

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 responsible on the question of whether any alterations are desirable in the remuneration 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 to 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

The Tribunal issued its last report on the remuneration of the judiciary on 27 November 2009. In so doing, it provided for remuneration increases that maintained the national hierarchy of the Courts. These increases took into account changes in work value that have affected the judiciary in the Western Australian Courts and in the Federal Courts.

In August 2010, the Commonwealth Remuneration Tribunal (CRT) recommended a 4.1 per cent increase in remuneration for the Federal judiciary based on cost of living increases. In October 2010, the CRT recommended an additional 1.5 per cent increase based on work value identified in its 2009 *Review of Remuneration Relativities among Australia's Federal Courts*.

CURRENT ENQUIRY

In discharging its statutory requirements with respect to the remuneration of the judiciary, the Tribunal's approach has been to:

- advertise for public submissions;
- write to key office holders; and
- consider relevant labour market and economic data.

This process provides an opportunity for members of the public, the Government, the judiciary themselves or any other interested party to make a submission. It also helps to inform the Tribunal of changes which might have taken place in the roles or responsibilities of the judiciary over the past year and other remuneration issues.

The Tribunal received submissions from the Minister for Commerce on behalf of the Government of Western Australia, the Chief Justice, the Chief Judge of the District Court, the Magistrates' Society of Western Australia, the Parliamentary Inspector of the Corruption and Crime Commission and a member of the public. The Tribunal considered all the submissions received.

SUBMISSIONS

Some of the main issues raised in the submissions were:

- whether the salary increases provided to the Federal judiciary should flow on to the Western Australian judiciary;
- that the Tribunal revisit the accommodation allowances in light of increased costs in the mining regions;
- whether the salary of a Magistrate should be increased to 88.8 per cent or no less than 85 per cent of the salary of the Chief Magistrate; and
- whether Western Australian judicial salaries should remain unchanged due to recent salary increases.

A submission from the Minister for Commerce noted that the outlook for the Western Australian economy had improved, with the State in the early stages of economic recovery. However, the Minister indicated that, "with the rapidly changing and highly unpredictable nature of the global economy at present, there are a number of key risks to both the global and domestic economic outlooks." The submission concluded by acknowledging the longstanding tradition of maintaining national relativities in relation to judicial remuneration and invited the Tribunal to consider the Government's Public Sector Wages Policy in its enquiry, even though judicial officers fall outside the scope of the policy.

The Chief Justice, on behalf of the Supreme Court Judges and Master submitted that the Tribunal should recommend an increase in the remuneration of Judges and the Master of 4.1 per cent to maintain parity with the Federal Courts.

The Judges of the District Court submitted that the full 4.1 per cent increase recommended by the CRT should be passed on with effect from 1 January 2010. In addition the Judges submitted that two 'work value' increases of 1.5 per cent effective federally from 1 November 2010 and 1 May 2011, should be passed on with effect from the same dates.

The submission from the Judges of the District Court also drew attention to increased accommodation costs in some mining areas and invited the Tribunal to revisit the accommodation allowances in light of these increases.

Submissions of the Magistrates' Society sought an adjustment of 12.2 per cent and not less than 7.3 per cent to the salaries of Magistrates to increase them to 88.8 per cent or not less than 85 per cent of the salaries paid to the Chief Magistrate. This adjustment was sought on the basis of "*restoring the link between the salary of Magistrates and the salary of the Chief Magistrate*" that existed pre-2007.

The Magistrates' Society also argued that any increase should be implemented as from 1 August 2010 or as soon as practicable thereafter and in any event no later than 1 December 2010.

A submission from a member of the public called for the salaries of judicial officers and court registrars to remain unchanged on account of the recent salary increase awarded to the judiciary.

CONSIDERATIONS

Economic Considerations

Most economic indicators are now showing positive growth and this has been coupled with a generally improved optimism on the State's and National economic outlook.

In the World Economic Outlook report released by the International Monetary Fund (IMF) in October 2010, the IMF downgraded its forecasts for world economic growth. Nevertheless, the fund stated that the Australian economy will grow at three-and-a-half per cent in 2011. However, there were concerns from the IMF that Australian house prices might be overvalued and that a potential reversal in prices could hit household wealth and consumer confidence¹.

