



No. 11 of 2019

REPORT OF THE REMUNERATION TRIBUNAL
SALARY SACRIFICE ARRANGEMENTS FOR JUDGES, COURT OFFICERS AND
STATUTORY OFFICERS

INTRODUCTION

1. Section 13 of the *Remuneration Act 1990* (“the Act”) provides that the Remuneration Tribunal (“the Tribunal”) has jurisdiction to determine the remuneration payable to members of the judiciary and holders of the public offices listed in that section of the Act.
2. Section 14 of the Act provides that the Tribunal has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.
3. This Report deals with the salary sacrifice arrangements applicable to the Judges, Court Officers and Statutory Officers whose remuneration is subject to the accompanying Determination.

BACKGROUND

4. The Tribunal’s last review of the salary sacrifice arrangements applicable to Judges, Court Officers and Statutory Officers was conducted in 2018.
5. On that occasion, the Tribunal issued a Determination¹ which ensured alignment of the provisions of the salary sacrifice arrangements with those arrangements applicable to public sector employees.

PROCEDURAL HISTORY

6. 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.
7. Section 10(4) of the Act provides that the Honourable Premier of South Australia (“the Premier”), as the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
8. The Tribunal, by letters dated 19 August 2019, sent notifications of the review to the Judicial Remuneration Coordinating Committee (“JRCC”), the Magistrates Association of South Australia (“MASA”), and the Premier, as the Minister responsible for the Act.

¹ *Determination 13 of 2018 – Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers.*

9. The Tribunal, by letters dated 19 August 2019, sent notifications of the review to the Electoral Commissioner, Deputy Electoral Commissioner, the Health and Community Services Complaints Commissioner, and the Auditor-General.
10. On 19 August 2019, the Tribunal distributed an email notification of the review to the relevant office holders and to the Office of the Commissioner for Public Sector Employment (“OCPSE”). Additionally, a notice of the review was also placed on the Tribunal’s website, on the same date.

SUBMISSIONS

11. The Tribunal received submissions from the OCPSE and the JRCC. A summary of those submissions is provided below:

Mr Anthony Mackay, Office of the Commissioner for Public Sector Employment

- In 2019, a formal review of salary sacrifice benefit items available to public sector employees was undertaken by an independent consulting firm, on behalf of SA Government.
- Subsequent to that review, on 21 August 2019, the Treasurer approved certain specified amendments to the schedule of benefit items applicable to public sector employees.
- There is benefit in maintaining alignment between the salary sacrifice arrangements applicable to public sector employees and those applicable to the judicial and other officers who are subject to the provisions of the Tribunal’s Determination 13 of 2018.
- That the Tribunal consider updating the benefit schedule included within Determination 13 of 2018 to align with the recently updated SA Government Salary Sacrifice Agreement benefit schedule.

The Hon. Justice Stanley, Judicial Remuneration Coordinating Committee

- It is appropriate that the Tribunal review the salary sacrifice arrangements for judicial officers in the usual way and otherwise make a determination that reflects the terms of Determination 13 of 2018.

The Hon. Judge Chivell, Judicial Remuneration Coordinating Committee

- The JRCC has no objection to the proposed amendments to the benefits available to judicial officers under the salary sacrifice arrangements in Determination 13 of 2018.

12. No other submissions were received by the Tribunal.

CONCLUSION

13. After consideration of the material before the Tribunal, the Tribunal has concluded that the salary sacrifice arrangements applicable to the Judges, Court Officers and Statutory Officers within the scope of application of the accompanying Determination should be maintained in alignment with those salary sacrifice arrangements applicable to South Australian Public Sector employees.
14. Accordingly, the Tribunal has made amendments to the provisions of the accompanying Determination. Those amendments are scheduled below.
15. The Tribunal has **added** the following items to the schedule of benefit items:
 - 15.1. Category A – Exempt from FBT:
 - Taxi Travel to and from Work.
 - Staff Fitness and Gym (in House).
 - Airport Lounge Membership.
 - Relocation Expenses.
 - Fly-In-Fly-Out (FIFO) Parking.

- Fly-In-Fly-Out (FIFO) Travel.
- 15.2. Category E – Concessionally taxed benefits:
- Remote Area Housing (employer provided).
 - Remote Area Rental Assistance.
 - Remote Area Reimbursement of Interest.
 - Remote Area Reimbursement on Purchasing or Building a Property.
 - Remote Area Provision of Gas and Electricity.
16. The Tribunal has **removed** the following benefit item from the schedule of benefit items:
- 16.1. Category D – Not subject to FBT (if employee could have claimed an income tax deduction).
- Home Office Expenses.

OPERATIVE DATE

17. The accompanying Determination will have operative effect on and from 21 November 2019.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 21st day of November 2019