

Judicial Remuneration Bill 2007

Explanatory Notes

Objectives of the Bill

The main objective of the Bill is to implement a simpler and more certain system for the determination of judicial salaries and allowances which is consistent with judicial independence and which will enhance national consistency in judicial remuneration. This, in turn, will ensure that Queensland continues to attract and retain judicial officers of the highest quality.

The Bill also makes a number of miscellaneous amendments (which are unrelated to judicial remuneration) to remedy gaps or clarify anomalies in various other pieces of legislation. These include:

- Amendments to the *Freedom of Information Act 1992* to allow agencies to continue to deal with freedom of information applications out of time;
- Minor amendments to the *Magistrates Act 1991* regarding the appointment of acting magistrates; and
- Minor, technical amendments to the *Industrial Relations Act and Other Legislation Amendment Act 2007* and the *Supreme Court of Queensland Act 1991* to achieve consistency between the amendments to the *Magistrates Courts Act 1921* dealing with compulsory conciliation in the *Industrial Relations Act and Other Legislation Amendment Act 2007* and current legislative provisions for other alternative dispute resolution processes.

Reasons for the Bill

Judicial Remuneration

Currently, salaries and allowances for judges, members of the Land Court and members of the Queensland Industrial Relations Commission (QIRC) are determined by the Salaries and Allowances Tribunal (SAT) established under the *Judges (Salaries and Allowances) Act 1967* (the JSAA). The SAT also determines the salary of magistrates. Its determinations are

subordinate legislation and become law unless disallowed by the Legislative Assembly.

Under the JSSA, SAT must inquire into, and at intervals of not more than a year, report to the Minister any changes that should be made to the rates of salary and allowances payable to the judicial officers. Current practice is for SAT to report annually following the consideration of submissions from the judicial officers and the government. This is a time-consuming process which delays the implementation of increases to salaries and allowances of the relevant judicial officers.

While the SAT is an independent statutory tribunal, its determinations have generally followed those of its federal counterpart, the Remuneration Tribunal, which determines the salaries of federal judicial officers. As with the SAT, its determinations are subordinate legislation and subject to disallowance by the federal parliament.

The introduction of a system for determination of salaries and allowances which ensures greater certainty and consistency between the salaries of the Federal Court judges and judges of the Supreme Court of Queensland will be an important factor in maintaining judicial independence and enhance the capacity of the state to attract and retain high quality appointments to judicial office.

Freedom of Information Act 1992

Under the *Freedom of Information Act 1992*, if the agency or Minister fails to decide an application and notify the applicant within the required period (generally 45 days), access to the document is taken to be refused. The amendments to the *Freedom of Information Act 1992* are intended to support the administrative practice of agencies making decisions on applications under the Act outside the required period.

Minor amendments to the *Magistrates Act 1991*, the *Industrial Relations Act and Other Legislation Amendment Act 2007*, the *Supreme Court of Queensland Act 1991*, and the *Magistrates Court Act 1921*.

Minor amendments are required to these statutes to remove anomalies and ensure clarity in interpretation.

Achievement of the Objectives

Judicial Remuneration

The objectives are achieved by introducing a new system for the determination of salaries and allowances which removes the need for annual determinations by SAT and establishes a statutory nexus between the salary

and jurisprudential allowance of a Supreme Court judge and the salary of a Federal Court judge.

The Bill enshrines in the legislation all current internal relativities between the salaries and allowances of relevant judicial officers and provides for all current allowances to increase in accordance with the current applicable methodology. This ensures that judicial salaries and allowances in the state will be adjusted regularly against recognised benchmarks and that salary increases for Federal Court judges will automatically flow through to the state's judiciary.

This system, which is modelled on Victorian legislation, will enhance national consistency in judicial remuneration and maintain judicial independence by ensuring the determination of remuneration is independent of the executive. This, in turn, will ensure that Queensland continues to attract and retain high quality appointments to judicial office.