The Chamber of Commerce and Industry Western Australia (CCI) has upgraded its growth projections for the state following a stronger than expected finish to the 2009-10 financial year. The CCI revised up its economic growth forecast from 3 per cent to 3.5 per cent in 2009-10. The CCI Chief Economist has indicated that economic growth this financial year will increase by a further 4.5 per cent with all sectors to play an important role. As a result, the CCI was expecting that the economy will be stronger, and continue to rise steadily over the next few years, with growth reaching 6.25 per cent in 2012-13."²

The Reserve Bank's Statement on Monetary Policy for November 2010 stated that the recovery in the global economy is continuing, although conditions clearly differ across regions. Growth remains solid in most of Asia, although below the rapid pace seen earlier this year. Strong growth is also continuing in parts of Latin America. In contrast, in many of the advanced economies, consumption remains subdued and the earlier boost to activity from the dynamics of the inventory cycle is waning, as are the effects of the earlier fiscal expansions.

On the domestic front, the statement found that conditions in the domestic economy continue to evolve broadly in line with the Bank's central scenario and are consistent with recent growth being at around trend pace. There is evidence that private demand is strengthening, offsetting the scaling back in public investment as stimulus projects are completed.

The economy is continuing to benefit from the high level of commodity prices, with nominal income growing very strongly over the past year. The prices of many

¹ <http://www.imf.org/external/pubs/ft/weo/2010/02/index.htm>

² <http://www.wabusinessnews.com.au/en-story/1/81914/CCI-upgrades-growth-forecast-for-WA>

commodities have increased further recently and Australia's terms of trade are estimated to have reached around the highest level since at least Federation. While the terms of trade are expected to decline over the medium term, the recent strength in both resources and agricultural prices has led to an upward revision to the Bank's forecasts for the terms of trade over the next couple of years.³

The Wage Price Index for the period to 30 September 2010 grew by an annual average of 3.6 per cent nationally and 3.8 per cent in Western Australia. In the public sector, the annual average growth of 4.3 per cent in the Wage Price Index for Western Australia was slightly higher than the growth in the national public sector Wage Price Index of 4.0 per cent for the same period.

The Consumer Price Index for the period to 30 September 2010 grew by 2.8 per cent nationally and 3.1 per cent in Perth. These and other relevant indices are shown in Table 1 below.

³ <http://www.rba.gov.au/publications/smp/2010/nov/html/intro.html>

Table 1: National and Western Australian Economy – Quarterly and Annual Average Increases – Selected Economic Indicators 2010

Indicator	Quarterly % Increase	Annual Average % Increase
Perth - Consumer Price Index – Sept Qtr 2010	0.5%	3.1%
National - Consumer Price Index – Sept Qtr 2010	0.7%	2.8%
WA - Wage Price Index – Sept Qtr 2010	1.2%	3.8%
National - Wage Price Index – Sept Qtr 2010	1.4%	3.6%
WA – Wage Price Index – Sept Qtr 2010 – Private Sector	1.2%	3.7%
National – Wage Price Index – Sept Qtr 2010 – Private Sector	1.5%	3.5%
WA – Wage Price Index – Sept Qtr 2010 – Public Sector	1.0%	4.3%
National – Wage Price Index – Sept Qtr 2010 – Public Sector	1.4%	4.0%
WA – Average Weekly Earnings – Aug Qtr 2010	0.5%	4.8%
National - Average Weekly Earnings – Aug Qtr 2010	-0.5%	4.1%
WA – Average Weekly Earnings (Full-time Adult Ordinary Time Earnings) – Aug 2010 Qtr	1.2%	5.7%
National - Average Weekly Earnings (Full-time Adult Ordinary Time Earnings) – Aug 2010 Qtr	0.4%	4.5%
WA Total Employment Growth – Oct 2010	-0.3%	3.4%
National Total Employment Growth – Oct 2010	1.0%	3.4%

Sources: CPI: ABS Cat. 6401.0; WPI ABS Cat. 6345.0; AWE ABS Cat. 6302.0; EG ABS Cat. 6202.0

With improvements in economic performance and forecasts of continuing growth, the Tribunal considered that the public interest required that consideration be given to the remuneration of the judiciary under the principle that has applied since 1990.

Remuneration of Judges

The remuneration of judges of the Supreme Court of Western Australia has been aligned with a percentage of the rate recommended by the CRT for the High Court of Australia. The alignment between the High Court and the Supreme Court continues to be important in maintaining the hierarchy of the Courts in the State and Federal system.

