



No. 19 of 2024

REPORT OF THE REMUNERATION TRIBUNAL

2024 Review of Remuneration of Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner & Health and Community Services Complaints Commissioner

INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 17 of 2023 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 remuneration amounts for the Auditor-General and Health and Community Services Complaints Commissioner by 4% and to increase the remuneration for the Electoral Commissioner by \$16,520, with a proportionate increase for the Deputy Electoral Commissioner for the reasons detailed in this Report. The Tribunal has issued an accompanying Determination which gives effect to its decision.

BACKGROUND

3. 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. No review of the Health and Community Services Complaints Commissioner has been undertaken.
4. In 2023, the Tribunal received a joint submission from the Electoral Commissioner and Deputy Electoral Commissioner. The submission advised that the Electoral Commissioner 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.
5. 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 First Nations Voice election. This type of election had not been

conducted before in South Australia or Australia. He also discussed the complex issues involved and the additional workload. No quantum of increase was requested and the Electoral Commissioner stressed that he simply wished to make the Tribunal aware of this additional responsibility.

THE REVIEW PROCESS

6. On 14 November 2024, in accordance with sections 10(2) and 10(4) of the Act, the Tribunal wrote to and invited submissions by 29 November 2024 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 Auditor-General
 - c. the Electoral Commissioner
 - d. the Deputy Electoral Commissioner
 - e. the Health and Community Services Complaints Commissioner
7. The Tribunal also placed a notice on its website from 14 November 2024 inviting submissions from affected persons by 29 November 2024.
8. On 14 November 2024, the Auditor-General confirmed that he did not intend to make a submission.
9. On 21 November 2024, the Premier’s representative confirmed that the Premier did not intend to make a submission.
10. On 29 November 2024, the Tribunal received a joint submission from the Electoral Commissioner and Deputy Electoral Commissioner. The submission advised that ECSA conducted the inaugural First Nations Voice Election on Saturday 16 March 2024. The submission outlined the functions of ECSA as previously stated in their 2023 submission.
11. In conducting the inaugural First Nations Voice Election, the joint submission provided the following information:
 - 113 Candidates nominated for the election.
 - Approximately 13 early voting places, 32 polling day places, 51 remote voting locations and 13 declaration institutions including prisons and hospitals were established to provide voting services for the election.
 - Approximately 233 polling officials were engaged to deliver the elections. All polling officials were required to undergo specific training including cultural awareness training.
 - The method of voting is optional preferential, and the count is proportional representation. New and complex rules governing the count were developed, consistent with the high-level guidance set out in the relevant legislation. The combination of the gender representation requirements for elected positions and proportional representation means that the count method for this election was unique.
 - The count was both complex and technical and conducted manually as there was no computer software in existence to conduct this type of count. For regions with a high number of candidates, the count process took several days.
12. Furthermore, the joint submission advised that on Wednesday the 27 November 2024, the South Australian Parliament passed the Electoral Integrity Amendment Bill (the Bill). The

Bill creates significant changes to the Funding and Disclosure scheme in the South Australian *Electoral Act 1985* (SA) including:

- Introduction of advance payments for General Elections.
 - Increase to the per-vote funding General and by-elections
 - Increase to the level of administrative funding.
 - Introduction of policy development funding for non-parliamentary parties
 - Introduction of the one-off payment to those entities entitled to administrative funding.
 - Introduction of increased legislative powers for the Electoral Commissioner including audit powers.
 - Additional offences both minor and major indictable which will be investigated and prosecuted by the Electoral Commissioner.
13. To support these reforms, ECSA advised it has sought significant additional funding to increase its full-time staff by seven for two years and then reducing to five ongoing. Subject to funding, it says these staff will introduce new skills and capabilities to monitor and audit financial transactions and investigate regulatory compliance.
14. The legislative amendments will not take effect until 1 July 2025, however significant work will be required in the first half of 2025 to implement the changes.
15. The Tribunal subsequently met with the Electoral Commissioner and Deputy Electoral Commissioner on 17 January 2025. The Electoral Commissioner spoke to three types of developments impacting on the function. Firstly, in terms of elections and by-elections generally, he noted increasing incidences of disorderly conduct. This has necessitated detailed planning of election processes and access to legal advice and assistance from the South Australian Police.
16. Secondly, the Electoral Commissioner reported on the conduct of the inaugural First Nations Voice Election and planning process for future elections. This particularly involved increased cultural awareness, a different voting system and manual counting procedures.
17. Thirdly, the Electoral Commissioner provided advice about the planning process now underway to implement the Electoral Integrity Amendment Bill, including the legislative responsibility for the conduct of audits. The Electoral Commissioner agreed that he will be better placed in 2026 to comment on the actual effect of this new legislation, which is proposed to take effect 1 July 2025.

CONSIDERATION AND CONCLUSION

18. The Tribunal has applied a 4% increase to the remuneration of all four office holders covered by the accompanying Determination. In assessing this 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. 4.8% for December 2023
 - ii. 4.3% for March 2024
 - iii. 4.5% for June 2024

- iv. 3.2% for September 2024
 - v. 2.5% for December 2024
- 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. 1.8% September 2023
 - ii. 2.2% December 2023
 - iii. 2.4 March 2024
 - iv. 3.5% June 2024
 - v. 3.5% September 2024
19. The Tribunal has also considered comparable remuneration rates and increases for the Auditor-General and Electoral Commissioners in other states. This comparison for Electoral Commissioners is inherently complex as states such as NSW and Victoria have historically different structures and remuneration patterns. The Queensland system also involves different structures and accountabilities including electoral boundary alignments. The Tribunal has concluded that the most comparable role is the Western Australian Electoral Commissioner function which is remunerated at a higher rate than is currently applicable in South Australia.
20. The Tribunal is not satisfied that disruption of electoral processes has changed significantly from its 2022 review to represent a significant change in the nature of the role. However, the Tribunal acknowledges that the First Nations Voice voting system has necessitated additional planning and management systems which should be recognised in an additional remuneration increase for the Electoral Commissioner and a corresponding increase for the Deputy Electoral Commissioner. While the Tribunal has recognised the potential for additional work demands arising from the Electoral Integrity Amendment Bill, it has adopted the position that any such additional demands should be more fully reviewed after that system has been implemented. Accordingly, the Tribunal has determined that the Electoral Commissioner's annual remuneration will be increased by an additional amount to total \$291,846.
21. A proportionate increase has been applied to the remuneration applicable to the Deputy Electorate Commissioner.

COMMUNICATION ALLOWANCE

22. 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.
23. As the Tribunal has noted in previous Reports, 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:¹

¹ Remuneration Tribunal – Report Relating to Determination No 1 of 2013.

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.

24. There is no information before the Tribunal that indicates a change in this amount is necessary.

OTHER DETERMINATIONS

25. 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: 7 February 2025