



No. 17 of 2023

## REPORT OF THE REMUNERATION TRIBUNAL

### 2023 Review of Remuneration of Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner & Health and Community Services Complaints Commissioner

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#### INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 6 of 2022 which sets salaries payable to the following statutory offices as conferred under section 14 of the *Remuneration Act 1990* (SA) (**Act**):
  - a. the Auditor-General
  - b. the Electoral Commissioner
  - c. the Deputy Electoral Commissioner
  - d. the Health and Community Services Complaints Commissioner.
2. The Tribunal has decided to increase salaries for these offices as detailed in this report. The Tribunal has issued an accompanying determination which gives effect to its decision.

#### THE REVIEW PROCESS

3. On 8 November 2023, and in accordance with sections 10(2) and 10(4) of the Act, the Tribunal wrote to and invited submissions by 4 December 2023 in respect of this review from:
  - a. the Honourable Premier of South Australia – as the Minister responsible for the Act who may make submissions or introduce evidence in the public interest
  - b. the Electoral Commissioner
  - c. the Deputy Electoral Commissioner
  - d. the Health and Community Services Complaints Commissioner
4. Ordinarily the Tribunal would also write to the Auditor-General to invite a submission. The Tribunal was aware, however, that a recruitment process was underway to fill the Auditor-General position and therefore invited the Commissioner for Public Sector Employment, who was leading such process, to make a submission.
5. The Tribunal also placed a notice on its website from 8 November 2023 inviting submissions from affected persons by 4 December 2023.

6. On 10 November 2023, the Premier's representative confirmed that the Premier did not intend to make a submission.
7. On 23 November 2023, the Commissioner for Public Sector Employment provided a written submission advising that the recruitment process for the Auditor-General position was underway. The Commissioner advised that due to the fact that they were able to attract and recommend multiple suitable candidates, the current remuneration is appropriate and competitive. She noted that most public sector executives and Chief Executives typically receive an annual remuneration increase in July each year, as determined by Cabinet, taking into account the relevant economic advice of the day. As such, she would support similar increases applying to the position of Auditor-General on an annual basis to ensure the remuneration remains appropriate and competitive. The Commissioner further advised that the new incumbent would commence in the position on 8 January 2024.
8. On 4 December 2023, The Tribunal received a joint submission from the Electoral Commissioner and Deputy Electoral Commissioner. The submission advised that the Electoral Commission of South Australia (**ECSA**) is responsible for the conduct of non-parliamentary elections such as the statewide Local Government periodic elections, Local Government supplementary elections when a vacancy occurs, statutory elections such as the APY Executive Board elections and other non-statutory elections.
9. Furthermore, that the Electoral Commissioner is the returning officer for the purposes of an election under the *First Nations Voice Act 2023* (SA) and that this function adds a further regular and complex electoral event to its already busy program.
10. The joint submission provided information about the new function, being that:
  - For the Local Voice election, South Australia is divided into six regions. Five regions have seven elected positions and one region has 11 for a total of 46 elected positions across South Australia. Half of the elected positions are required to be female and half male, with the final position in each region being for a person of any gender.
  - The Electoral Commissioner is required to make electoral rules relating to the method of voting, scrutiny and counting of votes, gender requirements and any other matters that are required for the proper conduct of the election.
  - Approximately 13 early voting places, 32 polling day places, 51 remote voting locations and 13 declaration institutions including prisons and hospitals will be established to provide voting services for the election.
  - Approximately 233 polling officials will be engaged to deliver the elections. All polling officials will be required to undergo specific training including cultural awareness training.
  - A new electronic nominations system and changes to other existing election management systems have been required for the Local Voice elections.
  - The count is both complex and technical and will be conducted manually as there is no computer software in existence to conduct this type of count.
  - The inaugural Local Voice election will be held on 14 March 2024 and future elections will be conducted at the same time as the State election commencing from the 2026 March State election.

- ECSA will be required to undertake supplementary elections when vacancies arise.
- A separate budget is provided for the conduct of the elections including for additional staff.
- After the State election and Local Government periodic elections, the statewide Local Voice election is the largest and most complex election undertaken by ECSA.

11. The Tribunal subsequently met with the Electoral Commissioner on 15 January 2024. The Electoral Commissioner advised that he now has a legislative responsibility as the returning officer for the Local Voice election. This type of election has not been conducted before in South Australia or Australia. He also discussed the complex issues involved and the additional workload. The Electoral Commissioner did not specify that an increase was sought to reflect these additional functions and acknowledged that the conduct of this first election had the potential to result in changes for future elections of this nature.

## **CONSIDERATION AND CONCLUSION**

12. In 2022 the Tribunal undertook an extensive review of the Auditor-General, Electoral Commissioner and Deputy Electoral Commissioner roles. In doing so it conducted work value assessments and awarded substantial market assessment based increases. The Health and Community Services Complaints Commissioner did not request a review of work value changes in 2022 and therefore one was not conducted.

13. The Tribunal will invite each of these statutory office holders to provide relevant information for its next review. In the case of the Electoral Commissioner and the Deputy Electoral Commissioner, further clarity about the Local Voice elections functions might then be appropriate.

14. As part of this review, the Tribunal has applied a 4% increase to the remuneration of all four office holders covered by the accompanying Determination. In applying such increase, the Tribunal has taken into account the following economic data:

a. The Consumer Price Index (All groups Adelaide) shows the following percentage changes from the corresponding quarters of previous years:

- i. 8.4% for September 2022
- ii. 8.6% for December 2022
- iii. 7.9% for March 2023
- iv. 6.9% for June 2023
- v. 5.9% for September 2023

b. The Australian Bureau of Statistics Wage Price Index (Public Sector in South Australia) shows the following percentage changes from the corresponding quarters of previous years:

- i. 2.7% September 2022
- ii. 2.9% December 2022
- iii. 2.3% March 2023
- iv. 2.6% June 2023
- v. 1.8% September 2023

## Communication Allowance

15. A communication allowance of \$800 per annum is paid to all four office holders in respect of their expenditure on mobile and landline telephones and internet usage, connected with their duties.
16. The Tribunal notes that when this rate was set in 2013, it excluded costs associated with mobile telephones on the understanding that these office holders may already be issued with mobile phones for business purposes. The Tribunal also explained the following in its report:<sup>1</sup>

**The Tribunal wishes statutory office holders to whom this Determination applies to be aware that where a mobile phone is required for official duties and not provided by the employer for official duties out of the office, they may make application to the Remuneration Tribunal for an additional annual allowance.**

17. Since 2019, reports and determinations of this Tribunal have stated that the \$800 communication allowance also covers expenditure on mobile telephones by all four office holders. Despite this, the rate of the allowance has not increased for this purpose, on the continuing understanding of the Tribunal that the office holders are issued (or eligible to be issued) with mobile telephones for work purposes.
18. The Tribunal continues to be of the view that an increase to the communication allowance is not warranted.

## Other determinations

19. The Tribunal notes that all four office holders are covered by other determinations of the Tribunal which set conveyance allowances, accommodation and meal allowances, and salary sacrifice arrangements for judges, court officers, and statutory officers.



Matthew O'Callaghan  
**PRESIDENT**



Donny Walford  
**MEMBER**



Mark Young  
**MEMBER**

Dated: 31 January 2024

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<sup>1</sup> Remuneration Tribunal – Report Relating to Determination No 1 of 2013.