As was the case in 2009, two additional increases of 1.5 per cent have been recommended for the Federal Courts. These increases represent the remainder of the 6 per cent work value increase arising from the CRT's 2009 *Review of Remuneration Relativities among Australia's Federal Courts*. For the reasons outlined in the Tribunal's 2009 report on judicial remuneration, the Tribunal decided these Federal Court salary increases should flow on to the judiciary in Western Australia.

Remuneration of Other Office Holders

In considering the submission of the Magistrates' Society that the remuneration of Magistrates should be increased to restore the pre-2007 relativity with a Chief Magistrate, the Tribunal reviewed the basis of its 2007 decision to adjust the Chief Magistrate's remuneration.

The Tribunal's 2007 report stated that, "The role and work of the Chief Magistrate has been reviewed by the Tribunal. Of particular importance is the impact of growth in the number and locations of the magistrates around the State and the management tasks that have developed as a result of new legislation. The Tribunal is satisfied that there has been a substantial increase in work value and that alignment of the salary of the Chief Magistrate with that of a District Court Judge is appropriate."

The increase in the Chief Magistrate's management responsibilities noted in the Tribunal's 2007 report were not considered to be a reasonable basis for a remuneration flow on to magistrates. The Tribunal also took into account that while other judicial office holders received an increase of 4.2 per cent of salary on 1 January 2008, magistrates received an additional work value based increase of 3.3 per cent resulting in a 7.5 per cent increase in total at that time.

The Tribunal took account of the work value changes mentioned in the submission of the Magistrates' Society, when it decided to apply to magistrates the flow on of two additional increases of 1.5 per cent awarded to the judiciary. These increases were effective from 1 December 2009 and 1 July 2010. In total, magistrates have enjoyed work value based salary increases of 6.3 per cent since the end of 2007. In this report, the Tribunal has recommended that a further 3 per cent increase flow on to all judicial office holders. The Tribunal did not consider that any further recognition of work value increases particular to magistrates were justified.

Motor Vehicles for Judges, Masters and Magistrates

The Tribunal has completed its review of the motor vehicle entitlements of judicial office holders within its jurisdiction and consulted with affected parties. This review has been conducted with reference to the Government's Fleet Policy and Guidelines that became effective on 21 August 2008 and introduced a Fuel Efficiency Policy with specified CO₂ emission targets.

A consultation paper titled *Motor Vehicle Entitlements for the Western Australian Judiciary* was developed by the Tribunal and distributed to key stakeholders in April 2010. The paper examined the existing entitlements in Western Australia and other jurisdictions and set out a list of principles and recommendations to guide the Tribunal's future decisions on judicial motor vehicle benefits.

The principles established by the Tribunal in the paper were based on:

- Operational need;
- Fair value and benefit;
- Efficient, effective and ethical use of state resources;
- Environmental sustainability;
- Adequate safety and security for the judiciary;
- Vehicles commensurate with the status of judicial offices; and
- Personal preference.

There was broad acceptance of these principles among stakeholders and the Tribunal took into account the issues raised in the consultation process. The main issues raised included:

- the importance of judicial independence and that judicial remuneration should not be diminished;
- that there should be no entitlement to forgo a vehicle and claim reimbursement as the determination of the appropriate reimbursement is likely to be fraught with difficulty;
- the District Court contends that the current lease value should not follow the market down as this would constitute a diminution of judicial entitlements;
- that judges be entitled to any vehicle they want and pay any excess themselves; and
- the implication of a broader choice may result in an increase in administration cost due to additional price quoting. Therefore limiting the number of vehicles requested for costing vehicles, to about 2-3 vehicles, would help contain administrative costs.

In addition to the Tribunal's review of motor vehicle entitlements, the Tribunal has been made aware that GM Holden had discontinued production of the Holden Statesman⁴ which represented a benchmark as it was the most expensive of the non four wheel drive vehicles in contract item number 1009 - other than the Holden Caprice, access to which was restricted to the Chief Justice.

In order to fill the gap in the market left by the Statesman, GM Holden made changes to the specifications of the Holden Caprice. The current cost of the Caprice is lower than the cost of the former Statesman.

