



No. 14 of 2017

REPORT OF THE REMUNERATION TRIBUNAL
ACCOMMODATION AND MEAL ALLOWANCES – JUDGES, COURT OFFICERS AND
STATUTORY OFFICERS

INTRODUCTION AND BACKGROUND

1. The Remuneration Tribunal (“the Tribunal”) has jurisdiction under section 13 of the *Remuneration Act 1990* (“the Act”), to determine the remuneration payable to judicial officers and certain other court officers. The Tribunal is also given jurisdiction under section 14 of the Act to determine the remuneration payable to holders of certain statutory public offices. The Act defines remuneration as including; salary, allowances, expenses, fees and any other benefit of a pecuniary nature.
2. This Determination deals with the accommodation and meal allowances payable to judicial officers, certain other court officers, and those statutory officers whose position comes within the ambit of section 14 of the Act.
3. Section 8 of the Act requires the Tribunal to sit at least once in each year for the purpose of determining or reviewing previous determinations made under the Act.

PROCEDURAL HISTORY

4. 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.
5. The Tribunal wrote to the affected parties on 9 October 2017, notifying them of the Tribunal’s intention to review Determination 11 of 2016, and inviting submissions with a closing date of 31 October 2017. The Tribunal also invited submissions from the Premier, as the Minister responsible for the Act, and placed a notice of the review on the Tribunal’s public website.

SUBMISSIONS

6. The Judicial Remuneration Coordinating Committee (“JRCC”) submitted that the Tribunal should review the existing determination in relation to accommodation and meal allowances and increase the allowances to reflect movements in the Consumer Price Index since the most recent determinations were made.
7. The Crown Solicitor’s Office (“CSO”) on behalf of the Premier submitted that the Premier supports the submissions of the JRCC in relation to this matter.

EXPANSION OF THE SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

8. As from 1 July 2017, the jurisdiction of the South Australian Employment Tribunal ("SAET") expanded upon the dissolution of the Industrial Relations Court and Industrial Relations Commission of South Australia. These changes were brought about by the *Statutes Amendment (South Australian Employment Tribunal) Act 2016* and make necessary a number of changes to the scope of the application of the accompanying Determination. Such changes will be made in the Determination arising from this Report. The consequence will be removal of some designated office holders to which Determination 11 of 2016 applied.
9. The effect of the legislative changes has resulted in the scope of application of the accompanying Determination being adjusted from that of Determination 11 of 2016 so as to cover only the following office holders:
 - the Chief Justice of the Supreme Court;
 - the Puisne Judges of the Supreme Court;
 - the Judges of the South Australian Employment Tribunal;
 - the Chief Judge of the District Court;
 - the other District Court Judges;
 - the Chief Magistrate;
 - the Deputy Chief Magistrate;
 - the other Magistrates;
 - the Magistrates of the South Australian Employment Tribunal;
 - the Masters of the Supreme Court;
 - the Masters of the District Court;
 - the State Coroner;
 - the Deputy State Coroners;
 - the Commissioners of the Environment, Resources and Development Court;
 - the Auditor-General;
 - the Electoral Commissioner;
 - the Deputy Electoral Commissioner; and
 - the Health and Community Services Complaints Commissioner.

CONCLUSIONS

10. The allowances under consideration for Judges, Court Officers and Statutory Officers, are provided for the purpose of accommodation and meal expenses associated with travelling in an official capacity within South Australia and interstate.
11. The Tribunal has had regard to increases in accommodation and meal allowances applicable within the South Australian public sector. The Tribunal has also considered increases in the costs of the relevant goods and services, including movements in the Consumer Price Index¹ for South Australia.
12. The Tribunal is of the view that justification exists to increase these allowances. The Tribunal will issue a Determination accordingly.
13. For greater clarity, the Tribunal has made a minor adjustment to the text of the accompanying Determination at paragraph (4) throughout, which establishes the basis of the entitlement.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 22nd day of November 2017

¹ As published by the Australian Bureau of Statistics, series 6401.0.