

Judges and Magistrates Group

Annual Determination

Report and Determination under section
13 of the *Statutory and Other Offices
Remuneration Act 1975*

22 July 2025

(As amended by erratum in Government Gazette Number 315-
6 – Other on 1 August 2024)

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Section 1

Background

Legislative Framework

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (SOOR Act) requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal) to make an annual determination for the remuneration to be paid to office holders on and from 1 July in that year. Section 10A defines ‘remuneration’ as salary or allowances paid in money.
2. The Judges and Magistrates Group comprises those public offices listed in the schedules of the SOOR Act (except for the Court and Related Officers Group and the Public Office Holders Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution (SGC), are additional to the salary amount determined.

NSW Government Wages Policy

3. When making determinations under Part 3 of the SOOR Act, the Tribunal is required to give effect to any policy concerning the remuneration of Office Holders as declared by the regulations. Section 6AB of the SOOR Act applies to the Tribunal’s determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group.
4. *The Statutory and Other Offices Remuneration Amendment Act 2023* commenced on 1 June 2023. It amended the SOOR Act to provide for a temporary freeze in remuneration for office holders under Part 3 and executive

office holders and senior executives under Parts 3A and 3B. The temporary freeze expired on 30 June 2025.

5. On 23 August 2024 the *Statutory and Other Offices Remuneration Regulation 2024* (SOOR Regulation) commenced. The SOOR Regulation repealed and replaced the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013*, with amendments.
6. In anticipation of the scheduled expiry of provisions relating to the 2 year freeze, the *Statutory and Other Offices Remuneration Amendment Regulation 2024* (Amendment Regulation) was made. It amends the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2024* by renaming the Regulation to reflect its expanded application; repealed the *Statutory and Other Offices Remuneration (Executive Office Holders and Senior Executives) Regulation 2023*; and importantly; inserted a new provision under clause 6A to ensure that when making a determination, the Tribunal takes into account the NSW Government's fiscal position. It states:

“the Tribunal must have regard to the fiscal position and outlook of the Government, and the likely effect of making the determination on the position and outlook”

2024 Annual Determination

7. The Tribunal was required to give effect to the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* and the temporary wages policy. For this reason, on 15 July 2024, the Tribunal determined that there would be no increase applied to the salaries payable to office holders in the Judges and Magistrates Group with effect from 1 July 2024.

8. It also determined that there would be no increase to the Conveyance Allowance with effect from 1 July 2024 in accordance with the Tribunal's methodology and the requirements of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013*.

2024-2025 Special Determinations

9. The Tribunal has not made any special determinations relating to the Judges and Magistrates Group under s 14(2) of the SOOR Act, since the 2024 Annual Determination.

Section 2

2025 Annual Review

10. In January 2025, the Tribunal called for submissions from parties with an interest in the 2025 Annual Determination.
11. The Tribunal received 5 submissions from office holders in the Judges and Magistrates Group and one submission from the NSW Government. A list of all submissions for the Judges and Magistrates Group is provided in Appendix 1.
12. Parties who made a submission were also offered the opportunity to meet with the Tribunal. The Tribunal met with 4 office holders from the Judges and Magistrates Group. A full list is provided in Appendix 2.

The Role of the Judiciary

13. A highly capable and robustly independent judiciary is a cornerstone of democracy in NSW.
14. There are many factors which might impact on a person's decision to accept appointment as a Judge. These include the prestige of the position and the nature of the work. Most importantly, it also will reflect a willingness to serve the community. Money is not a key driver. With the exception of lawyers coming from the public sector (e.g. prosecutors, public defenders, and in some rare cases, legally qualified former politicians) almost all new Judges take a pay cut.
15. While entitlement to a judicial pension after 10 years does provide some level of security, an eminent Senior Counsel (or King's Council) must take a very substantial pay cut when he or she accepts appointment as a Judge. No judicial appointments in Australia – including the High Court – can go close to matching that potentially foregone income. But clearly, Judges have to be paid well above

average weekly earnings if the State is to have any chance of attracting the most capable barristers to these critically important roles.

Office Holder Submissions

General themes

16. There were 2 common themes across most individual submissions from the Judges and Magistrates Group, Court and Related Officers Group and the Public Office Holders Group. First, there was a concern about the longer-term impact of the NSW Government mandated temporary remuneration freeze in 2023 and 2024. While there was a general acceptance that the “missing money” is lost forever, many argued that the base for future calculations should be what the current salaries would have been had the freeze not occurred.
17. The essence of that argument is: *we accept we missed out on pay rises in the last 2 years but don't make that impact permanent by ensuring all future years' salaries are “2 years lower” than they otherwise would have been.* Basically, people were not seeking “backpay” but asking for a “catch up” when calculating the current base.
18. However, while the NSW Government’s announcement of the temporary remuneration freeze did not explicitly rule out a future “catch up” amount, it implicitly reset the base for 2025 as being the 2023 figure. The NSW Government submission to the Tribunal argues that any increase determined in 2025 should not exceed 3.5%. This would suggest that the NSW Government does not support any recalibration of future salaries to assume that the freeze did not occur.
19. Secondly, almost all submissions argued for increased compensation because their work is getting harder. Common concerns were that the nature of the work is

becoming more difficult; more stressful; the volume of work is increasing; that in some instances it is becoming more dangerous. Some of these claims were backed by statistical evidence - for example, the dramatically increased percentage of sexual assault trials in the District Court which has significant implications for Judges, Crown Prosecutors and Public Defenders.

