



No. 2 of 2023

REPORT OF THE REMUNERATION TRIBUNAL
Overseas Accommodation and Daily Allowance
International Bar Association Annual Conference - Justice Livesey

INTRODUCTION

1. On 3 May 2023, the Remuneration Tribunal (**Tribunal**) received an application and submission from the Honourable Justice Mark Livesey, President of the Court of Appeal of the Supreme Court of South Australia. Justice Livesey asked the Tribunal to make a Determination setting an overseas accommodation and daily allowance for his attendance at the International Bar Association Annual Conference being held in Paris from 29 October to 3 November 2023.
2. This specific Determination has been sought, as the Tribunal's existing Determination for the payment of accommodation and meal allowances does not cover international travel. In recent years, the Tribunal's practice has been to instead make specific Determinations for international travel, the last one being Determination 4 of 2022.

THE REVIEW PROCESS

3. Section 10(2) of the *Remuneration Act 1990* (SA) (**Act**) provides that prior to the Tribunal making a Determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or the persons of that class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
4. Section 10(4) of the Act provides that the Honourable Premier of South Australia, as 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.
5. On 4 May 2023, the Tribunal wrote to the Premier and the Judicial Remuneration Coordinating Committee (**JRCC**), to invite submissions by 17 May 2023 on this application.
6. The Tribunal also advertised its intention to consider this application on its website from 4 May 2023. Submissions were also invited by 17 May 2023.
7. On 5 May 2023, the JRCC provided a submission advising it supported the application.
8. On 15 May 2023, the Premier's representative confirmed that the Premier did not intend to provide any submissions in respect of this application.

9. As indicated, Justice Livesey provided a submission with his application. In summary, Justice Livesey explained that:
- the Chief Justice of the Supreme Court of South Australia has approved his attendance at the conference;
 - the conference is for 6 days, but may be extended to 7 days;
 - he is seeking a daily allowance for a period of 9 days, comprising the outward flight day (1 day claimed), the conference days (6 days claimed), and return flight days (2 days claimed);
 - consistent with the *Commonwealth Remuneration Tribunal (Official Travel) Determination 2022*, he seeks a daily allowance set by reference to the most recent Australian Taxation Office determination (TD2022/10) concerning reasonable meals and incidentals, and reimbursement for accommodation which is of a standard reasonably equivalent to that provided to him in Australia for official duties;
 - tables 8 and 9 in TD2022/10 are relevant, with the daily allowance being A\$355;
 - he intends to book a room at a hotel near the conference venue and to seek reimbursement from the Courts Administration Authority.

CONSIDERATION AND CONCLUSION

10. The Tribunal has previously dealt with requests made for the determination of overseas travel entitlements according to the unique circumstances of each instance of travel, so that any Determination made by the Tribunal is limited in effect to each such circumstance. In the Tribunal's view, that approach continues to be appropriate, given that the necessity for judicial officers to travel internationally in the course of their official duties is infrequent.
11. The Tribunal considers that accommodation and daily allowance provisions are appropriately payable in circumstances whereby there is an official requirement for international travel by a Judge or Magistrate in the course of their duties as a judicial officer. The Tribunal is satisfied that Justice Livesey's attendance at the International Bar Association Annual Conference fits this description, noting the Chief Justice's approval of his attendance.
12. The Tribunal is also satisfied that the *Commonwealth Remuneration Tribunal (Official Travel) Determination 2022* sets a reasonable basis for determining an appropriate overseas daily allowance for meals and incidentals and entitlement to accommodation for this trip.
13. Accordingly, the accompanying Determination provides for a daily allowance and reimbursement of accommodation expenses as sought.

OPERATIVE DATE

14. The accompanying Determination will operate from 3 May 2023, being the date the application was received.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 24th day of May 2023