



No. 1 of 2020

**REPORT OF THE REMUNERATION TRIBUNAL**  
**2020 REVIEW OF SALARY OF THE GOVERNOR OF SOUTH AUSTRALIA**

**INTRODUCTION**

1. The Remuneration Tribunal (“the Tribunal”) has jurisdiction under section 14 of the *Remuneration Act 1990* (“the Act”) and section 73 of the *Constitution Act 1934* (“the Constitution Act”), to determine the rate of salary payable to His Excellency the Governor of South Australia (“the Governor”).

**BACKGROUND**

2. On 11 February 2016, the *Constitution (Governor’s Salary) Amendment Act 2015* (“the Amending Act”) came into operation, conferring jurisdiction upon the Tribunal to determine the rate of salary applicable to the office of the Governor. Prior to the commencement of the Amending Act, the rate of salary of the Governor was fixed by the Constitution Act at an amount equivalent to 75% of the salary of a puisne judge of the Supreme Court of South Australia.
3. In 2016, the Tribunal issued its inaugural Determination<sup>1</sup> of salary of the Governor, resulting in that salary being fixed at \$315,608 per annum, operative from 11 February 2016.
4. In 2017, the Tribunal conducted its annual review, resulting in the making of a Determination<sup>2</sup> which increased the level of salary of the Governor to \$323,183, operative from 1 January 2017.
5. In 2018, the Tribunal conducted its annual review, resulting in the making of a Determination<sup>3</sup> which fixed the rate of salary of the Governor of South Australia at an amount equivalent to 75% of the salary of a puisne Judge of the Supreme Court of South Australia, until further Determination by the Tribunal.
6. In 2019, the Tribunal conducted its annual review of the salary of the Governor, concluding that there was no basis to vary terms of its previous Determination in relation to the salary of the Governor. This Determination thereby provided an increase in the salary of the Governor commensurate with increases in the salaries of puisne Judges of the Supreme Court of South Australia.

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<sup>1</sup> *Remuneration Tribunal Determination 7 of 2016 – Inaugural Determination of Salary for the Governor of South Australia*

<sup>2</sup> *Remuneration Tribunal Determination 7 of 2017 – 2017 Review of Salary of the Governor of South Australia*

<sup>3</sup> *Remuneration Tribunal Determination 3 of 2018 – 2018 Review of Salary of the Governor of South Australia*

## PROCEDURAL HISTORY

7. Section 10(2) of the Act provides that prior to the making of a Determination, the Tribunal must allow an affected person, or persons of an affected class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
8. Section 10(4) provides that 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.
9. The Tribunal, by letter dated 29 January 2020, invited the Governor to make a submission in relation to the review of the salary applicable to the office of the Governor.
10. The Tribunal, by letter dated 29 January 2020, invited the Honourable Premier of South Australia (“the Premier”), as the Minister responsible for the Act, to make submissions in the public interest.
11. In addition, on 29 January 2020, a notification of the review was placed on the Tribunal’s public website.

## SUBMISSIONS


12. The Official Secretary to the Governor wrote to the Tribunal, by letter dated 29 January 2020, advising that the Governor did not intend to make a submission in relation to the Tribunal’s review of the Governor’s salary in 2020.
13. The Crown Solicitor’s Office, on behalf of the Premier, notified the Tribunal on 4 February 2020 that the Premier does not wish to make a submission in relation to the review of the Governor’s salary by the Tribunal in 2020.
14. On 1 April 2020, the Official Secretary to the Governor wrote to the Tribunal, advising that due to the changing social and economic circumstances of the State since the previous correspondence of 29 January 2020, the Governor now wishes to submit that his salary not be increased by the Tribunal as a result of this review.
15. No other submissions were received by the Tribunal.

## CONCLUSION

16. The Tribunal has taken into account the submission made by the Governor in relation to the economic and social circumstances of the State at the present time.
17. At the time of writing, the rate of salary applicable to the office of the Governor is \$351,015, operative from 1 January 2020. That salary has not been increased by the Tribunal as a result of this review.
18. The Tribunal’s previous Determination<sup>4</sup> in relation to the salary of the Governor provides for a methodology whereby the Governor’s salary has a 75 per cent relativity with the salary of a puisne judge of the Supreme Court. That Determination is set out as follows:  
*“The Tribunal determines that the salary of the Governor of South Australia shall be an amount equal to seventy five per cent of the salary of a puisne judge of the Supreme Court of South Australia, until further Determination by the Tribunal.”*
19. The Tribunal has decided to depart from that Determination at the specific request of the Governor. The Determination resulting from this review provides that the Governor’s salary will no longer bear a relationship to the salary of a puisne Judge of the Supreme Court, as at the date of the accompanying Determination.
20. The Tribunal intends to review the salary of the Governor again in the early part of 2021. At that time, the Tribunal will further consider, among other things, the economic circumstances of the State and the relevance of the previous relationship to the salary of a puisne Judge of the Supreme Court.

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<sup>4</sup> Remuneration Tribunal Determination 3 of 2018 – 2018 Review of Salary for the Governor of South Australia



Matthew O'Callaghan  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 9<sup>th</sup> day of April 2020