



No. 9 of 2018

**REPORT OF THE REMUNERATION TRIBUNAL**  
**2018 REVIEW OF SALARY FOR PRESIDENTIAL MEMBERS OF THE SOUTH**  
**AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**INTRODUCTION**

1. The *South Australian Civil and Administrative Tribunal Act 2013* (“the SACAT Act”) provides that, pursuant to section 10(6) and section 14(6) of the SACAT Act, the Remuneration Tribunal (“the Tribunal”) may make a determination that the President and Deputy President(s) appointed under subsection (1)(a) of the SACAT Act, to the South Australian Civil and Administrative Tribunal (“SACAT”), will have an additional component of salary or allowance, as a judge, on account of holding office under the SACAT Act.
2. The relevant statutory provisions are as follows:
  - 10(6) – *Without limiting subsection (5), the Remuneration Tribunal may determine that the President’s salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act);*
  - 14(6) – *Without limiting subsection (5), in the case of an appointment under subsection (1)(a), the Remuneration Tribunal may determine that a Deputy President’s salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act); and*
  - 14(10) – *Without limiting subsection (9), in the case of an appointment under subsection (1)(b), the Remuneration Tribunal will determine the salary or allowances to be paid to the person on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act).*
3. Section 10(1) of the SACAT Act prescribes that the President of SACAT will be a judge of the Supreme Court appointed by the Governor, by proclamation, to be President of SACAT. A Deputy President appointed under section 14(1)(a) of the SACAT Act will be a judge of the District Court.

**BACKGROUND**

4. The last review of salary for presidential members of the SACAT was conducted by the Tribunal in 2017, resulting in no change to the applicable salary loadings, as previously determined by the Tribunal.
5. In accordance with the provisions of the *Remuneration Act 1990* (“the Act”), the Tribunal invited affected persons to make submissions in relation to the Tribunal’s

review. The Tribunal invited the Premier, as Minister responsible for the Act, to make submissions in the public interest.

## **SUBMISSIONS**

6. The Tribunal received submissions from the President of SACAT, the Judicial Remuneration Coordinating Committee (“JRCC”) and the Crown Solicitor’s Office, on behalf of the Premier, in the public interest.
7. The submissions received by the Tribunal are summarised below.
8. President of SACAT, Justice Judy Hughes
  - That the remuneration loading for the role of President of SACAT remain unchanged. The loading set in Determination 2 of 2015 reflects the duties associated with leading the Tribunal.
  - Her Honour Judge Suzanne Cole resigned as Deputy President effective 29 August 2017. There has been no appointment of a Deputy President, however, an Acting Deputy President has been appointed for a short period by the Attorney-General pursuant to section 16(3)(b). That officer’s remuneration is governed by section 16(6) of the SACAT Act and does not require a determination of the Remuneration Tribunal.
9. Judicial Remuneration Coordinating Committee
  - The JRCC agrees with the submission of Justice Hughes, President of the SACAT, that the previous Determination applicable to the President should continue to apply.
  - As Senior Judge Cole has resigned as the Deputy President of SACAT, the previous Determination which applied to Her Honour for so long as she was the sole Deputy President of SACAT should be revoked by the Tribunal.
10. Crown Solicitor’s Office, on behalf of the Premier
  - It is appropriate and in the public interest that the additional component of salary payable to the President of SACAT, as set out in Determination 2 of 2015, is maintained at the current rate of 10 per cent of the salary of a puisne judge of the Supreme Court.
  - The position of Deputy President of SACAT does not currently have an ongoing appointee. Any further consideration of an additional component of salary to a Deputy President or Deputy Presidents should only occur following such appointment/s and the provision of information to the Tribunal concerning the additional duties and responsibilities of that person or persons.
  - That the Tribunal give consideration to consolidating any Determination arising from this review with the Tribunal’s existing Determination in relation to members of the judiciary.

## **CONCLUSION**

11. The Tribunal has reached a decision that no change should be made to the additional salary percentage loading payable to the President of SACAT, as fixed in Determination 2 of 2015 and restated in Determination 8 of 2016.
12. The Tribunal has decided that the *in personum* Determination of additional salary for Judge Cole as Deputy President of SACAT shall be revoked, having regard to Judge Cole no longer holding that appointment.

13. The Tribunal intends to consolidate the Determination arising from this review with the Tribunal's Determination in relation to the remuneration of judicial officers<sup>1</sup>, at the next annual review of that Determination.
14. The accompanying Determination will issue accordingly.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 30<sup>th</sup> day of August 2018

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<sup>1</sup>Determination 2 of 2018 – Remuneration of Members of the Judiciary, Presidential Members of the South Australian Employment Tribunal, the State Coroner, and Commissioners of the Environment, Resources and Development Court