



## Gordon Ramsay MLA

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Member for Ginninderra

Attorney-General  
Minister for Regulatory Services  
Minister for the Arts and Community Events  
Minister for Veterans and Seniors

Dr Colin Adrian  
Chair  
ACT Remuneration Tribunal  
PO Box 964  
CIVIC SQUARE ACT 2608

Dear Dr Adrian

I write to raise an issue with the wording of Determination 17 of 2017 – ACT Magistrates Court, which provides for the remuneration of special magistrates at a daily or part day rate depending on the amount of hours the special magistrate 'sits'.

The Chief Magistrate has raised concerns that this word 'sits' does not clearly indicate whether out of court work can be claimed and remunerated in accordance with the determination. This is an issue where a special magistrate may do preparatory work at home for hearings in the forthcoming week, or where they are required to perform official duties while the court is not in session. She has therefore requested that I write to you seeking an out of session determination that would encompass out of court work necessary for the discharge of the special magistrate's functions.

Looking at the history of this clause providing for part day remuneration, it appears to have first been introduced in 2011 when the former 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.

Given this, I do not believe that the issue needs to be resolved out of session but I would propose that, to avoid future uncertainty, this part of the determination be clarified to properly recognise and include work done in connection with the official duties of the special magistrate, whether it occurs in court or not. Consistent with the scope of the current determination, travel between home and place of work should not be counted, but other reasonable travel could be.

### AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

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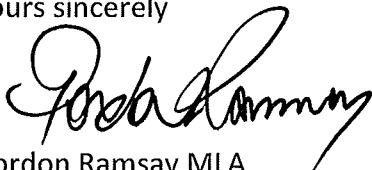
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The Principal Registrar has suggested wording to define 'sits' as including preparation, decision writing, judicial education and reasonable travel other than travel between home and the court. The Chief Magistrate supports such an approach.

I welcome your consideration of this matter at the next hearing of magistrates' remuneration, and note that I may have further submissions to put before the Tribunal at that time.

Thank you in advance for your assistance with resolving this issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gordon Ramsay', written in a cursive style.

Gordon Ramsay MLA  
Attorney-General

26 JUN 2018