



NEW SOUTH WALES
BAR ASSOCIATION

MEDIA RELEASE

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GOVERNMENT REMUNERATION BILL AN ATTACK ON JUDICIAL INDEPENDENCE

The independence of our judiciary is compromised under new Government legislation now before the State Parliament, the President of the New South Wales Bar Association, Phillip Boulten SC, said today.

'The Government's Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill, effectively curbing future increases in judicial salaries to 2.5%, is at odds with the independent determination of the NSW Remuneration Tribunal made only in October last year.

The Remuneration Tribunal, having taken account of Government submissions, nonetheless determined a 3% increase for Supreme Court judges.

The new legislation overturns the long accepted link between pay levels for State and Federal Judges, whereby Supreme Court-level remuneration has been fixed at 85% of the salaries paid to High Court justices.

The Government has previously acknowledged that 'it is generally accepted that there should be broad consistency of pay between Federal and State judiciaries'. The Tribunal in its 2012 report referred to this statement and went on to note that 'potential appointees to the Supreme Court are drawn from the same pool of qualified persons as are potential appointees to the Federal Court, and it is in the interest of the State of New South Wales that the best available people will accept appointment to the Supreme Court'.

No previous Government has sought to meddle with these arrangements.

The judiciary is not part of the Public Service, subject to direction by the Government.

'The Government interference in the setting of judicial remuneration is a dangerous precedent, yet will result in only minimal savings. It is difficult to see any rationale for this move' Mr Boulten said.

'The Government should stop its political posturing and withdraw this Bill. Judicial salaries should be determined by an independent authority that can consider claims on their merits, not the whim of Government'.

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