

Ms Sandra Lambert AM

Chair, ACT Remuneration Tribunal
PO Box 964, Civic Square, ACT 2608

By email: remtrib@act.gov.au

Dear Ms Lambert,

Thank you for your invitation of 23 August 2019 to make submissions concerning the remuneration payable in respect of the position of judicial officers and others. I am aware that the Chief Justice has made a submission in respect of the position of Associate Judge and I support that submission.

The following might assist the Remuneration Tribunal in determining an appropriate figure. If the ratio or formula of remuneration is to be changed, it is preferable to make the alteration once, rather than tinker with percentages in the coming years.

The jurisdiction of the Associate Judge has expanded quite significantly in the past two years, through legislative changes. Previously, the Associate Judge had full civil jurisdiction in matters at first instance and on appeal from the ACT Civil and Administrative Tribunal and the Magistrates Court. The Associate Judge now also hears criminal appeals from the Magistrates Court and applications for bail, and issues warrants.

The result is that the position now has substantially the same responsibilities in the Supreme Court as those undertaken by a resident judge; the exceptions being Court of Appeal or Full Court matters and criminal trials on indictment. Matters in the former category are heard by three judges and the judgment writing load is therefore shared. Criminal trials on indictment are often heard by a jury and as a consequence do not result in substantial judgment writing apart from evidentiary rulings and sentencing remarks after a guilty verdict. Even with regard to the hearing of criminal trials on indictment, the Associate Judge presides over the giving of pre-hearing evidence (such as for vulnerable witnesses in sexual assault cases or child witnesses in criminal negligence cases).

The extra responsibilities are in addition to, not in substitution for, the already demanding workload of running the civil list. The result is that the judicial output required in terms of judgment writing frequently exceeds that required from resident judges. The Associate Judge also shares equally in all the extra-curricular commitments expected of resident judges, sitting on national judicial committees, speaking at conferences and organising and participating in the Supreme Court's efforts to involve the community to promote greater access to justice.

From the perspective of value to the Territory, it is worth noting that although the position of Associate Judge now carries with it many of the same responsibilities of resident judges, the position is allocated half the support staff assisting a resident judge, receives no benefit of a judicial pension and has fewer annual leave entitlements to that of a resident judge.

The remuneration payable should be amended to reflect the substantial change in the nature of the role, and that rate should equate to 94% of that applicable to a resident judge.

Yours sincerely,



Associate Justice Verity McWilliam

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