The Bill also makes amendments to the *Judicial (Pension and Long Leave) Act 1957* to achieve greater consistency between Queensland, the Commonwealth, Victoria and New South Wales in relation to recognition of prior judicial service in other jurisdictions for the purpose of long leave and judicial pension entitlements.

The key features of the Bill are:

- repeal of the JSAA and dissolution of the SAT
- creation of a statutory nexus between the salary and jurisprudential allowance of a Supreme Court judge and the salary of a Federal Court judge
- establishment of the rates of salary of other judicial officers by reference to the salary of a Supreme Court judge
- provision for the existing jurisprudential allowance for judges, Land Court members, the President of the Industrial Court and the Vice President of the Queensland Industrial Relations Commission (QIRC), which will increase annually at the same rate as salary
- provision for the existing education and conference allowance for the Deputy Presidents and members of the QIRC, to increase annually at the same rate as salary
- provision for the existing expense of office allowance to increase annually at the same rate as the Consumer Price Index (All Groups) Brisbane (CPI)

- provision for long leave allowance at its current rate of 2.86% of salary
- recognition of prior judicial service in another jurisdiction for the purpose of pension and long leave entitlements for judges appointed after the commencement of the amendments.

Freedom of Information Act 1992

The Bill supports the administrative practice of agencies continuing to deal with applications under the *Freedom of Information Act 1992* outside the required period.

Estimated Cost for Government Implementation

The Bill is not expected to have any significant financial implications for government.

Consistency with Fundamental Legislative Principles

Judicial Remuneration

The *Legislative Standards Act 1992* (LSA), section 4(1) provides that fundamental legislative principles (FLPs) are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. The LSA, section 4(2) provides FLPs include requiring that legislation has sufficient regard to rights and liberties of individuals and the institution of Parliament. Another principle that underlies a parliamentary democracy based on the rule of law, but is not expressed in the LSA, section 4(2), is the principle of the independence of the judiciary.

Currently, independence of the Queensland judiciary in relation to salary and allowances is ensured by an independent statutory body making an annual determination. The Bill changes the mechanism for setting salary and allowances but, as with the current arrangements, maintains the separation of the executive from the process. These changes enhance judicial independence by removing procedural impediments to salary setting and creating greater certainty in remuneration. In particular, the Bill protects judicial salaries and allowances by providing they cannot be decreased.

Freedom of Information Act 1992

The amendments to the *Freedom of Information Act 1992* include transitional provisions to validate past decisions and to extend the protection of the Act to agencies, Ministers and officers for applications dealt with pre-commencement and out of time. This retrospectivity is considered reasonable for past decisions made in good faith as review rights were in practice recognised and requiring these decisions to be remade would be administratively impractical and serve no purpose.

Consultation

The Chief Justice, the President of the Court of Appeal, the Chief Judge, the Chief Magistrate, the President of the Land Court, the President of the Industrial Court and the Vice-President of the Queensland Industrial Relations Commission have been consulted on the new system for determining judicial remuneration.

Notes on Provisions

Part 1 Preliminary

Clause 1 states the short title of the Act.

Clause 2 provides for commencement of the various provisions of the Act.

Clause 3 provides that the main purpose of the Act is to provide for the salaries and allowances for judicial officers in a way that maintains judicial independence, ensures that Queensland continues to attract and retain judicial officers of the highest quality and is generally consistent with other jurisdictions.

Clause 4 provides that the dictionary, defining key words and phrases, is in Schedule 2.

Part 2 Salaries generally and jurisprudential allowances for particular judicial officers

Clause 5 provides that a Supreme Court judge, other than the Chief Justice or the President of the Court of Appeal, is entitled to be paid a salary and jurisprudential allowance for a financial year which is equal to the salary payable to a Federal Court judge for the financial year. The salary and jurisprudential allowance of a Supreme Court judge is defined in the dictionary as “the benchmark amount” which is used to establish relativities with other judicial officers.

