

Mr Greg Haustead  
Secretary  
ACT Remuneration Tribunal  
P.O. Box 964  
CIVIC SQUARE 2608

Dear Mr Haustead,

Thank you for your letter of 11 July 2012.

My submission will be along the same lines as that of a year ago. Regrettably, since then the salary for the position of Master of the Supreme Court, expressed as a percentage of the salary of a judge, has fallen further. This is because the salary of a judge of the Supreme Court is tied by legislation to the salary level for judges of the Federal Court of Australia, which is set by the Commonwealth Remuneration Tribunal.

My submission remains that the salary of the Master should be set at 85% of the salary of a judge.

The jurisdiction exercised by the Master in the ACT is considerably wider than elsewhere in Australia. The ACT is the only jurisdiction where the Master exercises exactly the same jurisdiction as a judge in relation to the civil jurisdiction of the court. This includes actions for damages for an unlimited amount, claims for injunctions and other equitable relief, appeals from magistrates and appeals from the ACT Civil and Administrative Tribunal. In addition, the Master is authorised to determine bail applications.

As I mentioned in my submission last year, this is the percentage which has long been adopted in both Tasmania and the Northern Territory, the other Australian jurisdictions which have a Supreme Court (with a master) and a Magistrates Court but no intermediate court. In those jurisdictions, the salary for the Master is the same as the salary of the Chief Magistrate at 85% of the salary of a judge.

The position in the other States of Australia is generally that masters (in some states termed associate judges) are paid a salary of 85% of the salary of a Supreme Court judge. In those jurisdictions the Chief Judge of the District Court or County Court is generally on the same salary as a Supreme Court judge, with the judges of the intermediate court being on 85% of a Supreme Court judge's salary, the same level as a master. Generally the Chief Magistrate is on the same salary level as a master and an intermediate court judge.

Salary levels for the judiciary in the State systems are set by State remuneration tribunals and are not fixed with reference to the remuneration of a Federal Court judge, but there is general acceptance around Australia that the salary of a Supreme Court judge should approximate to 85% of that of a Justice of the High Court of Australia. Thus masters or their equivalent in all other Australian jurisdictions are considerably better remunerated than the Master of the Supreme Court of the Australian Capital Territory.

The present salary of a judge of a Federal Court of Australia is \$391,140.00. The present salary of the Master is \$309,712.00, which is 79.2% of a judge's salary. 85% of a judge's salary is \$332,469.00.

There is in my submission some urgency about correcting the gap which has developed. My term as Master comes to an end in May 2013. The work of the court will be disrupted unless a successor is appointed to take office immediately on my retirement. Presumably, in accordance with present government policy, the position will be advertised. To attract suitable applicants, it will be important to ensure as far as possible that the remuneration is comparable to that of masters and their equivalent in the other Supreme Courts around the nation.

Yours sincerely,

David Harper  
Master  
Supreme Court of the Australian Capital Territory  
9 August 2012