



No. 15 of 2016

**REPORT AND DETERMINATION OF THE REMUNERATION TRIBUNAL**  
**REVIEW OF REMUNERATION FOR THE JUDGE OF THE YOUTH COURT**

## 1. PREAMBLE

The Remuneration Tribunal (“the Tribunal”) is given jurisdiction under section 13 of the *Remuneration Act 1990* (“the Act”), to determine the remuneration payable to the judiciary and holders of the public offices listed in that section of the Act. Section 14 of the Act provides that jurisdiction to determine remuneration for other offices may be conferred on the Tribunal by other Acts or by the Governor, by proclamation.

## 2. PROCEDURAL HISTORY

On 30 September 2016, the Tribunal received an application from the Crown Solicitor’s Office (“CSO”), on behalf of the Premier, to convene a sitting of the Tribunal for the purposes of determining the remuneration of the Judge of the Youth Court. The application was made in light of recent legislative changes brought about by the *Statutes Amendment (Youth Court) Act 2016* (“the Amending Act”), which the Tribunal has been advised will come into force on 1 January 2017.

The Amending Act brings about various changes to the *Youth Court Act 1993* (“the YC Act”). The Amending Act abolishes the office of the Senior Judge of the Youth Court, and establishes the office of Judge of the Court, which will remain the principal judicial office of the Youth Court.

## 3. SUBMISSIONS

Judge Eldridge is the Senior Judge of the Youth Court. The Tribunal wrote to Judge Eldridge on 2 November 2016, inviting submissions. The Tribunal also invited submissions from the Attorney-General, the Judicial Remuneration Coordinating Committee, and the Premier, as the Minister responsible for the Act.

*Judicial Remuneration Coordinating Committee (“JRCC”), on behalf of Judge Eldridge, submitted:*

- that the Judge of the Youth Court should continue to be paid the remuneration previously awarded to the Senior Judge of the Youth Court;
- that the administrative workload of Judge Eldridge has not changed as a result of the Amending Act;
- Judge Eldridge, as the principal judicial officer of the court, remains administratively responsible for a court consisting of four judicial officers; and
- in addition, the judge is responsible for managing the conferencing unit of the Youth Court. The conferencing unit consists of youth justice coordinators who conduct family conferences in accordance with the *Young Offenders Act 1993*, and care and protection coordinators who conduct family care meetings in accordance with the *Children’s Protection Act 1993*. These coordinators comprise allied health professionals including social workers and psychologists, and other professional officers, including lawyers and teachers. At present the staff of the unit consists of 22 professional officers and four administrative officers. The judge is responsible for the administration of the unit including the appointment of the coordinators.

*The Crown Solicitor's Office, on behalf of the Premier, submitted:*

- that the additional remuneration currently payable to the Senior Judge of the Youth Court, be payable to the Judge of the Youth Court, on commencement of the Amending Act;
- that the duties associated with the newly established office of Judge of the Youth Court will not be significantly different to those currently performed by the Senior Judge of the Youth Court; and
- that the Judge of the Youth Court will continue to perform additional administrative and managerial duties in the position of principal judicial officer of the Youth Court.

#### **4. REPORT**

The Tribunal has given consideration to the changes to the court, effected by the legislation, and is satisfied that the allowance previously paid to the Senior Judge is appropriately payable to the Judge of the Court. The Tribunal notes that section 10(1) of the Amending Act designates the Judge of the Youth Court as the principal judicial officer of the court. The Tribunal also notes that the judge of the court assumes oversight of the responsibility of the court's administrative and or ancillary staff, which was previously the function of the Senior Judge of the Youth Court.

The Tribunal will therefore make a Determination varying Determination 5 of 2016, to reflect the changes brought about by the Amending Act.

#### **5. DETERMINATION**

The Tribunal hereby varies Determination 5 of 2016 as follows:

- A. By the deletion of the following text from the salary schedule at paragraph 1.1.1 as follows:

*"Senior Judge, Youth Court"*

- B. By adding the following text within paragraph 1.1.1 at the line directly below "Other Industrial Magistrates":

*"Judge of the Youth Court"*

The operative date of this amending Determination shall be the commencement date of the *Statutes Amendment (Youth Court) Act 2016*.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 19<sup>th</sup> day of December 2016.