



No. 8 of 2016

**DETERMINATION AND REPORT OF THE REMUNERATION TRIBUNAL  
2016 REVIEW OF SALARY FOR PRESIDENTIAL MEMBERS OF THE SOUTH AUSTRALIAN  
CIVIL AND ADMINISTRATIVE TRIBUNAL**

**A. REPORT**

**1. Introduction and Background**

- 1.1 The *South Australian Civil and Administrative Tribunal Act 2013* (“the SACAT Act”) provides that, pursuant to section 10(6) and section 14(6) of the SACAT Act, the Remuneration Tribunal (“the Tribunal”) may make a determination that the President and Deputy President(s) appointed under subsection (1)(a) of the SACAT Act, to the South Australian Civil and Administrative Tribunal (“SACAT”), will have an additional component of salary or allowance, as a judge, on account of holding office under the SACAT Act.
- 1.2 The relevant statutory provisions are as follows:
- 1.2.1 *10(6) – Without limiting subsection (5), the Remuneration Tribunal may determine that the President’s salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act);*
- 1.2.2 *14(6) – Without limiting subsection (5), in the case of an appointment under subsection (1)(a), the Remuneration Tribunal may determine that a Deputy President’s salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act); and*
- 1.2.3 *14(10) – Without limiting subsection (9), in the case of an appointment under subsection (1)(b), the Remuneration Tribunal will determine the salary or allowances to be paid to the person on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act).*
- 1.3 Section 10(1) of the SACAT Act prescribes that the President of SACAT will be a judge of the Supreme Court appointed by the Governor, by proclamation, to be President of SACAT. A Deputy President appointed under section 14(1)(a) of the SACAT Act will be a judge of the District Court.
- 1.4 On 14 November 2013 Justice Greg Parker was appointed the President of SACAT. Justice Parker holds office as President of SACAT, pursuant to section (10)(1) of the SACAT Act, and office as a judge of the Supreme Court.
- 1.5 On 14 February 2014 Judge Susanne Cole was appointed Deputy President of SACAT. Judge Cole holds office as Deputy President of SACAT pursuant to section (14)(1)(a) of the SACAT Act, senior judge of the Environment Resources and Development Court and judge of the District Court.
- 1.6 In accordance with the provisions of the *Remuneration Act 1990* (“the Act”), the Remuneration Tribunal, by letters dated 11 April 2016, invited the Attorney-General, Justice Parker, Judge Cole and the Judicial Remuneration Coordinating Committee (“JRCC”) to make submissions in relation to the Tribunal’s annual review of salary of those office holders of SACAT. The Tribunal also invited the Premier, as Minister responsible for the Act, to make submissions in the public interest.

## 2. Submissions

2.1 The Tribunal received submissions from:

- The Judicial Remuneration Coordinating Committee; and
- The Crown Solicitor's Office, on behalf of the Premier, in the public interest.

### Judicial Remuneration Coordinating Committee

2.2 The JRCC, on behalf of the President and Deputy President of SACAT, submitted that no change should be made to the original Determination on review.

### Crown Solicitor's Office on behalf of the Premier

2.3 On behalf of the Premier, the Crown Solicitor's Office submitted that it is appropriate and in the public interest to support the submission of the JRCC that no change should be made to the percentage of the loadings payable to the presidential members of SACAT, as prescribed by Determination No. 2 of 2015.

## 3. Summary and Conclusions

3.1 The Tribunal has completed its annual review of additional salary for the presidential members of SACAT.

3.2 Based on the submissions from the parties, and all of the information before it, the Tribunal has reached a decision that no change should be made to the percentage of the loadings payable to the presidential members of SACAT, as outlined in Determination No. 2 of 2015.

3.3 In reaching its decision, the Tribunal acknowledged that on 23 March 2016 the Tribunal made Determination 5 of 2016 in relation to the annual review of remuneration for the judiciary and other offices. That Determination provided for a two per cent increase to the salary of the members of the judiciary, which included both the President and Deputy President of SACAT insofar as that remuneration applies to their respective judicial offices.

3.4 The Tribunal considers that the *in personum* Determination of additional salary for Judge Cole continues to be appropriate, having regard to the continuation of the circumstances whereby Judge Cole is the only Deputy President of SACAT.

## B. DETERMINATION

1. The Remuneration Tribunal determines that a puisne judge of the Supreme Court appointed as President of the South Australian Civil and Administrative Tribunal is entitled to an additional component of remuneration equivalent to 10% of the salary of a puisne judge of Supreme Court of South Australia, on account of holding the office of President of South Australian Civil and Administrative Tribunal.
2. The Remuneration Tribunal determines that Judge Susanne Cole is entitled to an additional component of remuneration equivalent to 7.5% of the salary of a District Court Judge of South Australia on account of holding the office of Deputy President of the South Australian Civil and Administrative Tribunal, so long as there is one Deputy President of that Tribunal.
3. This determination takes effect on and from 6 May 2016.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 6<sup>th</sup> day of May 2016