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ACT Remuneration Tribunal
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Dear Ms Lambert

ACT Remuneration Tribunal Review 2021

Thank you for your letter inviting the Magistrates of the Australian Capital Territory to make a submission in relation to the Remuneration Tribunal's further examination of the remuneration, allowances, and other entitlements for the judiciary. Thank you also for allowing a further week for my response in light of the intervening Covid-19 emergency arrangements.

This year, the Magistrates invite the Tribunal to create a formal link between Magistrate's salaries and that of Territory Judges at the level of 85%. Alternatively, if the Tribunal considers that a permanent linkage is not appropriate, we invite you to set remuneration at that level subject to ongoing annual review. We ask that the Chief Magistrate and Special Magistrates' remunerations maintain the present relativities. We rely on the submissions made over the last 10 years.

We note that the Tribunal has expressed an interest in the impact that the Government's commitment to appointing a dedicated Coroner might make on setting an appropriate level of remuneration. We submit that it should be none. That is because whatever model is adopted, Magistrates will continue to hold dual commissions as Coroners, will still need to meet duty Coroner obligations and to back fill for any dedicated coroner on leave, as well as picking up overflow work, such as hearings, noting that a single person will not be able to meet all of these obligations.

We further note that ACT Magistrates continue to meet significant and increasing duty obligations with no formal recompense for this. After hours family violence order applications are common and were an additional obligation imposed by legislation in 2016. As Chief, I allocate a single day in lieu for a week's 24 hour on call duty including a weekend sitting. This is far below what would be acceptable in most work environments and barely recognises not only the additional commitment but the personal impact that being on call 24/7 whilst carrying a full-time court load entails. It is appropriate to formally reflect this duty obligation either by additional remuneration or additional leave, as to which please see below.

I have attached a letter which I have sent to the Attorney-General addressing the issues of leave and title. It is inconvenient and, in my view, inappropriate to have different aspects of Magistrates' remuneration and conditions determined in different ways by different parts of government. It prevents an holistic assessment and may result in unfairness. I am aware that this is not a matter for the Tribunal but raise it for your information.

If the Tribunal requires any further information, or my attendance to discuss any of the issues raised, please do not hesitate to contact me.

Yours sincerely

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

Lorraine Walker
Chief Magistrate
20 August 2021