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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 existing Supreme Court (Remuneration and Allowances) Regulations (the Principal 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 amend the Principal Regulations in order to repeal subregulation 3(2) to remove the entitlement of an acting Judge to a daily allowance in addition to the daily amount of remuneration. The provision for a daily allowance was based on earlier arrangements involving a particular appointment from inter-State.

SUBSTANTIVE DETAILS

Regulation 1 provides that the amending Regulations will commence on notification in the *Gazette*.

Regulation 2 defines the term "Principal Regulations" to mean the Supreme Court (Remuneration and Allowances) Regulations.

Regulation 3 amends regulation 1 to alter the citation of the Principal Regulations by omitting the expression "and Allowances". The Regulations will now be cited as the Supreme Court (Remuneration) Regulations.

Paragraph 4(a) omits subregulation 3(2), which relates to an acting Judge's entitlement to a daily allowance.

Paragraph 4(b) omits the reference to allowance contained in the present definition of the term "day" in relation to the remuneration of an acting Judge.

FINANCIAL IMPLICATIONS

The costs associated with acting Judges' appointments are funded from a contingent amount in the Supreme Court's budget for the long leave for the Judges. The amendment, which removes an entitlement to a daily allowance, will effect a small saving in respect of future acting appointments.