

## REMUNERATION TRIBUNAL

### REPORT RELATING TO DETERMINATION NO. 1 OF 2013

#### **1. Introduction**

1.1. The Remuneration Tribunal ('the Tribunal') is responsible for determining the remuneration payable to the following statutory office holders:

1.1.1 the Auditor General;

1.1.2 the Electoral Commissioner;

1.1.3 the Deputy Electoral Commissioner;

1.1.4 the Employee Ombudsman; and

1.1.5 the Health and Community Services Complaints Commissioner.

1.2. On 15 December 2012, consequent upon its annual review of the remuneration of statutory office holders, the Tribunal issued Determination 6 and Report 6 of 2012 which included the following provisions in relation to a Telephone Rental and Calls Allowance:

*When a person to whom this Determination applies is required to have a telephone at home for official purposes, that person shall be paid the whole of the telephone rental for a single point connection without extra services and one third of the cost of metered calls. Reimbursement should be made for international, STD and mobile official calls on the basis of actual costs incurred.*

1.3. As part of the consultation with statutory office holders before the handing down of Determination 6 of 2012, the Tribunal was asked to consider that in lieu of the Telephone Rental and Calls Allowance, an annual allowance be paid to statutory office holders based on the Communications Allowance paid to Members of the Judiciary (Determination 4 of 2008). Argument was presented that a communications allowance similar to that paid to members of the judiciary would reduce administrative processes and give due recognition to the contemporary need for a home-based internet connection to enable the flexibility of working from home and out of normal business hours.

1.4. Among its conclusions to Report 6 of 2012, the Tribunal stated its intention to review the current Telephone Rental and Calls Allowance during 2013, at which time all concerned parties would have the opportunity to make submissions.

1.5. The review was announced by letter dated 7 March 2013, addressed to statutory office holders and to the Premier as the responsible Minister, with an invitation to make submissions.

#### **2. Submissions**

2.1. Written submissions were received from the Premier, the Electoral Commissioner and the Employee Ombudsman. The Auditor-General and the Health and Community Services Complaints Commissioner each advised that they did not wish to make any comments.

2.2. The Premier's submission noted that, in making its previous Determinations in relation to the salaries of Statutory Office Holders, the Tribunal had indicated that:

*"...it is in the public interest that the increases in salaries for the relevant Statutory Office holders have regard to, and not significantly differ from, increases applicable to other public sector positions".*

The Premier submitted that the same approach should apply in relation to determining an appropriate reimbursement and/or allowance for telephone rental and calls, and recommended that the Tribunal have regard to, and not significantly differ from, arrangements that apply in the public sector generally and to public sector executives in particular.

- 2.3. The Electoral Commissioner noted that the current Telephone Rental and Calls Allowance does not make provision for contemporary work practices and requested that the Tribunal give consideration to the option of an annual Communications Allowance similar to that applies to members of the judiciary. The Electoral Commissioner also expressed the view that one approach may not suit all statutory office holders.
- 2.4. The Employee Ombudsman reiterated his previous submissions on the matter and provided evidence of actual costs incurred. The Employee Ombudsman also noted that Telstra no longer provides a home telephone service defined as a "single point connection" and recommended that the Tribunal review the use of that terminology.

### **3. Conclusions**

3.1 In its deliberations on the matter, the Tribunal noted that:

3.1.1. It is common practice for executives and senior employees to be issued with mobile phones, smartphones and tablets where there is a business need and/or to facilitate after business hours work. Where such devices are provided by the employer there is no cost arising to the employee, other than to reimburse the employer for personal calls made on official mobile phones.

3.1.2. In its Report relating to Determination No. 4 of 2008, in which the Communications Allowance for Judges and Court Officers was first determined, the Tribunal said that it:

*"...has concluded that fixing an annual allowance (payable fortnightly) is the preferred option for reimbursement of expenses for mobile telephone, landline telephone and internet usage. This option is administratively simple and cost efficient and will avoid individual claims having to be made on a monthly basis."*

3.1.3. The Communications Allowance for Judges and Court Officers, which is currently set at \$1,200 per annum, includes provision for a mobile telephone service not funded by the employer as well as home telephone and internet services.

3.2. Having given due consideration to the submissions received and all other relevant information before it, the Tribunal has decided to issue a new Determination which effectively replaces the existing Telephone Rental and Calls Allowance with a more appropriate and administratively more efficient Communication Allowance. The Communications Allowance will provide \$800 per annum to assist a statutory office

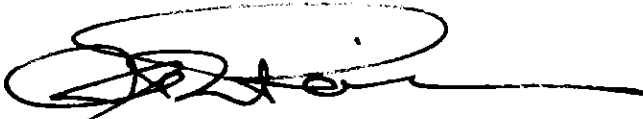
holder appointed on a full-time basis with the costs associated with landline telephone and internet usage incurred in the conduct of official duties.

3.3. Where a person to whom this Determination applies is appointed on a part-time basis, that person is entitled to a Communications Allowance of a pro rata amount of the annual allowance under clause 3.2 based on the hours worked as a proportion of the full-time equivalent.

3.4. The Tribunal wishes statutory office holders to whom this Determination applies to be aware that where a mobile phone is required for official duties and not provided by the employer for official duties out of the office, they may make application to the Remuneration Tribunal for an additional annual allowance.

**4. Operative Date**

4.1. Determination No. 1 of 2013 will operate with effect from 1 July 2013.

A handwritten signature in black ink, appearing to read 'Deane Prior', with a large, circular flourish above the name.

Deane Prior  
**PRESIDENT**