

1996

LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

*SUPREME COURT ACT 1933*

**SUPREME COURT (REMUNERATION AND  
ALLOWANCES) REGULATIONS (AMENDMENT)**

**EXPLANATORY STATEMENT**

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ATTORNEY-GENERAL**

## EXPLANATORY STATEMENT

### SUPREME COURT (REMUNERATION AND ALLOWANCES) REGULATIONS (AMENDMENT)

#### OUTLINE

Section 4A of the *Supreme Court Act 1933* provides that the Executive may appoint a suitably qualified person as an acting Judge of the Supreme Court.

Section 73 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth provides for the remuneration and allowances of specified office holders to be either specified by a Territory enactment or determined by the Commonwealth Remuneration Tribunal. A Judge (including an acting Judge) is one of the specified office holders.

Section 75 of the *Supreme Court Act* empowers the Executive to make regulations, not inconsistent with the Act, prescribing matters required or permitted to be prescribed or necessary or convenient to be prescribed for giving effect to the Act.

The Supreme Court (Remuneration and Allowances) Regulations set out an acting Judge's entitlement to remuneration and allowances as these matters are not the subject of a determination of the Remuneration Tribunal.

These Regulations will determine the remuneration and allowances of acting Justice Hogan the need for whose appointment arises from the absence on leave of the three resident Judges for varying periods from July to December 1996. The changes specify new rates for remuneration and expenses in relation to incidental expenditure attributable to the acting Judge's absence from his residence in Sydney. Acting Justice Hogan's accommodation costs will be met directly by the Territory.

#### SUBSTANTIVE DETAILS

Regulation 1 provides that the amending Regulations will commence on 8 July 1996, the date of effect of Mr Hogan's appointment as an acting Judge.

Paragraph 2(a) amends subregulation 3(1) in order to alter the daily rate of an acting Judge's remuneration from \$1,500 to \$1,000.

Paragraph 2(b) amends subregulation 3(2) in order to alter the daily allowance of an acting Judge from \$300 to \$100.

Paragraph 2(c) inserts a new subregulation 3(3) which contains a new definition of the term "day" in relation to the remuneration of an acting Judge. The object of this definition is to make it clear that the entitlement to payment of both the remuneration and the allowance accrues in respect of a day (other than on a weekend or a public holiday) on which the acting Judge exercises the powers, or performs

the duties, of a Judge. Prior to these amendments the Regulations provided for payment of the remuneration and allowances on each day an acting Judge undertook work of a judicial nature, a situation which could embrace week-ends and public holidays.

#### **FINANCIAL IMPLICATIONS**

The costs associated with acting Justice Hogan's appointment will be funded from a contingent amount of \$140,000 in the Supreme Court's budget for the long leave for the Judges.