



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

26 August 2016

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

Dear Ms Cahill Lambert

Dear Ms Lambert,

In response to the ACT Tribunal's invitation dated 2 August 2016 concerning the 2016 annual review of the salary, allowances and entitlements of the judges of the Supreme Court of the ACT, I make the following submissions.

Background

As you know, under the *Supreme Court Act 1933* (ACT), resident judges of the Supreme Court are entitled to the same remuneration, allowances and entitlements as are paid to judges of the Federal Court. These are determined by the Commonwealth Remuneration Tribunal.

The ACT Tribunal determines the additional allowance payable to the Chief Justice and the remuneration and travelling allowance that is payable to the Associate Judge.

At the 2015 annual review, the ACT Tribunal deferred its determination to await the Commonwealth determination.

In late 2015, the Commonwealth Remuneration Tribunal determined that from 1 January 2016 the remuneration for Federal Court judges would be increased by 2% to \$420,810.

In determination 5 of 2016, the ACT Tribunal noted that the benchmark remuneration of \$420,810 applied to ACT Supreme Court Judges and determined to increase the allowance payable to the Chief Justice to \$42,081, being 10% of the benchmark figure. The ACT Tribunal also determined that the Associate Judge was entitled to remuneration of \$378,729. Consistent with the Commonwealth determination, the increases were to date from 1 January 2016.

Currently, there are two separate processes that may impact on the remuneration of Federal Court Judges and may therefore be relevant to the ACT Tribunal's 2016 review of the Chief Justice's allowance and the remuneration payable to the Associate Judge. First, the Commonwealth Tribunal is conducting a comprehensive review of judicial remuneration and allowances. It is expected that the outcome of the review will be known in the next two months. Second, the Commonwealth Tribunal conducts an annual review. There is no

indication of when the outcome of the 2016 annual review will be known. Presumably, the outcome of the 2016 annual review will depend upon the outcome of the comprehensive review.

Chief Justice

Consistent with the practice followed in most Australian jurisdictions, in the past the Tribunal has determined that the Chief Justice's additional allowance should be 10% of the remuneration paid to resident judges. I submit that this relationship should be maintained.

I request that the determination of the Chief Justice's additional allowance be deferred until the outcome of the Commonwealth comprehensive review and/or 2016 annual review is known.

Associate Judge's Remuneration

In 2016 I submitted that the Associate Judge should receive 90% of the remuneration payable to a resident judge. That submission was accepted; under Determination 5 of 2016, the Associate Judge receives 90% of the remuneration payable to a resident judge.

My 2015 submission pointed out that the judicial duties of the Associate Judge are virtually identical to those of the Associate Judges of the NSW Supreme Court and akin to those of a NSW District Court judge exercising civil jurisdiction (albeit, the NSW District Court's civil jurisdiction is narrower than that of the ACT Associate Judge). In addition, the Associate Judge has the management responsibility for organising and listing ACT Supreme Court civil cases.

From 1 July 2016, the remuneration payable to NSW judicial officers was increased by 2.5%. Associate Judges of the NSW Supreme Court and Judges of the NSW District Court continue to receive 90% of the remuneration that is payable to a NSW Supreme Court Judge (they now receive \$395,810 plus a conveyance allowance and judicial pension).

I submit that the ACT Associate Judge should continue to receive remuneration that is 90% of the remuneration payable to a resident judge.

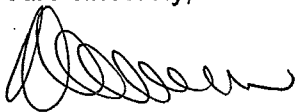
I request that the determination of the Associate Judge's remuneration be deferred until the outcome of the Commonwealth comprehensive review and/or annual review is known.

Associate Judge's Travel Allowance Rate

I submit that the Associate Judge should receive the same travelling allowance rates as those applicable to a resident judge as a result of the Commonwealth Tribunal's Determination 2016/07. The rates under Determination 2016/07 are virtually identical to the rates applicable to all NSW judicial officers under the NSW 2016 annual determination.

I note that hearings are to be scheduled for November 2016.

Yours sincerely,



Helen Murrell
Chief Justice