

**REPORT AND DETERMINATION OF THE REMUNERATION TRIBUNAL****MEMBERS OF THE JUDICIARY, MEMBERS OF THE INDUSTRIAL RELATIONS COMMISSION, THE STATE CORONER, COMMISSIONERS OF THE ENVIRONMENT, RESOURCES & DEVELOPMENT COURT****A. REPORT****1. INTRODUCTION**

- 1.1 The current determination covering the salary of these office holders was issued in November 2010, being Determination No. 8 of 2010. The matter dealt with herein was foreshadowed in that Determination.
- 1.2 By letter to the parties dated 23 March, 2011 the Remuneration Tribunal (the Tribunal) advised it intended to flow on the remuneration increase awarded by the Commonwealth Remuneration Tribunal ('Cth Tribunal') in its *Determination 2010/19* subject to comment from the parties on the matter. The Tribunal received submissions from Justice John Sulan, Chair Judicial Remuneration Coordinating Committee ('JRCC'), and the Crown Solicitor's Office, on behalf of the Premier, as the responsible Minister under the *Remuneration Act 1990* (the Act), in the public interest.

**2. CONSIDERATIONS**

- 2.1 The Tribunal met on 19 and 27 April 2011 to consider the written submissions.
- 2.2 The JRCC acknowledged the Tribunal's intention to flow on the remuneration increase contained in the Cth Tribunal's *Determination 2010/19*. The JRCC submitted the date of operation of the increase should be the same as was awarded in that Determination, viz. 1 November 2010. It further submitted that the Tribunal should similarly flow on the remaining 1.5% increase to be awarded by the Cth Tribunal to the South Australian judiciary.
- 2.3 The Crown Solicitor's Office, on behalf of the Minister in the public interest, submitted that the Tribunal should consider and have regard to the following:
- 2.3.1 The applicability of the Cth Tribunal's *Determination 2010/19* as the *Review of Remuneration Relativities among Australia's Federal Courts* indicates the decision to award a phased in 6% increase was based upon factors that specifically relate to Federal Courts;
- 2.3.2 The applicability of Principle 8 of the *State Wage Case 2005* "Statement of Principles" relating to remuneration increases based on changes in work value;
- 2.3.3 That determining salaries in a national framework need not necessarily include uniformity in salary rates, but can also reflect the differences inherent in each state jurisdiction; and
- 2.3.4 A prospective or phased in approach to the operative date could be applied if the Tribunal determines to flow on the 1.5% increase.
- 2.4 The Tribunal also had regard to submissions made during its review of judicial salaries in November 2010.
- 2.5 As discussed in Determination No. 8 of 2010, the Tribunal notes the Cth Tribunal's *Determination 2010/19* has now passed its parliamentary disallowance period. The Tribunal also notes the ongoing impact of the Cth Tribunal's *Review of Remuneration Relativities among Australia's Federal Courts*, published in October 2009.
- 2.6 The Cth Tribunal's *Determination 2010/19* provided for a remuneration increase of 1.5%, as a result of conclusions reached in the *Review of Remuneration Relativities*

*among Australia's Federal Courts.* This is the third of the four tranches of the total remuneration increase of 6% it determined in 2009.

- 2.7 The Cth Tribunal has not yet made a decision as to when the fourth and final 1.5 % tranche will be paid. The Tribunal will consider this matter at an appropriate time and in doing so determine its applicability to the South Australian Judiciary

### **3 CONCLUSIONS**

- 3.1 The Tribunal reiterates that it's past approach of setting salaries in a "national framework" continues to be appropriate and in the public interest and has therefore concluded that the salary of the Puisne Judge of the Supreme Court will be \$373,085 per annum operative from 1 February, 2011.
- 3.2 The salaries of all other judicial officers and statutory office holders are listed below and have also been increased from the same date.

## **B. DETERMINATION**

### **1. SCOPE OF DETERMINATION**

This Determination applies to the undermentioned Members of the Judiciary and to the undermentioned Statutory Office Holders.

