



**NORTHERN TERRITORY OF AUSTRALIA
REMUNERATION TRIBUNAL**

**REPORT AND DETERMINATION
NO. 1 OF 2024
ON THE ENTITLEMENTS OF
LOCAL COURT JUDGES**

INTRODUCTION

1. The Tribunal is established by section 17(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*. Under the Act, the Tribunal may consist of up to three members. There are currently three members.
2. Under that Act, the entitlements of Local Court Judges must be reviewed by the Tribunal at least once annually. Reports of the Tribunal, including the resulting Determinations, are required to be provided to the Minister, and the Minister must table each report in the Legislative Assembly within six sitting days of receipt.
3. Section 55(2) of the *Local Court Act 2015* provides that the salary, allowances and other benefits to which a Local Court Judge is entitled, must not be altered to the Judge's detriment during the Judge's term of office.
4. Entitlements were reviewed and last determined on 11 October 2023. The Determination took effect from 11 October 2023.
5. This Report and Determination completes this review.


CONDUCT OF THE REVIEW

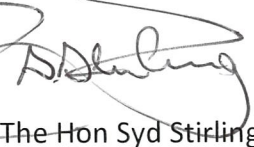
7. On 15 March 2024, Mr Chris Cox, Executive Director, Justice Services, Department of the Attorney- General and Justices wrote a letter to the Remuneration Tribunal requesting an urgent review into the Local Court Judge Long Service Leave Entitlements.
8. The Tribunal met with the Executive Director, Justice Services and the Chief Judge of the Local Court to discuss the subject of the review.

REVIEW OF THE LONG SERVICE LEAVE ENTITLEMENT

9. The Tribunal has determined that where a Local Court Judge is appointed for a period of time as an Acting Judge or Acting Associate Judge of the Supreme Court, such appointments will not break the continuity of service as a Local Court Judge for the purposes of Long Service Leave Entitlements.

Dated: 28 March 2024


Mr Michael Martin OAM
Chairperson


The Hon Syd Stirling AM
Member


Mr Gary Higgins
Member



NORTHERN TERRITORY OF AUSTRALIA

Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006

DETERMINATION OF ENTITLEMENTS OF LOCAL COURT JUDGES

The Remuneration Tribunal:

- (a) under section 7(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006* and with reference to section 43 of the *Interpretation Act 1978*, revokes the determination of salary, allowances and other benefits for Local Court Judges dated 24 October 2022;
- (b) under section 7(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*, determines the entitlements of Local Court Judges as set out in the Schedule (the "Determination"); and
- (c) under section 21(4) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*, determines the date of effect of the Determination to be 02 April 2024.

Mr Michael Martin OAM
Chairperson

The Hon Syd Stirling AM
Member

Mr Gary Higgins
Member

Dated: 28 March 2024

SCHEDULE

DETERMINATION NO. 1 OF 2024 LOCAL COURT JUDGES

This Determination sets out the entitlements of Local Court Judges appointed under section 53(1) of the Northern Territory *Local Court Act 2015*

PART 1 – GENERAL

1.1 Definitions: In this Determination:

'Coroner' means the Local Court Judge appointed to be the Territory Coroner under the [Coroners Act 1993](#);

'employee' means an employee within the meaning of the [Public Sector Employment and Management Act 1993](#); and

'Local Court Judge' means a Judge appointed under section 53(1) of the [Local Court Act 2015](#).

1.2 Secondment to a Court in a State or another Territory: If a Local Court Judge is seconded to a Court in a State or another Territory, all or any of the allowances and other benefits (other than salary and superannuation) provided for by this Determination may be varied or replaced to match the allowances and other benefits payable in that State or Territory, subject to the agreement of the Minister and the relevant minister of the State or Territory.

1.3 Recognition of Service for the purposes of Long Service Leave: Where a Local Court Judge is appointed for a period of time as an Acting Judge or Acting Associate Judge of the Supreme Court, the period of such appointments will count as service as a Local Court Judge for the purposes of Long Service Leave Entitlements, except where such service may subsequently be recognised as service for the purpose of service as a Judge pursuant to Part 5AA of the *Supreme Court Act 1979*.

PART 2 – SALARY AND ALLOWANCES

2.1 Annual salary: The annual salary of a Local Court Judge is specified in **Table 1**.

Table 1
Annual Salary effective 1 July 2022

Office	Annual Salary
Local Court Chief Judge	\$417,147
Local Court Deputy Chief Judge	\$386,668
Coroner	\$401,906
Local Court Judge	\$371,476

2.2 Allowance for additional duties:

2.2.1 Other additional duties: An allowance at a rate equal to 1.75% of the salary of the Local Court Judge is payable:

- (a) while the Local Court Judge holds the appointment of managing Local Court Judge for the Work Health Court; or
- (c) while the Local Court Judge has been allocated the role of managing the Youth Justice Court; or
- (d) while the Local Court Judge, not being a Local Court Judge performing special administrative duties under direction of the Chief Judge, holds the appointment of Deputy President of the Northern Territory Civil and Administrative Tribunal.

