



Determination 1 of 2019

Clerk of the House of Representatives, Remuneration and other conditions of employment

Made under section 63 of the *Parliamentary Service Act 1999*

Pursuant to section 63 of the *Parliamentary Service Act 1999*, after having sought and taken into account the advice of the Remuneration Tribunal, I hereby determine the remuneration and other conditions of appointment of the Clerk of the House of Representatives as set out hereunder, with effect from 12 August 2019.

Part 1 Interpretation

1.1 In this Determination:

'Base salary' means 70% of the Clerk's Total Remuneration.

'Benefits' means other than cash and the Employer's Superannuation contribution provided to the Clerk at the Commonwealth's expense, and includes any Commonwealth provided vehicle that the Clerk elects to receive under Part 4 (see also clause 2.2).

'Commonwealth' means the Commonwealth of Australia and includes any person authorised to exercise powers, perform acts, grant approvals or give directions for, or on behalf of, the Commonwealth.

'Commonwealth Authority' means:

- (a) a body corporate established for a public purpose by or under a law of the Commonwealth or the Australian Capital Territory; or
- (b) a body corporate:
 - (i) incorporated under a law of the Commonwealth or a State or Territory; and
 - (ii) in which the Commonwealth has a controlling interest; or
- (c) an authority or body, not being a body corporate, established for a public purpose by or under a law of the Commonwealth or the Australian Capital Territory.

'Clerk' means the Clerk of the House of Representatives.

'Department' means the Department of the House of Representatives.

'Employer' means the Commonwealth and includes any person authorised to exercise powers, perform acts, grant approvals or give directions for, or on behalf of, the Commonwealth.

'Executive Vehicle Scheme Guidelines' means guidelines published from time to time by the Australian Public Service Commission in respect of the Executive Vehicle Scheme or by such other Department or

agency as then has policy responsibility for the scheme, or any guidelines of a similar nature which modifies replaces or supersedes the Executive Vehicle Scheme.

'Reference Salary' means the Clerk's Total Remuneration, less the rate of the Employer's Superannuation Contribution for the Clerk.

'Total Remuneration' means the aggregate value of cash, Benefits and the Employer's Superannuation Contribution, provided to or on behalf of the Clerk by the Commonwealth, expressed as an annual rate.

1.2 The provisions of this Determination are additional to and subject to any applicable statutory entitlements or conditions, including those deriving from the following Acts and from regulations and instruments made under those Acts:

- a) *Public Governance, Performance and Accountability Act 2013*;
- b) *Long Service Leave (Commonwealth Employees) Act 1973*;
- c) *Work Health and Safety Act 2011*;
- d) *Maternity Leave (Commonwealth Employees) Act 1973*;
- e) *Parliamentary Service Act 1999*;
- f) *Safety, Rehabilitation and Compensation Act 1988*;
- g) *Superannuation Act 1976*;
- h) *Superannuation Act 1990*;
- i) *Superannuation Act 2005*;
- j) *Superannuation Benefits (Supervisory Mechanisms) Act 1990*;
- k) *Superannuation (Productivity Benefit) Act 1988*; and
- l) *Fair Work Act 2009*.

Part 2 Remuneration and related matters

2.1 The Clerk will be eligible for total remuneration of \$443,390 per annum, expected to be adjusted annually once advice is received from the Remuneration Tribunal.

2.2 Subject to the Part, the Clerk may elect to receive the benefit of the total remuneration other than the value of the Employer's Superannuation Contribution, in cash as salary or as a combination of salary and other benefits.

2.3 Any election made in accordance with clause 2.2 must be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office.

2.4 Any election made in accordance with clause 2.2 must not result in cost to the Commonwealth (including in relation to any fringe benefits taxation) additional to the cost which would be incurred if total remuneration elements able to be taken as salary were taken as salary.

2.5 The value attributable to the following is not taken to be part of the Total Remuneration:

- (a) facilities provided as business support under Part 5; or
- (b) travelling allowances and expenditure specified in Part 3; or
- (c) relocation costs under Part 11.

Part 3 Superannuation

3.1 If the Clerk is a member of the Commonwealth Superannuation Scheme:

- (a) the Clerk's annual rate of salary for the purposes of the scheme is the Clerk's Base Salary; and
- (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Clerk's Base Salary.

3.2 If the Clerk is a Member of the Public Sector Superannuation Scheme:

- (a) the Clerk's basic salary for the purposes of the scheme is the Clerk's Base Salary; and
- (b) the amount of the Clerk's recognised allowances for the purpose of the scheme is zero; and
- (c) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Clerk's Base Salary.

3.3 If the Clerk is a member of the Public Sector Superannuation Accumulation Plan, the Clerk's superannuation salary for the purposes of the scheme is the Clerk's ordinary time earnings.