20. The submission from the Chief Justice of the Supreme Court of NSW highlights a notable overall increase in the criminal work and civil filings of the Court over the last 3 years. In particular, the area of civil claims for compensation for institutional sexual abuse have increased drastically, with the volume having increased by over 60% in 2022 compared to 2021. Data from 2023 and 2024 show similar trends to 2022, with 626 institutional abuse claims filed in 2022, 864 in 2023 and 736 in 2024.
21. There is a noteworthy trend in the NSW Supreme Court affecting both retention and recruitment. Twenty of its Justices have retired in the last 3 years. That is almost 40% of its membership. Many of these retirements were prior to reaching the mandatory retirement age. A similar trend is emerging in the NSW District Court. Premature retirements disrupt the operations of the Courts, and it takes a long time to replicate the experience that is lost.
22. Simultaneously, recruitment of the highest quality candidates to become new Judges is becoming increasingly difficult. With the relative decline in NSW salaries, a Federal Court appointment becomes more attractive than previously. It pays better and it is less susceptible to what many in the profession would regard, perhaps a little unfairly, as “the vagaries of politics” in relation to remuneration.
23. Other claims were largely anecdotal. The Tribunal does not doubt though that, for the majority of people covered by its determinations, work is generally becoming

harder. But this is a wider societal problem. The same complaint is frequently raised in other forums by all front-line workers and many in executive positions. These are difficult and complex issues for any Government to address. Efforts to ameliorate these problems might involve things like changes in work practices, better personal and emotional support, improved security and increased staffing levels. These are matters for the wider Public Service and the NSW Government to address. Because the origins are often complex, there are no simple “silver bullets” to fix these problems, and these are matters beyond the Tribunal’s remit.

24. However, the Tribunal believes that salaries alone are **not** the best way to address these important issues. Dollar increases in isolation will not fix the serious underlying problems.

The Supreme Court of NSW

25. The Chief Justice on behalf of the Supreme Court of NSW submits that NSW judicial salaries be restored to at least the equivalent of judicial salaries of superior court Justices in other jurisdictions. The submission asserts that this would require a minimum one-off rise of 4.1% and an annual increase of 3.2% for the forthcoming period, reflecting projected inflation and Consumer Price Index (CPI) rises. The submission also advocates for similar adjustments to be made to the Conveyance Allowance, Travel Allowance and per diem payments for Acting Justices of the Supreme Court.
26. The submission asserts that there has been a dramatic cut in real levels of remuneration for judicial officers in NSW since 1 July 2020 as a result of a combination of inflation and the freeze on judicial remuneration. This has resulted in the remuneration for NSW Supreme Court Justices going from being the highest in 2022, to the lowest of all Supreme Courts in Australia currently.

27. Other reasons put forward to support the proposed increase include an increase in workload, which is higher than equivalent courts in other jurisdictions, and to restore parity of remuneration between NSW Supreme Court Justices, NSW senior public servants and public office holders.
28. The submission notes that the gap between judicial salaries and remuneration levels of private practitioners continues to grow. This can impact the ability to attract and recruit high calibre lawyers to accept judicial office, therefore another reason for maintaining judicial remuneration in real terms.
29. How then should the State and/or the Tribunal set the salary of a NSW Supreme Court Justice? It cannot match the income of the most financially successful senior barristers. But it needs to set a rate which shows an appropriate level of respect and appreciation for the work Justices and Judges perform.
30. An Inter-Governmental agreement in 1990, the salary of a Justice of the Federal Court and a Justice of the State Supreme Court should not exceed 85% of the salary of a Justice of the High Court of Australia. This relativity was accepted with the caveat that it applies only if and whilst the remuneration of a Justice of the High Court of Australia remained at an acceptable level.
31. The NSW Supreme Court is highly regarded in both Australia and internationally. Consequently, Justices of the NSW Supreme Court have sometimes been the best paid Australian Judges other than High Court Justices.
32. On 1 July 2022 the remuneration of a NSW Supreme Court Justice was \$497,580. By contrast, a Federal Court Justice was paid \$480,900. In most of the other States Supreme Court Justices were paid the same as Federal Court Justices.