Clause 6 provides that the Chief Justice is entitled to be paid an amount equal to 112.5% of the benchmark amount as salary and jurisprudential allowance for a financial year.

Clause 7 provides that the President of the Court of Appeal is entitled to be paid an amount as salary and jurisprudential allowance which is equal to 97.5% of the Chief Justice’s salary and jurisprudential allowance for a financial year.

Clause 8 provides that the Chief Judge is entitled to be paid an amount as salary and jurisprudential allowance which is equal to the benchmark amount for the financial year.

Clause 9 provides that a District Court judge, other than the Chief Judge, is entitled to be paid an amount as salary and jurisprudential allowance which is equal to 90 % of the benchmark amount for the financial year.

Clause 10 provides that the President of the Land Court is entitled to be paid an amount as salary and jurisprudential allowance which is equal to the benchmark amount for the financial year.

Clause 11 provides that a member of the Land Court, other than the President of the Land Court, is entitled to be paid an amount as salary and jurisprudential allowance which is equal to 90 % of the benchmark amount for the financial year.

Clause 12 provides that the President of the Industrial Court, is entitled to be paid an amount as salary and jurisprudential allowance which is equal to the benchmark amount for the financial year. The Vice President of the Queensland Industrial Relations Commission is entitled to be paid a salary equal to 97 % of the salary of the President of the Industrial Court and a jurisprudential allowance which is equal to the jurisprudential allowance of

a District Court judge for the financial year. A deputy president of the Commission is entitled to be paid a salary equal to 90 % of the salary of the President of the Industrial Court for the financial year.

Clause 13 provides that a commissioner, other than a presidential member of the commission, is entitled to be paid a salary equal to 85 % of the salary of the president of the Industrial Court for the financial year.

Clause 14 provides that the Chief Magistrate is entitled to be paid a salary that is 85.5 % of the benchmark amount for the financial year. This does not apply if the Chief Magistrate is a District Court judge. The Deputy Chief Magistrate is entitled to be paid a salary that is midway between the salary of a Chief Magistrate (who is not a District Court judge) and a magistrate (other than the Chief Magistrate and Deputy Chief Magistrate).

Clause 15 provides that a magistrate, other than the Chief Magistrate or Deputy Chief Magistrate, is entitled to be paid a salary that is 78.7 % of the benchmark amount for the financial year.

Part 3 Allowances for particular judicial officers

Clause 16 provides for the jurisprudential allowance which is payable to certain judicial officers as mentioned in Part 2. Subsection (3) provides that the jurisprudential allowance increases at the same rate as salary for the financial year.

Clause 17 provides that a judicial officer may be paid jurisprudential allowance to reimburse vouched or estimated expenses (which must be acquitted) for self education . The cost of self education includes the cost of a spouse accompanying the judicial officer. If any of the allowance for a financial year is not used in that year it can be drawn on in a later year but cannot accumulate for more than seven years after the end of the financial year to which it relates.

Clause 18 provides that a judicial officer may elect to be paid part or all of his or her jurisprudential allowance as salary.

Clause 19 provides that a judicial officer may elect to be paid part or all of his or her jurisprudential allowance as a lump sum. However, the allowance cannot be paid as a lump sum, including on retirement or

resignation, after the end of seven years after the financial year to which it relates.

Clause 20 provides for the education and conference allowance which is payable to a deputy president of the Queensland Industrial Relations Commission and non-presidential commissioners. The purpose is similar to the jurisprudential allowance in that it may be drawn on to reimburse vouched or estimated expenses (which must be acquitted) incurred during the financial year for the cost of self-education. The allowance is not payable as salary or a lump sum and can only be used for the judicial officer's own expenses.

Clause 21 provides for the expense-of-office allowance that is payable to specified judicial officers. The expense of office allowance increases each year in accordance with the increase in the CPI (All Groups) Brisbane for the preceding financial year. If the increase is worked out after the start of the year it must be backdated to the start. The allowance can only be used to reimburse vouched expenses for purposes specified in subsection (5). Any unused allowance may be drawn on in later years but is never payable as salary or a lump sum.

