



## **REMUNERATION TRIBUNAL REPORT RELATING TO DETERMINATION 2 OF 2017** **MANAGER FAMILY VIOLENCE LIST ALLOWANCE – MAGISTRATES**

### **PREAMBLE**

The Remuneration Tribunal (“the Tribunal”) is given jurisdiction under Section 13 of the Remuneration Act 1990 (“the Act”), to determine the remuneration payable to the judiciary and the holders of public offices listed in that section of the Act.

Section 13 of the *Magistrates Act 1983* confers jurisdiction on the Tribunal to determine additional remuneration for a magistrate, for the period that magistrate performs special duties, insofar as those duties are directed by the Chief Magistrate, with the concurrence of the Attorney-General.

On 13 December 2017, the Tribunal received an application from the Honourable Chief Magistrate Hribal (“the Chief Magistrate”), for determination of a special duties allowance payable to the magistrate who performs the duties of the newly established position of Manager Family Violence List.

### **PROCEDURAL HISTORY**

On 21 December 2017, the Tribunal invited submissions from the Premier, the Attorney-General, the Judicial Remuneration Coordinating Committee (“JRCC”) and the Chief Magistrate.

Submissions were received from the Chief Magistrate and the Crown Solicitor’s Office (“CSO”), on behalf of the Premier. Both parties put to the Tribunal that the proposed allowance is appropriately payable in the circumstances.

A hearing was conducted by the Tribunal on 21 March 2017. The Chief Magistrate attended to make short oral argument in relation to her application and Ms Carly Cooper of CSO attended on behalf of the Premier, to make oral submissions in the public interest.

### **REPORT**

The position of Manager Family Violence List is a newly created position in relation to the office of magistrate, which has been created to address a steady increase in the volume of family violence matters being dealt with by the Magistrates Court, since the commencement of the *Intervention Orders (Prevention of Abuse) Act 2009* on 9 December 2011.

Through written and oral submissions, the Tribunal has heard that the Magistrates Courts in most locations throughout South Australia now require a dedicated family violence list, which requires the responsible magistrate to consult with a multitude of Government and non-governmental agencies, Family and Federal Circuit Court and to co-ordinate user groups.

The responsible magistrate is also required to monitor and advise on legislative change in relation to family violence, and perform a leadership role in relation to family violence court procedures state-wide.

The Tribunal has given consideration to circumstances in which the allowance is proposed. The Tribunal has also given consideration to the level of the allowance proposed. The Tribunal is satisfied that the payment of the allowance is appropriate and that the level of the allowance submitted by the parties should be the amount of the allowance.

The Tribunal therefore makes the accompanying Determination 2 of 2017.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 18<sup>th</sup> day of April 2017.