

Mr Greg Haustead
Secretary
ACT Remuneration Tribunal
PO Box 964
Civic Square
2608

Dear Mr Haustead,

Thank you for your letter of 3 August.

The present salary applicable to the position of Master of the Supreme Court is \$298,239.00 per annum, in effect since 1 November 2010.

As you will be aware, the salary for a Judge of the Supreme Court is, by virtue of the Supreme Court Act 1933, the same as that for a Judge of the Federal Court of Australia. Following an increase which came into effect on 1 July 2011, the salary for a Judge is now \$391,140.00.

My submission is that, as in other Australian jurisdictions, the salary of the Master of the Supreme Court should be set at 85% of the salary of a Judge. That would take the salary to \$332,469.00.

By way of comparison, the Judges of the Supreme Court of the Northern Territory are on the same salary as a Judge of our Supreme Court. The Master of the Supreme Court of the Northern Territory is remunerated by a salary set at 85% of the salary as of a Judge. The salary of the Chief Magistrate of the Northern Territory is the same as that of the Master. Ordinary Magistrates are remunerated at 75% of the salary of a Judge.

The Master of the Supreme Court of Tasmania and the Chief Magistrate of Tasmania are both also on salaries set at 85% of the salary of a Supreme Court Judge.

I give the examples of Tasmania and the Northern Territory as the only other two jurisdictions in Australia where there is no intermediate (District or County) court.

Although salary levels for Judges in the State Supreme Courts are set by state remuneration tribunals and are not fixed to the level of a Federal Court Judge, there seems to be a general acceptance around the nation that the salary of a Supreme Court Judge should approximate to 85% of a Justice of the High Court of Australia.

The work done by the Master of the Supreme Court of the Australian Capital Territory is considerably more extensive than the work done by Masters and their equivalents in other Australian courts. The ACT Master has the full civil jurisdiction of a Judge, and in addition deals with bail applications on the criminal side of the court. The civil work encompasses actions for damages without any dollar limit; applications for injunctions and other equitable relief; appeals from Magistrates exercising civil jurisdiction; and appeals from the ACT Civil and Administrative Tribunal. Because the pressure of criminal work takes so much of the available time of the Judges, in recent times the great bulk of the civil work of the Supreme Court of the ACT has been handled by the Master.

It is to be noted, in addition, that the equivalent judicial offices to Masters in New South Wales and Victoria, titled 'Associate Judges', in addition to a salary of approximately 85% of that of a Judge, are entitled to a judicial pension on retirement.

My concern is that the salary of the Master of the Supreme Court of the ACT has fallen well below 85% of the salary of a Judge, and hence well below the level of remuneration seen as appropriate for Masters elsewhere in Australia.

My term as Master will come to an end on my seventieth birthday in May 2013. To attract a suitable candidate for appointment to the position at that time, it will be important to ensure that the remuneration is comparable to that of Masters in the other state and territory Supreme Courts of Australia.

Yours sincerely,

David Harper
Master
Supreme Court of the Australian Capital Territory