



**ACT**  
Government

Justice and Community Safety

Dr Colin Adrian  
Chair  
ACT Remuneration Tribunal  
By email: [remtrib@act.gov.au](mailto:remtrib@act.gov.au)

Dear Dr Adrian

## **ACT Remuneration Tribunal 2018 Annual Spring Review**

I am writing in response to your invitation to the Attorney-General to make a submission about the remuneration of full time statutory office holders.

The Justice and Community Safety Directorate (JACS) administers the legislation under which the Supreme Court judiciary, the Magistrates, ACT Civil and Administrative Tribunal members, the Director of Public Prosecutions and Principal Registrar are appointed. JACS has been asked by the Attorney-General to put forward a submission in relation to the remuneration of these offices.

### Remuneration should remain unchanged

JACS submits that the Remuneration Tribunal should not make any change to the remuneration for any of these offices. JACS is of the view that the current determinations adequately reflect the value of the important work delivered by these office holders, and it is not aware of any material change in the market which would warrant a particular increase to the remuneration of the relevant offices within the Attorney's portfolio.

If the Tribunal is of the view that it is appropriate to increase the remuneration of these statutory office holders generally, JACS would submit that an increase that is no more than the periodic increases set out in the *ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013 -2017* would be most consistent with community expectations.

### Special magistrates - remuneration anomaly

There is one issue which the Attorney-General raised with you in a letter dated 26 June 2018 for consideration during the spring hearings.

The use of the word 'sits' in clause 2.3 of ACT Magistrates Court Judicial Positions (Determination 17 of 2017) and its extension to circumstances where a Special Magistrate works outside court hours could be usefully clarified. The Chief Magistrate has raised the concern that the use of this qualifier gives rise to an ambiguity about how preparatory work, or work out of court is to be remunerated.

The Remuneration of Special Magistrates was calculated on a per day basis until 2011 when the then Attorney-General made a submission to the Remuneration Tribunal that part day remuneration would be more appropriate, given the tendency for Special Magistrates to be engaged for only a few hours at a time.

The Remuneration Tribunal decided that part-day remuneration was appropriate for Special Magistrates where they did not sit for at least 3 hours on any given day and amended Determination 10 of 2010 by Determination 8 of 2011 effective 1 July 2011.

The wording of that determination suggests that the word 'sits' for three or more hours was intended to encompass work done during any engagement of the Special Magistrate in connection with their official functions.

The word 'sits' has been a part of all subsequent determinations up to the current Determination 17 of 2017. To avoid uncertainty, it is requested the Remuneration Tribunal clarify this part of the determination to properly recognise and include work done in connection with the official duties of the Special Magistrate, whether it occurs in court or not. It is recommended that travel between home and place of work should not be counted, but other reasonable travel could be. ACT Courts and Tribunal has suggested that remuneration be available for official work of special magistrates that includes preparation, decision writing, judicial education, and reasonable travel other than travel between home and the court.

Thank you for the opportunity to be involved in this important process supporting the fair, independent and transparent adjudication of remuneration of our critical public offices.

Yours sincerely



Alison Playford  
Director-General  
Justice and Community Safety Directorate

14 September 2018