



No. 1 of 2018

REPORT OF THE REMUNERATION TRIBUNAL
SUPERVISING REGIONAL MANAGER ALLOWANCE – MAGISTRATES

PREAMBLE

The Remuneration Tribunal (“the Tribunal”) has jurisdiction under Section 13 of the *Remuneration Act 1990* (“the Act”), to determine the remuneration payable to judges, magistrates 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 18 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 a magistrate who performs the duties of the newly established position of Supervising Regional Manager.

PROCEDURAL HISTORY

On 16 January 2018, the Tribunal invited submissions from the Premier, the Judicial Remuneration Coordinating Committee (“JRCC”), the Magistrates Association of South Australia (“MASA”) and the Chief Magistrate.

Submissions were received from the Chief Magistrate and the Crown Solicitor’s Office (“CSO”), on behalf of the Premier.

A hearing was conducted by the Tribunal on 2 February 2018. The Chief Magistrate attended to make short oral argument in relation to her application and Ms Lucy Hodge of the CSO attended on behalf of the Premier, to make oral submissions in the public interest.

SUBMISSIONS

The Chief Magistrate submitted that the proposed allowance ought to be payable at the rate of \$30,730, or such higher amount as determined by the Tribunal from time to time. Furthermore, the Chief Magistrate submitted that the proposed allowance should only be payable if directed by the Chief Magistrate, with the concurrence of the Attorney-General, having regard to section 13(1a) of the *Magistrates Act 1983*¹.

¹ (1a) A magistrate, while performing special duties for the time being directed by the Chief Magistrate with the concurrence of the Attorney-General, is entitled to such additional remuneration as may be determined by the Remuneration Tribunal.

The CSO on behalf of the Honourable Premier submitted that the Premier neither opposes or supports the Chief Magistrate's application and is pleased to leave the matter in the hands of the Tribunal.

CONSIDERATION OF ALLOWANCE

The position of Supervising Regional Manager is a newly created position in relation to the office of magistrate, which has been created due to the abolition of the office of Deputy Chief Magistrate pursuant to section 16 the *Statutes Amendment (Attorney-General's Portfolio No 3) Act 2017*. That legislative provision comes into effect on 8 July 2018.

Through written and oral submissions, the Tribunal has heard that the duties of the position of Supervising Regional Magistrate have been documented and will involve supporting the Chief Magistrate in the efficient administration of the Magistrates Court, including acting as the Chief Magistrate when and if required. Accordingly, the duties of the Supervising Regional Manager will include those of the Deputy Chief Magistrate and additional duties.

The monetary amount of the proposed allowance is commensurate with the difference in salary of the abolished Deputy Chief Magistrate role and the salary of a Magistrate. As a consequence, the Tribunal's Determination will not impose an additional impost upon the State budget.

The Tribunal has considered the circumstances in which the allowance is proposed. The Tribunal has also considered the level of the allowance proposed. The Tribunal is satisfied that the payment of the allowance is appropriate and concludes that the level of the allowance submitted should be the amount of the allowance.

The Tribunal therefore makes the accompanying Determination 1 of 2018.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 12th day of February 2018.