



## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Chief Justice Helen Murrell  
Supreme Court of the ACT  
GPO Box 1548  
CANBERRA ACT 2601  
Email: [ChiefJustice.Murrell@courts.act.gov.au](mailto:ChiefJustice.Murrell@courts.act.gov.au)

Dear Chief Justice

Thank you for your submission dated September 2020 in relation to the remuneration for acting judges, additional remuneration for the Associate Judge when acting as a judge and vehicle allowance entitlement for acting judges.

The Tribunal considered your submission and further information from the Justice and Community Safety Directorate at its out-of-session meeting held on 16 December 2020 and has decided that if an acting judge works fewer than 3 hours in a day they will only be entitled to half the daily remuneration rate. Acting judges who work for 3 hours or more will be entitled to the full daily rate calculated at the rate of 1/230 of the annual remuneration paid to a judge of the ACT Supreme Court per day. In making its decision, the Tribunal considered the provisions for Special Magistrates who undertake judicial duties, and to ensure consistency across its Determinations, the Tribunal decided to apply a 3-hour minimum rather than the requested 4 hours.

In view of advice recently received from the Justice and Community Safety Directorate, the Tribunal is concerned that giving effect to revised sitting rates as proposed for currently appointed Acting Judges may act as a detriment to them and therefore be beyond the power of the Tribunal. However revised rates could be established to have effect for reappointed or newly appointed Acting Judges to have effect from 1 January 2021. Current appointees would continue to be paid under Determination 7 of 2020 for the remainder of their terms.

The Tribunal also decided to provide an additional payment for the Associate Judge when acting as a judge. The Associate Judge's total remuneration must not exceed that paid to a judge of the ACT Supreme Court.

In relation to the vehicle entitlements for acting judges, the Tribunal is of the view that it is not within its jurisdiction to remove this entitlement. Section 37V of the Supreme Court Act provides 'an acting judge is entitled to the same entitlements, other than in relation to leave or pension, as a judge'. Section 11 of the Remuneration Tribunal Act 1995 provides that determinations are subject to law, so section 37V would override any determination covering these matters.

A copy of Determination 16 of 2020 is attached to this letter, and will be made available on the Tribunal's website in the New Year.

Thank you for your submission. Consistent with usual practice, a copy of your submission will be placed on the Tribunal's website.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'Sandra Lambert', with a stylized flourish at the end.

Sandra Lambert AM  
Chair, ACT Remuneration Tribunal  
24 December 2020