



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

4 September 2014

Mr Jacob Collins
Secretary
ACT Remuneration Tribunal
GPO Box 158
Canberra ACT 2601

Dear Mr Collins,

Thank you for your invitation to make a submission in relation to the annual remuneration determination affecting the Chief Justice and Master of the Supreme Court.

Chief Justice

Historically, the Tribunal has determined that the remuneration for the Chief Justice should be that of a Federal Court Judge plus an allowance of 10%. That relativity is common in other jurisdictions and I submit that it should be maintained in the ACT.

The Commonwealth Remuneration Tribunal has determined that holders of public office, including Judges, should receive no increase in remuneration this year. Any argument for an increase of the Chief Justice's current allowance of 10% is outweighed by the importance of the principal that the head of jurisdiction should receive an allowance of 10% of the remuneration paid to other judges of the Supreme Court and to Judges of the Federal Court. Consequently, I make no submission that the allowance should be increased.

Master

In 2013, the Tribunal determined that the Master's salary would be 85% of the remuneration paid to a Supreme Court Judge, noting that the remuneration paid to a Supreme Court Judge was pegged to that paid to a Federal Court Judge.

The position of the Master in the ACT is quite different from that of a Master/ Associate Judge in most other jurisdictions, where the Master/ Associate Judge is usually responsible for less serious and less complex matters. Nevertheless, the remuneration that is currently paid to the ACT Master sits close to the bottom of the range paid to equivalent Supreme Court judicial officers in the other states and territories.

The closest comparison to the jurisdiction exercised by the ACT Master is that exercised by an Associate Judge of the NSW Supreme Court. In the ACT, the Master exercises the entire

civil jurisdiction of the Court. In NSW, the Associate Judge exercises a wide civil jurisdiction, although it may be slightly more limited than that exercised by the Master in the ACT. Here, the Master not only exercises the entire civil jurisdiction of the Court, but hears the vast bulk of civil proceedings. He has assumed the primary responsibility for revising civil case flow management procedures, which promise to deliver significant efficiencies. In short, unlike other jurisdictions, the efficient operation of the civil jurisdiction in the ACT is largely dependent upon the Master.

For remuneration and other purposes, in NSW an Associate Judge is treated as the equivalent of a District Court Judge, and receives the same remuneration. Historically, that remuneration was fixed at 90% (some years ago, it was only 85%) of the remuneration paid to a Supreme Court Judge, but more recently there has been a slight erosion of that relativity. In 2014, the NSW Statutory and Other Offices Remuneration Tribunal (SOORT) was concerned to restore historical relativities but was precluded from doing so by statutory provisions. The SOORT expressed a desire to restore the 90% relativities as soon as possible. By the SOORT determination made on 11 July 2014, the remuneration paid to a NSW Associate Judge/ District Court Judge was set at \$376,740, i.e. just under the 90% considered appropriate by SOORT.

For these reasons, I submit that the Master should be remunerated at a rate that is 90% of the remuneration paid to a Supreme Court Judge in the ACT.

Should the Tribunal consider that additional oral submissions would be helpful, I would be happy to attend before the Tribunal.

Yours sincerely,

Helen Murrell
Chief Justice