



## REMUNERATION TRIBUNAL

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### **Explanatory Statement: Determination 2013/15 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.

#### **PART 1 – PRINCIPAL EXECUTIVE OFFICES**

4. Clause 1.1 specifies the Principal Determination (Number 9 of 2013) for the purposes of Part 1 and 2 of the Determination.
5. Clauses 1.2 to 1.3 includes a new clause. This clause removes any doubt that the value of parking forms part of Total Remuneration. The following clauses in this part have been renumbered as a consequence of the added clause.
6. Clause 1.4 amends the clause number in Part 1 as a consequence of the added clause.
7. Clauses 1.2 to 1.4 take effect on and from 1 July 2013.

#### **PART 2 – FULL-TIME OFFICES**

8. Clause 2.1 specifies the Principal Determination (Number 10 of 2013) for the purposes of Part 2 and Part 4 of the Determination.
9. Clause 2.2 sets increased remuneration for the Member, Australian Energy Regulator.
10. Clause 2.3 sets the date of commencement of Clause 2.2.
11. Clause 2.4 sets remuneration for the new office of Chief Executive Officer, Asbestos Safety and Eradication Agency.
12. Clause 2.5 sets the date of commencement of Clause 2.4.
13. Clause 2.6 sets increased remuneration for the Deputy Chair, ACMA.
14. Clause 2.7 sets the date of commencement of Clause 2.6.
15. Clauses 2.8 and 2.9 includes the word Australian to the Public Service Commissioner as per the amended *Public Service Act 1999* which took effect from 1 July 2013.
16. Clause 2.10 sets the date of commencement of Clauses 2.8 and 2.9.

17. Clause 2.11 allows the partners and children of office holders to access reunion travel within the current level of the reunion fares allowance, in circumstances where the responsibilities of the office prevent the office holder from fully utilising their allowance.
18. Clause 2.12 sets remuneration for the new office of Aged Care Pricing Commissioner.
19. Clause 2.13 sets the date of commencement of Clause 2.12.

### **PART 3 – PART-TIME OFFICES**

20. Clause 3.1 specifies the Principal Determination (Number 11 of 2013) for the purposes of Part 2 of the Determination.
21. Clause 3.2 sets remuneration for the Chair and Member of the Asbestos Safety and Eradication Agency.
22. Clause 3.3 sets the date of commencement of Clause 3.2.
23. Clauses 3.4 and 3.5 delete all references to Clause A21. This clause is no longer relevant.

### **PART 4 – JUDICIAL AND RELATED OFFICES**

24. Clause 4.1 specifies the Principal Determination (Number 12 of 2013) for the purposes of Part 4 of the Determination.
25. Clause 4.2 deletes all reference to the office of Deputy President of the Australian Law Reform Commission as the office has been abolished.

**Authority:** Subsections 5(2A), 7(3), 7(3D) 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 2013/15**

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**

The determination amends Principal Tribunal determination 2013/09 (Principal Executive Offices). The determination clarifies the value of parking as part of Total Remuneration.

The determination also amends Principal Tribunal determination 2013/10 (Full-time offices). Specifically the determination adjusts remuneration arrangements for the Member, Australian Energy Regulator and the Deputy Chair, ACMA. The determination also sets remuneration for the new office of Chief Executive Officer, Asbestos Safety and Eradication Agency and the new office of Aged Care Pricing Commissioner. The determination amends the name Public Service Commission to Australian Public Service Commissioner as a result of legislation changing the name. The determination has expanded the reunion travel provisions to encompass a wider application for family reunion.

The determination also amends Principal Tribunal determination 2013/11 (Part-time offices). Specifically the determination sets remuneration for the new offices of Chair and Member of the Asbestos Safety and Eradication Agency. The determination also removes a clause that expired 30 June 2013.

The determination also amends Principal Tribunal determination 2013/12 (Judicial and Related Offices) as a result of the abolition of the office of Deputy President of the Australian Law Reform Commission.

The instrument maintains the principle of fair, and current, remuneration for work performed.

#### **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**