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8 September 2014

Ms A Cahill-Lambert  
Chair  
ACT Remuneration Tribunal  
PO Box 964  
Civic Square ACT 2608

Dear Ms Cahill-Lambert,

Thank you for your invitation to make a submission regarding determination of Magistrates' remuneration. I make this submission on behalf of all ACT Magistrates and Special Magistrates.

In making this submission we are cognisant of the approach adopted by the Tribunal last year in relation to setting remuneration levels in both of the ACT's Courts. We respectfully submit it was appropriate in principle.

We submit, however, that the actual percentage arrived at does not achieve the appropriate level of remuneration. That, we submit, would be arrived at by setting the Magistrates remuneration at 80% of that of the Judges. In arriving at this figure, we rely on our previous submission regarding work value and parity, both within the ACT and as to other Australian jurisdictions. This position has not altered significantly since last year. We have updated the tables provided with our 2013 submission for your consideration.

Our rationale for setting Magistrates' remuneration at 80% of the Judges is as follows.

The Tribunal last year identified a move towards parity with other jurisdictions and acknowledged the increased work value of the role. Magistrates' remuneration was set at 79% of that of the Judges.

The Tribunal also adopted a policy of maintaining parity between the Judges of the ACT Supreme Court and their Federal Court counterparts. This is the most common although not the unanimous approach nationally. We submit that that approach is appropriate and consistent with the principle of relativity that should apply equally to the Magistrates. We support a continued linkage with the Judges' remuneration. It offers a formalised recognition of the structure of the judicial hierarchy. It also provides a simple and practical basis for the calculation of remuneration.

Last year, the Master's remuneration was linked to the Judges, setting it at 85% of the Judges' remuneration. We understand the Chief Justice is making a submission this year to the effect that the Master's remuneration is appropriately set at 90% of the Judges' remuneration. We make no comment as to the level at which the Master's remuneration should be set but endorse the application of relativity as a guiding principle.

For the Magistrates, remuneration set at the 80% level, we submit, better reflects parity with the interstate position and relativity within this jurisdiction having regard to the absence of an intermediate court.

Our submission in relation to the position of Chief Magistrate and Special Magistrates is, again, that the existing relativity with other Magistrates be maintained.

Yours sincerely,

Lorraine Walker  
Chief Magistrate

Table A

**Summary of Australian general civil and criminal State and Territory Courts jurisdiction**

	<b>Supreme Court</b>		<b>District/County Court</b>		<b>Magistrates Court</b>	
	<b>CIVIL</b>	<b>CRIMINAL</b>	<b>CIVIL</b>	<b>CRIMINAL</b>	<b>CIVIL</b>	<b>CRIMINAL</b>
ACT	Unlimited	Unlimited	-	-	\$250,000; Unlimited in commercial lease disputes	5yrs imprisonment per offence unlimited accumulation
NSW	Unlimited	Unlimited	Up \$750,000; unlimited regarding MVA cases	Limited by offence type	\$150,000	2 years per offence to maximum 5 years
NT	unlimited	unlimited	-	-	\$100,000	Up to 5 years imprisonment
QLD	Unlimited	Unlimited	\$750,000	Limited by offence type	\$150,000	Up to 3 years imprisonment
SA	Unlimited	Unlimited	Over \$100,000	Limited by offence type	\$100,000	Up to 5 years imprisonment
TAS	Unlimited	Unlimited	-	-	\$50,000	Up to 5 years
VIC	Unlimited	Unlimited	All personal injury matters	Limited by offence type	\$100,000	2 years per offence to maximum 5 years
WA	Unlimited	Unlimited	\$750,000 Unlimited in personal injury matters	Limited by offence type	\$75,000	Statutory penalty

Table B

**Magistrates' remuneration as a percentage of that of District or County Court and Supreme Court judges throughout Australia – current (rounded to nearest percentage point)**

	<b>Magistrates Court</b>	<b>District/County Court</b>		<b>Supreme Court</b>	
	<b>\$</b>			<b>\$</b>	<b>%</b>
ACT	325,915	-	-	412,550	79%
NSW	300,330	376,740	80%	420,640	71%
NT	309,413	-	-	412,550	75%
QLD	324,677	371,295	87%	412,550	79%
SA	287,340	364,320	74%	412,550	70%
TAS	278,471	-	-	412,550	68%
VIC	285,875	357,429	80%	412,550	69%
WA	313,848	422,691	82%	433,258	72%

Table C

**Relative remuneration of ACT Magistrates, Supreme Court Judges and the Master (rounded to the nearest percentage point)**

<b>Year</b>	<b>Magistrate</b>	<b>Supreme Court judge</b>	<b>Supreme Court master</b>	<b>Magistrate as % of judge</b>	<b>Magistrate as % of master</b>
2008	\$250,698	\$319,990	\$269,565	78%	93%
2009	\$254,458	\$333,660	\$288,820	76%	88%
2010	\$262,728	\$374,120	\$298,239	70%	88%
2011	\$271,923	\$391,140	\$309,712	69%	88%
2012	\$290,958	\$402,880	\$331,392	72%	88%
2013	\$325,915	\$412,550	\$350,668	79%	93%