Clause 22 provides for the long leave allowance payable to particular judicial officers. The allowance for a financial year is 2.86 % of the amount of salary to which the relevant officer is entitled for the year and paid on a pro rata basis at the same time as salary.

Part 4 General provisions

Clause 23 provides for the appropriation of money from the consolidated fund for payment of salaries and allowances under the Act and for payment of judicial pensions under the determination referred to in section 26.

Clause 24 states that the total amount of salary and allowances payable to a judicial officer for a financial year under this Act cannot be decreased in any subsequent year.

Clause 25 states when an adjustment to the salary and allowances of a judicial officer will take effect. Under the *Commonwealth Remuneration Tribunal Act 1973* an adjustment to the salary of a Federal Court Judge takes effect on either the day after the last day on which either House of Parliament could have passed a resolution disapproving the determination or the date specified as the commencement date in the determination,

whichever is the later. Under the Act, the adjustment to the salary of relevant Queensland judicial officers will take effect at the same time. However, as with federal judges, the relevant Queensland officers will also be entitled to receive the difference between the amount they were actually paid and the amount they would have received if the adjustment had taken effect on the date specified in the determination.

Clause 26 maintains the current entitlements of the pre-1997 judges of appeal to judicial pensions. The remuneration, including the judicial pensions, of pre-1997 judges were the subject of special Governor in Council determinations in 1991. The determinations were authorised under section 122 of the *Supreme Court of Queensland Act 1991* which is repealed by this Act. This provision ensures that the current arrangements in relation to these judges is maintained.

Clause 27 provides that the Governor in Council must publish adjustments to the salary and allowances of judicial officers by gazette notice. This is similar to a requirement in the *Constitution of Queensland 2001* in relation to the publication of salaries of members of Parliament.

Clause 28 ensures that if a person holds office for only part of a financial year, the salary and allowances payable to the officer are reduced accordingly.

Clause 29 relates to the elections that judicial officers make to receive jurisprudential allowance as salary or lump sum payments. The section provides that written notice to the relevant chief executive is evidence of the election.

Clause 30 provides for the possibility that the Consumer Price Index (All Groups) Brisbane may be discontinued, changed or substantially varied. The section provides that if this happens another index nominated by the Australian Statistician as appropriate for measuring the variation in the cost of living in Brisbane can be used. The increase in the CPI is used to set increases in expense-of-office allowance.

Clause 31 provides that the Governor in Council may make regulations under this Act.

Part 5 Repeal, transitional and other provisions

Division 1 Definitions

Clause 32 defines words and phrases for the purposes of Part 5.

Division 2 Repeal and Related provisions

Clause 33 repeals the *Judges (Salaries and Allowances) Act 1967*. The section also dissolves the Salaries and Allowances Tribunal and provides that no compensation is payable to the members who go out of office. The section ensures that no liability attaches to members for non-compliance with the requirement under the repealed Act to inquire and report changes to salaries and allowances at intervals of not more than a year.

Clause 34 makes it clear that allowances which under the previous arrangements would have accrued for use after 1 July 2007 continue to be payable under this Act. This would apply where, for example, an officer did not use the whole of his or her jurisprudential allowance which under existing arrangements can accumulate for up to seven years. The section makes it clear that if SAT makes a determination which has not been gazetted before the Act commences, the determination will not be effective and need not be gazetted or tabled.

Clause 35 ensures that a previous election by a judicial officer to take jurisprudential allowance as salary continues to be effective and the officer does not have to make a further election under the Act.

Clause 36 provides that a reference to the *Judges (Salaries and Allowances) Act 1967* in an Act or document may be taken as a reference to this Act if the context permits.

Division 3 Provisions relating to the current financial year

Clause 37 provides that the purpose of this division is to provide for the application of the Act to the payment of amounts for the financial year starting 1 July 2007.

