

JUDICIAL REMUNERATION TRIBUNAL ACT 1995 Section 14(2)

STATEMENT OF REASONS

The Judicial Remuneration Tribunal (JRT) delivered its Report entitled *Judicial Allowances and Conditions of Service: Report 1 of 2010* on 23 November 2010. The Report was laid before both Houses of Parliament on 24 March 2011 pursuant to section 14 of the *Judicial Remuneration Tribunal Act 1995* (the Act).

The Act allows the Attorney-General to accept, vary or reject recommendations made by the JRT.

The Report makes twelve recommendations concerning the allowances and conditions of service of the State's judges, associate judges and magistrates. In making these recommendations the JRT has referred to submissions provided by the judiciary and has sought feedback from Government.

After considering the recommendations of the JRT and receiving advice from the Department of Justice and an Interdepartmental Committee, I have decided to accept *in some form*, all of the recommendation of the JRT with the following exceptions:

- Recommendation 11 which recommends that the government conduct a review of post employment restrictions for the judiciary
- Recommendation 12 which recommends that the Attorney-General reissue past certificates in a consolidated form.

I have decided not to accept the JRT's recommendation that the government conduct a review of post employment restrictions for the judiciary on the basis that this recommendation falls outside the scope of the JRT's functions under the Act.

I have decided not to accept the JRT's recommendations in relation to rescinding and reissuing past certificates in a consolidated form. Instead, I have asked the Department of Justice to develop, as a matter of priority, a manual outlining judicial conditions of service (as proposed by the JRT in 2007).

I have decided to accept in a varied form the following recommendations of the JRT:

- Living away from home allowance (Recommendation 1)
- Relocation expenses (Recommendation 2)
- Recognition of prior service (Recommendation 4, 5 and 7)
- Sabbatical/long service leave for the Chief Magistrate (Recommendation 9)

My reasons for varying these recommendations are set out below.

Where a Magistrate relocates to a regional area on a temporary basis I consider that the payment of a living away from home allowance is appropriate. However, I consider that relocation expenses should only be payable where a Magistrate is required to relocate permanently. Accordingly, I have decided to vary recommendation 1 to reflect this position.

In addition, while I agree in-principle with the balance of the recommendations, I am concerned to ensure that these entitlements are certified in a form that promotes clarity and certainty in relation to judicial entitlements and accords with existing policies. This requires some minor variations to the drafting of these recommendations.

To this end, I propose to certify variations of the recommendations relating to the living away from home allowance (Recommendation 1), relocation expenses (Recommendation 2), recognition of prior service (Recommendation 4 and 7) and the long service leave entitlement of the Chief Magistrate (Recommendation 9) for inclusion in the certificate under section 15 of the Act.

All other recommendations will be accepted without variation.

I would like to take this opportunity to thank the JRT for their report.

A handwritten signature in black ink, appearing to read 'Robert Clark', with a stylized flourish at the end.

ROBERT CLARK MP
Attorney-General