

DETERMINATION AND REPORT OF THE REMUNERATION TRIBUNAL

ALTERNATIVE VEHICLE REQUEST – MAGISTRATE MCINNES

1. The Remuneration Tribunal has received a request from the Courts Administration Authority ('CAA') to obtain a Toyota Landcruiser 200 Series VX Turbo Diesel (automatic) for Ms RH McInnes, SM, Port Augusta Resident Magistrate. The vehicle is not in the schedule of vehicles in current Conveyance Allowance Determination No 6 of 2009 for Judicial Officers. None of the vehicles listed adequately meet Magistrate McInnes' health requirements and the travel requirements of her role as the Port Augusta Resident Magistrate.
2. The Tribunal has dealt with similar requests in the past.
3. The current determination relating to Conveyance Allowances (Determination 6 of 2009) states:
"an alternative vehicle may be supplied where required because of a Judge's, Court Officer's or Statutory Officer's disability. The annual charge for the use of the vehicle will be calculated on the same basis as the calculation made by Fleet SA for annual charges for use of motor vehicles by Executives."
4. The Remuneration Tribunal has considered the CAA's request.
5. Correspondence received from the State Courts Administrator notes that the current Fleet SA schedule of vehicles does not include a vehicle that meets Magistrate McInnes' occupational, health safety and welfare requirements:
"The [Occupational Therapist ('OT')] report recommendations outline OHS&W needs that match vehicle specifications of a higher end model than normally provided by Fleet SA... I support the OT recommendations."
6. Having regard to Magistrate McInnes' occupational health, safety and welfare requirements, and circumstances dealt with in the past, the Tribunal has no objection to the proposal. However, as the requested vehicle model is not in the schedule of vehicles in the current Conveyance Allowance Determination of the Tribunal, the Tribunal makes this specific determination to allow Magistrate McInnes to be supplied with a Toyota Landcruiser 200 Series VX Turbo Diesel (automatic), with the required accessories and modifications.
7. A Toyota Landcruiser 200 Series VX Turbo Diesel (automatic) will be supplied for Magistrate McInnes whilst undertaking the duties of the Port Augusta Resident Magistrate at no extra cost above that of current vehicle provisions provided for in the current Conveyance Allowance (Determination No. 6 of 2009).
8. All other conditions of the current Conveyance Allowance (Determination 6 of 2009) as amended from time to time continue to apply.

DATE OF OPERATION

This determination will come into operation as from 20 July 2010.

Original Signed by Remuneration Tribunal on 20 July 2010

HR Bachmann AM
PRESIDENT

JA Meeking Obst
MEMBER

DJ Smythe
MEMBER

20 July 2010