



CHIEF JUSTICE'S CHAMBERS
SUPREME COURT OF THE ACT
GPO BOX 1548
CANBERRA ACT 2601

4 September 2015

Ms Anne Cahill Lambert AM
Chair
ACT Remuneration Tribunal
PO Box 964
CIVIC SQUARE ACT 2608

Dear Ms Cahill Lambert

Thank you for advising that the ACT Remuneration Tribunal is preparing to undertake its annual review of the remuneration to be granted to ACT Supreme Court judicial officers.

I make the following submissions in relation to the remuneration determination affecting the Chief Justice and Associate Judge of the Supreme Court.

Chief Justice

As you know, pursuant to the *Supreme Court Act 1933* (ACT), resident judges of the Supreme Court are entitled to the same remuneration, allowances and entitlements as those paid to judges of the Federal Court. However, the Tribunal determines the additional allowance that is paid to the Chief Justice.

Historically, the Tribunal has determined that the Chief Justice's additional allowance should be 10% of the remuneration paid to all resident judges. The practice of assessing the additional allowance paid to the head of jurisdiction on a "plus 10%" basis is followed in most Australian jurisdictions.

Last year, the Commonwealth Remuneration Tribunal determined that Federal Court Judges should receive no increase in remuneration. Consequently, adhering to the "plus 10%" principle, I sought no increase in the Chief Justice's allowance.

Earlier this year, the Commonwealth Remuneration Tribunal decided to defer until the second half of 2015 its consideration of whether there should be any increase in the remuneration paid to Federal Court Judges. It is yet to make a determination.

Consequently, I ask the Tribunal to express adherence to the principle that the Chief Justice's additional allowance should be 10% of the remuneration paid to all resident judges, defer final determination of the additional allowance until the Commonwealth Remuneration Tribunal delivers its determination and then set the amount of the allowance and commencement date for the allowance to coincide with the Commonwealth determination.

Associate Judge

The Associate Judge was formerly known as the Master.

Last year, I submitted that there should be a significant increase in the remuneration paid to the Master, reflecting the fact that the Master's role is the same as that of a NSW Associate Judge, who enjoys the conditions of a NSW District Court Judge (remuneration at the rate of 90% of that paid to a NSW Supreme Court Judge, and a non-contributory judge's pension).

The Tribunal determined that the Master should receive a 1.5% increase in remuneration. Consequently, the remuneration that is currently paid to the Associate Judge is \$356,856 per annum, i.e. 86.5% of the remuneration that is currently paid to a Supreme Court Judge.

For the reasons advanced in 2014, I submit that, as a matter of principle, the remuneration of the Associate Judge should be increased to 90% of that paid to a Supreme Court Judge.

As noted above, the remuneration of a Supreme Court Judge during 2015/16 will depend upon the outstanding determination of the Commonwealth Remuneration Tribunal. If the Tribunal accepts that, as a matter of principle, the remuneration paid to the Associate Judge should be 90% of that paid to a Judge, then I submit that the determination of the remuneration payable to the Associate Judge should be deferred until the Commonwealth Remuneration Tribunal makes its determination, and then fixed at 90% of the amount applicable to a Judge, commencing on the date from which the Commonwealth determination applies.

I note that Tribunal hearings are scheduled for 24 and 25 September 2015. I am absent from the ACT on those dates, but the Acting Chief Justice is available.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Murrell', with a stylized, flowing script.

Helen Murrell
Chief Justice