

**REPLY TO THE SUBMISSION OF THE JUDICIAL JUSTICE ASSOCIATION RESPECTFULLY
SUBMITTED TO THE 2019 JUDICIAL COMPENSATION COMMISSION BY TIM HOLMES**

I have read the well organised and informative submission of the Association. I disagree with two aspects, both relating to shift differential recommendations.

First, the Association places greater weight on evening shifts than on day shifts scheduled on weekends and holidays. In my view, the emphasis should be the other way round. The 'Hub Courts' are scheduled during the day when the great majority of the heavy lifting is done. Those shifts should attract a larger differential, not the evening shifts, which are generally much lighter. By the time the 'Hub Courts' are closed, the volume and pressure of work is significantly reduced.

Second, the Association submits that the graveyard shift, which runs from midnight to 8am every day, should attract a significant shift differential. In my view, those shifts are in the featherweight category in comparison to any other shift.

Between January 1 and May 31 this year the graveyard shift dealt with a mere 57 warrant applications, including 11 sealing orders. The total time required to review these matters was slightly more than 56 hours. Thus on average, roughly every 2 and a half shifts, the graveyard JJ deals with one application which requires, on average, about one hour to complete. The entire workload dealt with by the graveyard shift in 5 months is roughly equivalent in volume to the work done in five days by the two JJs during weekday day shifts.

The thrust of my submission of 26 May 2019, is that the more onerous the shift, the greater the need to attach a shift differential. In my view, in order to measure how onerous a shift is, one must take into account the volume, pressure and consequent difficulty of the work involved, as well as the hour and day in question. I have no doubt that the graveyard shift can be disruptive, but in view of the very light duties involved, I conclude that the graveyard shift is adequately compensated with the basic *per diem* rate.

Signed: 

Date: 1 June 2019