



No. 10 of 2023

REPORT OF THE REMUNERATION TRIBUNAL

2023 Review of Remuneration of Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner, and Commissioners of the Environment, Resources and Development Court

INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 7 of 2022 which sets salaries payable to the members of the judiciary and office holders listed in section 13 of the *Remuneration Act 1990* (SA) (**Act**), and salaries payable to certain other office holders as conferred under section 14 of the Act. That determination also sets a communication allowance and security allowance which is payable to some of the above-mentioned office holders and judicial members.
2. As explained in this report, the Tribunal has decided to increase salaries by 4%. The Tribunal has issued an accompanying determination, which applies from 1 September 2023.

THE REVIEW PROCESS

3. On 31 August 2023, in accordance with sections 10(2) and 10(4) of the Act, the Tribunal wrote to and invited submissions by 15 September 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 Judicial Remuneration Coordinating Committee (**JRCC**)
 - c. members of the judiciary and relevant office holders
4. The Tribunal also placed a notice on its website from 31 August 2023 inviting submissions from affected persons by 15 September 2023.
5. The JRCC provided a written submission on 14 September 2023, on behalf of:
 - a. the Chief Justice, Judges of Appeal, Judges and Masters of the Supreme Court;
 - b. the Chief Judge, Judges and Masters of the District Court;
 - c. the Chief Magistrate and the Magistrates of the Magistrates Court;
 - d. the State Coroner and Deputy Coroner;
 - e. the Commissioners of the Environment, Resources and Development Court; and
 - f. the President and Deputy Presidents of the South Australian Employment Tribunal.

6. In summary, the JRCC submitted that:
 - a. The Tribunal should continue to set judicial salaries in accordance with the national framework.
 - b. In conformity with that policy the salary of a Puisne Judge of the Supreme Court of South Australia should be increased to \$500,140 per annum.
 - c. The salary of the other judicial members and officers should be increased by no less than the percentage increase applicable to the salary of a Puisne Judge of the Supreme Court.
 - d. The increase should operate from 1 September 2023.
7. On 25 September 2023, after an extension was granted, the Premier’s representative confirmed that the Premier did not intend to make a submission.
8. No submissions were received in relation to the communication and security allowance.

CONSIDERATION AND CONCLUSION

9. The Tribunal has considered the current judicial salaries across the Commonwealth and States and Territories, as set out below.

Jurisdiction	Supreme Court Judge Salary	Operative Date
Commonwealth (Federal Court Judge used)	\$500,140	1 July 2023
New South Wales*	\$497,580	1 July 2023
Northern Territory	\$500,140	1 July 2023
Australian Capital Territory**	\$500,140	1 July 2023
Victoria**	\$500,140	Date to be fixed
Queensland**	\$500,140	1 July 2023
Tasmania***	\$486,810	1 July 2023
Western Australia	\$471,247	1 March 2023
SA (salary prior to this Determination)	\$480,900	1 September 2023

*Noting that the salaries of office holders in the Judges and Magistrates Group is subject to a statutory wage freeze until 1 July 2025 – see 2023 Annual Determination Judges and Magistrates Group.

**These salaries are directly linked by legislation to the salary of a Federal Court Judge, under section 37U of the *Supreme Court Act 1933* (ACT), section 5 of the *Judicial Entitlements Act 2015* (Vic) and section 5 of the *Judicial Remuneration Act 2007* (Qld). The effective date of the increase for Victoria is yet to be fixed in accordance with the Victorian Act.

***This salary is set by a statutory formula under section 7 of the *Supreme Court Act 1887* (Tas), being 90% of the average of the salaries of the Chief Justices of South Australia and Western Australia.

10. The Tribunal has had regard to the principles, guidelines, conditions, practices and procedures adopted by the South Australian Employment Tribunal under Part 4 of the *Fair Work Act 2009* (SA), as required by section 101 of that Act.
11. The Tribunal has also taken the following economic data into account:
 - a. The Consumer Price Index (All groups Adelaide) shows the following percentage changes from the corresponding quarters of previous years:
 - i. 8.6% for December 2022
 - ii. 7.9% for March 2023
 - iii. 6.9% for June 2023
 - iv. 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
 - c. As at August 2023 the Reserve Bank of Australia forecast of the Consumer Price Index was as follows:
 - i. 4 ¼ % for December 2023
 - ii. 3 ½ % for June 2024
 - iii. 3 ¼ % for December 2024
 - iv. 3% for June 2025
 - v. 2 ¾ % for December 2025
12. The Tribunal continues to adopt a cautionary approach to inflationary movements.
13. As is evident in previous reports of the Tribunal, there has been a long-standing practice of aligning judicial remuneration in South Australia with the national framework, whilst preserving the discretion to adopt an independent position. This means that while the Tribunal has, since 2012, determined increases with the effect of aligning the salary of a puisne Judge of the Supreme Court to that of a Judge of the Federal Court, this should not be interpreted as a commitment to automatically link the salaries of these positions in the future.
14. Determining salaries within the national framework still requires the Tribunal to appropriately consider and have regard to all the differing factors in the different jurisdictions and, where appropriate, the value of the work of a particular judicial office. For the avoidance of doubt, when considering the national framework, the Tribunal only has regard to the salary of a Federal Court Judge. It does not consider the additional allowances provided to Judicial Officers within that framework.
15. Accordingly, the Tribunal has decided that it is appropriate to increase the salary of a Puisne Judge of the Supreme Court to \$500,140, which reflects the salary of a Judge of the Federal Court and also the median salary of Supreme Court Judges in all states and territories other than South Australia. This is a 4% increase. The Tribunal has decided to increase the other salaries within the scope of this review by the same rate.

Operative date

16. The JRCC sought that the operative date of any increase awarded by the Tribunal be fixed as 1 September 2023. The JRCC noted that this is consistent with the approach taken by the Tribunal last year.
17. The Tribunal considers it appropriate to continue the long-standing practice of aligning judicial remuneration in South Australia with the national framework, whilst preserving the discretion to adopt an independent position. While this alignment continues the Tribunal also considers it appropriate to adopt a consistent date of 1 September for the annual review of judicial remuneration. Accordingly, we have determined this determination will take effect from 1 September 2023.

Communication Allowance

18. A communication allowance of \$1,254 per annum is paid to eligible office holders in respect of their expenditure on mobile and landline telephones, and internet usage, connected with their duties.
19. This rate was set in 2013 and has not been increased since. Last year the Tribunal noted in its report that it would be aided by information on cost increases over recent years and information about typical annual costs incurred by office holders in relation to telephone and internet usage.
20. No information was provided and as such the Tribunal has determined that the Communication Allowance will continue to be \$1,254 per annum.
21. The Tribunal continues to be open to receiving information, from office holders to whom the Determination applies, about the adequacy of the Communication Allowance.

Security Allowance

22. Similar to the Communication Allowance, the Tribunal noted in its report last year that it would be aided by information on what the allowance is being spent on and whether the rate of the allowance is sufficient for its designated purpose – noting that it was never the intention for this allowance to cover all possible costs of this nature.
23. The Tribunal did not receive any submission in relation to the Security Allowance and therefore has determined that the amount of \$1,025 per annum will continue to apply.
24. As was the case last year, the Tribunal would be aided by receiving information from office holders about the adequacy of the Security Allowance. The Tribunal reiterates that it is open to receiving applications for an increase to the Security Allowance at anytime of the year. Office holders should not wait until the next review and indeed if there are sufficient reasons that warrant an increase to the allowance, these should be brought to the Tribunal's attention.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated: 5 December 2023