



No. 3 of 2019

REPORT OF THE REMUNERATION TRIBUNAL
2019 REVIEW OF SALARY OF THE GOVERNOR OF SOUTH AUSTRALIA

INTRODUCTION

1. The Remuneration Tribunal (“the Tribunal”) has jurisdiction under section 14 of the *Remuneration Act 1990* (“the Act”) and section 73 of the *Constitution Act 1934* (“the Constitution Act”), to determine the rate of salary payable to His Excellency the Governor of South Australia (“the Governor”).

BACKGROUND

2. On 11 February 2016, the *Constitution (Governor’s Salary) Amendment Act 2015* (“the Amending Act”) came into operation, conferring jurisdiction upon the Tribunal to determine the rate of salary applicable to the office of the Governor. Prior to the commencement of the Amending Act, the rate of salary of the Governor was fixed by the Constitution Act at an amount equivalent to 75% of the salary of a puisne judge of the Supreme Court of South Australia.
3. In 2016, the Tribunal issued its inaugural Determination¹ of salary of the Governor, resulting in that salary being fixed at \$315,608 per annum, operative from 11 February 2016.
4. In 2017, the Tribunal conducted its annual review, resulting in the making of a Determination² which increased the level of salary of the Governor to \$323,183, operative from 1 January 2017.
5. In 2018, the Tribunal conducted its annual review, resulting in the making of a Determination³ which fixed the rate of salary of the Governor of South Australia at an amount equivalent to 75% of the salary of a puisne judge of the Supreme Court of South Australia, until further Determination by the Tribunal.

PROCEDURAL HISTORY

6. 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.
7. 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.

¹ *Remuneration Tribunal Determination 7 of 2016 – Inaugural Determination of Salary for the Governor of South Australia*

² *Remuneration Tribunal Determination 7 of 2017 – 2017 Review of Salary of the Governor of South Australia*

³ *Remuneration Tribunal Determination 3 of 2018 – 2018 Review of Salary of the Governor of South Australia*

8. The Tribunal, by letter dated 27 February 2019, invited the Governor to make a submission in relation to the review of the salary applicable to the office of the Governor.
9. The Tribunal, by letter dated 27 February 2019, invited the Honourable Premier of South Australia (“the Hon. Premier”), as the Minister responsible for the Act, to make submissions in the public interest.
10. In addition, on 4 March 2019, a notification of the review was placed on the Tribunal’s public website.

SUBMISSIONS

11. The Official Secretary to the Governor wrote to the Tribunal, by letter dated 27 February 2019, advising that the Governor does not intend to make a submission in relation to the Tribunal’s review of the Governor’s salary in 2019.
12. The Crown Solicitor’s Office, on behalf of the Hon. Premier, notified the Tribunal on 13 March 2019 that the Hon. Premier does not wish to make a submission in relation to the determination of the Governor’s salary by the Tribunal in 2019.

CONCLUSION

13. There is no basis that the Tribunal can discern which would lead to a variation of the terms of Determination 3 of 2018, which prescribes:

“The Tribunal determines that the salary of the Governor of South Australia shall be an amount equal to seventy five per cent of the salary of a puisne judge of the Supreme Court of South Australia, until further Determination by the Tribunal.”
14. The current salary of the Governor is \$344,130, operative from 1 January 2019. The effect of Determination 3 of 2018⁴ is that the Governor’s salary will be adjusted from time to time, consequent on movements in the salary of a puisne judge of the Supreme Court.
15. Accordingly, the terms of Determination 3 of 2018 shall continue to apply.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 2nd day of May 2019

⁴ Remuneration Tribunal Determination 3 of 2018 – 2018 Review of Salary of the Governor of South Australia.