



No. 9 of 2022

## REPORT OF THE REMUNERATION TRIBUNAL

### 2022 Review of Conveyance Allowances – Judges, Court Officers and Statutory Officers

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#### INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 14 of 2021<sup>1</sup> which sets conveyance allowances and related entitlements for members of the judiciary and office holders listed in section 13 of the *Remuneration Act 1990 (Act)*, and certain other office holders as conferred under section 14 of the Act.
2. As explained in this report, the Tribunal has decided to increase the allowances by 5%. The Tribunal has issued an accompanying determination, which applies from 1 January 2023.

#### THE REVIEW PROCESS

3. On 20 September 2022, in accordance with sections 10(2) and 10(4) of Act, the Tribunal wrote to and invited submissions by 17 October 2022 in respect of this review from:
  - a. the Honourable Premier of South Australia – as the Minister responsible for the Act who may make submissions or introduce evidence in the public interest
  - b. the Judicial Remuneration Coordinating Committee (**JRCC**)
  - c. members of the judiciary and relevant office holders
4. The Tribunal also placed a notice on its website from 20 September 2022 calling for submissions from affected persons by 17 October 2022.
5. The JRCC provided a written submission on 17 October 2022, on behalf of:
  - a. the Chief Justice, Judges and Masters of the Supreme Court
  - b. the Chief Judge, Judges and Masters of the District Court
  - c. the Judges and Magistrates of the South Australian Employment Tribunal
  - d. the Chief Magistrate and the Magistrates of the Magistrates Court
  - e. the State Coroner and Deputy Coroner
  - f. the Commissioners of the Environment, Resources and Development Court, and

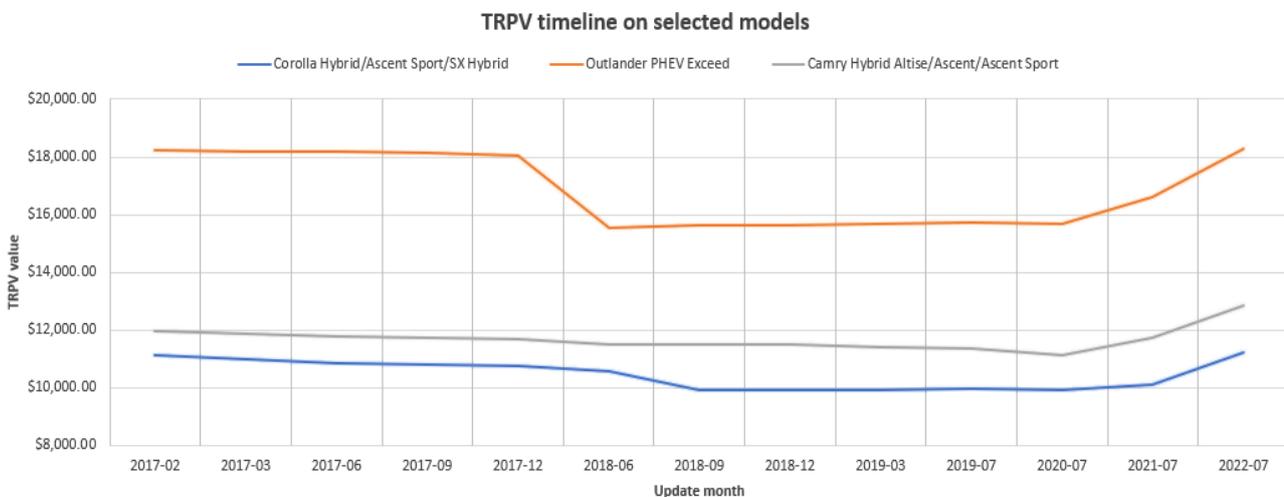
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<sup>1</sup> Conveyance Allowance – Judges, Court Officers and Statutory Officers.

- g. the President and Deputy Presidents of the South Australian Employment Tribunal.
- 6. On 31 October 2022, after an extension was granted, the Premier’s representative confirmed that the Premier did not intend to make a submission.
- 7. No other submissions were received.
- 8. The Tribunal convened a hearing on this and related matters on 14 November 2022. This hearing was attended by the Honourable Justice Tim Stanley as chair of the JRCC, Magistrate Jay Pandya as President of the Magistrates Association of South Australia, and Ms Carly Cooper from the Crown Solicitor’s Office as representative of the Premier.
- 9. Justice Stanley and Magistrate Pandya spoke to the written submissions received from the JRCC. Ms Cooper attended, and confirmed that she was not instructed to make any submissions.
- 10. In summary the JRCC submitted that the Tribunal should review the amount of the allowances in the usual way, and otherwise make a determination that reflects the terms of Determination 14 of 2021.

**CONSIDERATION AND CONCLUSION**

- 11. The determination under review sets conveyance allowances which are payable on a fortnightly basis, based on an annual amount of \$17,541, \$16,551, or \$15,298 (depending on the office holder).
- 12. The determination also sets related entitlements, including the ability for Judges and other office holders to elect to have a motor vehicle allocated to them from the Judicial Vehicle Schedule compiled by Fleet SA. Where such an election is made, the relevant office holder is charged an annual rate set by Fleet SA from time to time. The conveyance allowance is then accordingly reduced, and if it is not adequate to cover the cost of the allocated vehicle the office holder will be charged the excess amount over the allowance.
- 13. The current three allowance amounts have remained unchanged since July 2016. The Tribunal has noted the annual rates charged by Fleet SA between 2016 and the present have fluctuated, and there have always been vehicles available which do not exceed each respective conveyance allowance. The following table, supplied by Fleet SA, provides an indication of the cost fluctuations for three different groupings of vehicles:



- 14. The Tribunal has noted that on average, the annual charge determined by Fleet SA has increased by approximately 10% from the rates set in July 2021 to those set in July 2022.

The percentage changes however are not uniform, and range from between (minus) 3% to (plus) 21%. Despite these cost increases, a range of vehicles remain available within the existing conveyance allowance levels.

15. The Tribunal has not received any submissions seeking any particular increase to the allowances, or any submission that the allowances are inadequate. The Tribunal is nevertheless minded to increase allowances, having regard to the previous fluctuations in prices set by Fleet SA, recent price changes, and the range of vehicles available without excess charges depending on the level of the allowance.
16. Having regard to these factors, the Tribunal has decided that the allowances will be increased by 5%, with effect from 1 January 2023.
17. In light of an application received from the Resident Magistrate, Berri (dealt with in Report 13 of 2022), the Tribunal has decided to amend the determination to enable the State Courts Administrator to allow the hire of a vehicle at the State's expense in circumstances where the vehicle available to a member of the judiciary etc for official and private use cannot travel safely to a designated location. This amendment would, for example, permit the hire of a four-wheel drive vehicle for off-road use where required for official purposes.



Matthew O'Callaghan  
**PRESIDENT**



Deborah Black  
**MEMBER**



Peter de Cure AM  
**MEMBER**

Dated: 14 December 2022