### **2. SALARY**

#### **2.1 Members of the Judiciary**

- 2.1.1 The annual salaries and allowances for the members of the judiciary will be as follows:-

	Salary \$ per annum
Chief Justice of the Supreme Court	417,825
Puisne Judges of the Supreme Court	373,085
Masters of the Supreme Court	329,470
Chief Judge of the District Court	373,085
Other District Court Judges	329,470
Masters of the District Court	290,980
Chief Magistrate	308,205
Deputy Chief Magistrate	287,325
Supervising Magistrates	280,170
Assistant Supervising Magistrate of the Adelaide Magistrates Court	274,570
Stipendiary Magistrates	261,210
Supervising Industrial Magistrate	261,210
Other Industrial Magistrates	261,210
Senior Judge, Youth Court and Senior Judge, Environment Resources and Development Court, appointed as such, paid the allowance shown for as long as that person continues to perform such duties and is designated as 'Senior'.	9,275
Stipendiary Magistrate directed by the Chief Magistrate with the concurrence of the Attorney-General to perform special administrative duties in a region (Regional Manager) or in a residential country area (Country Resident Magistrate) paid the allowance shown for as long as that person continues to perform such duties	18,970

	Salary \$ per annum
Stipendiary Magistrate directed by the Chief Magistrate with the concurrence of the Attorney-General to perform special administrative duties at a particular court (Magistrate-in-Charge) paid the allowance shown for as long as that person continues to perform such duties	7,370
Stipendiary Magistrate appointed Warden under the Mining Act 1971 as amended and performing the duties of Senior Warden paid the salary shown for as long as that person continues to perform such duties	275,215
Stipendiary Magistrate appointed as a Deputy State Coroner on a full-time ongoing basis paid the allowance shown for as long as that person continues to perform such duties.	7,370
His Honour Judge WD Jennings whilst he performs the functions of both Senior Judge of the Industrial Relations Court and President of the Workers' Compensation Tribunal.	351,060
His Honour Judge Hannon whilst he performs the functions of both Judge of the Industrial Relations Court and President of the Industrial Relations Commission.	346,165
Other Judges of the Industrial Court who are members of the principal judiciary of that Court	329,470

- 2.1.2 Where a person is appointed as Acting Chief Justice of the Supreme Court or as Acting Chief Judge of the District Court and such appointment extends for a continuous period of more than one week, the person appointed shall be paid a salary equal to the salary specified herein for the Chief Justice or the Chief Judge, as appropriate, for the whole of the period the appointment is in effect.

## 2.2 **Statutory Office Holders**

- 2.2.1 The annual salaries for the following statutory office holders will be as follows:-

	Salary \$ per annum
State Coroner whilst he continues to perform this function under his current conditions of employment	304,775
Deputy Presidents of the Industrial Relations Commission	287,955
Commissioners of the Industrial Relations Commission	250,410
Commissioners of the Environment, Resources and Development Court	250,410

## 3. **TRAVELLING AND ACCOMMODATION ALLOWANCES**

Allowances to be paid will be in accordance with the Tribunal's most recent Determination on these allowances as amended from time to time.

## 4. **COMMUNICATION ALLOWANCE**

A person to whom this Determination applies and who is eligible for the Communication Allowance will continue to receive the Allowance as detailed in the relevant Determination.

5. **CONVEYANCE ALLOWANCES**

Allowances to be paid will be in accordance with the Tribunal's most recent Determination on these allowances as amended from time to time.

6. **DATE OF OPERATION**

Salaries and allowances prescribed in Clause 2 are operative on and from 1 February, 2011 and supersede those of all previous Determinations covering persons whose office is listed herein.

*Original Signed by Remuneration Tribunal 27 April 2011*

HR Bachmann AM  
**PRESIDENT**

JA Obst  
**MEMBER**

DJ Smythe  
**MEMBER**

27 April 2011