



No. 8 of 2026

REPORT OF THE REMUNERATION TRIBUNAL

2026 Review of Remuneration for Official Visitors of Correctional Institutions

EXECUTIVE SUMMARY

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 7 of 2025 which sets remuneration (including travel allowances and reimbursements) for Official Visitors of Correctional Institutions of South Australia appointed under the *Correctional Services Act 1982* (SA) (**Official Visitors**).
2. As explained in this Report, the Tribunal has determined to increase the hourly remuneration for the Official Visitors to \$90.12 by re-establishing the link between the base rate for the Official Visitor's hourly remuneration with the wage rate for the LEC 4 Legal Officer function in the South Australian Public Sector (**LEC 4**).
3. The Tribunal has maintained the current arrangements of incorporating a loading into that hourly rate to account for the Official Visitors' lack of superannuation and workers' compensation insurance. The rates for those loadings remain unchanged.
4. As the Department for Correctional Services (**DCS**) has advised it is considering the payment of superannuation in concert with other changes, the Tribunal has set an alternative hourly rate of \$80.46 which will apply in the event that superannuation payments consistent with the Commonwealth Superannuation Guarantee are paid by the DCS.
5. The Tribunal has further determined to increase the Meal Allowances to reflect the rate in Australian Taxation Determination (TD 2026/4) concerning reasonable meal expenses for domestic travel and has applied increases of CPI to both the Incidental and Accommodation Allowances provided for by Determination 7 of 2025.
6. The Tribunal has issued an accompanying Determination which applies from 1 October 2026.

BACKGROUND

7. Section 14 of the *Remuneration Act 1990* (SA) (**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 legislation or by the Governor by proclamation.
8. Section 20B of the *Correctional Services Act 1982* (SA) (**CS Act**) confers jurisdiction on the Tribunal to make determinations of remuneration, allowances and expenses for the Official Visitors.

9. As required by section 8 of the Act, the Tribunal has conducted an annual review of its current Determination with respect to the Official Visitors.

THE REVIEW PROCESS

10. On 17 September 2026, in accordance with sections 10(2) and 10(4) of the Act, the Tribunal wrote to and invited submissions by 8 October 2026 in respect of this review from:
- The Honourable Premier of South Australia – as the Minister responsible for the Act who may make submissions or introduce evidence in the public interest;
 - The Minister for Correctional Services.
 - The DCS; and
 - The Official Visitors.
11. The Tribunal also placed a notice on its website from 17 September 2026 inviting submissions from affected persons by 8 October 2026.
12. As part of the review, the Tribunal specifically invited submissions on the following aspects of the Determination:
- Whether the 100 km limitation on the Official Visitors' eligibility for a lunch allowance for same day travel remains appropriate; and
 - Whether any changes have been made to the workers' compensation and superannuation arrangements for the Official Visitors since Determination 2 of 2024.
13. On 20 September 2026 the Tribunal received a submission from Mr Aaron Cooke, an Official Visitor:
- Remuneration:** The LEC 4 classification is an appropriate remuneration benchmark for the Official Visitors hourly rate and the relativity between the two should be restored as the enterprise bargaining negotiations concluded in November 2025. The Tribunal should also consider the effective dates of the increases in the LEC 4 rate under the Award and reflect those adjustments in the Official Visitor rates.
 - Superannuation and Workers' Compensation:** The Tribunal's current approach of compensating for the absence of these entitlements through the hourly rate remains appropriate.
 - Same-day Lunch Allowance:** Supported there being an eligibility threshold but suggested that it be time-based or a combination of a time and distance threshold. Because Official Visitors often spend significant time at an institution undertaking their duties (six or seven hours) which would necessitate the purchase of a meal while undertaking their duties but have not met the 100 km threshold.
 - Motor Vehicle Allowance:** Remove the 100 km threshold to access reimbursement for using a private motor vehicle for official duties and allow reimbursement once a reasonable amount of travel has been undertaken, because the cost of using a private vehicle for official purposes is incurred from the commencement of travel. The current threshold excludes those who travel 80 – 90 km for official purposes. The rate of the allowance better reflects the actual costs incurred and is appropriate.
 - Accommodation Allowance:** The rates and methodology are appropriate.
14. On 6 October 2026, Mr Cooke made a further submission advising the Tribunal that the DCS proposed to replace the invoicing arrangements for Official Visitors by paying them through its payroll system which may affect the Official Visitors' superannuation payments. Mr Cooke also raised concerns that the proposal may affect, or be perceived to affect, the independence of Official Visitors from the DCS.

