

REPORT OF THE REMUNERATION TRIBUNAL

CONVEYANCE ALLOWANCE

1. INTRODUCTION AND BACKGROUND

- 1.1 The Conveyance Allowances for Judges, Court Officers and Statutory Officers is currently prescribed in the Remuneration Tribunal's Determination 5 of 2008.
- 1.2 The Remuneration Tribunal received correspondence from the State Coroner, dated 4 September 2009, requesting changes to clause 4.12 regarding the use of vehicles by 'L' and 'P' plate drivers.
- 1.3 The State Coroner requested that clause 4.12 should be changed to allow those to whom the clause applies, to seek permission for their vehicles to be driven by holders of provisional licences and learner's permits and that such permission be sought from the State Courts Administrator in relation to Judicial Officers. This would reflect the policy requiring public service executives to seek the approval of their relevant Chief Executive.
- 1.4 It was the State Coroner's view that the current clause is more restrictive than the relevant policy applying to public service executives.
- 1.5 The Chair of the JRCC, the Deputy State Coroner and Magistrate Mary-Louise Hribal advised that they were in support of the State Coroner's request.
- 1.6 The Remuneration Tribunal considered the State Coroner's request, and advised the relevant stakeholder representatives, by letters dated 22 October 2009, of its intention to vary the determination consistent with the State Coroner's request. The Tribunal invited comments in relation to the proposed changes.

2. SUBMISSIONS

- 2.1 In addition to the initial request of the State Coroner, the Tribunal received the following submissions, summarised:
 - Judges Jennings and Hannon, Industrial Relations Court and Commission of South Australia - that the Registrar of the Industrial Relations Tribunals should be the relevant approval authority for members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal and that to do so would create greater administrative efficiencies and would produce more consistent outcomes for members.
 - The Crown Solicitor's Office on behalf of the Honourable Premier of South Australia, in the public interest - that the Tribunal should amend clause 4.12 to reflect the policy that is applicable to executives in the public service; that the policy includes some flexibility that would allow a relevant officer to seek permission for a family member who holds a learner's permit to drive the vehicle.
 - The State Coroner - that 'State Coroner' and 'Deputy State Coroner', are more correctly characterised as judicial officers as their roles are judicial not administrative; and that the two roles should be included in the definition of "Judges" instead of "Court Officer", so that the individuals in those roles can seek

approval of the State Courts Administrator, instead of the Executive Director, Fleet SA.

- 2.2 The Remuneration Tribunal intends to accept the changes proposed by Judges Jennings and Hannon, Industrial Relations Court and Commission of South Australia. The Remuneration Tribunal advised the Registrar, Industrial Court and Commission of South Australia and the Workers Compensation Tribunal ('the Registrar') of the proposed changes on 19 November 2009 and requested comments.
- 2.3 Correspondence received from the Registrar dated 25 November 2009 indicated acceptance of the proposed changes.

3. TRIBUNAL DECISION

- 3.1 The Tribunal has considered the submissions, conducted additional enquiries and has decided that changes are warranted to the existing Determination. The Tribunal intends that the changes to the Determination remain consistent with relevant State Government policy.

- 3.2 As a result of the submissions received, the following changes have been made:

Definitions

"State Coroner" and "Deputy State Coroner" have been moved from the definition of "Court Officer" to the definition of "Judges" in clause 2.1.

Approval Authorities

The approval authority for Judges is to be the State Courts Administrator, and the Registrar of the Industrial Relations Tribunals for all members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, in all relevant clauses.

Provisional License and Learner's Permit Holders

Clause 4.12 has been amended to allow for holders of a provisional driver's license to drive a relevant vehicle, subject to the relevant approval. The amendment is consistent with government policy.

- 3.3 In addition to changes made as a result of submissions received by the Remuneration Tribunal, the Tribunal has taken this opportunity to make the following updates to the Determination:

Ombudsman

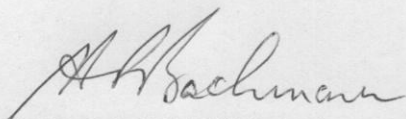
Reference to the "Ombudsman" has been deleted from clause 2.1 and 3.1.2.

Conveyance Allowance and Judicial Remuneration Vehicles

The figures in clauses 3.1 and the Schedule have been updated in accordance with the most recent information from Fleet SA.

- 3.4 Date of Operation:

The new determination shall operate on and from 1 November 2009.



H.R. BACHMANN AM
PRESIDENT

December 2009