These changes to motor vehicles have effectively adjusted the motor vehicle availability for the judiciary through factors outside the Tribunal's control. The Tribunal has decided to avoid some of these market driven changes in future by nominating a motor vehicle value rather than referring to contract items that list certain vehicle makes and models. While the value of the provision of judicial motor vehicles is arguably the benefit and utility of the vehicle, rather than the cost to government, the Tribunal has decided to maintain the value of the former benchmark vehicles.

⁴ <http://www.goauto.com.au/mellor/mellor.nsf/story2/9FDF1F824D607A27CA25778F00312C69>

The Tribunal took account of submissions raising concerns regarding any prospect of diminished remuneration and in particular, noted the request of the District Court Judges that the lease value of a vehicle should not follow the market down.

In determining the notional values of motor vehicles applicable to various members of the judiciary, the Tribunal benchmarked the value against the vehicles available under the Tribunal's 2009 report prior to GM Holden discontinuing production of the Statesman. Hence, the Tribunal took account of the lease costs applicable to the Holden Caprice for the Chief Justice, contract item 1009 for Judges and Masters and contract item 1008 for Magistrates. The Tribunal has ensured that the value of the motor vehicle benefits in this report have not been diminished relative to those in the Tribunal's 2009 Report.

It was not within the power for the Tribunal to shield judicial office holders from market forces that will from time to time change the buying power of the Australian dollar. The Tribunal acknowledges that the buying power of both judicial salaries and benefits in respect of motor vehicles, will from time to time be affected by factors such as changes in the currency exchange rate and the purchase price of goods and services. In the case of motor vehicle leases, these will be affected by such factors as motor vehicle purchase prices, fuel prices, the cost of vehicle insurance and maintenance, changing vehicle specifications and the residual values of vehicles at the end of the lease term.

The Tribunal could not possibly control such market factors, however in framing its recommendations has ensured that once an office holder has ordered a motor vehicle and accessories at an agreed lease cost, the office holder should not be required to pay any additional costs for that vehicle for the term of the lease, even if there is a lease cost increase during the term of the lease. On a similar basis, the Tribunal considered it would not be appropriate for office holders to change their vehicle or its specifications prior to the end of a lease term in order to take advantage of a reduction in the lease cost of a vehicle during the term or an increase in the benefits determined in relation to motor vehicles.

The Tribunal took account of submissions supporting increased choice, but also noted a submission raising the prospect of a potential impact on contractual arrangements with fleet management contractors and administrative costs that could arise if office holders requested quotations of costs on a large number of "off contract" vehicles. Accordingly, the Tribunal has determined that office holders may request not more than three quotations for "off contract" vehicles when seeking to select a vehicle for a new lease. There is no such limitation on seeking quotations for vehicles already on the Government's Common Use Contract.

Consistent with previous determinations on judicial motor vehicle arrangements, the Tribunal has determined that the selection of vehicles will be subject to consultation between the Department of the Attorney General and the Courts.

The Tribunal also decided that the selection of motor vehicles should also reflect adherence to principles set out in section 3.3 of the schedule to this Report which demonstrate respect for tax payers' interests and extend personal choice to the individual.

The Tribunal also decided that there should continue to be no capacity for office holders to take cash in lieu of their motor vehicle benefits bearing in mind the impact this would have on Judges pensionable salaries.

The new approach of the Tribunal to determining benefits related to the provision of motor vehicles for the Judiciary is to be regarded as a trial and will be subject to evaluation and review. Any unintended consequences resulting in cost escalations or significant administrative issues will be considered and addressed in future determinations of the Tribunal.

Travelling and Accommodation Allowance

In 2009, the Tribunal reviewed the travelling and accommodation allowance taking into account submissions from office holders and decided to adopt the Australian Taxation Office (ATO) reasonable benefit limits.

The District Court Judges submitted that the ATO reasonable benefit limits are not sufficient to cover the expenses for Judges north of the 26th parallel. This is particularly apparent at Port Hedland as well as other areas such as Kalgoorlie.

The reason for the Tribunal adopting the ATO reasonable benefit limits in 2009 was twofold. Firstly it aligned the Travel and Accommodation Allowances with the allowances used by the Commonwealth Courts. Secondly, the ATO reasonable benefit limits were generally more favourable than accommodation rates set under the Public Service Award 1992 for those who fell in the top salary range for Travel Allowances.

