



Determination 1 of 2020

Secretary, Department of Parliamentary Services Remuneration and Other Conditions of appointment

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, we hereby determine the remuneration and other conditions of appointment of the Secretary of the Department of Parliamentary Services as set out hereunder, with effect from 14 December 2020.

Part 1 Interpretation

In this Determination:

'Base salary' means the amount specified as base salary in clause 2.1 of this Determination.

'Benefits' means benefits other than cash and the Employer's Superannuation Contributions provided to a Secretary at the Commonwealth's expense. (See also clause 2.2).

'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.

'Department' means the Department of Parliamentary Services.

'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.

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

'Secretary' means the Secretary of the Department of Parliamentary Services.

'Total remuneration' means the amount specified as Total Remuneration in clause 2.1 of this Determination, representing the value of salary and benefits including employer superannuation contribution but not including the value of facilities provided as business support in Part 5, official travel specified in Part 6 and leave specified in Parts 7 to 10.

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 Secretary will be eligible for base salary and total remuneration as set out below:

- a) Base Salary at the rate of \$310,359 per annum; and
- b) Total remuneration of \$443,370 per annum.

2.2 The amounts set out in clause 2.1 are expected to be adjusted annually following advice from the Remuneration Tribunal.

2.3 Subject to this Part, the Secretary may elect to receive the benefit of total remuneration, other than the value of the Employer's Superannuation Contribution, in cash as salary or as a combination of salary and benefits, in accordance with the policies and procedures on salary packaging in the Department.

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

2.5 Any election made in accordance with clause 2.3 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.

2.6 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; or
- d) Compensation for early loss of office specified in Part 12.

Part 3 Superannuation

3.1 The Secretary's total remuneration will be taken to include the Employer's Superannuation Contributions made in respect of the Secretary.

3.2 If the Secretary is a member of the Commonwealth Superannuation Scheme:

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

3.3 If the Secretary is a member of the Public Sector Superannuation Scheme:

- a) the Secretary's base salary for the purposes of the scheme is the Secretary's Base Salary; and
- b) the amount of the Secretary'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 Secretary's Base Salary.

3.4 If the Secretary is a member of the Public Sector Superannuation Accumulation Plan, the Secretary's superannuation salary for the purposes of the scheme is the Secretary's ordinary time earnings (OTE) and the Employer's Superannuation Contributions will be at 15.4%.

3.5 If the Secretary is a member of any other superannuation fund, the Employer's Superannuation Contributions is the minimum amount that would, under section 23 of the *Superannuation Guarantee (Administration) Act 1992*, reduce the charge percentage in relation to that Secretary to zero.

Note: Additional superannuation contributions made under the salary packaging provisions of clause 2.3 do not form part of the Employer's Superannuation Contribution.

3.6 Notwithstanding anything else in this Part, the value of 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 An official vehicle will not be provided by the Commonwealth. The Secretary's total remuneration will be taken to include the value of a vehicle.

Part 5 Business support

5.1 The Secretary 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 Secretary's residence, for the efficient conduct of business. Such provision includes incidental private use of those facilities. Where required, separate telecommunication lines to the Secretary's residence in support of those facilities may be provided at no cost to the Secretary.

5.2 The Secretary is entitled to domestic airline lounge membership at Commonwealth expense.

5.3 The Secretary is entitled to business support by way of newspapers, journals, periodicals and professional association membership.

Part 6 Official travel

6.1 The Secretary is entitled to travelling allowances 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 Secretary should comply with the travel-related administrative guidelines in place for SES employees in the Department.

6.2 The Secretary 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 Presiding Officers agree that, given the purpose of the travel, it is demonstrably in the interest of the Parliament for the Secretary to be accompanied by the spouse or partner.

Part 7 Annual leave

7.1 There will accrue to the Secretary 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 Presiding Officers. Subject to this Determination, leave will be administered in accordance with annual leave policies applying to SES employees of the Department.

7.2 The Secretary'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 Secretary.

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

Part 8 Personal leave

8.1 The Secretary is entitled to a personal leave credit in accordance with the relevant leave policies applying to SES employees of the Department, 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 Presiding Officers may grant additional personal leave to the Secretary at their discretion.

8.3 The Secretary's absence of three days or more using personal leave must be authorised by the Presiding Officers.

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

Part 9 Miscellaneous leave

9 The Secretary may seek approval from the Presiding Officers for other leave, either with or without pay, which may or may not, at the Presiding Officers' discretion, count as service for all purposes.

Part 10 Reunion Travel

10 The Secretary will not be eligible to receive fares or an allowance for travel between Canberra and any other location for the purposes of family reunion while they continue to occupy the office of Secretary.

Part 11 Relocation expenses

11 If, before appointment, the Secretary resides in a location other than Canberra, the Presiding Officers may approve the payment of reasonable relocation expenses.

Part 12 Compensation for early loss of office

12.1 Unless the Secretary's appointment is terminated for a reason specified in paragraph 12.2 and the Commonwealth has not made the Secretary an offer of suitable alternative employment, the Secretary will, upon termination, be entitled to be paid one-third of one month's Reference Salary applying at the date of termination from the office, for each full month of service forgone, subject to:

- (i) a minimum payment of four months of the Reference Salary applicable at that date; and
- (ii) a maximum payment of twelve months of the Reference Salary applicable at that date.

12.2 If, before the expiration of its term, the appointment of the Secretary is terminated under the provisions of the *Parliamentary Service Act 1999* for reasons of:

- (i) physical or mental incapacity, or
- (ii) misbehaviour, or
- (iii) breach of the Parliamentary Service Code of Conduct, or
- (iv) unsatisfactory performance, or
- (v) bankruptcy, or
- (vi) failure to obtain or maintain a security clearance at the required level

the Secretary will not be entitled to compensation for early loss of office.

12.3 In this Determination, suitable alternative employment includes such employment with the Commonwealth, the administration of a Territory, a public statutory corporation referred to in paragraph 3(4)(d) of the *Remuneration Tribunal Act 1973* or an incorporated company, all the stock or shares in the capital of which is, or are, beneficially owned by the Commonwealth or by a public statutory corporation.

12.4 Where the Secretary serves the full term of appointment, no entitlement to a payment under this Part arises.

Dated this 10th day of December 2020

THE HON TONY SMITH

Speaker of the House of Representatives

SENATOR THE HON SCOTT RYAN

President of the Senate