Clause 38 makes it clear that the salaries and allowance payable to judicial officers for the financial year starting 1 July 2007 are to be worked out under this Act on the commencement of the section, and again, whenever any increase to the salary of Federal Court judge takes effect during the financial year.

Clause 39 sets out how the first increase in jurisprudential allowance and education and conference allowance is to be calculated. Both these allowances increase at the same rate as salary. Accordingly, the rate of increase is worked out by comparing the salary under the new Act to the previous salary payable to the judicial officer.

Clause 40 sets out the allowances payable to the relevant judicial officers before the commencement of the Act. These are the amounts set in the Salaries and Allowances Tribunal Determination (No 1) 2007.

Clause 41 sets out the amount of the expense of office allowance payable to the relevant judicial officers after the commencement of the Act for the financial year 2007–2008. This has been calculated by increasing the allowance by the increase in the Consumer Price Index (All Groups) Brisbane for the year 2006 -2007.

Division 4 Amendment of Freedom of Information Act 1992

Clause 42 provides that the division amends the *Freedom of Information Act 1992*.

Clause 43 applies if an agency or Minister has failed to make a decision on an application within the period required under the Act and is taken under section 27(5) to have refused access to a document. New section 27(5A) provides that the applicant must be given notice of that decision and related review rights and procedures.

Clause 44 inserts new section 27B. It provides that an agency or Minister may, before or after the expiry of the period required for deciding an application for access to a document, ask the applicant for a further specified period to consider the application and make a decision in relation to it. It authorises the agency or Minister to continue to consider the application and make a decision on it until informed of an application for review. It clarifies the right to apply for review after access to a document is taken to have been refused.

Clause 45 clarifies that a notice does not need to be given under section 34 when access to a document is taken to have been refused. Notice will instead be given under new section 27(5A).

Clause 46 provides, as for clause 43, in relation to applications for the amendment of information.

Clause 47 inserts new section 57A. It provides, as for new section 27B (clause 44), in relation to applications for the amendment of information.

Clause 48 clarifies that a notice does not need to be given under section 34 when a decision is taken to be made under section 57(2). Notice will instead be given under new section 57(3).

Clause 49 provides for the commissioner to notify the agency or Minister upon receiving an application for the review of a decision taken to be made under section 27(5) or 57(2)

Clause 50 provides for an amendment of a drafting nature.

Clause 51 provides for amendments of a drafting nature.

Clause 52 inserts a new division heading in place of a part heading.

Clause 53 inserts a new division in relation to applications for which decisions are taken to have been made under sections 27(5) and 57(2) before commencement. New section 124 requires such decisions made within 28 days before commencement to be notified to the applicant. Section 125 provides that an agency or Minister may, and is taken always to have been able to, continue to consider the applications and make decisions in relation to them. It clarifies the right of applicants to apply for review of pre-commencement decisions taken to have been made under sections 27(5) and 57(2). It clarifies the validity and effectiveness of stated past decisions and reviews and the protection of persons and agencies in relation to those decisions and reviews.

Division 5 Amendment of other Acts

Clause 54 states that Schedule 1 amends the Acts mentioned in it.

Schedule 1- Acts Amended

Industrial Relations Act 1999

Item 1 corrects a drafting error by inserting the word “section” in sections 342(6) and (7).

Item 2 replaces a reference in Schedule 2, Part 1, section 1(3) to the *Judges (Salaries and Allowances) Act 1967* with a reference to the *Judicial Remuneration Act 2007*.

Item 3 amends Schedule 2, part 1, section 2(1) to ensure that the provisions providing for prior recognition of service as a judge in another Australian jurisdiction do not apply to the members of the QIRC.

Item 4 amends Schedule 2, part 1, section 4B by replacing a reference to the *Judges (Salaries and Allowances) Act 1967* with a reference to the *Judicial Remuneration Act 2007*.

