



No. 3 of 2023

REPORT OF THE REMUNERATION TRIBUNAL
Overseas Accommodation and Daily Allowance
Australian Judicial Officers Association Annual Colloquium

INTRODUCTION

1. On 8 March 2023, the Remuneration Tribunal (**Tribunal**) received an application and submission from his Honour Judge Dart, Master of the Supreme Court of South Australia. Judge Dart advised the Tribunal that Justice Dolphin from the South Australian Employment Tribunal, Judge Soulio, Magistrate Dixon and himself proposed to attend the Australian Judicial Officers Association Annual Colloquium (**Colloquium**) being held in Auckland, New Zealand in October 2023. His Honour sought a Determination setting an overseas accommodation and daily allowance for attendance at the Colloquium, noting that all judicial officers who are members of the Australian Judicial Officers Association are eligible to attend.
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 2 of 2023.

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 27 April 2023, the Tribunal wrote to the Chief Justice of the Supreme Court of South Australia in relation to the scope of the application. On 19 May 2023, the Chief Justice advised that the Determination should apply to any judicial officer attending the Colloquium and that he approved Judge Dart's attendance.
6. On 24 May 2023, the Tribunal wrote to the Premier, the Judicial Remuneration Coordinating Committee (**JRCC**) and members of the judiciary to invite submissions by 7 June 2023 on this application.
7. The Tribunal also advertised its intention to consider this application on its website from 24 May 2023. Submissions were also invited by 7 June 2023.

8. On 31 May 2023, the Premier's representative confirmed that the Premier did not intend to provide any submissions in respect of this application.
9. On 7 June 2023, the JRCC advised it supports the application.
10. As indicated, Judge Dart provided a submission. In summary, Judge Dart explained that:
 - the conference is for 4 days;
 - a daily allowance is sought for a period of 4 days, comprising the conference days, which includes the outward and return flight; and
 - he intends to book a room at the conference hotel and will seek accommodation reimbursement for 3 days.

CONSIDERATION AND CONCLUSION

11. 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.
12. 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 judicial officers attendance at the Colloquium fits this description, noting the Chief Justice's approval for attendance is required.
13. The Tribunal is 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.
14. Accordingly, the accompanying Determination provides for a daily allowance and reimbursement of accommodation expenses as sought.

OPERATIVE DATE

15. The accompanying Determination will operate from 8 March 2023, being the date the application was received.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 9th day of June 2023