



No. 12 of 2021

REPORT OF THE REMUNERATION TRIBUNAL
2021 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 Her Excellency the Governor of South Australia (“the Governor”).

BACKGROUND

2. In the earlier part of 2021, the Tribunal conducted its annual review of the salary of the Governor. The Tribunal decided that it was not appropriate to increase the salary of the Governor at the time of that review.
3. The Tribunal made the following remarks in its 2021 Report¹:

“Notwithstanding the Tribunal’s decision to not increase the Governor’s salary at the time of this Review, the Tribunal is conscious of the level of the Governor’s salary when compared against the salaries of Governors in other jurisdictions. That information is detailed in the above table. The Tribunal considers that this is one of a range of factors which mitigate in favour of a more comprehensive review of the Governor’s salary. The Tribunal will invite submissions from affected persons to enable such a review to be carried out in mid-2021. The Tribunal will provide an appropriate notice period for the making of submissions.”
4. In keeping with the Tribunal’s remarks earlier this year, the Tribunal has further reviewed the salary applicable to the office of the Governor.

PROCEDURAL HISTORY

5. 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.
6. 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.
7. The Tribunal, by letter dated 19 October 2021, invited the Governor to make a submission in relation to the review of the salary applicable to the office of the Governor.

¹ Report 2 of 2021 – Review of Salary of the Governor of South Australia

8. The Tribunal, by letter dated 19 October 2021, invited the Honourable Premier of South Australia (“the Premier”), as the Minister responsible for the Act, to make submissions in the public interest.
9. In addition, on 19 October 2021, a notification of the review was placed on the Tribunal’s public website.

SUBMISSIONS

10. The Official Secretary to the Governor wrote to the Tribunal advising that the Governor did not intend to make a submission in relation to the Tribunal’s review of the Governor’s salary and will leave the matter for the Tribunal’s independent discretion.
11. The Crown Solicitor’s Office, on behalf of the Premier, submitted that a review of the Governor’s salary is appropriate and that the review should take into consideration a comparative analysis of interstate Governor salaries. The Premier considers that the quantum of any increase to the governor’s salary, and the operative date, should be determined at the discretion of the Tribunal.
12. No other submissions were received by the Tribunal in relation to this Review.

INTERJURISDICTIONAL COMPARISON

13. The Tribunal has considered the following interjurisdictional comparison in the making of its decision:

The Salaries of Governors in Other Jurisdictions

Jurisdiction*	Governor Salary Per Annum	Operative Date	Relevant Authority
NSW	\$513,860	2 Oct 21	Independent Tribunal
CTH [†]	\$495,000	6 Apr 19	Act of Parliament
VIC	\$468,020	17 Sep 19	Act of Parliament
TAS	\$464,729	31 May 20	Act of Parliament
WA	\$454,028	21 Jan 18	Independent Tribunal
QLD	\$421,218	1 Jul 19	Act of Parliament & Regulation

Median Salary ex SA	\$466,375
Average Salary ex SA	\$469,476

SA	\$351,015	1 Jan 20	Independent Tribunal
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*NT and ACT have not been included as there is no office of Governor in those jurisdictions.

[†] The Australian Constitution prevents the salary of the Governor-General from being altered during an incumbent’s time in office

CONSIDERATION AND CONCLUSION

14. Notwithstanding the completely understandable absence of submissions in this matter, the Tribunal considers it is appropriate to establish a sustainable basis for the remuneration of the Governor.
15. In approaching the Tribunal’s statutory task of fixing an appropriate level of salary for the Governor, the Tribunal has considered the importance of the Governor’s role in South Australia’s constitutional democracy as the head of state. The Tribunal does not consider it appropriate or necessary in the circumstances to conduct a traditional work value

assessment of the duties of the Governor. Those functions are enshrined in our constitution and democratic system and have been most ably undertaken by successive Governors.

16. The Tribunal has also recognised the significance of this role within and outside South Australia and the extent to which the office of Governor of South Australia should be regarded as comparable to that of Governors in other states.
17. The Tribunal has considered the above evidence in relation the salaries of Governors in other jurisdictions. The Tribunal has observed that the salary applicable to the office of Governor of South Australia prior to this review is materially lower than the median salary of Governor's in other Australian jurisdictions. If this anomaly is not addressed, it has the potential to indicate a lessor role for a Governor in South Australia.
18. Accordingly, the Tribunal has decided to increase the salary of the Governor. The Tribunal has noted that this Determination is being made at a time of substantial financial constraints associated with the COVID pandemic. Notwithstanding this, the Tribunal considers that this anomaly should be addressed.
19. Accordingly, the Tribunal has decided that an increase in Governor's salary shall occur in two tranches, as follows:

Salary	Operative Date
\$408,695 per annum	on and from 1 January 2022
\$463,375 per annum	on and from 1 January 2023

20. The accompanying Determination will now issue.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure
MEMBER

Dated this 2nd day of December 2021