



ACT
Government

Justice and Community Safety

Anne Cahill Lambert
Chair
ACT Remuneration Tribunal
PO Box 964
CIVIC SQUARE ACT 2608

Dear Ms Cahill Lambert

Judicial Remuneration

I write regarding the Remuneration Tribunal's present consideration of judicial remuneration in relation to ACT Magistrates.

I note in a submission from the A/g Chief Magistrate, he urged consideration of an increase in remuneration based on a change in the criminal and civil jurisdiction of the Magistrates Court. It may be useful to provide some additional information about the changes, which took effect on 25 July 2011.

The A/g Chief Magistrate has referred to the increase in the criminal jurisdiction of the Magistrates Court. In relation to the criminal jurisdiction changes, the Magistrates jurisdiction has included for some time the possibility of the Court hearing matters in the 2-5 year criminal penalty range (and, a range of offences attracting higher penalties). In practice, within the existing jurisdiction, Magistrates had already dealt with the bulk of charges brought against offenders in the 2-5 year offence bracket (for example, in the largest offence category dealt with by the Magistrates Court in this bracket, assault occasioning actual bodily harm, the Magistrates Court dealt with about 300 matters in 2010 resulting in 43 custodial sentences). It should be noted that the jurisdictional changes also resulted in formal reduction of the sentencing powers of the Magistrates Court to 2 years (from 5 years) in relation to this bracket of cases.


The A/g Chief Magistrate has referred to the increase in the civil jurisdiction of the Magistrates Court from \$50,000 to \$250,000. Unlike criminal cases which must all come before the court for hearing or sentence, proportionally few civil matters come before a judicial officer for consideration as most are settled by the parties or before registrars and deputy registrars. The number of additional filings and appearances before a judicial officer will be monitored but at this stage cannot be modelled with confidence due to the number of variables involved. Further, it might be noted that the Court, on occasion, already hears matters involving substantial civil claims – it

already has jurisdiction to hear matters involving substantial civil relief in its commercial and retail leases jurisdiction.

In contrast, Judges of State District Courts conduct jury trials, and the jurisdiction of those courts and their sentencing options is broader than the Magistrates Court.

If it would be of value to the Tribunal, the Directorate would be happy to appear before the tribunal to elaborate on the jurisdictional changes, and any other matter arising from the submissions before the Tribunal.

Yours sincerely

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

Name Alison Playford

Title Deputy Director General

Date

8/9/11.