33. However, in 2024 this position was reversed. Federal Court Justices received \$517,650 as did Supreme Court Justices in Victoria, Queensland, SA, ACT and NT. Because of the freeze, Supreme Court Justices in NSW were still receiving \$497,580, the lowest of any Supreme Court Justice in Australia. Not surprisingly, many NSW Judges are discomforted by the current remuneration environment.
34. By the standards of those on average weekly earnings, all of these Justices receive very handsome salaries. And being at the lower end of that spectrum is not likely to engender widespread public sympathy. But the process of setting appropriate judicial salaries is complex. The social ramifications of poor decision making in this process, let alone poor decision making by sub-optimal judicial appointments, can have serious consequences.
35. Federal Court Justices have their salaries set by the Remuneration Tribunal (henceforth Commonwealth Remuneration Tribunal; CRT). By their own legislation Victoria, Queensland, ACT and NT tie the salaries of their Supreme Court Justices to that of a Federal Court Justice. South Australia does not have a legislative link creating a statutory nexus between their state judicial remuneration and federal remuneration. However, their determinations “preserve” the long-standing practice of aligning judicial remuneration with the Commonwealth framework.¹
36. The Tribunal’s view is that for the long term, the most appropriate course of action would be to also align the salary of a NSW Supreme Court Justice to that of a Federal Court Justice. That is a position which is easily understandable and readily defensible. While there may be some who might rail against the magnitude of judicial salaries, it is very difficult to argue specifically for NSW

¹ *Remuneration Tribunal of South Australia, 2024 Review of Remuneration No. 5 of 2024*, RTSA, 2024

Supreme Court Justices to be paid **less** than their colleagues in other States and Territories.

37. However, the Tribunal does acknowledge that there are cogent arguments which can be advanced in favour of Justices of the NSW Supreme Court being paid more than those of other States. The cost of living is usually higher in Sydney than elsewhere. And both the workload and the complexity of cases is often higher in NSW. As previously noted, there have been times when NSW Supreme Court Justices have been paid more than others. But as the last few years have shown, they can also be paid less.
38. One way to seek to achieve an ongoing nexus between NSW Supreme Court and Federal Court Justices' salaries is to depend upon Annual Determinations of whoever constitutes the Tribunal and whatever the relevant policies are of the NSW Government of the day.
39. Another way to achieve the nexus would be for the NSW Government to enact legislation similar to that of most other States and Territories to formally tie the salaries of NSW Supreme Court Justices to those of Federal Court (Division 1) Justices. Such a change would provide certainty for both the current Judges and prospective Judges. It may also quarantine NSW Judges salaries from the occasional political debate about salaries generally.
40. However, whether there is to be such legislation introduced in NSW is a matter for the NSW Government and not for the Tribunal to determine. The judiciary would itself also need to support such an approach. It would be counterproductive for the NSW Government to force a legislative nexus on the Justices if they would instead prefer to pursue annual determinations from the Tribunal.

41. If the NSW Government does decide to introduce such legislation there are 2 conceptual alternatives. The first is to only mandate the nexus of Supreme Court Justices and Federal Court Justices. That is broadly the Victorian model where another State body (in the NSW case that would be this Tribunal) determines the relativities between Supreme Court Justices, District Court Judges and Magistrates.
42. The second alternative option is to have the legislation itself enshrine the salary percentage relativities for all of the Courts. This is what happens in Queensland.
43. The Tribunal favours the first option. Trying to get agreement across the entire judicial group would be very difficult and almost certainly would significantly delay the passage of any legislation. For example, for a considerable period the salary of a Magistrate in NSW equated to 72% of NSW Supreme Court Justices. By 2024 it had fallen to 71%. In his submission to the Tribunal, the Chief Magistrate of NSW seeks to have it restored to at least 72%, possibly higher. However, the Queensland legislation pegs the Magistrate percentage at a much higher 78.7%.
44. It would be incredibly challenging to pick the right percentage for NSW to enshrine in legislation. Most likely, over time, the nature of the NSW Local Court will continue to evolve. Increasingly, the appointments to that Court are becoming much more diverse. The proposed change in title of “Magistrates” to “Judges” will increase the recognition of the incumbents and might further increase the pool of potential appointees. There would be significant benefits in retaining flexibility in the coming decades about what, from time to time, might be the best relativities for those presiding over the NSW Local Courts.
45. Restricting the proposed legislative nexus to only Justices of the NSW Supreme Court would have another benefit. It should demonstrate that any legislation to create a formal nexus would be very unusual and not intended to create a

broader precedent for legislatively tying NSW salaries for any job to the rate in another place.