3.4 If the Clerk is a member of any other superannuation fund, the Employer's Superannuation Contribution is to be made at the rate elected by the Clerk, which must not be less than a rate that would, under section 23 of the *Superannuation Guarantee (Administration) Act 1992*, reduce the charge percentage in relation to that Clerk to zero.

3.5 The employer's superannuation contribution is a non-salary component of total remuneration and may not be the subject of an election to take an equivalent amount of money instead.

Part 4 Official vehicle

4.1 The Clerk's total remuneration will be taken to include the value of a vehicle component comprising a fully maintained vehicle provided by the Commonwealth in accordance with the Executive Vehicle Scheme Guidelines, parking and applicable fringe benefits taxation.

4.2 Where the Clerk elects to receive a Commonwealth-provided vehicle, the value of the vehicle component of the Clerk's total remuneration is the actual cost to the Department, including any fringe benefits taxation paid.

Part 5 Business support

5.1 The Clerk is entitled to the provision by the Department of communications, information technology and other office facilities necessary in both the place of work, and the Clerk's residence, for the efficient conduct of business. Such provision includes incidental private use of those facilities. Where required, separate telecommunication lines to the Clerk's residence in support of those facilities may be provided at the Commonwealth's expense.

5.2 The Clerk is entitled to domestic airline lounge membership at the Commonwealth's expense.

5.3 The Clerk is entitled to business support by way of newspapers, journals, periodicals and professional association membership at the Commonwealth's expense.

Part 6 Official Travel

6.1 The Clerk is entitled to travelling allowance and conditions for travel on official business within Australia and internationally in accordance with the provisions, and at the Tier 2 rate, as determined from time to time by the Remuneration Tribunal in relation to full-time public office holders. In making travel arrangements, the Clerk should comply with the travel-related administrative guidelines in place for SES employees in the Department.

6.2 The Clerk may be entitled to be accompanied by a spouse or partner at Commonwealth expense for purposes related to official business when travelling within Australia or overseas in accordance with this Determination. Such accompanied travel may occur only when the Speaker agrees that, given the purpose of the travel, it is demonstrably in the interest of the Parliament for the Clerk to be accompanied by the spouse or partner.

Part 7 Annual Leave

7.1 There will accrue to the Clerk annual leave at the rate of 20 days per annum, which will count as service for all purposes. All accrued annual leave credits will be preserved. The taking of leave of three days or more is subject to approval by the Speaker.

7.2 The Clerk's annual leave credits include any remaining annual leave credits accrued either through prior service in the Parliamentary Service, the Australian Public Service or the ACT Public Service or through employment in a Commonwealth authority that, in either case, ceased not more than two months prior to being appointed Clerk.

7.3 In respect of any unused annual leave credit for which the Clerk is entitled to payment in lieu on cessation of employment, the rate of remuneration used for calculating the entitlement is the Reference Salary.

7.4 Subject to this Determination, the Clerk's annual leave will be administered in accordance with the annual leave policies applying in the Department.

Part 8 Personal Leave

8.1 The Clerk is entitled to a personal leave credit in accordance with the relevant leave policies applying to SES employees of the Department and may use this entitlement at full or half pay, to accommodate personal illness or injury, to care for a family member or to meet family responsibilities of an emergency and/or unscheduled nature.

8.2 The Speaker may grant additional personal leave to the Clerk at the Speaker's discretion.

8.3 The Clerk's absence of three days or more using personal leave must be authorised by the Speaker.

8.4 In addition to the personal leave entitlement accruing as specified above, the Clerk's entitlement to personal leave (however described) accrued either through prior service in the Parliamentary Service, the Australian Public Service or the ACT Public Service, or through employment in a Commonwealth authority that, in either case, ceased not more than two months prior to being appointed Clerk, will be recognised as if accrued while as Clerk.

Part 9 Miscellaneous leave

9.1 The Speaker may grant to the Clerk other leave, either with or without pay, which may or may not, at the Speaker's discretion, count as service for all purposes.

Part 10 Statutory leave

10.1 The Clerk will be entitled to long service leave benefits under *the Long Service Leave (Commonwealth Employees) Act 1973* and the *Maternity Leave (Commonwealth Employees) Act 1973*.

Part 11 Relocation expenses

11.1 If, before appointment, the Clerk resides in a location other than Canberra, the Speaker may approve the payment of reasonable relocation expenses.

Part 12 Repeal of previous Determination

12.1 All Determinations previously made in respect of the Clerk under section 63 of the *Parliamentary Service Act 1999* are repealed.

Dated this 1st day of August 2019

TONY SMITH
Speaker of the House of Representatives