



No. 8 of 2018

REPORT OF THE REMUNERATION TRIBUNAL
MANAGER FAMILY VIOLENCE LIST ALLOWANCE – MAGISTRATES

INTRODUCTION

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 the holders of public offices listed in that section of the Act.

Section 13 of the *Magistrates Act 1983* confers jurisdiction on the Tribunal to determine additional remuneration for a Magistrate, for the period that Magistrate performs special duties, insofar as those duties are directed by the Chief Magistrate, with the concurrence of the Attorney-General.

BACKGROUND

The Tribunal’s last Determination in relation to the Manager Family Violence List Allowance for Magistrates was Determination 2 of 2017. That Determination provided for a Manager Family Violence List Allowance at the level of \$21,290 per annum with an operative date of 18 April 2017.

PROCEDURAL HISTORY

Section 10(2) of the Act requires that prior to 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.

The Tribunal wrote to the affected parties on 9 April 2018, notifying of the Tribunal’s intention to review Determination 2 of 2017, and inviting submissions for the purposes of the review. 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

The Tribunal received submissions from the Chief Magistrate, the Judicial Remuneration Coordinating Committee (“JRCC”), the Magistrates Association of South Australia (“MASA”) and the Crown Solicitor’s Office (“CSO”) on behalf of the Premier, in the public interest.

Those submissions are summarised as follows:

The Chief Magistrate

- The level of the Manager Family Violence List Allowance should be adjusted to the same amount as the Regional Manager and Country Resident Magistrates Allowances within the Tribunal’s Determination of salaries and allowances for members of the judiciary; and

- The Manager Family Violence List Allowance Determination be consolidated with the Tribunal's Determination of salaries and allowances for members of the judiciary, and that the Manger Family Violence List Allowances is reviewed on the same basis as the other salaries and allowances within that Determination.

The Magistrates Association of South Australia

- MASA supports the submission provided by the Chief Magistrate; and
- MASA respectfully urges the Tribunal to include this allowance in the Tribunal's decision in respect of its general review, consistent with other allowances for Magistrates.

The Judicial Remuneration Coordinating Committee

- The JRCC agrees with the submission of the Chief Magistrate and submits that the Tribunal should make a Determination in accordance with that submission.

The Crown Solicitor's Office, on behalf of the Premier

- The Manager Family Violence Allowance is payable to the Magistrate performing the role of Manager Family Violence List and the level of allowance is consistent with the allowance payable to Magistrates who are Regional Managers or Country Resident Magistrates;
- The Premier supports the payment of any higher amount, consistent with the amount of allowance payable to Magistrates who are Regional Managers or Country Resident Magistrates; and
- That the Tribunal give consideration to consolidating the Determination arising from this review with the Tribunal's Determination in relation to judicial remuneration.

CONSIDERATION OF ALLOWANCE

The Tribunal has decided to adjust the level of Manager Family Violence List Allowance, having regard to the Tribunal's Determination for judicial officers, issued in 2018. Accordingly, the Tribunal will issue the accompanying Determination, adjusting the level of the allowance to \$22,770 per annum.

The Tribunal intends to consolidate the accompanying Determination with the Tribunal's Determination in relation to judicial remuneration¹, at the next annual review of that Determination.

The Tribunal has decided that the operative date of its Determination will be 1 June 2018.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 30th day of August 2018

¹ Remuneration Tribunal Determination 2 of 2018 – Remuneration of Members of the Judiciary, Presidential Members of the South Australian Employment Tribunal, the State Coroner, and Commissioners of the Environment, Resources and Development Court.