



## REMUNERATION TRIBUNAL

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### **Explanatory Statement: Determination 2013/05 Remuneration and Allowances for Holders of Public Office including Judicial and Related Offices**

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1. The Remuneration Tribunal has inquired into and determined the remuneration and significantly related matters for certain office holders, as it is empowered to do by the *Remuneration Tribunal Act 1973*.
2. In making this determination the Tribunal has informed itself through consultation in accordance with established practice.
3. Any retrospective application of this determination is in accordance with subsection 12(2) of the *Legislative Instruments Act 2003* as it does not affect the rights of a person (other than the Commonwealth or an authority of the Commonwealth) to that person's disadvantage, nor does it impose any liability on such a person. Specifically, it is noted that while Clauses 2.9 and 2.11 of the determination reduce the remuneration of a named office from a date in the past, this is on account of the reclassification of a number of office holders in the relevant organisation and the amendment does not adversely affect the rights of any person.

#### **PART 1 – PART-TIME OFFICES**

4. Clause 1.1 specifies the Principal Determination (Number 13 of 2012 as amended) for the purposes of Part 1 of the Determination.
5. Clause 1.2 deletes the reference to Clause A34 in Table A1A. This clause is no longer applicable.
6. Clause 1.3 deletes all reference to the Australian Solar institute, Chair/Director, as the office has been subsumed into Australian Renewable Energy Agency.
7. Clause 1.4 deletes all reference to Clauses A34 and A42. These clauses are no longer relevant.
8. Clause 1.5 sets remuneration for the new position of Senior Member, Social Security Appeals Tribunal.
9. Clause 1.6 sets the date for the commencement of Clause 1.5.
10. Clause 1.7 sets a personal rate for the Hon Andrew Fraser while he fills the office of Director, IMT.
11. Clause 1.8 includes an office that was omitted from the Principal Determination.
12. Clause 1.9 sets the date for the commencement of Clause 1.8.
13. Clause 1.10 to 1.12 sets remuneration and allowances for the new offices of the National Disability Insurance Scheme Launch Transition Agency (DisabilityCare Australia), the Advisory Council and the Audit Committee.

#### **PART 2 – FULL-TIME OFFICES**

14. Clause 2.1 specifies the Principal Determination (Number 24 of 2012 as amended) for the purposes of Part 2 of the Determination.
15. Clauses 2.2 and 2.3 remove all reference to accommodation and reunion travel allowances for Mr Ivor Frischknecht, as these are no longer required.

16. Clause 2.4 deletes all reference to the office of Assistant Senior Member, Social Security Appeals Tribunal (SSAT), as it is now defunct.
17. Clause 2.5 amends the end date of a personal loading paid to the current Chief Executive Officer, Australian Sports Anti-Doping Authority (ASADA).
18. Clause 2.6 deletes all reference to the Executive Director of the Australian Solar Institute. The office has been subsumed into the Australian Renewable Energy Agency.
19. Clause 2.7 sets increased remuneration for the office of Principal Member, SSAT.
20. Clause 2.8 sets remuneration for the new office of Deputy Principal Member, SSAT.
21. Clause 2.9 sets reduced remuneration for the office of Senior Member, SSAT, under their new structure.
22. Clause 2.10 sets increased remuneration for the office of Member, SSAT.
23. Clause 2.11 sets the date from which the provisions in Clauses 2.7 to 2.10 are to take effect. In connection with the date of effect of Clause 2.9, attention is drawn to the final sentence of paragraph 3 above.
24. Clause 2.12 sets remuneration for the new office of Chief Executive Officer, National Disability Insurance Scheme Launch Transition Agency, (DisabilityCare Australia).

### **PART 3 – JUDICIAL AND RELATED OFFICES**

25. Clause 3.1 specifies the Principal Determination (Number 9 of 2012 as amended) for the purposes of Part 3 of the Determination.
26. Clause 3.2 deletes an obsolete definition.
27. Clauses 3.3 to 3.6 reflect the renaming of the Federal Magistrates Court as the Federal Circuit Court of Australia and the consequent changes in office holder titles.

**Authority:** Subsections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Remuneration Tribunal Determination 2013/05**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

This determination amends principal Tribunal determinations 2012/13 (Part-time offices) and 2012/24 (Full-time offices). Specifically the amending determination recognises the restructuring of offices in the Social Security Appeals Tribunal and sets remuneration for offices in the new structure; it removes references to the Australian Solar Institute which is no longer an independent authority; and amends or introduces specific provisions determined for certain designated persons. The determination sets remuneration for the new offices of National Disability Insurance Scheme Launch Transition Agency, CEO, Board, Advisory Council and the Audit Committee.

The determination also amends Principal Tribunal determination 2012/09 as a result of legislation changing the name of the 'Federal Magistrates Court' to 'Federal Circuit Court', and changes to the titles of judicial offices in that Court.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

#### **The Remuneration Tribunal**