



## SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

8 August 2012

Mr Greg Haustead  
Secretary  
ACT Remuneration Tribunal  
PO Box 964  
CIVIC SQUARE ACT 2608

Dear Mr Haustead

I note that the Remuneration Tribunal is undertaking its annual review of remuneration, allowances and other entitlements to be granted to members of the judiciary.

This includes the Master of the Supreme Court, whose remuneration, allowances and other entitlements, are, unlike the remuneration, allowances and other entitlements of the judges of the Supreme Court, other than for certain allowances to the Chief Justice and the President of the Court of Appeal, fixed by decision of the Tribunal. The remuneration, allowances and entitlements of the judges and fixed by reference to those of judges of the Federal Court of Australia.

It is in relation to the position of the Master that I write. The remuneration for the position has fallen well behind the relativity that it originally had to the remuneration of a judge. It has also fallen well behind the remuneration of the position of Master or equivalent position in other jurisdictions, including those perhaps most comparable with this Territory, Tasmania and the Northern Territory.

This is despite the fact that the Master in this Territory has the widest jurisdiction of any of the Masters or the equivalent position (where, in some jurisdictions, they are called Associate Judges) in the other Territory or the States.

The Master in this jurisdiction has the same jurisdiction as a judge in civil matters and some criminal jurisdictions. The Master is an integral part of the Court and manages a workload that is, in civil matters, equivalent to that of a judge. The jurisdiction is significantly greater than that of a Magistrate and, even allowing for the leadership and administrative tasks of the Chief Magistrate, a significantly greater jurisdiction than that position.

On a work-value basis, the Master is presently substantially under-remunerated and as a matter of fairness, it is necessary, indeed essential, for the Tribunal to address that.

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Around Australia, the almost universal approach has been to set the remuneration of the equivalent position of Master, at 85% of the remuneration of a judge. This is a good guide to relativities in work value as shown by the considerations of other jurisdictions, even though none of those positions exercise as broad a jurisdiction as the Master of this Court. This comparator is a fair and reasonable guide to the work value of the position.

This is a basic issue of fairness, but has a particular urgency at this time, for the present incumbent, Master David Harper OAM, is to retire in May 2013 and it will be necessary to replace him. This has to be seen in the context of the significant workload of the Court, which has been aggravated by the increasing complexity of the legislative framework under which the Court works. We are presently setting down matters for hearing in 2014. That level of work is probably greater than that of any other Court in Australia, though others are approaching that level.

No doubt the present remuneration would attract some applicants to the position, but to attract a suitable applicant with the qualifications, experience and personal qualities necessary for an adequate discharge of the duties of Master, I have no doubt that an increase in remuneration will be necessary.

Accordingly, I urge the Tribunal, on the basis of work value, fairness and equity and, having regard to the exigencies of the present situation where a new incumbent will be needed to be attracted and it will be very important for the Court particularly at the present time to be able to recruit a suitable successor to Master Harper, that urgent consideration be given to an appropriate increase in the remuneration payable to the Master and, preferably, to restore the appropriate relativities between the remuneration of this position and that of the judges.

I would be happy to provide any additional information or comment should the Tribunal see it as desirable or necessary.

Yours sincerely



Richard Refshauge  
Acting Chief Justice