



Remuneration Tribunal Amendment Determination (No. 5) 2021

We, the members of the Remuneration Tribunal, make the following determination.

Dated 24 September 2021

John Conde AO
President

Heather Zampatti
Member

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
	Schedule 1—Amendments	2
	<i>Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2021</i>	<i>2</i>

1 Name

This instrument is the *Remuneration Tribunal Amendment Determination (No. 5) 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 September 2021.	1 September 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsections 7(3), (3AA) and (4) of the *Remuneration Tribunal Act 1973*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2021

1 Section 7 (definition of *Family Court*)

Repeal the definition.

2 Section 7 (definition of *Federal Circuit Court*)

Repeal the definition.

3 Section 7 (definition of *Federal Circuit Court Judge*)

Repeal the definition.

4 Section 11 (Table 2A, table item dealing with *Family Court—Chief Justice, column 1*)

Omit “Family Court”, substitute “Federal Circuit and Family Court of Australia (Division 1)”.

5 Section 11 (Table 2A, table item dealing with *Family Court—Deputy Chief Justice, column 1*)

Omit “Family Court”, substitute “Federal Circuit and Family Court of Australia (Division 1)”.

6 Section 11 (Table 2A, table item dealing with *Family Court—Judge, column 1*)

Omit “Family Court”, substitute “Federal Circuit and Family Court of Australia (Division 1)”.

7 Section 11 (Table 2A, table item dealing with *Federal Circuit Court—Chief Judge, column 1*)

Omit “Federal Circuit Court”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

8 Section 11 (Table 2A, after table item dealing with *Federal Circuit Court—Chief Judge*)

Insert:

Federal Circuit and Family Court of Australia (Division 2)— Deputy Chief Judge (Family Law)	\$437,600	1
Federal Circuit and Family Court of Australia (Division 2)— Deputy Chief Judge (General and Fair Work)	\$437,600	1

9 Section 11 (Table 2A, table item dealing with *Federal Circuit Court—Judge, column 1*)

Omit “Federal Circuit Court”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

10 Section 11 (note)

Repeal the note, substitute:

Note: The reference to a Judge of the Federal Circuit and Family Court of Australia (Division 1) includes a Senior Judge of the Federal Circuit and Family Court of Australia (Division 1).

11 Subsection 13(2)

After “Chief Justice of the High Court of Australia”, insert “or a Judge of the Federal Circuit and Family Court of Australia (Division 2)”.

12 Subsection 13(3) (heading)

Repeal the heading, substitute:

Judges of the Federal Circuit and Family Court of Australia (Division 2)

13 Subsection 13(3)

Omit “Federal Circuit Court Judge”, substitute “Judge of the Federal Circuit and Family Court of Australia (Division 2)”.

14 Subsection 13(4)

Omit “High Court, a Judge or a Federal Circuit Court Judge“, substitute “High Court or a Judge”.

15 Subsection 13(6) (paragraph (c) of the definition of *Commonwealth car-with-driver service*)

Omit “Family Court”, substitute “Federal Circuit and Family Court of Australia (Division 1)”.

16 Subsection 13(6) (paragraph (c) of the definition of *Judge*)

Repeal the paragraph, substitute:

- (c) a Judge of the Federal Circuit and Family Court of Australia (Division 1);
- (d) a Judge of the Federal Circuit and Family Court of Australia (Division 2).

17 Subsection 13(6) (paragraph (c) of the definition of *principal registry*)

Omit “Family Court”, substitute “Federal Circuit and Family Court of Australia (Division 1)”.

18 Division 4 of Part 2 (heading)

Omit “**Federal Circuit Court Judges**”, substitute “**Judges of the Federal Circuit and Family Court of Australia (Division 2)**”.

19 Paragraphs 15(1)(a) and (b)

Omit “Federal Circuit Court Judge”, substitute “Judge of the Federal Circuit and Family Court of Australia (Division 2)”.

20 At the end of section 15

Add:

- (7) Despite subsection (4), if, at the end of 2021, the Judge has a balance of recreation leave accrued during 2021, the Judge may retain up to 2 weeks of that balance for use before the end of 2023.

21 Subsection 16(1)

Omit “Federal Circuit Court Judge”, substitute “Judge of the Federal Circuit and Family Court of Australia (Division 2)”.

22 Section 17 (heading)

Omit “**Federal Circuit Court Judges**”, substitute “**Judges of the Federal Circuit and Family Court of Australia (Division 2)**”.

23 Subsection 17(1)

Omit “Federal Circuit Court Judge”, substitute “Judge of the Federal Circuit and Family Court of Australia (Division 2)”.

24 Section 18 (heading)

Omit “**Federal Circuit Court Judges**”, substitute “**Judges of the Federal Circuit and Family Court of Australia (Division 2)**”.

25 Section 18

Omit “Federal Circuit Court Judge”, substitute “Judge of the Federal Circuit and Family Court of Australia (Division 2)”.

26 Section 22 (Table 3A, table item dealing with Family Court—Chief Executive Officer, column 1)

Omit “Family Court—Chief Executive Officer”, substitute “Federal Circuit and Family Court of Australia (Division 1)—Chief Executive Officer and Principal Registrar”.

27 Section 22 (Table 3A, table item dealing with Federal Circuit Court—Chief Executive Officer)

Repeal the item.