Under Section 2.1 of the Tribunal's determination, *"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."*

The above clause is intended to cover situations like those mentioned in the submission of the District Court Judges, where a mining boom and lack of available accommodation has led to increased accommodation costs above the ATO reasonable benefit limits. The Tribunal considered that the process of claiming actual costs on the production of receipts should not be an impediment to judicial office holders finding suitable accommodation in high cost locations. Therefore, no adjustment has been made to the current travel and accommodation allowances determined by the Tribunal.

Principal Registrar/Magistrate Supreme Court

The Principal Registrar of the Supreme Court has requested that the position currently referred to in the 2009 Judicial Report as "Principal Registrar/Magistrate, Magistrates' Court", be designated as "Principal Registrar/Magistrate, Supreme Court". This was intended to clarify some confusion about the designation of the position. It is also intended to more properly reflect the responsibilities of a Principal Registrar of the Supreme Court who is also appointed as a Magistrate. Following consultation with the Chief Justice, the Tribunal agreed to the change in designation.

Timing

Historically, there has been a six month difference between the timing of adjustments to remuneration in the Federal and State Courts. The Tribunal has in the past made allowance for this within the relativity established under the arrangement which flows from the relationship with remuneration of the High Court. On this occasion, the CRT recommendation, subject to disallowance in the Parliament, will have effect from 1 August 2010 (4.1 per cent) and 1 November 2010 (1.5 per cent). To give effect to the next instalment of the work value adjustment within the time frame set down by the CRT, a further adjustment of 1.5 per cent will have application in May 2011.

To accommodate these adjustments, the Tribunal has decided to recommend that the remuneration of judges in this State be increased by 3.6 per cent with effect from 1 November 2010 and that the level of remuneration be further adjusted by 3.52 per cent with effect from 1 May 2011.

This recommendation maintains alignment for judicial remuneration with Federal Courts but also takes into account differences in timing of increases which have been applied in Western Australia.

RECOMMENDATION

The Tribunal recommends adjustments to the remuneration 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.

These adjustments take into account changes in work value for the Chief Justice and other members of the judiciary including magistrates that were initially indentified in the Tribunal's November 2009 Report and resulted in progressive adjustments to reflect movements in the Federal arena. While generally maintaining the alignment with those rates, the particular timing and relativities arising from this recommendation continue to recognise the structure of remuneration levels in Western Australia.

Specifically, the current recommendation is that a 3.6 per cent increase in remuneration be granted to Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission with effect from 1 November 2010 with a further 3.52 per cent increase in remuneration with effect from 1 May 2011.

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 26th day of November 2010.

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
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 OF THE CORRUPTION AND CRIME COMMISSION

REMUNERATION ARRANGEMENTS, INCORPORATING RECOMMENDED ALTERATIONS

1. Remuneration

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

POSITION	REMUNERATION (effective from 1 November 2010)	REMUNERATION (effective from 1 May 2011)
Chief Justice	\$432,561	\$447,790
President of the Court of Appeal	\$404,857	\$419,107
Senior Puisne Judge	\$386,570	\$400,176
Senior Judge of the Court of Appeal	\$386,570	\$400,176
Puisne Judge	\$375,127	\$388,331
Senior Master of the Supreme Court	\$347,629	\$359,864
Master of the Supreme Court	\$337,614	\$349,497
Chief Judge District Court	\$375,127	\$388,331
Senior Judge District Court	\$347,629	\$359,864
Judge District Court	\$337,614	\$349,497
Chief Magistrate	\$337,614	\$349,497
Deputy Chief Magistrate	\$295,940	\$306,356
Principal Registrar/Magistrate Supreme Court *	\$295,940	\$306,356
Principal Registrar/Magistrate Family Court *	\$295,940	\$306,356
Magistrates	\$278,532	\$288,335
Registrars/Magistrates Family Court *	\$278,532	\$288,335
Parliamentary Inspector, Corruption and Crime Commission	\$150,050	\$155,331

* The relevant office holders have Commissions to be Magistrates while having been given leave to hold the offices of Registrar and Principal Registrar as the case may be.

2. Travelling and Accommodation Allowance

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 relevant Australian Taxation Office reasonable benefit limit applicable from time to time and where accompanied by certification that the expense was appropriately incurred.

