



No. 11 of 2023

REPORT OF THE REMUNERATION TRIBUNAL

2023 Review of Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers

INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 10 of 2022 which provides for salary sacrifice arrangements for Judges, Court Officers and Statutory Officers covered by the determination.
2. As explained in this report, the Tribunal has determined that Determination 10 of 2022 will continue to apply, with parties being at liberty to make an application requesting amendments at any time prior to the next review in 2024.

THE REVIEW PROCESS

3. On 31 August 2023, in accordance with sections 10(2) and 10(4) of the *Remuneration Act 1990* (SA) (**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 covered by Determination 10 of 2022
4. The Tribunal also placed a notice on its website from 31 August 2023 inviting submissions from affected persons by 15 September 2023.
5. On 5 September 2023, the Electoral Commissioner confirmed that he would not be making a submission on this occasion.
6. On 6 September 2023, the Deputy Auditor-General confirmed that the Auditor-General would not be making a submission in relation to this review.
7. The JRCC provided a written submission on 14 September 2023, on behalf of:
 - a. the Chief Justice, Judges and Masters of the Supreme Court;
 - b. the Chief Judge, Judges and Masters of the District Court;
 - c. the Judges and Magistrates of the South Australian Employment Tribunal;
 - d. the Chief Magistrate and the Magistrates of the Magistrates Court;

- e. the State Coroner and Deputy Coroner;
 - f. the Commissioners of the Environment, Resources and Development Court; and
 - g. the President and Deputy Presidents of the South Australian Employment Tribunal.
8. The JRCC submitted that the Tribunal should review the determination of the salary sacrifice arrangements in the usual way and otherwise make a determination that reflects the terms of Determination 10 of 2022.
9. On 25 September 2023, after an extension was granted, the Premier’s representative confirmed that it had liaised with the Office of the Commissioner for Public Sector Employment and that no submission is being made at this point in time.

CONSIDERATION AND CONCLUSION

10. Last year, the Tribunal stated the following at paragraph 12 of Report 10 of 2022:
- “The Tribunal is aware that a procurement process is currently underway to establish a new across government Panel Agreement for salary sacrifice, as the existing Agreement is due to expire on 30 June 2023. The Tribunal has been informed that when the current Panel Agreement expires, office holders and public sector employees who wish to make pre-tax voluntary superannuation contributions to their chosen superannuation fund will need to do this via payroll. It will not be possible to make such contributions through a Panel Member. The Tribunal understands that these changes will not diminish any ability to salary sacrifice to superannuation, but instead would change the process for doing so.”
11. The Tribunal has not received any submissions requesting changes be made to the current arrangement contained in Determination 10 of 2022.
12. Affected parties, the Premier, the Office of Commissioner for Public Sector Employment or any other agency who oversees or administers the current arrangement contained within Determination 10 of 2022 may apply to the Tribunal at any time to seek that the determination be amended. The Tribunal would like to highlight that parties do not need to wait until the next review to request that changes be made and, indeed, the Tribunal should be notified if changes are made to salary sacrifice arrangements within the public sector that require a review of Determination 10 of 2022. The Tribunal is prepared to make changes to the administrative arrangements contained within the Determination at any time necessary.
13. Given the Tribunal has not been requested to make any changes to the current arrangement, it has determined that Determination 10 of 2022 will continue in operation.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated: 5 December 2023