



REMUNERATION TRIBUNAL REPORT RELATING TO DETERMINATION 5 OF 2017
2017 REVIEW OF REMUNERATION FOR THE AUDITOR-GENERAL, ELECTORAL
COMMISSIONER, DEPUTY ELECTORAL COMMISSIONER AND HEALTH AND
COMMUNITY SERVICES COMPLAINTS COMMISSIONER

INTRODUCTION

1. The Remuneration Tribunal (“the Tribunal”) is responsible pursuant to section 14 of the *Remuneration Act 1990* (“the Act”), for determining the remuneration payable to the following statutory office holders:
 - the Auditor-General;
 - the Electoral Commissioner;
 - the Deputy Electoral Commissioner; and
 - the Health and Community Services Complaints Commissioner.
2. In accordance with section 10(2) of the Act, prior to the Tribunal making its Determination, it must allow the parties who are affected by its Determination a reasonable opportunity to make submissions. The Tribunal wrote to the above parties on 20 December 2016 inviting submissions for the purposes of the Tribunal’s annual review of remuneration payable to those offices. The Tribunal also wrote to the Honourable Premier (“the Premier”) as Minister responsible for the Act, inviting submissions in the public interest.

BACKGROUND

3. The last review of remuneration for the abovementioned statutory office holders was conducted in 2016, whereby the Tribunal increased that remuneration by 2.5 per cent, with an operative date of 1 July 2015.
4. A discrete review of the salary of the Electoral Commissioner was conducted by the Tribunal as part of the 2016 review. The review of the Electoral Commissioner’s salary was a consequential effect of various amendments made to the *Electoral Act 1985* (“the Electoral Act”), which brought about material changes to the value of the Electoral Commissioner’s work. The Tribunal reported accordingly in 2016, and increased the salary of the Electoral Commissioner from \$190,457 to \$227,000 per annum.

5. In the Tribunal's 2016 Report¹ the Tribunal foreshadowed a discrete review of the salary of the Deputy Electoral Commissioner. Paragraph 5 of that report states:
"The Tribunal will conduct a separate review of the salary of the Deputy Electoral Commissioner, which will take place at a later date and after the appointment of a new Electoral Commissioner."
6. A new Electoral Commissioner was appointed with effect 20 February 2017, and that appointment was published in the Government Gazette on 27 January 2017.
7. On 20 December 2016 and 2 February 2017, the Tribunal wrote to the Electoral Commissioner and the Deputy Electoral Commissioner, notifying those parties of the Tribunal's intention to conduct a discrete review of the salary of the Deputy Electoral Commissioner.

SUBMISSIONS

8. The Tribunal received written submissions from the Office for the Public Sector, on behalf of the Premier and the Crown Solicitor's Office, on behalf of the Premier.
9. A hearing was convened on 21 March 2017 and the following parties appeared:
 - Ms Carly Cooper, Crown Solicitor's Office, on behalf of the Premier;
 - Ms Alice Hateley, Office for the Public Sector, on behalf of the Premier;
 - Mr Michael Sherry, Electoral Commissioner; and
 - Mr David Gully, Deputy Electoral Commissioner.
10. It was submitted on behalf of the Premier that, in the course of previous reviews, the Tribunal has had regard to remuneration increases applicable in the broader public sector, and particularly increases applicable to Public Sector Executives.
11. It was further submitted on behalf of the Premier that the Tribunal should have regard to the following economic factors in its review of remuneration:
 - The economic indices published by the Australian Bureau of Statistics for:
 - The Wage Price Index ("WPI") for South Australia, which indicated that the costs of employment in South Australia had increased by 2.3% over the 12 months to September 2016 and is slightly higher than the national WPI figure of 2.0% nationally;
 - The Consumer Price Index ("CPI") for South Australia (all groups) which showed an increase of 1.2% for the year to September 2016, which was slightly lower than 1.3% nationally; and
 - The Underlying Inflation rate for September 2016, which showed the measure of 'underlying' inflation in Australia at an annual growth of 1.5% (weighted mean).
 - *The South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014* was approved before the Industrial Relations Commission of South Australia on 4 December 2014 and included general salary increases of 2.5% per annum in 2014, 2015 and 2016.