46. As an interim measure, the Tribunal has determined to raise the salary of a Supreme Court Justice in NSW from 1 July 2025 to the 2024/25 Federal Court Justice rate of \$517,650. That represents an increase of 4.033%. While this exceeds the 3.5% recommended in the NSW Government submission, it is an important step in trying to bridge the gap with Federal Court Justice and the Supreme Court Justices in most of the Nation. The Tribunal is of the view that it is in the public interest for the Supreme Court Justices of NSW to be adequately remunerated for their important work. This increase is intended to not only help attract and retain high calibre lawyers for the NSW Supreme Court, but to recognise the important work of the Court, in both NSW and its standing in Australia's judicial system.
47. The Tribunal recognises that on 1 July 2025, the remuneration of NSW Supreme Court Justices will still be behind Federal Court Justices because of the recent increase determined by the CRT. That increase, of 2.4% was announced during the drafting of this Annual Determination and is published but yet to be implemented. Theoretically, it could be disallowed under the *Remuneration Tribunal Act 1973 (Cth)*, under s 7(8) within 15 sitting days of the House of Representatives or the Senate. Further, under s 7(5c) of the same Act, a determination relating to an office of Justice or Judge of a federal court does not come into effect until after the 15 sitting days of the Australian Parliament have passed.
48. Significantly, the Victorian legislation provides that the automatic increase to Victorian Supreme Court Justices does not apply until the period for potential disallowance has passed. That potential rise is not included in this Determination,

although it will be captured by the nexus legislation in most other States and Territories.

Land and Environment Court of NSW

49. On behalf of the Judges of the Land and Environment Court of NSW, the Chief Judge of the Land and Environment Court adopted the submission of the Chief Justice of the Supreme Court of NSW.
50. In particular, the Chief Judge of the Land and Environment Court submits that judicial salaries of Judges of the Land and Environment Court of NSW should be increased by a total of 7.3%, comprising of a one-off payment of 4.1% plus 3.2% for the 2025 review period. The Chief Judge also supports a significant increase to the Conveyance Allowance and Travel Allowance as outlined in the Supreme Court Judges submission.
51. The submission asked the Tribunal to consider the improvements in productivity over the last year of the Judges and Commissioners of the NSW Land and Environment Court when considering remuneration increase. The Chief Judge of the Land and Environment Court of NSW expects the improvements in productivity to continue in forthcoming years. The submission noted the increased workload, and that registrations remained high across all 5 classes.

Industrial Relations Commission of NSW

52. The President of the Industrial Relations Commission of NSW (IRC) submission concurs with that of the Chief Justice of the of the Supreme Court of NSW. The IRC submission confirms the support for a one-off catch-up increase to address the significant reduction in remuneration over the last 5 years, in addition to the annual increase to reflect expected rates of inflation.

53. The submission asserts that increases should not be discounted in light of increases to the rate of superannuation, effective from 1 July 2025.
54. The submission notes changes in real value of remuneration of Commissioners of the NSW IRC since 2020, pointing to having received lower increases in nominal terms compared to Justices of the Supreme Court, combined with the impacts of inflation and freeze on judicial salaries. The submission asserting the effect being that the current salary for Commissioners is \$63,771 per annum lower than it would have been had the salary rate remained the same in real terms. The submission states that in order to rectify it would take a one-off payment of 19.8%, before considering inflation for the coming year
55. Comparison data for Commissioners remuneration between jurisdictions was also provided in the submission, noting that NSW remuneration is now lower than QLD, WA and SA despite almost being equivalent in 2022. A QLD Commissioner of the IRC is paid 7.81% higher, a Deputy Commissioner of the SA Employment Tribunal is 25.81% higher and a WA Commissioner 19.23% higher than that of a NSW Commissioner. The submission further notes that a Federal Commissioner in the Fair Work Commission is paid 13.54% higher than a NSW Commissioner.
56. In conclusion, the President of the NSW IRC's submission supports a quantum increase as set out by the Chief Justice of the Supreme Court of NSW, being a one-off rise of 4.1% and an annual increase of 3.2% for 2025.

The District Court of NSW

57. The submission of the Chief Judge of the District Court of NSW noted that it should be read as supplementary to the Chief Justice of Supreme Court of NSW. The submission also confirmed that it adopts the position outlined in the submission of the Chief Justice as it relates to the State's judiciary, including the Judges of the Court.

58. The submission asserts that the 2 year remuneration freeze has further reduced the real wages of the court and therefore supports a significant one-off increase plus an additional increase of 3.2% for CPI in the coming year. The submission outlines that the one-off increase required to re-establish the position relative to the Federal Court benchmark, is 7.1%. Further the required one-off increase to achieve parity with Queensland District Court Judges, is 4.2%.
59. For reasons explained in the 2024 Annual Determination (paragraph 38), the Conveyance Allowance has not been increased for the last 2 years. It is noted in the submission of the District Court that the impact of no increase to the Conveyance Allowance has contributed to the reduction of real wages due to increased transport and travel costs, as Judges of the District Court NSW travel extensively throughout the state.
60. Comparative judicial salaries data was provided to the Tribunal to support the argument that Judges of the District Court have seen a real decline in their wages since 2021. The data provided points to Judges being the lowest paid of the comparable courts in Australia, as detailed in the table below (adjusted based on the Tribunal's own findings).

