

REMUNERATION TRIBUNAL

REPORT RELATING TO DETERMINATION NO. 7 OF 2003

1. INTRODUCTION

- 1.1 In accordance with the provisions of the *Remuneration Act 1990*, the Remuneration Tribunal by letters dated 17 September, 2003 invited the Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and the Ombudsman to make submissions in relation to the remuneration of those respective office holders. The Tribunal also invited the Premier to make submissions in the public interest.
- 1.2 On 22 September, 2003 the following was published in The Advertiser newspaper:

REMUNERATION TRIBUNAL REVIEW OF SALARIES FOR STATUTORY OFFICE HOLDERS

Section 8(2) of the Remuneration Act, 1990 requires the Tribunal to sit at least once in each year to review its previous determinations. Accordingly, the Tribunal is conducting a review of the determination incorporating the salaries payable to the following statutory office holders:

- . Auditor-General;
- . Electoral Commissioner;
- . Deputy Electoral Commissioner;
- . Employee Ombudsman; and
- . Ombudsman

Interested persons, organisations and associations are invited to submit in writing any views they consider should be taken into account in the above review.

The closing date is 3 October, 2003 and submissions should be forwarded to:

The Secretary
Remuneration Tribunal
GPO Box 1072
ADELAIDE SA 5001

Or alternatively submissions can be forwarded via the Tribunal's website:
www.remtribunal.sa.gov.au.

Telephone: (08) 8226 4013

Facsimile: (08) 8226 4174

- 1.3 The Tribunal received written submissions from the Auditor-General and Employee Ombudsman and a joint written submission from the Electoral Commissioner and Deputy Electoral Commissioner. The Ombudsman, Electoral Commissioner, and Deputy Electoral Commissioner made oral submissions to the Tribunal on 23 October, 2003. In the oral submission from the Electoral Commissioner and Deputy Commissioner it was firmly stated that any increases should apply from 1 July 2003. In addition, the Government made written and oral submissions in relation to all of the positions being considered.
- 1.4 The Tribunal did not receive any written submissions from the public.

2. **AUDITOR-GENERAL**

- 2.1 The remuneration of the Auditor-General was last determined in Determination No. 8 of 2002 and the salary is currently \$208,300 per annum operative from 1 October, 2002.
- 2.2 The Auditor-General's submission to the Tribunal requested "that the remuneration of the Office of Auditor-General be maintained in accordance with the salary movements that have taken place for Chief Executives in the South Australian public service this year."
- 2.3 The Government submitted, "a salary increase should be granted to Statutory Officer Holders (being the Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Ombudsman) that is consistent with the broad background of movements in Public Sector Executive remuneration in 2003 in particular, and in the public sector generally."
- 2.4 In previous submissions the government has submitted that "given the nature and status of the Statutory Offices, it is in the public interest that the salaries for these officers keep pace with, but do not significantly exceed, increases applicable to other public sector positions of similar status".
- 2.5 The Tribunal was advised that an increase of 3.5% on Public Sector Executive's Total Employment Cost packages was effective from 1 July 2003 and that the salaries for senior public sector employees, covered by the SA Wages Parity Agreement 2001, were increased by 4% from 1 October, 2003.
- 2.6 The government also submitted that the date of operation for any salary increase should remain at 1 October 2003 to preserve the notion of a 12 month period between the operative date for each annual salary review, as is the case for other public sector employment groups. It further submitted that if the operative date was moved back it could have the effect of providing a higher annual percentage outcome. The submission did not address the fact that the executive remuneration in the public sector, which is the basis for increases in this determination operated from 1 July 2003.

- 2.7 Having regard to all submissions, the Tribunal determines that the salary for the Office of Auditor-General will be \$217,000 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

3. **ELECTORAL COMMISSIONER**

- 3.1 The remuneration of the Electoral Commissioner was last determined in Determination No. 8 of 2002 and the salary is currently \$120,400 per annum operative from 1 October, 2002.
- 3.2 The joint submission from the Electoral Commissioner and Deputy Electoral Commissioner submitted that “we should receive the same increases as paid to public service executives in an increase that reflects that those executives are paid from an earlier start date and have added flexibility in terms of total employment contracts”. It was also submitted that “yearly salary increases paid to public sector executives are paid on total employment costs including motor vehicle costs and public sector executives are paid increases from 1 July each year” and “therefore, if the Tribunal only passes on a 3.5% increase to the Electoral Commissioner and Deputy Electoral Commissioner they would be disadvantaged in real terms compared to public sector executives.”

At the hearing, the Electoral Commissioner indicated that historically there had been a relativity between his position and other senior public sector level C executives and requested that the Tribunal take the salaries of the positions of Liquor and Gaming Commissioner, the Equal Opportunity Commissioner and the Public Trustee into consideration. Total employment packages of the holders of those positions range from \$158,379 to \$175,898.

