



No. 9 of 2014

**ANNUAL REVIEW OF REMUNERATION FOR MEMBERS OF THE JUDICIARY, MEMBERS OF
THE INDUSTRIAL RELATIONS COURT AND COMMISSION, THE STATE CORONER, AND
COMMISSIONERS OF THE ENVIRONMENT, RESOURCES & DEVELOPMENT COURT**

DETERMINATION AND REPORT OF THE REMUNERATION TRIBUNAL

A. REPORT

1. Introduction

- 1.1 In accordance with the provisions of the *Remuneration Act 1990* ("the Act"), the Remuneration Tribunal by letters dated 4 November 2014 invited members of the judiciary and other judicial statutory office holders listed under Section 13 of the Act, as well as those covered by relevant sections of the *Fair Work Act 1994 (SA)*, to make submissions in relation to the Tribunal's annual review of remuneration for members of the judiciary and those office holders. The Tribunal also invited the Premier as Minister responsible for the Act to make submissions in the public interest.
- 1.2 A public notice was also placed in *The Advertiser* edition of Saturday 8 November 2014, by which it was advised that the Tribunal intended to conduct a review of the determination relating to salaries payable to Members of the Judiciary.
- 1.3 Written submissions were required to be lodged by close of business on Monday 1 December 2014.

2. Submissions

- 2.1 The Tribunal received written submissions from:
 - The Judicial Remuneration Coordinating Committee (JRCC);
 - The Masters of the District Court;
 - The Senior Judge of the Environment, Resources and Development Court;
 - A member of the public; and
 - The Crown Solicitor's Office, on behalf of the Premier, in the public interest.
- 2.2 The Tribunal convened a hearing on Friday 5 December 2014 to hear verbal submissions. The following persons attended:
 - The Honourable Justice Tim Stanley on behalf of the JRCC;
 - Master Peter Norman, Ms Frances Nelson QC, and Mr John Fitzgerald on behalf of the Masters of the District Court;
 - Ms Carly Cooper and Mr Craig Stevens on behalf of the Premier.
- 2.3 In their submissions, the JRCC and the Crown each advocated that the Tribunal should continue to set judicial salaries in a national framework and in the national interest.
- 2.4 Both parties concurred that there should be no increase to the salary of a Puisne Judge of the Supreme Court of South Australia and that a corresponding determination should be made in relation to other judicial officers to preserve the relativity that exists.

- 2.5 On the question of an operative date for any future salary increase, the Crown maintained that the date be 1 November in conformity with the long-standing approach taken by the Tribunal in past determinations.
- 2.6 The JRCC argued that, in order to maintain South Australian judicial salaries at the same level as those of a Federal Court Judge and within a national framework, future increases should commence as at 1 July each year.
- 2.7 The Masters of the District Court provided a brief outline of their submissions in which they seek a review of remuneration based on increased work value. This matter will be the subject of a separate review by the Tribunal during 2015.

3. Commonwealth Tribunal's Statement and Decision

- 3.1 The Statement and Decision issued by the Commonwealth Remuneration Tribunal on 12 May 2014 in relation to its 2014 Review of Remuneration for Holders of Public Offices concluded that no adjustment to remuneration would be determined for offices in the Federal jurisdiction from 1 July 2014.

4. Summary and Conclusions

- 4.1 The South Australian Remuneration Tribunal has completed its 2014 review of judicial remuneration.
- 4.2 The Tribunal is satisfied that the approach of setting salaries in a national framework continues to be appropriate and in the public interest.
- 4.3 Having considered all the material before it, and having received no submissions from any party that an adjustment in remuneration should be made, the Tribunal has decided to not award a salary increase to members of the judiciary and those other judicial officers within its jurisdiction.
- 4.4 The Tribunal reserves its position on the operative date of future adjustments.
- 4.5 The Tribunal notes the intention of the District Court Masters to put forward evidence to support their request for an adjustment based on changed work value and will conduct a separate review in relation to that matter at a date to be advised (likely to be March 2015).

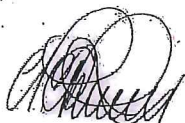
B. DETERMINATION

That the salaries and allowances payable to Members of the Judiciary, Members of the Industrial Relations Court and Commission, the State Coroner, and Commissioners of the Environment, Resources and Development Court pursuant to *Determination No 5 of 2013* shall continue to apply.

Dated this 12th day of December 2014



John Lewin
PRESIDENT



Nicola Vincent
MEMBER



Peter Alexander
MEMBER