Jurisdiction	Judicial Remuneration	Operative Date
Queensland ²	\$465,885	1 July 2024
Western Australia ³	\$458,846	1 December 2024
South Australia ⁴	\$457,120	1 September 2024
Victoria ⁵	\$448,492	16 October 2024
New South Wales ⁶	\$445,640	1 July 2022

The Local Court of NSW

61. The Chief Magistrate of the Local Court of NSW made a submission seeking an increase to remuneration of 9%, slightly higher than the increase sought by the NSW Supreme Court and District Court. The submission proposed the following increases:

- Chief Magistrate to \$479,415
- Deputy Chief Magistrates to \$405,098
- State Coroner to \$405,098
- Magistrates to \$383,693.89 (restoring the 72% relativity to the Chief Justices nexus figure of \$532,908)

² *Queensland Government Gazette No.78 – 6 December 2024*; Note that the total remuneration package for Queensland's judiciary includes a jurisprudential allowance of \$34,802.

³ *Report of the Salaries and Allowances Tribunal for the remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission No. 1 of 2024.*

⁴ *5 of 2024 – Determination – Judicial Remuneration*, clause 2.1

⁵ *Judicial Entitlements Act 2015 Salary Certificate – 16 October 2024*

⁶ 2024 annual determination SOORT Judges and Magistrates Group

- Assessors' remuneration to \$243,348
- Acting Magistrates to \$1,591 per day

62. It was submitted that the increase in remuneration of 9% is reasonable and justified on a number of grounds, including

- Increases in remuneration for NSW Local Court Magistrates for the period 1 July 2021 to 30 June 2024 totalling 3.57% compared to increases for NSW Supreme Court Justices and District Court Judges of 4.5% for the same period
- No increases to Magistrates in 2020, 2023 and 2024
- It would restore relativity in salaries paid, whereby a NSW Local Court Magistrate would receive 80% of that paid to a NSW District Court Judge and 72% of Supreme Court Justices

63. The NSW Local Court's submission notes its support of the Chief Justice of the Supreme Court of NSW submission. In particular, the real reduction of salaries for NSW judiciary and the potential impact to undermine judicial independence.

64. The submission also notes the important role adequate remuneration plays in attracting and retaining high quality candidates to judicial office. The submission argues that NSW Magistrates are currently the second lowest paid Magistrates in Australia, Tasmania being the lowest paid. Whilst at the same time providing statistics to support the assertion that the Local Court is one of the busiest courts in Australia.

65. The NSW Local Court's submission outlines a range of initiatives undertaken to improve efficiency, professionalism and practice of the Local Court, while reducing costs.
66. In relation to the Conveyance Allowance, the Chief Magistrate of the Local Court of NSW submits that the allowance payable to Magistrates should match that paid to a Supreme Court Justice and District Court Judge. Further, the allowance should be increased to match total CPI increases since 2020 to date.
67. The submission notes that the cost of accommodation in regional NSW has increased substantially since the COVID-19 pandemic, and that the Travel Allowance be increased accordingly, or at the very least in line with CPI.
68. Further, the NSW Local Court's submission sought the introduction of an allowance for 'Regional Coordinator' and 'Specialist Coordinator' of \$10,000 per annum above the remuneration of Magistrates'.
69. The Tribunal does not have the statutory authority to provide an allowance to Magistrates, without direction from the Minister responsible for the SOOR Act. Section 10A of the SOOR Act outlines that allowances can be provided to Judges or Acting Judge of a court (without nomination), or to any other judicial officer nominated by the Minister by notice in writing to the Tribunal. In short, a direction for a special determination would be required for the Tribunal to provide Magistrates with any allowance.
70. There is precedent for this requirement, with the 2003 Special Determination for Travel Allowances for NSW Magistrates.⁷ In this determination, the Premier, at the time directed the Tribunal to make a determination on domestic travelling

⁷ *Statutory and Other Offices Remuneration Tribunal, Report and Determination – Travel Allowances for NSW Magistrates*, SOORT, 2003

allowances for NSW Magistrates when travelling throughout Australia on official business.

71. Typically, an allowance is paid in compensation for an expense, rather than increased responsibilities in a role. Should the Chief Magistrate of NSW wish to pursue increased remuneration for the Regional Coordinator or Specialist Coordinator role, it might be appropriate to explore the option of seeking a special determination.
72. The Chief Magistrate notes the assistance of Magistrate's Association of NSW Inc in preparing the submission, and subsequent support of the Local Court's submission. Accordingly, the Magistrate's Association of NSW Inc did not provide their own submission.

NSW Government Submission

73. In January 2025, the Tribunal invited the Secretary of the Premier's Department to make a submission on behalf of the NSW Government prior to making its Annual Report and Determination.
74. The Secretary of the Premier's Department provided the NSW Government submission to the Tribunal on 4 April 2025. The submission supported an increase of 3.5% consistent with the NSW Government's Fair Pay and Bargaining Policy 2024-25.
75. The submission contends that:

"an increase to remuneration which exceeds 3.5 per cent would pose a risk to the NSW's budget position, current credit ratings and increase the State's debt burden."