¹ Remuneration Tribunal Report 4 of 2016 – Annual Review of Remuneration of Statutory Office Holders

- The 2016 review of Public Service Executive Remuneration approved an increase of 1.5%, with an operative date of 1 July 2016.
12. The Electoral Commissioner and the Deputy Electoral Commissioner appeared on 21 March 2017 to discuss the Tribunal's procedure in relation to the review of the remuneration of the Deputy Electoral Commissioner.
 13. As a role description for the Deputy Electoral Commissioner would need to be provided by the Electoral Commissioner, in light of recent amendments to the Electoral Act, it was decided that the Premier's representative would be given an opportunity to make a submission when that role description was produced. That written submission was received on 7 June 2017.
 14. The Deputy Electoral Commissioner was given an opportunity to make a submission in reply, which was acknowledged by the Tribunal on 14 June 2017.
 15. The Crown Solicitor's Office, on behalf of the Premier, was given an opportunity to make an additional submission in reply. That submission was received on 20 June 2017.

DEPUTY ELECTORAL COMMISSIONER

16. The Tribunal is advised that, at the time of writing, the relevant salaries of Deputy Electoral Commissioners from other states and territories is as follows:

STATE	SALARY
New South Wales	\$157,923 - \$225,209
Victoria	\$201,425
Western Australia	\$190,776
Queensland	\$161,902 - \$188,396
South Australia – (prior to this determination)	\$141,977
Northern Territory	\$129,137 - \$140,750
Tasmania	\$111,465 - \$119,047
Australian Capital Territory	No Deputy

17. The average of the maximum salaries of other Deputy Electoral Commissioners throughout Australia (excluding SA) is \$177,601.
18. Based on the information before the Tribunal, and notwithstanding the differences between jurisdictions, the Tribunal has observed that the current remuneration payable to the Deputy Electoral Commissioner of South Australia is comparatively lower than the remuneration payable to other state and territory Deputy Electoral Commissioners.

19. The outcome of the review will place the salary of the Deputy Electoral Commissioner within the matrix of remuneration payable to similar office holders throughout other states and territories as follows:

STATE	SALARY
New South Wales	\$157,923 - \$225,209
Victoria	\$201,425
Western Australia	\$190,776
Queensland	\$161,902 - \$188,396
South Australia – (after this determination)	\$170,000
Northern Territory	\$129,137 - \$140,750
Tasmania	\$111,465 - \$119,047
Australian Capital Territory	No Deputy

20. The Tribunal notes that the parties have made submissions in respect of the duties of the Deputy Electoral Commissioner, including the extent to which functions of the Electoral Act are delegated to the Deputy Electoral Commissioner, by the Electoral Commissioner.
21. The Deputy Electoral Commissioner has submitted that there has been a significant reorganisation to the management structure of the Electoral Commission, resulting in increased responsibilities assigned to the office of Deputy Electoral Commissioner. A summary of those organisational changes was provided with that submission.
22. The Tribunal has given consideration to the delegation of the functions to the Deputy Electoral Commissioner, by the Electoral Commissioner, pursuant to the Electoral Act, and in addition, the matters of reorganisation within the management structure of the Electoral Commission. The Tribunal therefore has decided that the salary of the Deputy Electoral Commissioner will be an amount of \$170,000 per annum.

CONCLUSION

23. The Tribunal has decided to increase the salaries of the statutory officers at paragraph 1 of this report by 2.4 per cent.
24. The Tribunal has decided to make an additional and discrete Determination for the office of Deputy Electoral Commissioner, which will be applicable on and from 4 May 2017.

25. The Tribunal has therefore determined that the salary for the:

- Electoral Commissioner be \$199,903, per annum operative between the dates 1 January 2017 to 19 February 2017. This salary will increase to \$227,000 per annum on and from 20 February 2017;
- Auditor-General be \$319,049 per annum;
- Deputy Electoral Commissioner be \$145,384 per annum, operative between the dates 1 January 2017 and 3 May 2017. This salary will increase to \$170,000 per annum on and from 4 May 2017; and
- Health and Community Services Complaints Commissioner be \$235,120 per annum.

OPERATIVE DATE

26. The salaries prescribed in paragraph 25 of the accompanying Determination are operative on and from 1 January 2017, with the exception of the salary applicable to the Electoral Commissioner and Deputy Electoral Commissioner of South Australia, for which the operative dates are as per paragraph 25 of this Report.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 29th day of June 2017