15. On 7 October 2026, the Premier's representative confirmed that the Premier did not intend to make a submission.
16. On 8 October 2026, after the close of submissions, the Tribunal wrote to the Chief Executive of the DCS, seeking clarification about proposed changes to the payment of the Official Visitors with particular reference to the impact those changes may have on the superannuation and workers' compensation arrangements for the Official Visitors.
17. The Chief Executive of the DCS responded to the Tribunal's queries on 12 October 2026 and provided the following information:
 - a. **Superannuation:** The DCS has reviewed the payment arrangements for Official Visitors in light of its obligations under the Commonwealth's Pay Day Super scheme (**Pay Day Super**). The DCS intends to replace the invoice-based process with a timesheet-based process administered through its payroll system, under which the superannuation component of the Official Visitors' remuneration would be paid separately. The DCS seeks the Tribunal review the current hourly rate and consider whether the component included to account for the absence of separate superannuation payments should be removed or otherwise adjusted. While Pay Day Super came into effect from 1 July 2026, the implementation of the administrative arrangements remains in progress and the DCS is unable to advise of a definitive commencement date.
 - b. **Workers' Compensation:** The DCS intends to continue treating the Official Visitors as independent statutory office holders, rather than as workers for the purposes of the *Return to Work Act 2014* (SA). Their remuneration should therefore continue to reflect the absence of workers' compensation coverage.
 - c. **Same-day Lunch Allowance:** The 100 km threshold for reimbursement remains appropriate.
 - d. **Motor Vehicle Allowance:** The 100 km threshold for reimbursement remains appropriate.
18. No further submissions were received.
19. For completeness, the Tribunal acknowledges the correspondence of 4 August 2026 from the Chief Executive of the DCS, prior to this review, seeking advice on the application of the Pay Day Super requirements to the Official Visitors.
20. On 13 August 2026 the Tribunal confirmed that the remuneration of the Official Visitors includes an amount in lieu of superannuation because of their unique engagement arrangements because the DCS considers them to be neither employees nor contractors. The Tribunal further confirmed that it was unable to advise on compliance with the Pay Day Super obligations and suggested that the DCS obtain expert advice on this matter.

CONSIDERATION AND CONCLUSION

Remuneration

21. The remuneration for the Official Visitors which is expressed in the Determination as an hourly rate, is comprised of the base rate and then the loadings in lieu of superannuation and workers' compensation insurance. As part of this review, the Tribunal has considered the base rate and the loadings in lieu of superannuation and workers' compensation insurance separately.