Industrial Relations Act And Other Legislation Amendment Act 2007 (Amendment Of Judicial Review Act 1991)

Item 1 amends section 55 in part 5 of the *Industrial Relations Act and Other Legislation Amendment Act 2007*. Part 5 contains amendments to the *Judicial Review Act 1991* to exclude decisions made by the Chief Magistrate under section 42T(1) of the *Magistrates Courts Act 1921* to approve or refuse to approve a person as a conciliator and also under section 42U(1) to revoke approval of a person as a conciliator from review under the *Judicial Review Act 1991*. The amendment in item 1 replaces the reference to section 42T(1) of the *Magistrates Courts Act 1921* in section 55 with a reference to section 42T consequential to the amendments in items 2 and 3.

Industrial Relations Act And Other Legislation Amendment Act 2007 (Amendment Of Magistrates Courts Act 1921)

Item 2 omits section 42T(2) and subdivision 7 of division 2, part 5A of the *Magistrates Courts Act 1921* which will be inserted by the *Industrial Relations Act and Other Legislation Amendment Bill 2007*. The

amendment is designed to ensure consistency between the new provisions in the *Magistrates Courts Act 1921* dealing with conciliation processes for employment claims and similar provisions in the *Magistrates Courts Act* for alternative dispute resolution processes.

Item 3 is a consequential renumbering as a result of the amendment in Item 2.

Judges (Pensions And Long Leave) Act 1957

Item 1 amends the heading for section 2A to make it clear this section only applies to the calculation of length of service where a judge has previously been an acting judge in Queensland. The clarification is necessary because of the insertion of a new section 2AB which deals with length of service where a judge has previously been a judge in a court of the Commonwealth or another State.

Item 2 amends section 2A so that it is consistent with modern drafting style.

Item 3 inserts a new section 2AA which provides that prior service as a judge in a court of the Commonwealth or another State is to be included in calculating the length of service of a person appointed as a judge after the commencement of the Act. Prior service as an acting judge in another jurisdiction is not counted. Length of service is relevant in the determination of long leave and judicial pension entitlements.

Item 4 removes the definitions of “*applicable determination*” “*determination*” and “*Tribunal*” from section 2B(4). Section 2B(4) provides for the calculation of the notional salary of judges who died or retired before the 1984 amendment Act. The definitions are otiose because they include references to determinations made by the Salaries and Allowances Tribunal under *the Judges (Salaries and Allowances) Act 1967*.

Item 5 amends the definition of “latest notional salary package amount” to take account of the fact that determinations of salaries will be made under the *Judicial Remuneration Act 2007*.

Item 6 inserts a new section 8C which provides that if a judicial officer is entitled to a pension because of prior service in another jurisdiction the officer will not be entitled to a judicial pension under the *Judges (Pension and Long Leave) Act 1957*. This will prevent any possible “double-dipping” as a result of the recognition of prior judicial service.

Item 7 inserts a new section 15A which provides for how prior judicial service in another jurisdiction is applied in the calculation of long leave

entitlements. If the entitlement to long leave accrued at a different rate in the prior jurisdiction that prior rate will be applied to the period served in that prior jurisdiction.

Item 8 amends section 18 to take account of current drafting practice. Under section 36 of the Acts, Interpretation Act, “State” includes “Territories”.

Item 9 inserts a new subsection (2) into section 18 to provide for circumstances where subsection (1) will not apply. These are where the judge is 65 years or more or the post-retirement service is “limited service” as defined in subsection (3).

Item 10 amends the heading to section 19 to take account of the amendment to section 19 to include a reference to the *Judicial Remuneration Act 2007*.

Item 11 amends section 19 to provide that this Act is also subject to the *Judicial Remuneration Act 2007*. This is necessary because certain determinations made under section 122 of the *Supreme Court of Queensland Act 1991* (which is repealed by this Act) are preserved under the *Judicial Remuneration Act*.

Item 12 replaces the heading for Part 4 which contains transitional provisions.