PART 3 – TRAVEL

3.1 Travel on official duty: For this Part, "travel on official duty" means the following:

- (a) travel while on duty in the Territory;
- (b) travel to attend a conference mentioned in clause 3.3; and
- (c) travel for a purpose approved by the Chief Judge and endorsed by the Chief Executive Officer or Minister.

3.2 Class of travel: A Local Court Judge is entitled to travel business class, if available, for travel on official duty by air.

3.3 Travel to conference: Each financial year, a Local Court Judge is entitled to attend:

- (a) one relevant interstate conference, subject to the approval of:
 - (i) for the Chief Judge – the Chief Executive Officer; or
 - (ii) for any other Local Court Judge – the Chief Judge; or
- (b) One nominated overseas conference every two years, subject to the approval of:
 - (i) for the Chief Judge – the Chief Executive Officer and the Minister; or
 - (ii) for any other Local Court Judge – the Chief Judge and the Minister;
- (c) The nominated conferences are the Biennial Criminal Lawyers Association N.T Conference in Bali or the NT Bar Association Conference in Timor-Leste.

3.4 Travelling allowance: Travelling allowance is payable to a Local Court Judge for travel on official duty.

3.5 Rates of travelling allowance within Australia: The rates of travelling allowance for travel on official duty involving an overnight stay are those specified in Table 2.

Table 2
Daily Rate
Effective from 1 January 2024

Daily rate of travelling allowance	
If the travel is to:	The daily rate is:
Melbourne, Sydney or Perth	\$464
Darwin	\$492
Brisbane	\$456
Adelaide	\$408
Canberra	\$445
Hobart	\$395
Gold Coast	\$408
Jabiru	\$429
Yulara	\$639
Broome	\$444
Kununurra	\$403
Karratha	\$434
Port Hedland	\$437
Exmouth	\$404
Thursday Island	\$457
Cocos (Keeling) Islands	\$530
Norfolk Island	\$506
Horn Island	\$494
Nhulunbuy	\$429
Christmas Island	\$397
Any other place in Australia	\$429

- 3.5.1 Rate for meals and incidentals only:** If an entity other than the Local Court Judge pays for accommodation, the amount of travelling allowance payable for each day is the total amount specified in column 2 of Table 3.

Table 3
Rate for Meals and Incidentals
Effective from 1 January 2024

Column 1	Column 2 Rate
Breakfast	\$38.90
Lunch	\$55.00
Dinner	\$77.00
Incidentals	\$32.90

Meals provided: If an entity other than the Local Court Judge pays for a meal, the travelling allowance payable must be reduced by the rate specified in column 2 of Table 3 for that meal.

Example: If a conference provides a dinner, the payment to the Local Court Judge for meals and incidentals for that day must be reduced by the rate specified in column 2 of Table 3 for dinner.

3.5.2 Non-commercial accommodation: If the Local Court Judge is accommodated in private non-commercial accommodation (such as the home of a family member or friend), the daily rate of travelling allowance they shall be paid the full allowance for 'Meals and Incidentals' in accordance with Table 3.

3.5.3 Government owned accommodation: If the Local Court Judge is accommodated in accommodation owned by the Government (such as Visiting Officer Quarters (VOQ) or a government provided flat), they shall be paid the full allowance for 'Meals and Incidentals' in accordance with Table 3.

3.6 Travel not involving overnight stay: If a Local Court Judge is on circuit duty for 5 hours or more that does not involve an overnight stay, the Local Court Judge is entitled to an allowance at the daily rate of \$127.

3.7 Overseas travel: Rates to be paid in accordance with Australian Government Taxation Office Taxation Determination TD 2023/3 or any subsequent taxation determination made in substitution of that determination.

PART 4 – VEHICLE AND TELEPHONE

4.1 Motor vehicle: A Local Court Judge is entitled to be provided with a 4-cylinder motor vehicle with private number plates for his or her official duties.

4.1.1 Vehicle model: The vehicle provided must be the model indicated in Table 4 or a motor vehicle specified for the purpose of this clause and listed in the Tribunal document "Entitlements of Local Court Judges Vehicles Approved as being of an Equivalent Standard" as in force from time to time.

4.1.2 Running costs: The costs of owning the vehicle and of running and maintaining it in the Territory are to be paid by the Territory.