Relativities

76. Irrespective of how the salaries of Supreme Court Justices are set, there is the questions of relativities for other judicial appointments. Basically, what percentage of a Supreme Court Justice's salary should be received by occupants of other judicial positions?
77. For example, in NSW a Judge of the District Court is normally paid 90% of the salary of a Supreme Court Justice. It was the same percentage in 2024 as it was in 2003. A Magistrate in 2024 received 71% of a Supreme Court Justice's salary, down from 72% in 2003.
78. At this point in time, the Tribunal is not prepared to change any of the relativities with regard to the judicial salaries, though it welcomes a broader discussion in the lead up to the 2026 Annual Determination.
79. To preserve the existing relativities, the Tribunal's 2025 Annual Determination is that all others in the Judges and Magistrates Group receive the same percentage increases as Supreme Court Justices, namely 4.033%.
80. The Tribunal recognises that this increase does exceed the maximum foreshadowed in the NSW Government's submission. And it is conscious of the legislative requirement that "*the Tribunal must have regard to the fiscal position and outlook of the Government, and the likely effect of making the determination on the position and outlook*".
81. However, the Tribunal believes that there is an imperative to begin to reduce the disparity of salaries between NSW Supreme Court Justices and their counterparts interstate and in the Federal Court. And while doing so it is important not to weaken the existing NSW relativities between the Supreme Court Justices and other Judges and Magistrates.

82. While this salary increase is significant, the overall cost to the State of the additional rise above the 3.5% maximum suggested in the NSW Government's submission should have only a very modest impact on the State's fiscal position.

Superannuation Guarantee Contributions

83. From 1 July 2025, the general Superannuation Guarantee Contribution (SGC) increases from 11.50% to 12.00%.⁸
84. As explained in earlier determinations, the Tribunal's previous approach to superannuation increases in respect to office holders in the Judges and Magistrates Group, was to adjust remuneration for those office holders not entitled to a judicial pension to account for the increased cost of SGC rises. In contrast, the Tribunal determined that it was not required to adjust remuneration increases for those office holders that are potentially entitled to a judicial pension on retirement.
85. This was due to the impact of the NSW Government Wages Policy in place at that time, and the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013*, which has since been repealed. This regulation required that the Tribunal take into account the cost of SGC increases in determining remuneration.
86. Given that there is a new Regulation and Government Wages Policy (the Fair Pay and Bargaining Policy 2024-25) in place, the Tribunal is of the view that it is no longer required to reduce any increase in remuneration, to take into account scheduled statutory SGC increases.

⁸ Australian Taxation Office, [Super guarantee](#), ATO, 2025

87. It is notable that the remuneration set out in this determination is for salary exclusive on any SGC payments, and that SGC contributions are limited by a maximum contribution base that sits below the level of salary for most judicial officers and other office holders. This limits the overall impact of adjustments to the SGC rate.
88. For this reason, the Tribunal has determined that the remuneration increase will be **in addition** to the SGC increase effective from 1 July 2025.

Conveyance Allowance

89. There were various submissions this year, as in previous years, seeking an increase in the Conveyance Allowance for Judges. The treatment of Conveyance Allowance is an issue for debate.
90. In 2024, most submissions from the office holders in the Judges and Magistrates Group made a submission seeking an increase in Conveyance Allowance notwithstanding the NSW Government's temporary freeze on salaries. The NSW Chief Justice's 2024 submission argued that Conveyance Allowance did not constitute judicial remuneration and therefore was exempt from the freeze. The Tribunal sought advice from the Crown Solicitor to clarify if the Conveyance Allowance was considered remuneration. From that advice, the Tribunal was satisfied that the Conveyance Allowance fell under the meaning of an allowance, under s 10 A of the SOOR Act. As a result, the Tribunal did not award any increase to Conveyance Allowance.
91. In contrast, the Parliamentary Remuneration Tribunal, chaired by an acting judicial member of the IRC (as required by Schedule 2, s 1 of the *Parliamentary Remuneration Act 1989*), did award significant increases in Electoral Allowances in both 2023 and 2024 notwithstanding the 2 year remuneration freeze. However,

it should be noted that the legislation enacting the remuneration freeze differed between the 2 groups.

- **For Members of Parliament:** Section 4A(1) of the Parliamentary Remuneration Act 1989 noted that *“the Tribunal must not fix an amount that would increase the **basic salary** to an amount that is more than the amount determined to have effect from 1 July 2022”* (emphasis added).
- **For Statutory and Other Offices:** Clause 6(1) of the *Statutory and Other Offices Remuneration Regulation* noted that *“the Tribunal must not make a determination that has the effect of awarding an increase in **remuneration** that takes effect before 1 July 2025”* (emphasis added).

