



No. 2 of 2024

REPORT OF THE REMUNERATION TRIBUNAL

2024 Review of Remuneration for Official Visitors of Correctional Institutions

INTRODUCTION

1. Section 14 of the *Remuneration Act 1990* (SA) (**Act**) provides that the Remuneration Tribunal (**Tribunal**) has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.
2. Section 20B of the *Correctional Services Act 1982* (SA) (**CS Act**) confers jurisdiction upon the Tribunal to make determinations of remuneration, allowances and expenses for Official Visitors of correctional institutions (**Official Visitors**).

THE REVIEW PROCESS

3. Section 10(2) of the Act provides that prior to the Tribunal making a Determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or the persons of that class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
4. Section 10(4) of the Act provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
5. On 24 June 2024, the Tribunal wrote to the Honourable Premier of South Australia (**Premier**), as the Minister responsible for the Act, the Minister for Police, Emergency Services and Correctional Services and Official Visitors notifying them of the Tribunal's intent to conduct a review of its previous Determination in relation to Official Visitors. The Tribunal invited written submissions with a closing date of 22 July 2024.
6. In addition, on 24 June 2024, a notification of the review was placed on the Tribunal's public website.

7. On 16 July 2024, the Premier's representative confirmed that the Premier did not intend on making a submission in relation to the review.
8. On 20 July 2024, Mr Tristan Colmer, an Official Visitor who was appointed on 19 January 2022, provided a written submission and requested the opportunity to make oral submissions to the Tribunal. Mr Colmer met with the Tribunal on 31 July 2024.
9. Mr Colmer submitted that the Tribunal should provide a yearly allowance or base salary for the role, on the basis that this would reflect the on-call nature of Official Visitors. Mr Colmer particularly focussed on the work he conducted outside of normal business hours.
10. In support of this proposition, Mr Colmer provided information about the recently established South Australian First Nations Voice to Parliament (**the Voice**). He noted that members elected to that body will receive sitting fees of \$206 per meeting, as well as allowances and a yearly amount. The yearly amount in this regard varies from \$3,000 to \$18,000 depending on the role and responsibilities of different members of the Voice.
11. On 8 August 2024, the Minister for Police, Emergency Services and Correctional Services advised that he would not be making a submission in relation to the review.
12. No other submissions were received.

CONSIDERATION AND CONCLUSION

13. The Tribunal made its inaugural Determination in 2021, by setting a half-day rate (\$258) and a full-day rate (\$483) with the operative date set as the commencement date of section 9 of the *Correctional Services (Accountability and Other Measures) Amendment Act 2021* (SA). That Act came into operation on 19 January 2022. When conducting the 2022 review, the Tribunal was of the view that it would be appropriate to defer any consideration of an increase to Official Visitors remuneration until 2023, as this would enable appropriate wage movements to be more accurately assessed.
14. There were extensive delays to the 2023 review for reasons outside of the Tribunal's control. In 2024 the Tribunal determined that the half and full-day rates would be abolished, with a new hourly rate implemented.
15. That hourly rate was established with reference to the wage rate for the LEC4 Legal Officer function in the South Australian Public Sector. It also took into account superannuation and workers compensation, as the Tribunal was informed that normal superannuation and workers compensation arrangements did not apply to Official Visitors.
16. On the information available to it, the Tribunal remains satisfied that the LEC4 rate is the appropriate classification to base the Official Visitor rate. The hourly rates have been adjusted to take account of increases in that benchmark rate. The Tribunal is not satisfied that a basis to apply an annual amount founded on payments to elected Members of the Voice. Not only is the role quite different, but the arrangements for the performance of the work are fundamentally different.
17. As part of this year's review, the Tribunal considers it appropriate to continue to incorporate the superannuation guarantee amount and a nominal amount for workers compensation arrangements into the hourly rate.
18. Should the Government determine to pay superannuation to Official Visitors in the future, then the Tribunal expects to be notified to enable it to review its position.

19. Similarly, if workers compensation arrangements are in place for Official Visitors, then the Tribunal would expect to be notified and would consider its position in this regard. The Tribunal invites the Department for Correctional Services to consider these components and advise of such arrangements as part of the next review. Additionally, no information relating to leave arrangements has been put to the Tribunal.
20. The Tribunal has reviewed the applicable allowances on the basis of its assessment of reasonable costs likely to be incurred by Official Visitors in the conduct of their duties.



Matthew O'Callaghan
PRESIDENT



Donny Walford
MEMBER



Mark Young
MEMBER

Dated: 19 August 2024