4.1.3 Private use of vehicle: A Local Court Judge is entitled to reasonable private use of the motor vehicle when it is not needed or not likely to be needed for official purposes and may:

- (a) nominate, on a journey by journey basis, another person as the person authorised to use the motor vehicle during the course of that journey;
- (b) subject to clause 4.1.4 – keep the motor vehicle at his or her residence while it is not in use; and

- (c) use the motor vehicle while on leave in the Territory or elsewhere in Australia if he or she pays for all the fuel used in driving the motor vehicle and all the other costs of running and maintaining the motor vehicle while on leave outside the Territory.

Table 4
Entitlements of Local Court Judges Vehicles Approved
as being of an Equivalent Standard

Office	Vehicle Model
Local Court Chief Judge	<ul style="list-style-type: none"> • Mazda 6 Atenza – Sedan or Wagon • Kia Sportage GT Line • Mitsubishi Outlander PHEV <p>Electric Vehicles</p> <ul style="list-style-type: none"> • Kia EV6 GT
Local Court Deputy Chief Judge and Coroner	<ul style="list-style-type: none"> • Toyota Kluger GXL • Toyota Kluger GX Hybrid • Ford Everest Ambient RWD <p>Electric Vehicles</p> <ul style="list-style-type: none"> • Kia Niro GT • Hyundai Kona Highlander • All vehicles below
Local Court Judge	<ul style="list-style-type: none"> • Hyundai Santa Fe Active 2WD Station Wagon • Kia Sportage SX Plus AWD • Mazda 6 Sports Sedan or Wagon • Mazda CX5 GT AWD Station Wagon • Subaru Forester Premium Station Wagon • Subaru Outback Touring Station Wagon • Toyota RAV4 Edge AWD • Toyota RAV4 Cruiser Hybrid AWD • Camry SL Hybrid Sedan • Volkswagen Tiguan 110 TSI Life <p>Electric Vehicles</p> <ul style="list-style-type: none"> • Kia Niro S • Hyundai Kona Elite • Nissan Leaf

4.1.4 Responsibility of Local Court Judge: A Local Court Judge must:

- (a) ensure that when the motor vehicle is being used for private purposes, it is used properly and in accordance with this clause;
- (b) ensure that any credit card given to him or her by the Territory to pay the running costs of the motor vehicle is used solely for that purpose;
- (c) comply with the operating guidelines (if any) of NT Fleet relating to the motor vehicle;

- (d) be responsible for the due preservation of the motor vehicle and account for any undue damage to it; and
- (e) comply with the directions (if any) of the Local Court Chief Judge or a person acting under the authority of the Local Court Chief Judge that relate to parking the motor vehicle and access to and use of the motor vehicle for official purposes by other persons while the motor vehicle is not in use (including while the Local Court Judge is on leave).

4.1.5 Accidents involving vehicle: Any provisions in force in the Agency at the date of the making of this Determination relating to accidents involving departmental vehicles apply to a Local Court Judge as if the Local Court Judge were an employee of the Agency.

Residential telephone: A Local Court Judge is entitled to be provided with a telephone for his or her residence with the installation and rental costs of the telephone to be paid by the Territory.

- 4.2 Mobile telephone:** A Local Court Judge is entitled to be provided with a smart phone.
- 4.3 Communication allowances:** The quarterly costs of the mobile telephone, residential phone, internet charges and facsimile charges, are to be paid by the Territory up to the maximum quarterly limit of \$1 150.
- 4.4 Security Assessment:** A Local Court Judge is entitled to be reimbursed up to \$1000 per annum for the implementation of security measures which have been identified in a generic security assessment or identified in individual security assessments.

PART 5 – LEAVE

- 5.1 Application of Part 2 of *Public Sector Employment and Management By-laws*:** Subject to clause 5.3, Part 2 of the *Public Sector Employment and Management By-laws* as in force from time to time (the "By-laws") apply to a Local Court Judge, with the modifications specified in clause 5.2, as if the Local Court Judge were an employee.
- 5.2 Modifications to By-laws:** Part 2 of the By-laws is applied with the modifications specified in this clause.
 - 5.2.1 Recreation leave:** For by-law 4 of the By-laws, "annual credit" is taken to be a period of 6 weeks.
 - 5.2.2 Purchase of additional credits:** Local Court Judges may elect to purchase additional leave up to a limit of four weeks per year subject to the following conditions:
 - (a) approval to the purchase is to be given by the Chief Judge of the Local Court;

- (b) if the Chief Judge of the Local Court wishes to purchase additional credits the approval of the CEO of the Department of the Attorney-General and Justice is required;
- (c) Local Court Judges will have their annual salary (and fortnightly salary payments) reduced accordingly;
- (d) purchased leave counts as service for all purposes;
- (e) where a Local Court Judge (including the Chief Judge and Deputy Chief Judge) has accrued purchased leave entitlements in excess of one year, the Chief Judge will direct the Judge to take the leave within a six month period to reduce the accrued purchased leave to the equivalent of one year of entitlements; and
- (f) in the event that the excess purchased leave is not taken, it will lapse and the Judge who purchased the leave will receive the cash equivalent of the original purchase.