- 3.3 The Tribunal was advised of the roles and responsibilities of the Electoral Commissioner, with the support of the Deputy Electoral Commissioner, and in particular, those undertaken in the last year. These included the following:
- ongoing management of one of the most complex electoral programs in Australia;
 - the development and/or management of all software required to support all elections conducted by the Office;
 - the provision of the Statistical Returns and Election Reports for the February 2002 elections and a complete refreshment of the Office’s website to include all details of those elections;
 - certification of 41 Local Government Elector Representation Reviews; conduct of 18 supplementary Local Government elections; and
 - proceedings for the Electoral Districts Boundaries Commission (EDBC).

(The Electoral Commissioner is a member of the EDBC and the Deputy Electoral Commissioner performed the role of Research Officer for the EDBC.)

- 3.4 The Government submissions for the remuneration for the position of Electoral Commissioner mirrored those made in respect to the Auditor-General. However, additional comparative information was also provided in relation to the salary of the Liquor and Gaming Commissioner and the impact of salary

increases to an executive on a total remuneration package value contract of employment when compared to an increase to the salary of a Statutory Office holder.

- 3.5 The Tribunal has considered all submissions and has determined that the salary for the Office of Electoral Commissioner will be \$126,000 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

4. **DEPUTY ELECTORAL COMMISSIONER**

- 4.1 The remuneration of the Deputy Electoral Commissioner was last determined in Determination No. 8 of 2002 and the salary is currently \$87,800 per annum, operative from 1 October, 2002.

As previously stated, the submissions presented for the Electoral Commissioner and the Deputy Electoral Commissioner were as a joint submission and therefore their submissions, as detailed at clauses 3.2 and 3.3 are reiterated.

- 4.2 The Electoral Commissioner also made submissions on behalf of the Deputy Electoral Commissioner in relation to compensation for the work he performed as Research Officer with the Electoral District Boundaries Commission (EDBC).
- 4.4 The Government submissions for the remuneration for the position of Deputy Electoral Commissioner mirrored those made in respect to the Auditor-General with additional submissions made in relation to the work performed for the EDBC.
- 4.3 In March 2003, the Tribunal received a request from the Chairman of the EDBC, the Honourable Justice Prior, to make a determination for the Deputy Electoral Commissioner for work undertaken as Research Officer to the Commission during the period February 2001 to March 2003. However, having considered the matter at that time, the Tribunal determined (Determination No. 3 of 2003) it more appropriate to address this matter as part of the annual review process.
- 4.3 The Tribunal has considered all of the submissions received in relation to the Deputy Electoral Commissioner's salary and having regard to these, has determined that the salary for the Office of Deputy Electoral Commissioner will be \$92,000 per annum.
- 4.4 Having regard to the submissions and request from the Chairman, EDBC, Honourable Justice Prior, the tribunal has determined that a separate one off payment of \$10,200 be paid to the Deputy Electoral Commissioner for work performed as Research Officer to the EDBC during the period February 2001 to March 2003. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

5. **EMPLOYEE OMBUDSMAN**

- 5.1 The remuneration of the Employee Ombudsman was last determined in Determination No. 8 of 2002 and the salary is currently \$89,500 per annum, operative from 1 October, 2002.
- 5.2 Whilst no oral submission was received from the Employee Ombudsman, his written submission requested, "that the salary of the Employee Ombudsman be adjusted by way of an increase of 4%". He submitted this percentage on the basis of a salary increase of 4% from the 1st October 2003 within the public sector generally and the recently approved increases to public service executive salaries.
- 5.3 The Government submission in relation to the position of Employee Ombudsman mirrored that made in respect to the Auditor-General.
- 5.4 The Tribunal has considered the submissions made and has determined that the salary for this Office will be \$94,000 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

6. **OMBUDSMAN**

- 6.1 The remuneration of the Ombudsman was last determined in Determination No. 8 of 2002 and the salary is currently \$154,500 per annum, operative from 1 October, 2002.
- 6.2 The Ombudsman's oral submission to the Tribunal requested that a salary increase and date of operation for the Office of the Ombudsman be considered that would be no less than that approved for Chief Executives within other agencies of the South Australian Public Sector. He informed the Tribunal of the work that his Office had undertaken in the preceding 12 months and presented a copy of the last annual report. He submitted that the workload had increased by an average of 13% and that the complexities of the Office continue to vary.
- 6.3 The Government submission in relation to the position of Ombudsman mirrored that made in respect to the Auditor-General.
- 6.4 Having regard to the submissions made the Tribunal has determined that the salary for this office will be \$161,000 per annum,. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

7. **DATE OF OPERATION**

The Tribunal has had regard to the submissions made in regards to the date of operation for salary increases to Statutory Officers and has determined that

it is more appropriate to align this date to the date of operation for salary increases paid to senior public sector executives, therefore allowing the increases to keep pace better with other public sector positions of similar status.

It has therefore determined that the salary increases provided for in this Determination will operate from 1 July, 2003.

Hedley R Bachmann
PRESIDENT

November 2003