



No. 16 of 2021

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 Determination 11 of 2019.

BACKGROUND

4. The previous review of the Determination in relation to salary sacrifice arrangements applicable to Judges, Court Officers and Statutory Officers was conducted in 2020.
5. In 2020, the Tribunal consulted with those affected and no changes to its Determination were sought. The Tribunal therefore did not make any changes to the terms of its salary sacrifice Determination at that time.

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 October 2021, 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.
9. The Tribunal, by letters dated 28 October 2021, sent notifications of the review to the Electoral Commissioner, Deputy Electoral Commissioner, the Health and Community Services Complaints Commissioner, and the Auditor-General.

10. Additionally, on 19 October 2021, a notice of the review was also placed on the Tribunal's website.

SUBMISSIONS

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

The Hon. Justice Stanley, Judicial Remuneration Coordinating Committee

- That the salary sacrifice arrangements should reflect the terms of Determination 11 of 2019, subject to any necessary amendment required as a result of the new choice of superannuation fund scheme.

Mr Anthony Mackay, Office of the Commissioner for Public Sector Employment ("OCPSE")

- OCPSE does not propose any changes in relation to the judicial salary sacrifice Determination currently in force (Determination 11 of 2019).
- OCPSE notes the introduction of the superannuation choice legislation and the associated implementation project currently being undertaken by Super SA, which the Tribunal may wish to consider in the conduct of its review.

12. No other submissions were received by the Tribunal in relation to this review.

CONCLUSION

13. After consideration of the submissions and the material before the Tribunal, the Tribunal has concluded that its policy position of maintaining alignment between the judicial and the broader public sector salary sacrifice schemes remains appropriate.
14. The Tribunal sought advice from Super SA as to any changes that are necessary to ensure compliance with the *Statutes Amendment (Fund Selection and Other Superannuation Matters) Act 2021*, which introduces reforms in relation to superannuation choice of fund.
15. Advice was provided to the Tribunal by Super SA to the effect that its Determination for judicial officers should be amended to enable choice of fund for those whose primary superannuation fund is the Triple S scheme by default. A minor change to the wording of Determination 11 of 2019 was suggested.
16. The Tribunal thanks Super SA for this advice and has decided to adopt the minor change to clause 6.1 of Schedule 3 of the accompanying Determination, as suggested by Super SA, and will revisit this issue again at the next annual review should it be necessary to do so.
17. The Tribunal has added the newly created judicial offices established by the *Supreme Court (Court of Appeal) Amendment Act 2019* to the terms of the accompanying Determination.

OPERATIVE DATE

18. The operative date of the accompanying Determination shall be 1 January 2022. That Determination shall remain in force until further determination by the Tribunal.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure
MEMBER

Dated this 14th day of December 2021