

SUPREME COURT
OF THE AUSTRALIAN CAPITAL TERRITORY

CHAMBERS OF THE CHIEF JUSTICE

Dr Colin Adrian
Chair
ACT Remuneration Tribunal
GPO Box 964 Civic Square ACT 2608

5 September 2018

Dear Dr Adrian

Thank you for your invitation of 20 August 2018 to make submissions regarding the remuneration payable to judicial officers and others.

Chief Justice and Judges of the Supreme Court

As you know, under s 37U(2) of the *Supreme Court Act 1933* (ACT), resident judges of the Supreme Court are entitled to the same remuneration, allowances and entitlements as are paid to judges of the Federal Court. The Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2018 is the most recent determination affecting Federal Court judges, including the Chief Justice of the Federal Court. It will affect the remuneration of all resident judges, including myself as Chief Justice.

In the past, I have submitted that the Chief Justice should be paid an allowance additional to that payable to resident judges. However, as the current Commonwealth determination specifically fixes the remuneration for the Chief Justice of the Federal Court, it may be that the determination governs the remuneration of the Chief Justice of the ACT Supreme Court. Alternatively, I submit that the Tribunal should determine an allowance that accords with the established practice in other Australian jurisdictions (both large and small) of paying the Chief Justice an additional allowance of 10% of the remuneration payable to other judges of the relevant court. I note that, on my calculation, the Commonwealth determination fixes the remuneration payable to the Chief Justice of the Federal Court at just over 110% of that payable to other Federal Court judges. I can't account for the slight difference, but from my point of view nothing turns on it.

Associate Judge of the Supreme Court

In the past, the Tribunal has accepted that the Associate Judge should receive remuneration which is 90% of that payable to a resident judge. As stated in previous submissions, her role is akin to that of an Associate Judge of the NSW Supreme Court, who is remunerated at the same rate as a judge of the District Court of NSW, i.e. at a rate that is approximately 90% of

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the remuneration payable to a judge of the Supreme Court of NSW (in addition to which, in NSW, the Associate Judge and District Court judges receive the benefit of a judicial pension). In the ACT, the Associate Judge continues to exercise the full range of the Supreme Court's civil jurisdiction.

In addition, this year the Associate Judge gained significant criminal jurisdiction. She now has all the jurisdiction of a resident judge, other than jurisdiction to conduct a trial on indictment or a matter before the Court of Appeal. She presides over pre-trial hearings that are conducted prior to criminal trials, deals with appeals from the Magistrates Court in criminal matters (previously, the Associate Judge dealt only with civil appeals from the Magistrates Court) and conducts bail hearings. I anticipate that, in the near future, the Associate Judge will gain all the warrant issuing powers of resident judges.

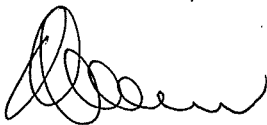
Given the significant expansion of the Associate Judge's powers and having regard to the fact that she is not entitled to a judicial pension, I have contemplated a submission that her remuneration should be set at a level that is higher than 90% of that applicable to a resident judge. On this occasion, I will not make that submission. However, I may do so in the future.

Principal Registrar

As the Tribunal took into account all relevant considerations relatively recently when it determined the remuneration payable to the Principal Registrar, I submit only that his remuneration should be increased to reflect changes in the Consumer Price Index. I am happy to meet with the Tribunal for the purpose of providing any further information that may assist.

For your information, I enclose a copy of the determination of the Commonwealth Remuneration Tribunal to which I have referred above.

Yours sincerely



Helen Murrell
Chief Justice