Item 13 inserts Division 2 which sets out the transitional arrangements in relation to section 18. It provides that section 18(2) to 18(6) do not apply to post-retirement work that a retired judge may already be engaged in when the section commences. However, when that service ends any subsequent service by the judge will be subject to sections 18(2) to 18(6).

Land Court Act 2000

Item 1 replaces section 38 to take account of the fact that the remuneration of the President and members of the Land Court will be decided under the *Judicial Remuneration Act 2007*.

Item 2 amends section 40 which applies the *Judges (Pensions and Long Leave) Act 1957* to the members of the Land Court. The amendment ensures that provisions allowing recognition of prior service for the purposes of calculating pension entitlements do not apply to Land Court members.

Magistrates Act 1991

Items 1 and 2 will give the Governor in Council (and not the Governor in Council at the request of the Chief Magistrate as is currently the case) the discretion to appoint an acting Magistrate. The amendment further provides that the Minister must first consult with the Chief Magistrate about the appointment of an acting Magistrate before making a recommendation to the Governor in Council. This amendment aligns the provisions for the appointment of Magistrates and acting Magistrates in sections 5 and 6 of the *Magistrates Act 1991*.

Item 3 clarifies that a retired magistrate who can be appointed an acting magistrate means a person who:

- has resigned pursuant to section 42(a) of the *Magistrates Act 1991* and therefore ceases to be a magistrate under that section; or
- having attained age 55, has taken early retirement pursuant to section 42(b) of the *Magistrates Act 1991* and therefore ceases to be a magistrate under that section; or
- has attained age 65 and therefore ceases to be a magistrate under section 42(d) of the *Magistrates Act 1991*.

Item 4 replaces a reference to the *Judges (Salaries and Allowances) Act 1967* in section 45(4) with a reference to the *Judicial Remuneration Act 2007*.

Item 5 replaces a reference to the *Judges (Salaries and Allowances) Act 1967* in section 47(1)(a) with a reference to the *Judicial Remuneration Act 2007*.

Magistrates Court Act 1921

Item 1 gives the Governor in Council power to make regulations for the purposes of the *Magistrates Court Act 1921*. This general regulation-making power will allow regulations to be made for section 42B(1)(a)(ii)(A) in the new Part 5A of the Act relating to processes for employment claims. Part 5A commences on 1 January 2008.

Public Service Act 1996

Item 1 replaces a reference to the *Judges (Salaries and Allowances) Act 1967* in section 11(1)(b) with a reference to the *Judicial Remuneration Act 2007*.

Supreme Court Of Queensland Act 1991

Item 1 replaces section 44(d) to take account of the fact that the remuneration of the President of the Court of Appeal and judges of appeal will be decided under the *Judicial Remuneration Act 2007*.

Item 2 omits section 44A which provides that the judges of appeal, other than the President of the Court of Appeal, are entitled to the same remuneration and conditions of a judge of the Trial Division. This is because this is now provided for under the *Judicial Remuneration Act 2007*.

Item 3 omits section 122 which authorised the Governor in Council to make determinations relating to the pre-1997 judges of appeal. All of the pre-1997 judges have now retired. The new section 26 of the *Judicial Remuneration Act 2007* continues the 1991 determinations relating to pension entitlements.

Item 4 amends section 9 of schedule 1 of the *Supreme Court of Queensland Act 1991* to insert a specific rule-making power for conciliation processes. Compulsory conciliation will be introduced under the new employment claims processes for the Magistrates Courts from 1 January 2008 through amendments in *Industrial Relations Act and Other Legislation Amendment Act 2007*. The new rule-making power is based on the power currently provided for other alternative dispute resolution processes in section 9(d) of schedule 1 of the *Supreme Court of Queensland Act 1991*.

Item 5 defines relevant terms used in the provisions inserted by Item 4.

Schedule 2- Dictionary

Schedule 2 defines key words and phrases in the Act.