



No. 12 of 2020

**REPORT OF THE REMUNERATION TRIBUNAL**  
**SALARY SACRIFICE ARRANGEMENTS FOR JUDGES, COURT OFFICERS AND**  
**STATUTORY OFFICERS**

**INTRODUCTION**

1. Section 13 of the *Remuneration Act 1990* (“the Act”) provides that the Remuneration Tribunal (“the Tribunal”) has jurisdiction to determine the remuneration payable to members of the judiciary and holders of the public offices listed in that section of the Act.
2. Section 14 of the Act provides that the Tribunal has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.
3. This Report deals with the salary sacrifice arrangements applicable to the Judges, Court Officers and Statutory Officers whose remuneration is subject to Determination 11 of 2019<sup>1</sup>.

**BACKGROUND**

4. The previous review of the Determination in relation to salary sacrifice arrangements applicable to Judges, Court Officers and Statutory Officers was conducted in 2019.
5. On that occasion, the Tribunal made changes to the Determination which ensured alignment of the provisions of judicial salary sacrifice arrangements with those arrangements applicable to public sector employees.

**PROCEDURAL HISTORY**

6. Section 10(2) of the Act, requires that before the making of a Determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or persons of that class, a reasonable opportunity to make submissions.
7. Section 10(4) of the Act provides that the Honourable Premier of South Australia (“the Premier”), as 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.
8. The Tribunal, by letters dated 13 October 2020, sent notifications of the review to the Judicial Remuneration Coordinating Committee (“JRCC”), the Magistrates Association of South Australia (“MASA”), and the Premier, as the Minister responsible for the Act.

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<sup>1</sup> *Determination 11 of 2019 - Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers*

9. The Tribunal, by letters dated 13 October 2020, sent notifications of the review to the Electoral Commissioner, Deputy Electoral Commissioner, the Health and Community Services Complaints Commissioner, and the Auditor-General.
10. On 13 October 2020, the Tribunal distributed an email notification of the review to the relevant office holders and to the Office of the Commissioner for Public Sector Employment (“OCPSE”). Additionally, a notice of the review was also placed on the Tribunal’s public website, on the same date.

## **SUBMISSIONS**

11. The Tribunal received submissions from the JRCC and the OCPSE. A summary of those submissions is provided below:

### The Hon. Justice Stanley, Judicial Remuneration Coordinating Committee

- It is appropriate that the Tribunal should make a determination that reflects the terms of Determination 11 of 2019.

### Mr Anthony Mackay, Office of the Commissioner for Public Sector Employment (“OCPSE”)

- OCPSE does not propose any changes in relation to the judicial salary sacrifice Determination currently in force (Determination 11 of 2019).
- OCPSE notes the continued alignment between the salary sacrifice arrangements applicable to Judges, Court Officers and Statutory Officers and those available to other Public Sector employees.

12. No other submissions were received by the Tribunal in relation to this review.

## **CONCLUSION**

13. After consideration of the submissions and the material before the Tribunal, the Tribunal has concluded that its policy position of maintaining alignment between the judicial and the broader public sector salary sacrifice schemes remains appropriate.
14. The Tribunal has noted that no amendments to Determination 11 of 2019 have been sought by the affected parties. Upon review, the Tribunal is not independently aware of any changes necessary to the terms of its Determination in relation to salary sacrifice arrangements.
15. Accordingly, Determination 11 of 2019<sup>2</sup> shall remain in force, until further determination by the Tribunal.



Matthew O'Callaghan  
**PRESIDENT**



Deborah Black  
**MEMBER**



Peter de Cure  
**MEMBER**

Dated this 7<sup>th</sup> day of December 2020

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<sup>2</sup> Determination 11 of 2019 - Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers