



No. 17 of 2024

## REPORT OF THE REMUNERATION TRIBUNAL

### Application for exemption to the financial year cap of fees for Deputy Board Member Mr Greg May for the year 24/25

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#### INTRODUCTION

1. On 14 November 2024, the Remuneration Tribunal (**Tribunal**) received an application and submission from the Presiding Member of the Parole Board of South Australia, Frances Nelson KC, for an exemption to the financial year cap for fees to Deputy Board Member, Mr Greg May, for the year 2024/2025.
2. Allowances for Members of the Parole Board of South Australia are currently contained in Determination 6 of 2024. Mr May as a Deputy Member of the Parole Board receives a sessional rate of \$1,661 per session, with a maximum amount of \$49,772 per financial year.
3. As explained in this report, the Tribunal has decided to exempt Mr May from the application of the cap for the remainder of the 2024/2025 financial year.

#### THE REVIEW PROCESS

4. 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.
5. 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.
6. On 21 November 2024, the Tribunal wrote to the Premier, Minister for Police, Emergency Services and Correctional Services and Deputy Board Member, Mr Greg May, to invite submissions by 5 December 2024 on this application.
7. The Tribunal also advertised its intention to consider this application on its website from 21 November 2024.
8. On 21 November 2024, Deputy Board Member, Mr Greg May, confirmed that he supports the application and wishes to not make any further submissions.
9. On 4 December 2024, the Minister for Police, Emergency Services and Correctional Service's representative confirmed that the Minister did not intend to provide any submissions in respect of this application.

10. On 5 December 2024, the Premier's representative confirmed that the Premier did not intend to provide any submissions in respect of this application.
11. No other submissions were received.

## **CONSIDERATION AND CONCLUSION**

12. The Presiding Member of the Parole Board's application can be summarised as follows:
  - An exemption is requested from the financial year cap of fees with respect to Deputy Board Member Mr Greg May for the year 2024/2025;
  - Due to circumstances beyond their control, the Parole Board is currently operating one full Board member down for an entire year. One member, Mr Kyprianou was not reappointed as of 2 June 2024;
  - The Board member appointed to replace Mr Kyprianou, Mr Tony Shillabeer, does not commence until 2 July 2025;
  - As a Deputy Board Member, Mr May is paid at a sessional rate as per Determination 14 of 2022.<sup>1</sup> The determination, at the time the application was made, caps Mr May's yearly payable rate at \$46,238;
  - For the period 1 July 2024, to October 2024, Mr May attended 14 meetings and received \$22,456 in total payments;
  - Mr May is further scheduled between October and the end of December 2024 to another 8 meetings, \$12,832 in total payments.
  - By the end of December 2024 Mr May will have been paid \$35,288 for 22 meetings;
  - If Mr May's annual board fee cap remains at \$46,238, that leaves \$10,950 – which, at \$1,604 per meeting, is just under 7 meetings for 6 months to the end of June 2025;
  - Given that one full member position is unoccupied and so not being paid for, the Parole Board anticipates no negative budgetary impact;
  - If an exemption is unable to be provided, the Parole Board will be required to cancel several meetings resulting in delay of interviews and processing of parole applications and potentially leading to extended periods of incarceration, creating pressure on the prison system's capacity to accommodate prisoners.
13. Attached to the submission, the Presiding Member provided a copy of Government Gazette No. 37 and Minutes forming enclosure to Shared Services South Australia (SSA).
14. The cap on fees for Deputy Board Members operates to recognise that these persons are generally utilised as substitutes when Parole Board Members are not available rather than as ongoing Members. The rate for Deputy Board Members has been set to recognise the normal casual nature of their involvement.
15. The Tribunal recognises the necessity for the Parole Board to be able to access sufficient Members to attend its scheduled regular hearings, noting that a shortage of Members mean that the Parole Board will be required to cancel several meetings resulting in delay of interviews and processing of parole applications.
16. Given the exceptional circumstances provided for in the application, the Tribunal considers it necessary to exempt Mr May from the financial year cap provided for in clause 5.2 of Determination 6 of 2024 to cover the vacancies in the schedule of meetings for 2025 up until the end of the financial year, noting that a new Parole Board Member will commence on 2 July 2025.

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<sup>1</sup> Note the application was made before the Tribunal issued Determination 6 of 2024 on 19 November 2024.

**OPERATIVE DATE**

17. The Determination will operate from 1 January 2025 and will cease to operate 30 June 2025.



Matthew O'Callaghan  
**PRESIDENT**



Donny Walford  
**MEMBER**



Mark Young  
**MEMBER**

Dated: 17 December 2024