



No. 1 of 2019

REPORT OF THE REMUNERATION TRIBUNAL
REVIEW OF THE REMUNERATION OF MAGISTRATES

INTRODUCTION

1. The Remuneration Tribunal ("the Tribunal") has jurisdiction under section 13 of the *Remuneration Act 1990* ("the Act") to determine the remuneration payable to Magistrates, and holders of the public offices listed in that section of the Act.

BACKGROUND

2. The level of salary payable to a Magistrate is currently fixed by Determination of the Tribunal at the amount of \$313,310. The Magistrates Association of South Australia ("MASA") have sought a Determination of the Tribunal increasing the salary of a Magistrate by 14.9% to take account of work value changes in the role and responsibilities of Magistrates arising from an extensive catalogue of changes to legislation since 2007.

PROCEDURAL HISTORY

3. Section 10(2) of the Act provides that prior to the making of a Determination, the Tribunal must allow an affected person, or persons of an affected class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
4. Section 10(4) provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
5. The Tribunal, by letter dated 3 May 2018, notified MASA of the Tribunal's intention to review the remuneration of Magistrates. The Tribunal invited written submissions with a closing date of 6 July 2018. The Tribunal foreshadowed a sitting date of 31 July 2018, at which time there would be an opportunity for the making of oral submissions.
6. The Tribunal also invited submissions from the Judicial Remuneration Coordinating Committee ("JRCC"), the Attorney-General and the Hon. Premier, as the Minister responsible for the Act.
7. In addition, on 9 May 2018, the Tribunal distributed a notice to judicial officers and a notification of the review was placed on the Tribunal's public website.
8. The Tribunal convened a hearing on 31 July 2018 to hear submissions. The following persons attended:
 - 8.1. Magistrate David McLeod, on behalf of the MASA;
 - 8.2. Magistrate Jayanthi McGrath, on behalf of the MASA;
 - 8.3. Dr Andrew Cannon, on behalf of the MASA;

- 8.4. Mr Elbert Brooks, on behalf of the MASA;
 - 8.5. Mr Todd Golding, on behalf of the Premier, as Minister responsible for the Act; and
 - 8.6. Ms Carly Cooper, on behalf of the Premier, as Minister responsible for the Act.
9. The Tribunal convened a further hearing on 23 October 2018, at which time the Tribunal received closing written and oral submissions. The following persons attended:
- 9.1. Magistrate David McLeod, on behalf of the MASA;
 - 9.2. Magistrate Jayanthi McGrath, on behalf of the MASA;
 - 9.3. Mr Todd Golding, on behalf of the Premier, as Minister responsible for the Act; and
 - 9.4. Ms Carly Cooper, on behalf of the Premier, as Minister responsible for the Act.

THE STATUTORY CONTEXT

- 10. The Tribunal has the jurisdiction and power under the Act to make discrete determinations of the remuneration to which various judicial officers are entitled, in particular and relevantly the annual salary payable to a holder of a judicial office.
- 11. The exercise of the Tribunal's jurisdiction and powers is subject to statutory direction in relation to the procedure to be followed and matters to which the Tribunal may have due regard.
- 12. Of particular application to the Tribunal's consideration of MASA's submission is section 101 of the *Fair Work Act 1994* (SA). That section is set out as follows:

“101—State industrial authorities to apply principles

(1) In arriving at a determination affecting remuneration or working conditions, a State industrial authority must have due regard to and may apply and give effect to principles, guidelines, conditions, practices or procedures adopted by SAET under this Part.

(2) However, principles adopted under this Part are not applicable to enterprise agreements.

(3) In this section—

State industrial authority means—

(a) SAET; or

(b) the Remuneration Tribunal; or

(c) the Commissioner for Public Sector Employment; or

(d) another person or body declared by regulation to be a State industrial authority.”

- 13. Consideration of MASA's submission requires the Tribunal to have regard to the principles adopted by the South Australian Employment Tribunal (“SAET”) determined by the Industrial Relations Commission of South Australia (“IRCSA”) in respect of consideration of changes to remuneration due to changes in the value of work performed.
- 14. Relevant principles were promulgated in 2005¹ by IRCSA as follows:

“8. WORK VALUE CHANGES

8.1 Changes in work value may arise from changes in the nature of work, skill and responsibility required or the conditions under which work is performed. Changes in work by themselves may not lead to a change in wage rates. The strict test for an alteration in wage rates is that the change in the nature of the work should constitute such a significant net addition to work requirements as to warrant the creation of a new classification or upgrading to a higher classification.

8.2 In addition to meeting this test a party making a work value application will need to justify any change to wage relativities that might result not only within the relevant internal Award structure but also against external classifications to which the structure is related. There must be no likelihood of wage "leapfrogging" arising out of changes in relative position.

¹ As stated in the *State Wage Case July 2005, Minimum Standard of Remuneration, Industrial Relations Commission of South Australia*, [2005] SAIRComm 29.

8.3 *These are the only circumstances in which rates may be altered on the ground of work value and the altered rates may be applied only to employees whose work has changed in accordance with this principle.*

8.4 *In applying the Work Value Changes principle, the Commission will have regard to the need for any alterations to wage relativities between Awards to be based on skill, responsibility and the conditions under which work is performed.*

8.5 *Where new or changed work justifying a higher rate is performed only from time to time by persons covered by a particular classification, or where it is performed only by some of the persons covered by the classification, such new or changed work should be compensated by a special allowance which is payable only when the new or changed work is performed by a particular employee and not by increasing the rate for the classification as a whole.*

8.6 *The time from which work value changes in an Award should be measured is the date of operation of the second structural efficiency adjustment allowable under the September 1989 State Wage Case decision [Print 1.69/1989].*

8.7 *Care should be exercised to ensure that changes which were or should have been taken into account in any previous work value adjustments or in a structural efficiency exercise are not included in any work evaluation under this principle.*

8.8 *Where the tests specified in principle 8.1 are met, an assessment will have to be made as to how that alteration should be measured in money terms. Such assessment will normally be based on the previous work requirements, the wage previously fixed for the work and the nature and extent of the change in work.*

8.9 *The expression "the conditions under which the work is performed" relates to the environment in which the work is done.*

8.10 *The Commission will guard against contrived classifications and overclassification of jobs.*

8.11 *Any changes in the nature of work, skill and responsibility required or the conditions under which the work is performed, taken into account in assessing an increase under any other provision of this Declaration, will not be taken into account in any claim under this principle."*

15. The Tribunal has also had due regard to the principle of capacity to pay which forms part of the suite of principles determined by IRCSA in 2005. That principle is set out below.

"15. ECONOMIC INCAPACITY

15.1 *Any employer or group of employers bound by an Award may apply to, temporarily or otherwise, reduce, postpone and/or phase-in the application of any increase in labour costs determined under this Declaration on the grounds of very serious or extreme economic adversity. The merit of such application will be determined in the light of the particular circumstances of each case and any material related thereto will be rigorously tested. The impact on employment at the enterprise level of the increase in labour costs is a significant factor to be taken into account in assessing the merit of any application. A party making such an application must seek that the matter be referred pursuant to s 212(1) of the Act. It will then be a matter for the President to decide whether it should be dealt with by a Full Commission.*

15.2 *Any decision to temporarily postpone or reduce an increase will be subject to a further review, the date of which will be determined by the Commission at the time it decides any application under this principle.*

15.3 *An individual employer making an application pursuant to this principle may make a request that the hearing of the matter be conducted in private as contemplated in s 150 and/or that some or all of the evidentiary material produced in the case not be available for inspection as contemplated in s 159 of the Act. Any such request will be determined by the Commission in the circumstances of each case."*

16. The Tribunal considers that the work value principle is applicable to the consideration of MASA's submission that the salary level of a Magistrate should be discretely reviewed due to changes in the judicial responsibilities of Magistrates.
17. However, the Tribunal considers that the capacity to pay principle is not capable of application in the circumstances relevant to the determination of the salary of the office of Magistrate for the following reasons.
18. The general jurisdiction of IRCSA, for which the capacity to pay principle was formulated, included the making of industrial instruments prescribing a code of minimum terms and conditions of employment, which employers were required to provide in respect of their

employees. Those instruments, commonly referred to as Awards, typically applied to numerous employers in an industry, as defined by the scope and application provisions of the relevant instruments. Awards were usually varied annually in respect of the minimum wage prescribed for the work covered by the scope of the Award.

19. The capacity to pay principle is an opportunity allowed to an individual employer to prove to the satisfaction of that Commission and its successor, the South Australian Employment Tribunal, that the employer could not meet the obligations of increasing the minimum wages prescribed by the Commission's Award, due to a lack of resources within the business of the employer to do so. This would be achieved by the employer demonstrating that the effect of meeting the obligation imposed by the Commission's award would threaten to cause the business to become insolvent and cease to exist. Characteristically, the employer would open the financial accounting information of the business to the Commission's scrutiny to establish the relevant consideration.
20. The situation of the State of South Australia is not analogous such that the capacity to pay principle has any meaningful application to the Tribunal's consideration of the outcome sought by MASA. At the Tribunal's sittings it was conceded by the Premier's representative that, in a strict sense, the capacity to pay principle was problematic in the context of the matter before the Tribunal. However, the Premier's representative submitted that general considerations of a financial and economic nature and the government's fiscal position should be afforded appropriate weight in the particular circumstances of the case. Those considerations are further addressed in due course below.

SUBMISSIONS

21. Submissions were received from the JRCC, the MASA, the Chief Magistrate and the CSO on behalf of the Hon. Premier, as Minister responsible for the Act.
22. Chief Magistrate submission:
 - 22.1. The application made by MASA for a Magistrate-specific determination of their remuneration is supported by the Chief Magistrate;
 - 22.2. There has been a significant change in the nature and complexity of the work undertaken by Magistrates, who administer justice within the largest and busiest Court in the State;
 - 22.3. The work of Magistrates has expanded significantly over the last 10 years; and
 - 22.4. The Chief Magistrate is strongly convinced of the appropriateness and legitimacy of MASA's application.
23. MASA Submissions:
 - 23.1. The substantive submission of MASA, including statements filed by 12 Magistrates and 1 former Supreme Court Justice, totals 108 pages which address the work of Magistrates and the relevant changes since 2007, in detail.
 - 23.2. MASA seeks a review and an increase in the salary of a Magistrate, having regard to changes in the judicial duties of Magistrates and the salaries of equivalent offices throughout the Commonwealth, States and Territories.
 - 23.3. The statements of 12 Magistrates, detail the impact on the judicial responsibilities and functions performed by Magistrates arising from changes to legislation affecting the jurisdiction, powers and types of responsibilities exercised by the Magistrates Court. A concise overview of the development within and across the jurisdiction of the Magistracy is provided by the Chief Magistrate's statement.
 - 23.4. Extensive explanatory material was presented to the Tribunal by MASA, which addresses the details and impacts of the changes to the administration of the law by Magistrates.
 - 23.5. A table of legislative reforms considered relevant to the submission was presented. The table is exhaustive and cites 145 legislative reforms said to have the effect of increasing the complexity of the work of Magistrates, changing the type and level of

responsibility exercised by Magistrates in the performance of the duties of the office and affecting the nature of the judicial functions of the Magistrates.

- 23.6. MASA provided the following summary closing submission at the conclusion of the Tribunal's hearing of their application:
- 23.6.1. MASA's submission is comprehensive, detailed and sound;
 - 23.6.2. Is supported by the JRCC, the Chief Magistrate and former Supreme Court Justice Tom Gray QC;
 - 23.6.3. Is supported by the unchallenged and comprehensive evidence in the statements supported by the materials provided by MASA;
 - 23.6.4. Is supported by the unchallenged and uncontroverted statement and oral expert evidence of Dr Cannon;
 - 23.6.5. Highlights and reflects the changes in work value since the last SART review in 2002, but particularly since 2009/2010 and the impact of the Commonwealth Remuneration Tribunal's work value Decision in 2010;
 - 23.6.6. Shows that increases in jurisdiction and limits are overall greater than interstate. JRCC supports assessment by reference to a "national framework" and supports MASA's submission that the most comparable jurisdictions are the CW, ACT, QLD and NT;
 - 23.6.7. Is not an ambit claim and rejects the Premier's contention that any increase beyond 2% is unaffordable as disingenuous and unmeritorious;
 - 23.6.8. Shows the mean and median salaries of the most comparable jurisdictions based on the figures at 1 July 2017 are:
 - Median salary excluding SA - \$354,216; and
 - Mean salary excluding SA - \$357,183 (\$359,081 if using FCC increase).
 - Median salary including SA - \$354,024; and
 - Mean salary including SA - \$348,409.
 - 23.6.9. MASA does not take issue with a reasonably pragmatic and stepped approach that would determine remuneration in a bandwidth of reasonableness of \$350-\$355,000 with \$350,000 to apply from 1 July 2018 and \$355,000 from 1 March 2019.
24. JRCC Submissions:
- 24.1. The JRCC is comprised of representatives of:

The Chief Justice, Judges and Masters of the Supreme Court;
The Chief Judge, Judges and Masters of the District Court;
The Chief Magistrate and the Magistrates of the Magistrates Court;
The State Coroner and Deputy State Coroner;
The Commissioners of the Environment, Resources and Development Court; and
The President, Deputy Presidents and Magistrates of the South Australian Employment Tribunal.
 - 24.2. The JRCC submitted that there have been significant and substantial changes and increases in the judicial responsibilities and duties of Magistrates.
 - 24.3. JRCC indicated that there was no basis for a claim for leapfrogging which would arise from the Tribunal's consideration of MASA's submissions.
25. The CSO's submission, on behalf of the Hon. Premier:
- 25.1. The Premier filed three submissions responsive to the material submitted by MASA for the Tribunal's consideration.
 - 25.2. The Premier's final submissions include the following:

"MASA has presented some valid and legitimate arguments for an increase in work value. However, there is also material to counter some aspects of the work value case

(as has been previously submitted by the Premier) including that a large part of the MASA submissions is an asserted increase in workload and not work value.”

25.3. In conclusion the Premier’s submissions stated the following:

“The Premier’s position remains that the Tribunal should award no more than 2% having regard to the factors referred to in these submissions and his earlier written submissions of 23 July 2018.”

PRIMARY CONSIDERATION OF THE PREMIER’S SUBMISSIONS

26. The material filed by the Crown Solicitor’s Office, on behalf of the Premier included the following:
 - 26.1. Written submissions of 23 July 2018, including a statement and economic data provided by the then Director, Economic Strategy of the Department of the Premier and Cabinet;
 - 26.2. Excerpts from the 2018-19 State Budget papers;
 - 26.3. Written submissions of 17 October 2018.
27. The Tribunal has given due consideration to all of that material. Some observations concerning that information follow.
28. To the extent that the information related to the state of the South Australian economy, for reasons elaborated elsewhere, the Tribunal considers the Determination to which this Report relates will have no material effect on the State economy.
29. Insofar as the Determination has an effect on the State Budget, the outcome would be an increase of 0.00263% of general government operating expenditure based on that figure as projected for the financial year 2018-19 year.
30. The Premier’s submission is, to a significant extent, focused on the quantum of any increase in the salaries of Magistrates. The Premier’s submissions are specifically focused upon concerns about quantum of the salary increase proposed by MASA, 14.9%, and fears of a “flow-on” of such a salary increase to members of the judiciary and unspecified employee groups across government.
31. For the purpose of this Report it is not necessary to engage in detail with the Premier’s concerns for the State Budget regarding the quantum of the increase proposed by MASA. The Determination made by the Tribunal in respect of the salaries of Magistrates is not of the magnitude addressed by those submissions. Rather, the outcome of the Tribunal’s review, which will be addressed further below, is a minor fraction of the salary increase sought by MASA.
32. The above observation has similar relevance to the Premier’s submission concerning perceived potential for flow of an increase of the magnitude proposed by MASA across the judiciary and the unspecified groups of Government employees.
33. For the reasons stated immediately above, and having regard to the earlier consideration of the IRCSA (now SAET) capacity to pay principle, the financial and economic concerns expressed in the Premier’s submissions are effectively resolved by the magnitude of the variation to the salaries of Magistrates which result from the Tribunal’s Determination to which this Report relates.
34. It is, however, relevant to note that the magnitude of the outcome of the Tribunal’s review of the salaries of Magistrates is not based on those concerns. Rather, the Tribunal has judged the material before it based on an independent evaluation of the changes in the value of the work of a Magistrate in accordance with the work value principle, as stated at the outset of this Report, and appropriate consideration of the national framework of judicial remuneration.
35. The Premier’s submissions included material which compares movements in judicial salaries, the Consumer Price Index and the Wage Price Index series of the ABS since year 2000. The substance of those submissions is dealt with more specifically elsewhere herein. The Tribunal considers that, for reasons explained in due course, the appropriate period over which to consider such material is between 2007 to the time of this Report and accompanying Determination.

36. The Premier drew attention to issues often referred to under the rubric of “vertical fiscal imbalance”, which essentially captures a view that the Commonwealth’s fiscal position is substantially more robust than that of the states and territories and, relevantly, is reflected generously in the level of salaries for Commonwealth judicial officers. However, that observation must be tempered in light of the independent determination of Federal judicial salaries by the Commonwealth Remuneration Tribunal. Whatever the particular resolution of this contention might be, the outcome of the Tribunal’s consideration does not result in the salary of a Magistrate in South Australia equalling that applicable to the Commonwealth judicial offices included in the comparative table submitted by MASA.

CONSIDERATION OF THE EVIDENCE

37. A schedule of the witness statements received is attached as Attachment 2. The Tribunal has given consideration to the contents of those statements. The Premier did not require the attendance of the witnesses and consented to the acceptance of the statements filed by MASA. The Premier did not contest the truth of the contents of those statements. However, the Premier made submissions as to the weight which should be attached to the various contents of the statements for the purposes of the Tribunal’s consideration of the merit of any variation to the salary of a Magistrate.
38. To assist the Tribunal’s consideration of the evidence, the Tribunal invited the personal attendance of Dr Andrew Cannon AM PhD at a hearing on 31 July 2018.
39. Dr Cannon is a former Deputy Chief Magistrate of South Australia.
40. Dr Cannon performed judicial duties at the Adelaide Magistrates Court for 20 years.
41. Dr Cannon has a distinguished academic resume. Dr Cannon is an Adjunct Professor of Law at Adelaide University, Flinders University and Munster University in the Federal Republic of Germany, and a Fellow of the Australian Academy of Law. Dr Cannon has published across a wide range of legal subjects relevant to the work of Magistrates, including as co-author of the text book “Magistrates Court South Australia” (referred to as Cannon and Hiskey).
42. Dr Cannon made himself available to the Tribunal and to the representative of the Premier to answer questions and discuss the evidence of changes to the work of the Magistrates Court since 2007. Dr Cannon’s assistance was helpful for the Tribunal’s information and understanding of the extensive body of evidence.
43. Dr Cannon’s ability to provide the Tribunal with considered insight of the work of Magistrates was enhanced by his involvement with the initiation of an academic research project conducted by the Flinders University Judicial Research Project, published as “*Performing Judicial Authority in the Lower Courts*”². This research drew on extensive data obtained from courts and judicial officers over several years.
44. Dr Cannon’s written statement, as one would expect from a former judicial officer of such long experience, was clear, concise and succinct, it comprises 32 pages and 30 footnotes. The statement and Dr Cannon’s viva voce elucidation at the sitting of the Tribunal comprehensively supports the summary of the evidence tendered by MASA, referred to above.
45. In addition to the statements provided by Dr Cannon and serving Magistrates, the Tribunal received a statement from a former Justice of the Supreme Court Mr Tom Gray QC. Mr Gray was appointed as a Justice of the Supreme Court in 2000 and held office until 2016. As a member of the Supreme Court, Justice Gray, as he then was, actively participated in that Court’s appellate supervision of the decisions of the Magistrates Court.
46. It is convenient to refer to some of the contents of Mr Gray’s statement:

“There have been extensive changes to the jurisdiction exercised by Magistrates since my appointment in 2000. I refer in particular to the development of the diversionary courts, to the significant changes to the Court’s role with indigenous offenders, to the increase in the jurisdictional limit of the Magistrates’ civil jurisdiction, and to the major changes to the Magistrates’ criminal jurisdiction.”

² Aulen, SR and Mack, K, 2017

The diversionary courts, and I refer in particular to the domestic violence court and the drug and alcohol court, necessitate Magistrates to developing particular skills suitable for the therapeutic approach to justice there exercised. The indigenous courts present challenges that require Magistrates to develop a thorough understanding of the culture issues involved and in particular the special approach to the sentencing of indigenous offenders. In (sic) refer to my published judgements in this respect.

Changes to the criminal law require Magistrates to exercise jurisdiction over many major indictable offences. Formerly these matters were heard by a Judge of the District Court and as a consequence it is now a jurisdiction shared by Magistrates. Major indictable offences involve criminal offending exposing defendants to significant terms of imprisonment.

Attached to this statement is a copy of a policy statement issued by the Office of the Director of Public Prosecutions. A review of that document clearly illustrates the significant change to the Magistrates' jurisdiction when dealing with serious criminal offending.

This change to the Magistrates' criminal jurisdiction carries with it a responsibility comparable to that of a District Court Judge exercising the same jurisdiction. The jurisdiction of the Magistracy is no longer summary. Magistrates' sentencing remarks need to be sufficient to properly allow defendants to exercise their rights of appeal. Equally, the remarks must be sufficient to allow the Supreme Court to properly exercise its appellate jurisdiction.

There have been many complex amendments to the criminal law. Examples include the law relating to self-defence, to matters of aggravation and to issues with respect to reputation and character. The amendments to the criminal law are of particular importance to a Magistrate addressing matters within their increased jurisdiction. They add complexity to the work of a Magistrate.

As a Supreme Court Justice, from time to time, I would be called on to review decisions as to bail made by Magistrates. Amendments to the Bail Act have altered the Magistrates' approach to an application for bail. There are now presumptions against bail in respect of a number of charged offences. A Magistrate also has jurisdiction to grant bail on terms of home detention and curfew as well as the setting of conditions as to treatment and rehabilitation. These are difficult matters to balance, particularly when a defendant is pleading not guilty.

Increases to the Courts' civil jurisdiction require Magistrates to preside over trials which would otherwise have come before a District Court Judge. Many more general as well as commercial matters now fall within the jurisdiction of the Magistrates Court. Many defamation proceedings also fall within that jurisdiction.

Over the last decade there has been a substantial change in the jurisdiction exercised by a Magistrate. This is particularly evident in the courts' criminal jurisdiction. In many instances the exercise of this jurisdiction can no longer be described as summary."

47. In addition to the statement of Dr Cannon, the Chief Magistrate and Mr Gray QC, an extensive amount of documentary material was tendered by MASA, including:
 - 47.1. Written submission of 4 July 2018;
 - 47.2. Folder containing 13 witness statements and summary of legislation affecting the jurisdiction and/or powers of Magistrates from the period 2007-2017;
 - 47.3. Written submission of 23 October 2018.
48. Budget Paper 5: Budget Measures Statement of the 2018-19 State Budget papers indicate adaptation of the administrative structure of the Magistrates Court to the changes to the Court's jurisdiction effected by the legislation referred to by MASA.
49. The evolution of the jurisdiction of the Magistrates Court is indicated in that budget paper by the explanation of the appointment of Judicial Registrars to deal with the less complex aspects of the jurisdiction.
50. Budget Paper 5 confirms this development as follows.

Courts

2018–19 Budget initiatives (\$000s)

	2017–18 Estimate	2018–19 Budget	2019–20 Estimate	2020–21 Estimate	2021–22 Estimate
Operating initiatives	—	—	—	—	—
Operating savings	—	—	1 484	1 761	5 399
Revenue measures	—	—	—	—	—
Revenue offsets	—	—	—	—	—
Investing initiatives	—	—	—	—	—
Investing savings	—	—	—	—	—
Revenue offset investing	—	—	—	—	—
Asset sales	—	—	—	—	—
Impact on net operating balance	—	—	1 484	1 761	5 399
Impact on net lending	—	—	1 484	1 761	5 399
Courts Administration Authority					
Operating savings					
Operating efficiencies	—	—	1 420	1 442	4 933
Administered Items for the Courts Administration Authority					
Operating savings					
Use of Judicial Registrars	—	—	64	319	466

51. In an administrative and structural sense, the Budget Paper tends to confirm that part of the evidence before the Tribunal which indicates that the jurisdiction of the Magistrates Court has garnered greater complexity in various ways over the period under consideration, since 2007 to date.
52. The Budget Paper before the Tribunal, relevantly, accords with the evidence of Dr Cannon, The Chief Magistrate, and Mr Tom Gray QC.

THE NATIONAL FRAMEWORK OF JUDICIAL SALARIES

53. In the course of previous reviews of judicial salaries the Tribunal has maintained a policy of having due regard to what it has described as the national framework of judicial salaries.
54. The Tribunal referred to this consideration in the Report 2 of 2018 as follows:

“In previous reviews of judicial remuneration in South Australia, the Tribunal has had regard to the national framework of salaries paid to judicial officers throughout the Commonwealth.

It would be accurate to describe the concept of a national framework of judicial salaries as a guiding principle for the purpose of considering judicial remuneration in South Australia. However, whilst adopting this guiding principle, the Tribunal has ensured that discretion has been preserved for the purpose of making an independent judgement of an appropriate level of judicial remuneration from time to time.”
55. MASA provided a comparative table of the extent of the jurisdictions of Magistrates in other Australian jurisdictions. The content of that comparative information was not challenged.
56. The Tribunal was able to consider the relative level of judicial responsibility in other jurisdictions to aid evaluation of the value of the work of South Australian Magistrates having regard to the different salaries applicable across various jurisdictions for the purposes of the Tribunal’s review.
57. There are significant variations in level of jurisdiction and power exercised by Magistrates in the various jurisdictions.
58. While the Tribunal does not consider it appropriate to specifically align the salary of a South Australian Magistrate directly with a counterpart office in another jurisdiction it does consider it appropriate to ensure that the salary of a Magistrate in South Australia within the national framework is relevant and appropriate.
59. The Tribunal considered that changes in the jurisdiction, powers and characteristics of the work of South Australian Magistrates, when judged in relation to the National Framework of judicial salaries, supported an increase in salary within that framework. Moreover, the judgement of that factor must, by necessity, be discrete and arbitrary. These considerations and others are discussed further below.
60. The Tribunal has examined Federal, State and Territory Magistrates’ salaries.
61. The relevant judicial salaries as at the time of the Tribunal’s review are set out below.

Jurisdiction	Magistrate Salary	Operative Date
Australian Capital Territory	\$362,484	1-Nov-18
Queensland	\$354,024	1-Jul-17
Northern Territory (<i>local court judge used</i>)	\$347,485	1-Jan-18
New South Wales	\$331,350	1-Jul-18
Western Australia [□]	\$327,484	1-Jul-16
Victoria	\$317,930	21-Sep-18
SA (salary prior to this Determination)	\$313,310	1-Jun-18
Tasmania	\$307,508	31-May-18

Commonwealth (<i>federal circuit court judge used</i>)	\$387,230	1-Jul-18
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Median Salary (all states and territories ex SA)	\$331,350
Average Salary (all states and territories ex SA)	\$338,756

[□]The salary of Magistrates in Western Australia is subject to the restrictive provisions of the *Salaries and Allowances (Debt and Deficit Remediation) Act 2018* (WA), which prevents the WA Tribunal, until July 2021, from increasing that salary.

62. The Tribunal has observed that the salary of a South Australian Magistrate is comparatively lower than the median salary of equivalent offices in other jurisdictions throughout the Commonwealth.

LEGISLATIVE AMENDMENTS

63. A schedule of legislative amendments that occurred between 2007 to 2017, that affect the jurisdiction and/or judicial powers and duties of Magistrates, is included at attachment 1 of this Report.

THE SOUTH AUSTRALIAN ECONOMY

64. The Premier's submissions include reference to material filed with the Tribunal in relation to various economic considerations and the State Budget.
65. The Gross State Product of South Australia as most recently measured was \$102 billion. The economy of South Australia has grown consistently over the period 2007 to date. That is the period over which the work value changes affecting Magistrates is said to have occurred. The history of the growth of Magistrates' salaries over that period is addressed in detail elsewhere.
66. Over the 2017/2018 financial year growth in the Gross State Product was 2%.
67. Gross household disposable income per capita grew over the three years prior to the most recent published ABS series.
68. For these reasons and others expressed elsewhere, the Tribunal considers that an appropriate variation to reflect work value changes, properly made out in accordance with the work value principle to be applied to consideration of MASA's submissions, would not have a materially detrimental effect on the State economy.
69. The Government budget presented to Parliament in September 2018 indicated a deficit in 2018-19 followed by surpluses over the forward estimates. Total budgeted general government operating expenditure over 2018-19 is \$19.5 billion. The total salaries of Magistrates over that period at the level existing, at the time of this report, would constitute 0.0007% thereof.
70. The 2018-19 State Budget Statement contains an economic outlook statement for the South Australian economy. That statement is set out below:

“Economic outlook

The economic challenges arising from the cessation of car manufacturing in South Australia have been relatively well accommodated, with continuing overall employment growth and a fall in the unemployment rate. The declines in production and employment in the manufacturing industry have been offset by growth in service based industries, led by health care and social assistance.

Employment in South Australia is likely to continue to be supported by public sector investment in transport projects, by private sector investment (including OZ Minerals' Carrapateena project and Servion's Ceres wind farm project). In the medium term, naval shipbuilding projects (future frigates and submarines) offer the potential for significant job opportunities, including in supply chain firms.

Although retail spending growth has seen gradual declines from its recent peak in late 2014, it is likely that recent strong employment growth, continued sources of inexpensive consumer credit and growing tourist numbers will be supportive of household spending going forward. A number of surveys have confirmed strong business confidence in South Australia in recent months. This bodes well for growth in the state.

Forecasts and projections for South Australia from 2018–19 onwards take into consideration the expected performance of the international, national and state economies over the medium term. Forecasts and projections also depend on key assumptions around population growth rates and the relative performance of the state's economic sectors. Taking into consideration the relevant information on the past trends of the South Australia economy and having allowed for sensitivities in key assumptions, South Australia's GSP is forecast to increase by 2¼ per cent in real terms in 2018–19, following similar growth in 2017–18. South Australian employment is forecast to grow by 1½ per cent in 2018–19, revised up from 1 per cent in the mid-year budget review. South Australia's SFD is forecast to grow by 2½ per cent in 2018–19, revised up from 2¼ per cent since the mid-year budget review as a result of stronger than expected economic conditions."

SEPARATION OF POWERS

71. Having regard to the nature of the relationship between the Executive, the Legislature and the Judiciary, it is appropriate to make some observations concerning the consideration of submissions which refer to the fiscal policy of the Government.

72. Section 15 of the Act emphasises the necessity to have regard to the separation of powers under the constitutional arrangements of the state. That legislative provision is set out below:

"15—Tribunal to have regard to principle of judicial independence

The Tribunal must, where appropriate in determining remuneration under this Act, have regard to the constitutional principle of judicial independence."

73. Subsections 1 and 3 of section 13 of the *Magistrates Act 1983* are also relevant:

"13—Remuneration of magistrates

(1) Subject to this section, the Remuneration Tribunal will determine the rates of remuneration of magistrates, including the Chief Magistrate.

(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.

(1b) A magistrate (whether appointed on a full-time or part-time basis) is, while performing the duties of his or her office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of his or her hours of duty at the rate determined by the Remuneration Tribunal under this section in relation to a magistrate appointed on a full-time basis.

(3) A rate of salary determined under this section may not be reduced by subsequent determination.

(4) The remuneration payable under this section will be paid out of the Consolidated Account which is appropriated to the necessary extent.

(5) In this section—

remuneration means salary, or salary and allowances."

74. Taken together, these legislative provisions reflect the foundational principles of the State's constitutional structure, which is predicated on the independence of the judiciary. Those provisions are mandatory statutory directions by the legislature of the manner in which the Tribunal is to determine the remuneration of judicial officers.

FINDINGS

75. Having considered all of the evidence and material provided by MASA, JRCC and the Honourable Premier, the Tribunal makes the following findings:
- 75.1. the range, type, and quality of various judicial functions performed by Magistrates has changed substantially since 2007;
 - 75.2. additional judicial functions to those traditionally performed by the Magistrates have evolved from extensive legislative reforms initiated by the Government of South Australia;
 - 75.3. the various judicial functions performed by Magistrates have increased in complexity;
 - 75.4. the jurisdiction and powers of Magistrates in relation to both criminal and civil jurisdictions have both increased substantially;
 - 75.5. the level of responsibility of Magistrates concerning the liberty of the person and the material consequences of decisions and judgements able to be made by Magistrates is greater since the evolution of the Government's legislative reforms;
 - 75.6. some functions previously exercised by Judges of the District Court are now performed by Magistrates;
 - 75.7. the Magistrates Court is being restructured to accommodate the changed nature of the responsibilities of the Court;
 - 75.8. less complex functions performed by Magistrates are being delegated to judicial registrars;
 - 75.9. the changes in the nature of the work of Magistrates is a significant net addition to the value of the work of a Magistrate;
 - 75.10. the work value principle of SAET is satisfied sufficiently to justify an increase in the level of the salary of a Magistrate;
 - 75.11. the capacity to pay principle of SAET is not applicable to the Tribunal's review of the salary of a Magistrate;
 - 75.12. The impact of an appropriate level of increase to the salary of a Magistrate to reflect the change in the value of the work of a magistrate will not have a material affect on the South Australian economy; and
 - 75.13. The impact of an appropriate level of increase to the salary of a magistrate to reflect the change in the value of the work of a magistrate will not have a materially adverse affect on the overall fiscal position of the State.

QUANTUM

76. The Tribunal has had regard to the history of the determination of Magistrates' salaries.
77. The previous occasion on which the Tribunal conducted a discrete work value review of the salary of a Magistrate was reported in the Tribunal's Report 5 of 2002 in respect of Determination 5 of 2002.
78. The legislative reforms affecting the jurisdiction, power and functions of Magistrates relied upon by MASA commence from 2007.
79. Consequently, the relevant considerations in respect of the history of the determination of the salary of a Magistrate arise from salary variations since 2007.
80. Accordingly, it is necessary to give consideration to the extent to which discrete work value considerations form part of the reasons for increases to the salary of a Magistrate since that time. In this respect it is appropriate to give consideration to the source of adjustments to the level of a Magistrates salary.
81. Since 2002 there have been 18 Determinations which have varied the salary level prescribed for the office of Magistrate.
82. The Tribunal has identified 2 Determinations of the Commonwealth Remuneration Tribunal ("CRT"), whereby an increase was granted to Commonwealth judicial officers on grounds of work value.

83. First, in 2009, the CRT issued a report concluding that a 6% increase in the remuneration of Commonwealth judicial officers was reasonable on work value grounds and that the 6% would be phased in incrementally. Subsequently, four separate work value based increases of 1.5% were awarded in November 2009, May 2010, November 2010 and May 2011.
84. Second, in 2016, the CRT awarded a 4.8% increase to Commonwealth judicial officers. In its statement, the CRT stated that the *“complexity and work intensity of judges has increased since the Tribunal’s last comprehensive review of the judicial and related offices jurisdiction in 2001-2002”*.
85. Since 2002, Determinations made by this Tribunal had regard to and applied similar increases to the salaries of judicial officers in South Australia, including the salary of the office of Magistrate.
86. The Tribunal’s consideration must have regard to increases in the salary of a Magistrate which have been influenced by work value considerations within the national framework of judicial salaries and as reflected by the Tribunal’s determination of judicial salaries in South Australia during the relevant period.
87. Notwithstanding the specific consideration of the history of judicial salaries referred to above, regard has also been given to the inherent general economic bases for the adjustments of judicial salaries over the relevant period in the Determinations of the CRT.
88. The Tribunal has thus identified a mixture of relevant considerations which have influenced the determination of the level of judicial salaries in South Australia, including the salary prescribed for the office of Magistrate, for the purpose of judging the appropriate level of salary of a Magistrate having regard to the identified work value changes over the relevant period.
89. Moreover, it is appropriate to observe that the changes in the jurisdiction and powers exercised by a Magistrate, as we have found them, although significant, are largely variations to the generic functions of a Magistrate. However, there are notable exceptions to this observation. They are the evolution of what is described as therapeutic justice, which is, for example, salient in the domestic violence jurisdiction of the Magistrates Court, and the approach to indigenous offenders.
90. The Tribunal considers that the significant quantum of salary increase submitted by MASA as appropriate in the circumstances is not justified on the evidence having regard to the history of the adjustment of the salaries of judicial officers, including Magistrates, over the relevant period and the extent of the work value changes identified.
91. The Tribunal is satisfied that a modest increase in the salary of a Magistrate is justified on work value grounds.
92. The Tribunal has given consideration to the difference between the jurisdiction and powers of Victorian and South Australian Magistrates. The jurisdiction and powers of South Australian Magistrates exceed those in Victoria. Moreover, the comparative table of information, detailing the jurisdictions, powers and functions of comparable judicial offices across the national framework of judicial salaries, suggests an upward relative trend in the level of judicial responsibility of the Magistrates Court. The median salary of a Magistrate in all state jurisdictions is \$331,350. By comparison, the salary of a South Australian Magistrate is \$313,310.
93. That picture is clouded however by a recent freeze on all public sector and judicial salaries in Western Australia, to meet a significant fiscal emergency in that State. In that respect the salary of a Magistrate in that jurisdiction has not been considered or adjusted as a result of an independent review by the Salaries and Allowances Tribunal of Western Australia since 1 July 2016³.
94. While the consequence of the Tribunal’s determination adjusts the relationship of the salary of a Magistrate in South Australia, that salary remains less than that in New South Wales and Queensland. The table below represents that change flowing from the Determination in

³ The salary of Magistrates in Western Australia is subject to the restrictive provisions of the *Salaries and Allowances (Debt and Deficit Remediation) Act 2018 (WA)*, which prevents the WA Tribunal, until July 2021, from increasing that salary.

respect of this aspect of the Tribunal's Report of consideration given to judicial salaries in the second half of 2018 and early 2019.

95. Having regard to the evidence, submissions and material before the Tribunal, and those matters of an economic and fiscal nature, otherwise referred to, the Tribunal has decided that the level of salary of a Magistrate should be adjusted to \$322,710 per annum. The Tribunal has also decided to adjust the salary of the Chief Magistrate and relevant supervisory allowances by a proportionate amount.
96. The tables immediately below set out the position of the salary of a Magistrate within the national framework of judicial salaries before and after the adjustment the Tribunal has determined.

Table 1 – Prior to Remuneration Tribunal Determination

Jurisdiction	Magistrate Salary	Operative Date
Australian Capital Territory	\$362,484	1-Nov-18
Queensland	\$354,024	1-Jul-17
Northern Territory (<i>local court judge used</i>)	\$347,485	1-Jan-18
New South Wales	\$331,350	1-Jul-18
Western Australia	\$327,484	1-Jul-16
Victoria	\$317,930	21-Sep-18
SA (salary prior to this Determination)	\$313,310	1-Jun-18
Tasmania	\$307,508	31-May-18
Commonwealth (<i>federal circuit court judge used</i>)	\$387,230	1-Jul-18
Median Salary (all states and territories ex SA)	\$331,350	
Average Salary (all states and territories ex SA)	\$338,756	

Table 2 – After Remuneration Tribunal Determination

Jurisdiction	Magistrate Salary	Operative Date
Australian Capital Territory	\$362,484	1-Nov-18
Queensland	\$354,024	1-Jul-17
Northern Territory (<i>local court judge used</i>)	\$347,485	1-Jan-18
New South Wales	\$331,350	1-Jul-18
Western Australia	\$327,484	1-Jul-16
SA (salary after this Determination)	\$322,710	1-Nov-18
Victoria	\$317,930	21-Sep-18
Tasmania	\$307,508	31-May-18
Commonwealth (<i>federal circuit court judge used</i>)	\$387,230	1-Jul-18
Median Salary (all states and territories ex SA)	\$331,350	
Average Salary (all states and territories ex SA)	\$340,329	

OPERATIVE DATE

97. The Tribunal has decided that the accompanying Determination 1 of 2019 will come into operation on and from 1 November 2018.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 25th day of February 2019

Attachment 1 – Schedule of Legislative Reforms: 2007-2017

2017
Statutes Amendment (Youth Court) Act 2016
Community Based Sentences (Interstate Transfer) Act 2015
Adoption (Review) Amendment Act 2016
Police Complaints and Discipline Act 2016
Statutes Amendment (Judicial Registrars) Act 2017
Births, Deaths and Marriages Registration (Gender Identity) Amendment Act 2016
Firearms Act 2015
Statutes Amendment (South Australian Employment Tribunal) Act 2016
Summary Procedure (Abolition of Complaints) Amendment Act 2016
Bail (Miscellaneous) Amendment Act 2017
Criminal Law Consolidation (Mental Impairment) Amendment Act 2017
Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Act 2017
Children and Young People (Safety) Act 2017
Summary Procedure (Indictable Offences) Amendment Act 2017
Sentencing Act 2017
Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016

2016
Statutes Amendment (Gambling Measures) Act 2015
Criminal Law (High Risk Offenders) Act 2015
Statutes Amendment (Firearms Offences) Act 2015
Correctional Services (Parole) Amendment Act 2015
Lobbyists Act 2015
Evidence (Records and Documents) Amendment Act 2015
Statutes Amendment (Attorney-General's Portfolio) Act 2016
Civil Liability Act 1936
Criminal Law Consolidation Act 1935
Criminal Law (Sentencing) Act 1988
Evidence Act 1929
Intervention Orders (Prevention of Abuse) Act 2009 ('IO Act')
Summary Offences Act 1953
Summary Procedure Act 1921
Statutes Amendment (Vulnerable Witnesses) Act 2015
Evidence Act
Magistrates Court Act
Summary Offences Act
Summary Procedure Act
Statutes Amendment (Home Detention) Act 2016
Controlled Substances (Poppy Cultivation) Amendment Act 2015
Summary Offences (Filming and Sexting Offences) Amendment Act 2016
Youth Justice Administration Act 2016
Judicial Conduct Commissioner Act 2015
Statutes Amendment (Courts and Justice Measures) Act 2016
Bail Act 1985
Evidence Act 1929

Judicial Conduct Commissioner Act 2015
Legislation Revision and Publication Act 2002
Youth Court Act 1993
Water Industry (Third Party Access) Amendment Act 2015

2015
Criminal Law Consolidation (Sexual Offences - Cognitive Impairment) Amendment Act 2014
Real Property (Priority Notices and Other Measures) Amendment Act 2015
Co-Operatives National Law (South Australia) Act 2013
Family Relationships (Surrogacy) Amendment Act 2015
Statutes Amendment (Serious and Organised Crime) Act 2015
Intervention Orders (Prevention of Abuse) (Miscellaneous) Amendment Act 2015
Intervention Orders (Prevention of Abuse) Act 2009
Bail Act
CLSA
Evidence Act

2014
Liquor Licensing (Miscellaneous) Amendment Act 2014
Child Sex Offenders Registration (Miscellaneous) Amendment Act 2013
Criminal Assets Confiscation (Miscellaneous) Amendment Act 2013
Statutes Amendment (Dangerous Driving) Act 2013
Health Practitioner Regulation National Law (South Australia) (Restricted Birthing Practices) Amendment Act 2013
Statutes Amendment (Fines Enforcement and Recovery) Act 2013
Firearms (Miscellaneous) Amendment Act 2013
Heavy Vehicle National Law (South Australia) Act 2013
Controlled Substances (Offences) Amendment Act 2013
Statutes Amendment (Attorney-General's Portfolio No 2) Act 2013
Evidence (Identification Evidence) Amendment Act 2013
Statutes Amendment (Arrest Procedures and Bail) Act 2013
Criminal Law (Sentencing) (Suspended Sentences) Amendment Act 2014
Child Sex Offenders Registration (Control Orders and Other Measures) Amendment Act 2014

2013
Rail Safety National Law Act 2012
Evidence (Reporting on Sexual Offences) Amendment Act 2012
Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012
Spent Convictions (Miscellaneous) Amendment Act 2013
Summary Offences (Filming Offences) Amendment Act 2013
Criminal Law Consolidation (Cheating at Gambling) Amendment Act 2013
Statutes Amendment (Courts Efficiency Reforms) Amendment Act 2012
Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013
Civil Liability Act 1936 (amended by Schedule 2 of the Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013
Graffiti Control (Miscellaneous) Amendment Act 2013
Statutes Amendment Gambling Reform Act

Trans-Tasman Proceedings Act 2010 (Cth)
Statutes Amendment (Community and Strata Titles) Act 2012
Statutes Amendment (Young Offenders) Act 2013
South Australian Civil and Administrative Tribunal Act 2013
Criminal Law (Sentencing) (Suspended Sentences) Amendment Act 2013
Evidence (Discreditable Conduct) Amendment Act 2013
Disability Services (Rights, Protection and Inclusion) Amendment Act 2013
Criminal Law (Sentencing) (Sentences of Indeterminate Duration) Amendment Act 2013
Spent Convictions (Decriminalised Offences) Amendment Act 2013

2012

Electronic Transactions (Miscellaneous) Amendment Act 2011
Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Act 2012 (Cth)
Evidence (Discreditable Conduct) Amendment Act 2011
Statutes Amendment (Criminal Intelligence) Act 2012
Statutes Amendment (Attorney-General's Portfolio) Act 2012
Criminal Law Consolidation Act 1935
Criminal Law (Sentencing) Act 1988
Magistrates Act 1983
Magistrates Court Act 1991
Correctional Services (Miscellaneous) Amendment Act 2012
Statutes Amendment (Serious Firearms Offences) Act 2012
Summary Offences (Weapons) Amendment Act 2012

2011

Competition and Consumer Act 2010 (Cth)
Spent Convictions Act 2009
Controlled Substances (Therapeutic Goods and Other Matters) Amendment Act 2011
Statutes Amendments (Driving Offences) Act 2010
Controlled Substances (Offences Relating to Instructions) Amendment Act 2011
Intervention Orders (Prevention of Abuse) Act 2009

2010

Statutes Amendment (Transport Portfolio – Alcohol and Drugs) Act 2009
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act 2009
National Consumer Credit Protection Act 2009 (Cth)
Statutes Amendment (Children's Protection) Act 2009
Statutes Amendment (Victims of Crime) Act 2009
Controlled Substances (Miscellaneous) Amendment Act 2010

2009

Summary Offences (Indecent Filming) Amendment Act 2008
Statutes Amendment (Real Property) Act 2008
Criminal Investigation (Covert Operations) Act 2009
Cross-border Justice Act 2009
Statutes Amendment (Property Offences) Act 2009

2008

Statutes Amendment (Young Offenders) Act 2007
Statutes Amendment (Public Order Offences) Act 2008
Summary Offences (Drug Paraphernalia) Amendment Act 2008
National Gas (South Australia) Act 2008
Statutes Amendment (Victims of Crime) Act 2007
Serious and Organised Crime (Control) Act 2008
Prevention of Cruelty to Animals (Animal Welfare) Amendment Act 2008
Statutes Amendment (Evidence and Procedure) Act 2008
Criminal Law Consolidation (Rape and Sexual Offences) Amendment Act 2008
Firearms (Firearms Prohibition Orders) Amendment Act 2008

2007

Statutes Amendment (Criminal Procedure) Act 2005
Summary Offences (Gatecrashers at Parties) Amendment Act 2007
Evidence (Suppression Orders) Amendment Act 2006
Criminal Law (Forensic Procedures) Act 2007
Legislative Reforms: 2007 – 2017
Statutes Amendment (Domestic Partners) Act 2006
Fisheries Management Act 2007
Child Sex Offenders Registration Act 2006
Criminal Law (Sentencing) (Dangerous Offenders) Amendment Act 2007
Controlled Substances (Serious Drug Offences) Amendment Act 2005
Summary Procedure (Paedophile Restraining Orders) Amendment Act 2007
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007

Attachment 2 – Schedule of Witness Statements

Witness statements submitted to the Tribunal	
1	Judge Mary-Louise Hribal, Chief Magistrate
2	Dr Andrew Cannon, Deputy Chief Magistrate
3	Mr Brett Dixon, Magistrate
4	Mr John (Jack) Fahey, Magistrate
5	Mr Gregory Fisher, Magistrate
6	Mr Paul Foley, Magistrate
7	Mr Thomas Gray, Former Justice of the Supreme Court
8	Mr Clive Kitchen, Magistrate
9	Ms Jayanthi (Jay) McGrath, Magistrate
10	Mr Kym Millard, Magistrate
11	Ms Elizabeth Sheppard, Magistrate
12	Mr Simon Smart, Magistrate
13	Mr David Whittle, Magistrate

Addendum:

8 April 2019: Correction to paragraph 67, the word “disposable” was misspelled in original publication and has been corrected.