

The Tribunal has today issued a report under section 7 of the *Salaries and Allowances Act 1975* to the Minister recommending an adjustment effective from 1 January 2006 in the remuneration to be paid to Judges of the Supreme and District Courts, Masters of the Supreme Court, Magistrates and The Parliamentary Inspector of the Corruption and Crime Commission. The adjustment provides for an increase in remuneration of 4.1 per cent.

The section 7 report is required to be laid before each House of Parliament within five sitting days of the House after its receipt by the Minister. Either House of Parliament, within 15 sitting days of that House after a copy of the report has been laid before it, may pass a resolution disapproving a recommendation made by the Tribunal.

This determination provides for the increase to flow through to the linked “judicial” positions of Registrar in both the Supreme and District Courts, and Senior Legal Officer positions in the Office of the Director of Public Prosecutions and the Department of Justice. Should either House of the Parliament disallow the remuneration adjustment recommended in the section 7 report, this determination, insofar as it deals with these positions, shall cease to have effect from the date that House passes such a resolution.

The Tribunal has reviewed the salaries of the Clerks and Deputy Clerks of the Parliament and issues a determination on their salaries.

DETERMINATION VARIATION

The determination of the Salaries and Allowances Tribunal made on 7 April 2005 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975* (as varied from time to time) is hereby varied by a further determination, to make the amendments set out below.

1. Insert and replace, as the case requires, in Part 1 of the First Schedule the following:

AGENCY	OFFICE	CLASSIFICATION
Office of the Director of Public Prosecutions	Director Legal Services	\$243,654
Note: Effective from 1 January 2006	Consultant State Prosecutor	\$203,507
Department of Justice	State Solicitor	\$270,728
Note: Effective from 1 January 2006	Parliamentary Counsel	\$270,728
	Queen’s/Senior Counsel	\$257,190
	State Counsel	\$243,654
	Deputy State Solicitor	\$230,118
	Deputy Parliamentary Counsel	\$230,118
	Senior Adviser, State Solicitor’s Office	\$216,583

2. Insert and replace, as the case requires, in the Second Schedule the following:

Pursuant to section 6(1)(d) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the following remuneration levels with effect from 1 January 2006:

AGENCY	OFFICE	CLASSIFICATION
Supreme Court	Principal Registrar	\$232,555
	Registrar	\$205,943
District Court	Principal Registrar	\$216,583
	Registrar	\$203,507
	Deputy Registrar	\$182,986

3. Insert and replace, as the case requires, in the Fourth Schedule the following:

Pursuant to section 6(1)(c) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the following remuneration levels with effect from 1 January 2006:

OFFICE	CLASSIFICATION
Clerk of the Legislative Council	\$160,000
Deputy Clerk of the Legislative Council	\$122,000
Clerk of the Legislative Assembly	\$160,000
Deputy Clerk of the Legislative Assembly	\$122,000

Dated at Perth this 30th day of November 2005.

Professor Michael Wood
CHAIRMAN

J A S Mews
MEMBER

M L Nadebaum
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL