



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2014/13 Remuneration and Allowances for Holders of Public Office including Judicial and Related Offices

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 12 of 2014) for the purposes of Part 1 of the Determination.
5. Clause 1.2 removes Clauses 2.2.7, 2.2.8, 2.2.9 and 2.2.10 which are no longer applicable.
6. Clauses 1.3 to Clause 1.6 remove all reference to person specific remuneration set for the former Chair, Australian Prudential Regulation Authority, former CEO, Health Workforce Australia, former Gene Technology Regulator and the former Administrator, Norfolk Island.
7. Clauses 1.7 and 1.8 remove all reference to accommodation and reunion travel allowances for Mr M Cormack, the former CEO, Health Workforce Australia.
8. Clause 1.9 and 1.10 set accommodation and reunion travel allowances for Mr Ben McDevitt, Chief Executive Officer, Australian Sports Anti-Doping Authority.
9. Clause 1.11 sets remuneration for the new office of Student Identifiers Registrar.
10. Clause 1.12 sets Reunion Travel allowance for the incoming Administrator, Norfolk Island.
11. Clause 1.13. removes all reference to person specific travel provisions for the former Administrator, Norfolk Island.
12. Clause 1.14 sets Recreation Leave for the Administrator, Norfolk Island.
13. Clause 1.15 sets the date of effect of clauses 1.12 to 1.14.

PART 2 – PART-TIME OFFICES

14. Clause 2.1 specifies the Principal Determination (Number 8 of 2014) for the purposes of Part 2 of the Determination.
15. Clause 2.2 sets increased remuneration for the members of the Australia Council.
16. Clause 2.3 removes all reference to the Boards, Australia Council which are no longer necessary due to a restructure.
17. Clauses 2.4 and 2.5 set remuneration for the offices of the newly established Australia Council, Audit and Finance Standing Committee, Sector Strategy Panels, and Peer Assessment Panel.
18. Clause 2.6 sets the date of effect of Clauses 2.2 to 2.5.
19. Clauses 2.7 and 2.8 reflects the National Film and Sound Archive move from daily fees to annual remuneration.
20. Clause 2.9 sets the date of effect of Clause 2.8.
21. Clause 2.10 sets remuneration for the Chair, Deputy Chair and Directors of the new Australian Grape and Wine Authority.
22. Clause 2.11 sets the date of effect of Clause 2.10.
23. Clause 2.12 clarifies the remuneration paid to the Defence Force Advocate.
24. Clauses 2.13 and 2.14 remove all reference to the Australian Workforce and Productivity Agency and the Pharmaceutical Benefits Pricing Authority as these bodies have been abolished.

PART 3 – JUDICIAL AND RELATED OFFICES

25. Clause 3.1 specifies the Principal Determination (Number 9 of 2014) for the purposes of Part 3 of the Determination.
26. Clauses 3.2 and 3.3 include the concept of 'Reference Salary' for payment in lieu of leave on separation.
27. Clause 3.4 modifies arrangements for remuneration packaging.
28. Clause 3.5 adjusts numbering to maintain correct referencing to another clause.
29. Clause 3.6 includes new Definitions of Employer Superannuation Contribution and Reference Salary, modifies the definition of Total Remuneration to include additional items, and renumbers the remaining items.
30. Clause 3.7 replaces existing provisions on Remuneration Packaging, Superannuation, and Vehicles and includes new clauses on Business Support and payments on Separation, for office holders on Total Remuneration, to provide greater flexibility for office holders, and provide consistency with other public office holders.

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 2014/13

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 2014/12 Remuneration and Allowances for Holders of Full-Time Public Office, 2014/08 Remuneration and Allowances for Holders of Part-Time Public Office, and 2014/09 Judicial and Related Offices – Remuneration and Allowances.

The Determination removes all person specific remuneration determined for the former Chair, Australian Prudential Regulation Authority, CEO, Health Workforce Australia, Gene Technology Regulator, and Administrator, Norfolk Island, as these are no longer required.

In addition, the Determination:

- removes the accommodation and reunion travel allowances determined for the former Chief Executive Officer, Health Workforce Australia
- removes the reference to the travel provisions for the former Administrator, Norfolk Island
- sets accommodation and reunion travel allowances for the incoming Chief Executive Officer, Australian Sports Anti-Doping Authority, and the incoming Administrator, Norfolk Island – reunion and additional rec leave.
- sets remuneration for the new office of Student Identifiers Registrar and offices associated with the Australian Grape and Wine Authority.
- removes all reference to the Australia Council Boards due to a restructure and sets remuneration for the new Australia Council, Audit and Finance Standing Committee; Australia Council, Sector Strategy Panels and the Australia Council, Peer Assessment Panel.
- moves the National Film and Sound Archive from the Daily Fee structure to Annual Fees.
- clarifies the remuneration arrangements for the Defence Force Advocate.
- remove all reference to the Australian Workforce and Productivity Agency and the Pharmaceutical Benefits Pricing Authority as these bodies have been abolished.
- reflects the changes to the current superannuation environment for judicial and related offices paid on a total remuneration basis.

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.