



No. 15 of 2017

## **REPORT OF THE REMUNERATION TRIBUNAL** **2017 JUDICIAL SECURITY ALLOWANCE**

### **INTRODUCTION AND BACKGROUND**

1. The Remuneration Tribunal (“the Tribunal”) has jurisdiction under section 13 of the *Remuneration Act 1990* (“the Act”) to determine the remuneration payable to the judiciary and holders of the public offices listed in that section of the Act. The Tribunal is also given jurisdiction under section 14 of the Act to determine the remuneration payable to holders of certain other public offices where jurisdiction is conferred on the Tribunal by any other Act, or by proclamation by the Governor.
2. The Tribunal’s last Determination in relation to Judicial Security Allowance was Determination 13 of 2016<sup>1</sup>. That Determination provides for a Judicial Security Allowance for the office holders within the scope of application of the Determination at the level of \$1,000 per annum.
3. The Judicial Security Allowance is provided for the purpose of expenditures in relation to personal security at the judicial officer’s residence.

### **PROCEDURAL HISTORY**

4. Section 10(2) of the Act, requires that before the making of a Determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or persons of that class, a reasonable opportunity to make submissions.
5. The Tribunal wrote to the affected parties on 9 October 2017, notifying them of the Tribunal’s intention to review Determination 13 of 2016, and inviting submissions with a closing date of 31 October 2017. The Tribunal also invited submissions from the Premier, as the Minister responsible for the Act, and placed a notice of the review on the Tribunal’s public website.

### **SUBMISSIONS**

6. The Judicial Remuneration Coordinating Committee (“JRCC”) submitted that the Tribunal should review the existing determination in relation to Judicial Security Allowance and increase the allowances to reflect movements in the Consumer Price Index since the most recent determinations were made.
7. The Crown Solicitor’s Office (“CSO”) on behalf of the Premier submitted that the Premier supports the submissions of the JRCC in relation to this matter.

<sup>1</sup> *Determination and Report 13 of 2016 – Judicial Security Allowance*

## EXPANSION OF THE SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

8. As from 1 July 2017, the jurisdiction of the South Australian Employment Tribunal ("SAET") expanded upon the dissolution of the Industrial Relations Court and Industrial Relations Commission of South Australia. These changes were brought about by the *Statutes Amendment (South Australian Employment Tribunal) Act 2016* and make necessary an amendment to the scope of the application of the Tribunal's judicial security allowance Determination. Such changes will be made in the Determination arising from this Report. The consequence will be removal of Commissioners of the Industrial Relations Commission from the Determination. References to *Industrial Relations Court and Commission* will also be substituted by reference to the *South Australian Employment Tribunal*.

## CONSIDERATION

9. The Tribunal doubts that the cost of the relevant goods and services that form components of the Consumer Price Index, which is a broad measurement of changes in the price of a wide ranging basket of goods and services, is an accurate measure of increased costs in relation to judicial security.
10. Moreover, the Tribunal has observed that the relevant goods and services within the furnishings, household equipment and services group of the Adelaide Consumer Price Index have decreased in price over the year ending September 2017.
11. Given the Tribunal's doubts about the utility and validity of the Consumer Price Index as a reference point and our observations concerning the negative movement in the furnishings, household equipment and services group, the Tribunal has decided not to adjust the allowance at this time.
12. The Tribunal indicates its preparedness to further consider a method of adjusting the Judicial Security Allowance, which is better informed by considerations of costs specifically related to the relevant goods and services.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 22<sup>nd</sup> day of November 2017