Base Rate

22. In 2024 the Tribunal linked the remuneration of Official Visitors to that of the LEC 4. The rate and classification applicable to the LEC 4 is established by the *South Australian Public Sector Enterprise Agreement: Salaried 2021*.
23. When the Tribunal issued Report and Determination 7 in October 2025 the re-negotiation of that enterprise agreement had not been concluded. Consequently, the Tribunal applied a 3% increase to the base rate for Official Visitors.
24. The Tribunal noted in Report 7 that if the increase ultimately agreed for the LEC 4 was significantly higher than that 3%, and a request was made to the Tribunal for a review of the increase in advance of the normal annual review, that request would be considered.
25. On 4 March 2026, the South Australian Employment Tribunal approved the *South Australian Public Sector Enterprise Agreement: Salaried 2026* which establishes increased wage rates for the LEC 4.
26. It was not until submissions were invited as part of this review that any request for an increase to reflect the Enterprise Agreement rate was made.
27. The Tribunal has determined to use the rates that apply to the LEC 4 from 1 July 2026 as the basis for the base rate.
28. In reaching this conclusion, the Tribunal has noted Mr Cooke's submission to the effect that some form of retrospectivity should be applied.
29. Generally, the Tribunal applies prospective wage adjustments and only determines retrospective increases in exceptional circumstances. These exceptional circumstances include unwarranted or unavoidable delays in providing information to the Tribunal.
30. Given that the Tribunal provided an invitation in Report 7 of 2025 for the Official Visitors to request an earlier review of Determination 7 of 2025 following the conclusion of the enterprise bargaining negotiations for the *South Australian Public Sector Enterprise Agreement: Salaried 2026* to implement its increases to the LEC 4 rate and no request of that nature was made, the Tribunal is not satisfied that a retrospective adjustment is appropriate in these circumstances.

Superannuation and Workers Compensation

31. The Tribunal has maintained its position that the remuneration for the Official Visitors should account for superannuation at the rate of compulsory superannuation payments generally available to employees (the rate of the Commonwealth Superannuation Guarantee) and an amount to offset the absence of workers' compensation arrangements.
32. However, as the DCS now proposes to pay superannuation amounts at the rate of the Commonwealth Superannuation Guarantee a separate rate which would then apply, including a component for workers' compensation has been set.
33. The Tribunal notes the DCS advice that it does not intend to change the workers' compensation arrangements for the Official Visitors. Accordingly, the Tribunal has provided hourly rates within the Determination which maintain a recognition of the workers' compensation costs that may apply to Official Visitors.

Total Hourly Rates

34. The hourly rates for the Official Visitors, including a component for the absence of workers' compensation arrangements are as follows:

Conditions	Hourly Rate
Including a component for Superannuation and Workers' Compensation	\$90.12
Excluding Superannuation but including Workers' Compensation	\$80.46

Same-Day Lunch Allowance & Motor Vehicle Allowance

35. The Tribunal has noted Mr Cooke's submissions that the basis for the same day lunch allowance should be revised, to remove the current qualification of 100 km travel and replace this with either a time-based qualification or combination of time and distance.
36. Mr Cooke also suggested that the 100 km threshold that applies before an Official Visitor can claim the private motor vehicle allowance should be modified to allow reimbursement once a reasonable amount of official travel has been undertaken.
37. Information to substantiate both submissions is not currently available to the Tribunal.
38. Additionally, previous reviews have canvassed extensively the diversity of arrangements between the Official Visitors.
39. Although the Tribunal has decided not to adopt either proposal in this Review, if information addressing and substantiating these matters is provided, they will be considered in the next review. This information should include detailed data on the frequency and circumstances that would warrant changes of the nature sought.
40. The Tribunal has determined not to change the rates of the Motor Vehicle Allowance.

Meals, Incidentals and Accommodation Allowances

41. Consistent with its previous approach, the Tribunal has adjusted the allowances as follows:
- a. Meal Allowances are increased to the rate reflected in the Australian Taxation Determination (TD2026/4) concerning reasonable meal expenses;
 - b. Incidentals Allowance is increased by Adelaide's CPI (June 2025 to June 2026); and
 - c. Accommodation Allowance is also increased by Adelaide's CPI (June 2025 to June 2026).

Independence of the Official Visitors

42. The Tribunal has noted concerns that the DCS' proposed changes to the payment arrangements for Official Visitors may affect, or be perceived to affect, their independence from the DCS. As these issues are not within the Tribunal's jurisdiction, it has not expressed a position on them.
43. An accompanying Determination has been issued and will operate from 1 October 2026.



Matthew O'Callaghan
PRESIDENT



Donny Walford
MEMBER



Mark Young
MEMBER