



## REMUNERATION TRIBUNAL

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# **Explanatory Statement: Determination 2014/04 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.

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### **PART 1 – FULL-TIME OFFICES**

4. Clause 1.1 specifies the Principal Determination (Number 10 of 2013 as amended) for the purposes of Part 1 of the Determination.
5. Clause 1.2 sets an accommodation allowance for the new Human Rights Commissioner.
6. Clause 1.3 sets a reunion allowance for the new Human Rights Commissioner.
7. Clause 1.4 sets the date of effect of Clauses 1.2 and 1.3.

### **PART 2 – PART-TIME OFFICES**

8. Clause 2.1 specifies the Principal Determination (Number 3 of 2014) for the purposes of Part 2 of the Determination.
9. Clause 2.2 removes all reference to the Tasmanian Freight Equalisation Scheme Review Authority. This body has been abolished.
10. Clause 2.3 corrects a reference to a Clause number in Clause 7.1.
11. Clause 2.4 sets the date of effect of Clause 2.3.
12. Clause 2.5 sets remuneration for the newly established office of Presiding Member of the Australian Grape and Wine Authority Selection Committee.

13. Clause 2.6 sets increased person-specific remuneration for Mr Andrew Fraser, Director of Moorebank Intermodal Terminal (IMT).
14. Clause 2.7 sets increased person-specific remuneration for Mr Craig Knowles, Chair of the Murray-Darling Basin Authority.
15. Clause 2.8 corrects the definition of the additional remuneration determined for Mr Mark Darras, Chair of the Telecommunications Universal Service Management Agency.
16. Clause 2.9 sets the date of effect of Clauses 2.6, 2.7 and 2.8 as at 1 March 2014.

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

17. Clause 3.1 specifies the Principal Determination (Number 12 of 2013 as amended) for the purposes of Part 3 of the Determination.
18. Clause 3.2 removes an unnecessary heading from Part 2 of the Principal Determination.
19. Clause 3.3 clarifies the preamble to Clause 2.5, to define more clearly to whom the clause refers.
20. Clause 3.4 amends clause 2.5.5 of the Principal Determination, to ensure that part-time members of the AAT can be paid daily fees or annual fees but not both.
21. Clause 3.5 introduces a new clause which has a provision to pay annual fees rather than daily fees to part-time AAT members who come to an agreement with the AAT President to establish a set work pattern, and sets out the provisions relating to the payment of an annual fee. The subclauses define those members to whom the annual fee will apply.
22. Clause 3.6 amends a clause relating to loss of office provisions, in recognition that there are now part-time office holders in the Principal Determination paid by way of annual fees.
23. Clause 3.7 amends the title of Table 2, to clarify that remuneration for part-time office holders paid by way of annual fees is not included in that Table.
24. Clause 3.8 introduces a new Table, which sets the level of remuneration for those AAT Members paid by way of annual fees.
25. Clause 3.9 expands the provision in which AAT Members were paid a portion of their daily fee when their cases were cancelled at short notice, to ensure that this also covers the circumstance where a case does not proceed when the member is already in attendance.

**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 2014/04**

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 2013/10: Remuneration and Allowances for Holders of Full-Time Public Office and 2014/03: Remuneration and Allowances for Holders of Part-Time Public Office and 2013/12: Judicial and Related Offices - Remuneration and Allowances.

The Determination removes all references to the following office/body which has been abolished or is no longer within the Tribunal's jurisdiction:

- Tasmanian Freight Equalisation Scheme Review Authority.

The Determination also amends an incorrect cross-reference in Determination 2014/03.

In addition, the Determination sets accommodation and reunion travel allowances for the new Human Rights Commissioner, while the office holder resides in temporary accommodation in Sydney and maintains his principal place of residence in Melbourne.

The Determination sets remuneration for the new office of Presiding Member of the Australian Grape and Wine Authority Selection Committee, and sets increased person-specific remuneration for the Chairs of Moorebank Intermodal Terminal and the Murray-Darling Basin Authority. The Determination also corrects a reference to the Telecommunications Universal Service Management Agency Chair's remuneration.

The Determination also sets annual fees for part-time members of the Administrative Appeals Tribunal who have a set work pattern. The Determination also makes some other technical changes to the way provisions for part-time Judicial and Related Offices are expressed. These changes do not adversely affect any office holder.

The instrument maintains the principles of fair, and current, remuneration for work performed and just and favourable conditions of work.

#### **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**