



## Intelligence Services (Director-General)

### Determination 2014 (1)

*Intelligence Services Act 2001*

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I, JULIE BISHOP, Minister for Foreign Affairs, make this Determination under section 21 of the *Intelligence Services Act 2001*.

Dated 25 September 2014

Julie Bishop

Minister for Foreign Affairs

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#### 1 Name of Determination

This Determination is the *Intelligence Services (Director-General) Determination 2014 (1)*.

#### 2 Commencement

This Determination is taken to have commenced on 24 August 2014.

#### 3 Revocation

The *Intelligence Services (Director-General) Determination 2014* is revoked.

#### 4 Definitions

In this Determination:

**Act** means the *Intelligence Services Act 2001*;

**ASIS** means the Australian Secret Intelligence Service.

## 5 Application

This Determination sets out the remuneration and other conditions of appointment of Nicholas Peter Warner as the Director-General of ASIS.

## 6 Total remuneration, including base salary

- (1) For subsection 21(1) of the Act, the Director-General is entitled to:
  - (a) the total remuneration (including the base salary) mentioned in this section; and
  - (b) the benefits and entitlements mentioned in sections 9 – 12.
- (2) Starting on 21 August 2014:
  - (a) the total remuneration is \$593,920 per year; and
  - (b) the base salary is \$475,136 per year.
- (3) Subject to subsection (4), from 24 August 2014 the total remuneration and base salary for the Director-General of ASIS will increase by the percentage by which the base salary and total remuneration for the office of the Director-General of the Australian Security Intelligence Organisation is increased under a determination made by the Remuneration Tribunal under subsection 7(3) of the *Remuneration Tribunal Act 1973*.
- (4) The Director-General's base salary must remain at 80% of total remuneration.
- (5) Salary is payable by fortnightly instalments in arrears.
- (6) For this section, **total remuneration** is the value, calculated at the total cost to the employer of
  - (a) salary, allowances, and lump sum payments, other than:
    - (i) recreation leave; and
    - (ii) compensation for early loss of office; and
  - (b) all non-monetary benefits provided at the employer's expense to or on behalf of the Director-General; and
  - (c) all non-monetary benefits that the Director-General elects to receive in cash.

## 7 Salary sacrifice arrangements

- (1) The Director-General must take at least 50% of total remuneration as salary.
- (2) If the Director-General enters into a salary sacrifice arrangements, the arrangement must:
  - (a) be consistent with relevant taxation laws, and with rulings or guidelines issued by the Australian Taxation Office that apply to salary sacrifice arrangements; and
  - (b) be in accordance with the policies and procedures of ASIS on salary sacrifice arrangements to the extent that the policies and procedures are consistent with subsection (1) and with the laws, rulings and guidelines mentioned in paragraph (a).

## **8 Superannuation salary and superannuation support**

- (1) The Director-General's salary for superannuation purposes is the amount of the base salary under section 6.
- (2) The Director-General's salary for superannuation purposes is also the Director-General's annual rate of salary for the purposes of the *Superannuation Act 1976*.
- (3) The Director-General's total remuneration is taken to include the value of superannuation support provided in respect of the Director-General.
- (4) The value of superannuation support provided by the Commonwealth in respect of the Director-General is taken to be 15.4% of the Director-General's salary for superannuation purposes.
- (5) The value attributable under subsection (4) to superannuation support in respect of the Director-General is a non-salary component of total remuneration, and must not be the subject of an election to take an equivalent amount of salary.

## **9 Travelling allowance and related expenses**

- (1) The Director-General has the entitlements given to an office holder at the Tier 1 rate by Part 2 of the Remuneration Tribunal Determination 2013/16.
- (2) If the Director-General becomes ill while on official business overseas, the Director-General is entitled to payment of the cost of any necessary medical or hospital treatment of the illness.
- (3) If the Director-General is given essential emergency dental treatment while on official business overseas, the Director-General is entitled to payment of the amount by which the cost exceeds the cost of equivalent treatment in Australia.
- (4) The Director-General is entitled to reimbursement of up to \$225 for the cost of equipment required to undertake international travel.
- (5) The entitlement mentioned in subsection (4) may be claimed once in an entitlement period that runs for three years.
- (6) The Director-General is entitled to reimbursement of excess baggage charges that are incurred primarily because of a requirement to carry Commonwealth property while travelling.

## **10 Leave entitlements**

- (1) The Director-General is entitled to the following types and amounts of leave of absence:
  - (a) public holidays that are observed by the Australian Public Service in the ACT;
  - (b) paid recreation leave of 22 days per year of full-time service;
  - (c) paid long service leave as prescribed under the *Long Service Leave (Commonwealth Employees) Act 1976*;
  - (d) other paid and unpaid leave, including sick and carers leave will be in line with the arrangements applying within ASIS, with the approval of the Minister;

- (e) the payment in lieu of recreation leave and long service leave, on cessation, shall be calculated on total remuneration minus the value of the superannuation support provided to the Director-General.

## 11 Compensation for loss of office

- (1) If the Director-General's appointment is terminated before the end of the period specified in the Instrument of Appointment, the Commonwealth may elect to offer suitable alternative employment (including in a Commonwealth authority or company).
- (2) If the Commonwealth does not offer suitable alternative employment, the Commonwealth will pay the Director-General one-third of one month's salary for each month of service remaining, in lieu of obligations such as provision of notice or payment instead of notice or redundancy pay, and subject to:
  - (a) a minimum payment of four months' salary; and
  - (b) a maximum payment of one year's salary.
- (3) For subsection (2), the Commonwealth:
  - (a) may calculate the Director-General's remaining service by taking into account any period of continuing Commonwealth service in alternative employment; and
  - (b) may require the Director-General to sign a release in return for the payment.
- (4) However, the Director-General is not entitled to compensation for loss of office if:
  - (a) the Director-General has served the full term of appointment; or
  - (b) the Director-General's appointment was terminated before the end of the period specified in the Instrument of Appointment for reasons of unsatisfactory performance; or
  - (c) the Director-General's appointment was terminated before the end of the period specified in the Instrument of Appointment on account of mental or physical incapacity, and the Director-General is entitled to receive invalidity retirement benefits under Commonwealth superannuation legislation.

- (5) For subsection (2);

**salary** means the base salary mentioned in section 6.

## 12 Other entitlements

- (1) The Director-General is entitled to:
  - (a) a mobile telephone service;
  - (b) a corporate credit card for use for payment of entitlements and official expenses;
  - (c) membership of the Qantas Club;
  - (d) business cards;

- (e) Information and Communication Technology (ICT) Package as applicable to Senior Executive Service Officers in ASIS
- (f) a secure briefcase; and
- (g) a B-class security container at the Director-General's home.