- 2.1 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.
- 2.2 Claims for overnight stays in the Perth metropolitan area should be subject in each case to the approval of the relevant Chief Judicial Officer.
- 2.3 Part payment of travelling and accommodation allowances shall apply in the following circumstances:
 - 2.3.1 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.
 - 2.3.2 Where the cost of commercial accommodation is met by an entity other than the Judge, Master or Magistrate, an allowance shall be payable in accordance with the relevant Australian Taxation Office reasonable benefit limit for meals and incidentals applicable from time to time and where accompanied by certification that the expense was appropriately incurred.
 - 2.3.3 Where in the case of commercial accommodation referred to in 2.3.2 above, 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 each Judge, Master and full-time Magistrate for the provision of a fully maintained motor vehicle for business and private use.

- 3.1 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".

- 3.2 Selection of appropriate vehicles should be subject to consultation between the Department of the Attorney General (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 benefit recommended under the *Salaries and Allowances Act 1975*, the area remains an administrative responsibility of the Department to manage in a cost effective manner.
- 3.3 In providing for the use of a motor vehicle under this arrangement, the Tribunal requires that office holders and the Department of the Attorney General will take account of the following principles established by the Tribunal. The provision of a motor vehicle should:
- meet the operational conveyance needs of the judiciary;
 - be representative of fair value and benefit;
 - be supportive of the efficient, effective and ethical use of State resources;
 - be consistent with current principles of environmental sustainability, in particular, fuel efficiency and Government emissions targets;
 - provide for adequate safety and security of judicial office holders;
 - be commensurate with the status of judicial offices; and
 - where private use of a vehicle is permitted, provide scope for personal preference in choice of motor vehicle consistent with the above principles.
- 3.4 For the purposes of determining the value of the motor vehicle lease relative to the value of the relevant benefit set out in this determination, the lease value shall be based on a whole of life lease over two years/40,000 kilometres. The lease value will be determined at the time of ordering the motor vehicle and will be inclusive of the cost of accessories. No additional costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.
- 3.5 Motor vehicles leased for judicial office holders shall not be changed prior to the expiration of the lease unless it is for operational reasons approved by the relevant Chief Judicial Officer in consultation with the Department of the Attorney General.
- 3.6 The Chief Justice is entitled to the provision of a vehicle to the notional value of \$27,300.
- 3.7 Judges, Masters and the Chief Magistrate are entitled to the provision of a vehicle to the notional value of \$26,900.
- 3.8 Magistrates are entitled to the provision of a vehicle to the notional value of \$25,400.
- 3.9 Judges, Masters, the Chief Magistrate and Magistrates may choose any vehicle and accessories in the Common Use Contract or an "off contract" vehicle and accessories available under Government leasing arrangements, the total cost of which does not exceed the maximum cost of accessing a motor vehicle benefit determined in this report. Where the total cost of the chosen vehicle and

accessories exceeds the maximum cost of accessing a motor vehicle benefit determined in this report, the additional cost must be borne by the individual. This includes the purchase cost of any accessories and the installation cost and removal costs if required before disposal of the vehicle.

- 3.10 In order to contain additional administrative costs associated with “off contract” leases, office holders may request cost quotations for not more than three vehicles outside the Government’s Common User Contract for motor vehicles, in the process of selecting a vehicle under this arrangement.
- 3.11 Vehicles with supercharged or V8 engines are not included. Turbo charged engines with a capacity greater than 3.0 litres are not included.
- 3.12 Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage patterns.
- 3.13 The relevant Chief Judicial Officer must approve the selection of the vehicle and approve that the provision of an off road vehicle and factory fitted “roo” bar is substantiated by operational need. Off road vehicles shall be of a standard, the cost of which does not exceed the lease value of the Toyota Prado GXL Auto 3.0 litre Turbo Diesel fitted with “roo” bar (air bag compliant). This includes the purchase cost of other essential accessories approved by the relevant Chief Judicial Officer.
- 3.14 For the Magistrate resident in Kununurra, use of the Government provided vehicle is permitted to and from Darwin for periods of up to seven days under the same conditions as if the vehicle were in Western Australia. Under the State Fleet – Agency General Agreement, office holders are required to seek approval from State Fleet for travel outside Western Australia for periods of seven days or more.
- 3.15 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 \$24,000 per annum.
- 3.16 Where an acting Magistrate is employed for less than two years, a pro rata amount should be added to the remuneration in lieu of a motor vehicle. For this purpose, the full value of the vehicle is assessed at \$24,000 per annum.

Dated at Perth this 26th day of November 2010.

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL