



REMUNERATION TRIBUNAL

Determination 2017/22:

Remuneration and Allowances for Judicial and Related Offices

- (i) Pursuant to sub-section 7(3AA) of the *Remuneration Tribunal Act 1973*, the Remuneration Tribunal has inquired into the recreation leave entitlements of certain full-time holders of relevant offices (within the meaning of sub-section 7(3AB) of the *Remuneration Tribunal Act 1973*), and determines as set out below.
- (ii) This determination commences the day after registration on the Federal Register of Legislation unless otherwise specified.

1.1 In this instrument, Determination Number 9 of 2017 (as amended) is referred to as the Principal Determination.

1.2 The Principal Determination is amended by inserting, after Clause 2.8, the following:

2.8A Recreation leave for Judges of the Federal Circuit Court: Subject to Clause 2.9, the recreation leave entitlements of a Judge of the Federal Circuit Court are to be determined in accordance with the following sub-clauses.

2.8A.1 The Judge shall:

- (i) for the year in which the Judge was appointed—be entitled to paid recreation leave, accruing at the time of the Judge's appointment, of the number of weeks calculated in accordance with the following formula:
$$\frac{\left(\begin{array}{l} \text{number of days in the year of appointment} \\ \text{for which the Judge will be appointed} \end{array} \right)}{\left(\text{number of days in the year of appointment} \right)} \times 6 \text{ weeks}$$
- (ii) for each other year—be entitled to six weeks of paid recreation leave accruing on 1 January of that year; and
- (iii) be paid on leaving office as though the Judge were then to take the balance of the recreation leave to which they were entitled.

2.8A.2 Recreation leave must be taken in the year in which it

accrued: The Judge is entitled to the recreation referred to in paragraphs 2.8A.1(i) and (ii) only in the year in which the leave accrued.

1.3 Clause 2.9 of the Principal Determination is amended by omitting '**Cashing out and purchasing of recreation leave for Judges of the Federal Circuit Court:** Judges of the Federal Circuit Court' and replacing it with '**Transitional provisions for recreation leave for Judges of the Federal Circuit Court appointed before 1 January 2018:** Subject to Clause 2.9A, Judges of the Federal Circuit Court who were appointed before 1 January 2018'.

1.4 The Principal Determination is amended by inserting, after Clause 2.9, the following:

2.9A Election by Judges of the Federal Circuit Court appointed before

1 January 2018 to be covered by new arrangements: The following sub-clauses apply to a Judge of the Federal Circuit Court who was appointed before 1 January 2018:

2.9A.1 Election to be covered by new recreation leave arrangements:

At any time, the Judge may elect to be covered by the recreation leave arrangements set out in Clause 2.8A instead of the arrangements set out in Clause 2.9.

2.9A.2 The election takes effect on the 1 January following the election.

2.9A.3 After the election takes effect, Clause 2.8A applies to the Judge.

2.9A.4 The Judge retains the balance of his or her recreation leave that had accrued immediately before the election took effect, but, subject to sub-clause 2.9A.8, is entitled to this balance only in accordance with paragraph 2.8A.1(iii).

2.9A.5 Revocation of election: At any time, the Judge may revoke the election under sub-clause 2.9A.1.

2.9A.6 The revocation takes effect on the 1 January following the revocation.

2.9A.7 After the revocation takes effect, Clause 2.9 applies to the Judge.

2.9A.8 The Judge retains the balance of his or her recreation leave mentioned in sub-clause 2.9A.4, and is entitled to this balance in accordance with Clause 2.9.

2.9A.9 No further election: The Judge may make only one election in accordance with sub-clause 2.9A.1.

Signed on this 12 day of December 2017

Signed
John C Conde AO
PRESIDENT

Signed
Ewen G W Crouch AM
MEMBER

Signed
Heather J Zampatti
MEMBER