92. Regardless, some members of the judiciary feel the apparently different treatment of Judges and Politicians is inequitable.
93. The larger question is: what is the purpose of the Conveyance Allowance? Is it simply to reimburse the costs of securing, maintaining and operating an appropriate vehicle? That is how the Tribunal has traditionally treated it.
94. At one level, the Conveyance Allowance could be treated exactly as the name suggests. South Australia has a particularly strong interpretation of this and requires Judges to return to the State any portion of their Conveyance Allowance which they cannot document as spent on that purpose.
95. Alternatively, the Conveyance Allowance could be treated as income, with the question of what has been spent to cover permissible expenses a matter between individual recipients and the Australian Tax Office. Ironically, the Crown Solicitor Advice which led the Tribunal to reject submissions to increase the

Conveyance Allowance during the freeze might permit salary increases to also apply to the Conveyance Allowance in a different environment.

96. The Tribunal does not feel that these issues have been addressed sufficiently by the submissions seeking an increase in Conveyance Allowance in the 2025 Determination. Traditionally, the Tribunal has treated setting of the Conveyance Allowance as being purely for transportation purposes and has applied the formula as set out below in Section 3 of the 2025 Annual Determination.

Section 3

2025 Annual Determination

General Increase

97. The Tribunal thanks those office holders who made a submission, and acknowledges the concerns raised in those submissions.
98. After considering submissions received and the provisions of s 6AB of the SOOR Act, the Tribunal finds those office holders the subject of this Determination should receive an increase of **4.033%**. This increase **is in addition** to any SGC increases provided to judicial officers that are not eligible for a Judge's pension.
99. In making this Annual Determination, the Tribunal consulted with the Secretary of the Premier's Department, in their capacity as Assessor under the SOOR Act. The other assessor role is currently vacant.
100. Pursuant to s 13 of the Act, the Tribunal determines that the remuneration to be paid to office holders in the Judges and Magistrates Group, on and from 1 July 2025 shall be as specified in **Determination Nos. 1-5**.
101. The Tribunal has also made a Report and Determination on Travel Allowances for NSW Judges and Magistrates, **Determination No. 6**.

Conveyance Allowance

102. The Tribunal's methodology for considering increases to the Conveyance Allowance is based on the March 2025 quarter CPI: Motor Vehicles-Sydney (Series ID A2328552A), having regard to the percentage change from the corresponding quarter of the previous year. In considering any adjustment the following condition will apply:

- Should the March quarter data indicate a decrease in motor vehicle costs the Conveyance Allowance will remain unchanged (to comply with the requirements of s 21 of the SOOR Act)

103. The annual percentage change for the March quarter CPI: Motor Vehicles-Sydney (Series ID A2328552A) from 2024 to 2025 is minus 0.8%.⁹

104. Accordingly, for the reasons outlined above, there will be no increase to the Conveyance Allowance.

⁹ *Australian Bureau of Statistics*, Table 10. CPI: Group, Sub-group and Expenditure Class, Percentage change from corresponding quarter of previous year by Capital City, ABS, 2025

Section 4

Report on Travel Allowances for NSW Judges and Magistrates

Background

106. 'Remuneration' is defined in the SOOR Act, as salary and allowances payable to office holders. Judges and Magistrates are holders of offices specified in Schedule 1 of the Act.

107. 'Allowance' is defined as follows:

'allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

- (a) *a Judge or Acting Judge of a court, or*
- (b) *any other judicial officer (within the meaning of the Judicial Officers Act 1986) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition.'*

108. **Determination No. 6** sets rates for overnight stays in capital cities and other centres and meal rates for travel not involving an overnight stay. The Tribunal has also determined some specific conditions for the payment of Travel Allowances.

2025 Annual Review

109. The Tribunal has previously used the Australian Tax Office Determinations for "reasonable travel and overtime meal allowance expenses" as the Travel Allowance. Prior to 2024, the Tribunal has provided tables that summarise the

information from that year's taxation determination. In 2024, in lieu of the tables for the Travel Allowance, the Tribunal has directly referenced the Australian Taxation Office (ATO) Taxation Determination 2024/3 – *"Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2024-25 income year"*.

110. However, several submissions in the Judges and Magistrates Group raised the inadequacy of the Travel Allowance. It was raised that the Allowance is materially inadequate to meet the costs of accommodation and meals in regional and rural NSWs. As a result, submissions have noted that the Judges and Magistrates are incurring further losses by making up the difference from their salary.
111. Such submissions noted that the Travel Allowance should be increased in line with the greater accommodation and meal cost. This involves a one-off increase, as well as adjustment by CPI. The Chief Magistrates submission further notes that the Travel and Conveyance Allowance should match that of Judges of the Supreme and District Court.
112. Currently, the Tribunal is not persuaded that a change in methodology would be appropriate. As a result, the Tribunal will continue to reference the most recent taxation determination from the ATO, regarding reasonable travel and overtime meal allowance expenses, as the basis for its Travel Allowance.