5.2.3 Long service leave in lieu: A Local Court Judge has a special entitlement to a payment in lieu of long service leave on resignation from employment as follows:

- (a) 22.5 calendar days after seven completed years of service;
- (b) 45 calendar days after eight completed years of service;
- (c) 67.5 calendar days after nine completed years of service.

Payment under this provision is calculated using the following formula:

$$\frac{\text{Calendar days}}{30} \times \frac{\text{annual salary}}{12}$$

5.2.4 Terminology: The terminology of Part 2 of the By-laws is modified as follows:

- (a) a reference to the Agency is taken to be a reference to the Local Court;
- (b) a reference to Chief Executive Officer is taken to be a reference to:
 - (i) for the Local Court Chief Judge – the Chief Executive Officer; and
 - (ii) for any other Local Court Judge – the Local Court Chief Judge; and
- (c) a reference to an employee is taken to be a reference to a Local Court Judge.

5.3 Determination prevails: If there is a conflict between a provision of this Determination and a provision of the By-laws as applied by this Part, the provision of this Determination prevails and, to the extent of the inconsistency, the provision of the By-laws has no effect in relation to the accrual or utilisation of leave by a Local Court Judge.

PART 6 – SUPERANNUATION

6.1 Definitions: For this Part:

'CSS' means the Commonwealth Superannuation Scheme;

'NTGPASS' means the Northern Territory Government and Public Authorities Superannuation Scheme; and

'NTSSS' means the Northern Territory Supplementary Superannuation Scheme.

6.2 Employer contributions: A Local Court Judge is entitled to employer superannuation contribution as follows:

- (a) if the Local Court Judge is a member of the CSS or a member of the NTGPASS and NTSSS – the contributions required are to be made under the respective scheme; or
- (b) in any other case – contributions to a complying superannuation fund chosen by the Local Court Judge of the minimum amount necessary to avoid an individual superannuation guarantee shortfall within the meaning of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth in the respect of the Judge.

6.3 Employee contributions: A Local Court Judge may elect to have up to 50% of salary payable to him or her under clause 2.1 paid into a superannuation scheme nominated by the Local Court Judge.

PART 7 – RELOCATION EXPENSES

7.1 Application: This Part applies to the following:

- (a) a person who is required to move from another location in order to take up appointment as a Local Court Judge; and
- (b) a Local Court Judge who transfers from one location to another.

7.2 Cost of conveyance: The person is entitled to the costs of conveyance of the person, family members and reasonable household furniture and effects to the new location.

7.3 Relocation allowance: A Local Court Judge is entitled to a relocation allowance for a period of six fortnights at the following fortnightly rates:

- (a) Local Court Judge only – \$423;
- (b) Local Court Judge with resident family – \$584.

7.3.1 Resident family: For clause 7.3, the resident family rate is applicable where the employee's spouse, children or any other person who resided with the employee as part of the employee's family prior to relocation, accompanied the employee upon relocation and for whom the cost of that relocation was met by the Territory.

- 7.4 Relocation allowance where directed to relocate:** Where the Local Court Chief Judge has directed a Local Court Judge to relocate to Katherine and that Local Court Judge owns a home in the Northern Territory in his/her name or as a joint tenant or a tenant in common and where the home has not been let during his/her relocation then the Local Court Judge shall be provided with suitable accommodation at Government expense.
- 7.5 Relocation leave:** The Local Court Chief Judge may approve for a Local Court Judge who relocates but not within the town he or she resides for up to four days paid leave for the purpose of travel, packing and unpacking of effects.

PART 8 – SAVINGS

- 8.1 Savings:** This clause applies to Local Court Judges appointed and holding office immediately before the commencement of this determination (**appointed Local Court Judges**).

- 8.1.1** To the extent that a clause (**the altering clause**) of:

- (a) this Determination; and
- (b) a revoked Determination,

would have the effect, if not for this clause, of altering the salary, allowances or other benefits to which an appointed Local Court Judge was entitled immediately before the commencement of this Determination or the revoked Determination (as the case may be) to the Judge's detriment during his or her term of office:

- (c) the altering clause does not apply; and
- (d) the relevant clause of the applicable Determination applies instead, to the appointed Local Court Judge.

- 8.1.2** In this clause:

- (a) "**revoked Determination**" means a Determination made by the Remuneration Tribunal as to the salary, allowances and other benefits of Local Court Judges or Magistrates (as the case may be) which has been revoked; and
- (b) "**applicable Determination**" means the revoked Determination which conferred on the appointed Local Court Judge the entitlement that the altering clause affects as described in subclause 8.1.1.