



No. 11 of 2022

## REPORT OF THE REMUNERATION TRIBUNAL

### 2022 Review of Berri Country Magistrate Housing Allowance

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#### INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 1 of 2021<sup>1</sup> which sets a housing allowance for the Berri Country Magistrate.
2. As explained in this report, the Tribunal has decided not to make any amendments to the current determination which will continue in force. The Tribunal is in fact minded to revoke the determination, however will defer a decision on this until next year's review in order to afford Magistrates who would potentially be affected by such a decision the opportunity to comment on the necessity for the determination to continue.

#### THE REVIEW PROCESS

3. On 20 September 2022, in accordance with sections 10(2) and 10(4) of the *Remuneration Act 1990 (Act)*, the Tribunal wrote to and invited submissions by 17 October 2022 in respect of this review from:
  - a. the Honourable Premier of South Australia – as the Minister responsible for the Act who may make submissions or introduce evidence in the public interest
  - b. the Judicial Remuneration Coordinating Committee (**JRCC**)
  - c. members of the judiciary and relevant office holders
4. The Tribunal also placed a notice on its website from 20 September 2022 calling for submissions from affected persons by 17 October 2022.
5. The JRCC confirmed on 17 October 2022 that it did not wish to be heard on this review.
6. On 31 October 2022, after an extension was granted, the Premier's representative confirmed that the Premier did not intend to make a submission.
7. Accordingly no submissions were received, and no oral submissions were made about this review at the Tribunal's hearing on 14 November 2022.
8. On 31 October 2022, the Tribunal wrote to the Courts Administration Authority (**CAA**) to confirm whether the current Berri Country Resident Magistrate is being paid the allowance provided for by Determination 1 of 2021, or whether that Magistrate is instead being

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<sup>1</sup> Berri Country Magistrate Housing Allowance.

provided with State funded accommodation at Berri. On 9 November 2022, the CAA confirmed that the current Berri Country Resident Magistrate is provided with accommodation by the CAA and accordingly is not being paid the allowance provided for by Determination 1 of 2021.

## **CONSIDERATION AND CONCLUSION**

9. The Tribunal notes that Determination 1 of 2021 was made following application by Magistrate Deland who sought the allowance due to her personal dissatisfaction with the State provided rental accommodation, having regard to: privacy, security, ongoing maintenance issues, and personal preference for owning her own home.
10. The Tribunal has been advised that Magistrate Deland has since retired, and the CAA has advised the current Berri Country Resident Magistrate is making use of the traditional arrangements for Resident Magistrates which involves the CAA providing accommodation at the country court locations. The Tribunal notes that Resident Magistrates at Mount Gambier and Port Augusta are also provided with CAA funded accommodation, and no determination of the Tribunal allows them to receive an allowance similar to that set by Determination 1 of 2021.
11. In these circumstances, the Tribunal is of the view that Determination 1 of 2021 should be revoked, bearing in mind that it would be open to a future Resident Magistrate to apply to the Tribunal to make a new determination on similar terms as Determination 1 of 2021.
12. The Tribunal however has decided to defer making a final decision on this topic under next year's review, in order to afford Magistrates the opportunity to comment on the necessity for the determination to continue.



Matthew O'Callaghan  
**PRESIDENT**



Deborah Black  
**MEMBER**



Peter de Cure AM  
**MEMBER**

Dated: 14 December 2022