Principles Adopted

113. In making its determinations on Travel Allowance rates the Tribunal has adopted guiding principles as set out below:
 - (a) Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from

home/place of work on official business. Such costs include accommodation, meals and incidental expenses

- (b) Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business
- (c) Office holders are not expected to gain or lose financially as a result of travelling on official business

114. Where an office holder 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 is payable, rounded upwards to the nearest dollar.

Conclusion

115. The Tribunal makes **Determination No. 6** effective on and from 1 July 2025.

Statutory and Other Offices Remuneration Tribunal

A handwritten signature in blue ink, appearing to read 'Michael Knight', with a stylized flourish at the end.

The Hon. Michael Knight AO

Dated: 22 July 2025

Section 5

Determinations

Determination No. 1 – Remuneration of Judges effective on and from 1 July 2025

Position	Salary per annum	Conveyance Allowance (Note 1)
Chief Justice of the Supreme Court	\$579,250	\$24,950
President of the Court of Appeal	\$542,390	\$24,950
President of the Industrial Relations Commission	\$542,390	\$24,950
Chief Judge of the Land and Environment Court	\$542,390	\$24,950
Judge of the Supreme Court	\$517,650	\$24,950
Vice-President of the Industrial Relations Commission	\$517,650	\$24,950
Judge of the Land and Environment Court	\$517,650	\$24,950
Deputy President of the Industrial Relations Commission	\$517,650	\$24,950
President of the Personal Injury Commission	\$517,650	\$24,950
Judge of the District Court	\$463,610	\$22,445
Associate Judge or acting Associate Judge (under the <i>Supreme Court Act 1970</i>)	\$463,610	\$22,445

Note 1: The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Determination No. 2 – Remuneration of other Judicial Officers not referred to in determination No.1 effective on and from 1 July 2025

Position	Salary per annum	Conveyance Allowance (Note 1)
Chief Magistrate	\$457,570	\$22,445
Deputy Chief Magistrate	\$386,640	\$17,955
State Coroner	\$386,640	\$17,955
Chief Industrial Magistrate	\$372,460	\$17,955
Magistrate	\$366,050	\$17,955
Children's Magistrate	\$366,050	\$17,955
Deputy State Coroner	\$366,050	\$17,955
Commissioner (known as Senior Commissioner) of the Industrial Relations Commission	\$354,800	\$17,955
Commissioner of the Industrial Relations Commission	\$335,550	\$17,955

Note 1: The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Determination No. 3 – Acting Judges rates

Supreme Court

The following rate shall be paid for each ordinary court working day on which the acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court	\$2,240 per day
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Industrial Relations Commission

The following rate shall be paid for each ordinary court working day on which the acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Industrial Relations Commission	\$2,240 per day
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District Court

The following rate shall be paid for each ordinary court working day on which the acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court	\$2,010 per day
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Determination No. 4 – Acting Magistrates rates

Local Court

The following rate shall be paid for each ordinary court working day on which the acting Magistrate is occupied in the performance of duties of a Magistrate.

Acting Magistrate of the Local Court	\$1,520 per day
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Determination No. 5 – Annual leave loading

Determination of leave loading for Judicial Officers effective on and from 1 July 2025

Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of NSW, to each of the following office holders:

- Magistrates
- Chief Commissioner of the Industrial Relations Commission
- Commissioners of the Industrial Relations Commission

Determination No. 6 – Travel Allowances for Judges and Magistrates

Pursuant to s 13 of the SOOR Act, the Tribunal determines that the Travel Allowances for Judges and Magistrates will be as per the rates on based on the reasonable travel allowances as determined by the Australian Tax Office in [TD 2025/4](#) effective on and from 1 July 2025.

Statutory and Other Offices Remuneration Tribunal



The Hon. Michael Knight AO

Dated: 22 July 2025

Appendices

Appendix 1: List of written submissions for the Judges and Magistrates Group.

- Chief Justice of the Supreme Court of NSW, on behalf of the judges of the Supreme Court of NSW
- President of the Industrial Relations Commission of NSW, in respect of the Presidential Members and Commissioners of the Industrial Relations Commission of NSW
- Chief Judge of the Land and Environment Court of NSW, on behalf of the judges of the Land and Environment Court of NSW
- Chief Judge of the District Court of NSW, on behalf of the Judges of the District Court of NSW
- Chief Magistrate of the Local Court of NSW, on behalf of the Local Court of NSW
- The NSW Government, via the Secretary of the Premier's Department

Appendix 2: List of office holders in the Judges and Magistrates Group who met with the Tribunal

- Chief Justice of the Supreme Court of NSW
- President of the NSW Court of Appeal
- Chief Magistrate of the Local Court of NSW
- Deputy Chief Magistrate of the Local Court of NSW