



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2014/22: 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 as amended) for the purposes of Part 1 of the Determination.
5. Clauses 1.2 and 1.3 remove all reference to travel and recreation leave for the former Commonwealth Financial Officer for Norfolk Island.
6. Clauses 1.4 and 1.5 set accommodation and reunion travel allowances for the incoming Chief Executive Officer, Australian Transaction Reports and Analysis Centre.
7. Clause 1.6 sets the date of effect of Clauses 1.4 and 1.5.
8. Clauses 1.7 and 1.8 remove all reference to accommodation and reunion travel allowances for Mr Paul O'Connor, the former CEO, Comcare.
9. Clause 1.9 extends the end date of the specific remuneration paid to the current Chair/CEO, Clean Energy Regulator.
10. Clause 1.10 corrects the Determination Number of the *Compensation for Loss of Office for Holders of Public Office* Determination.
11. Clause 1.11 sets the date of effect of Clause 1.10.

PART 2 – PART-TIME OFFICES

12. Clause 2.1 specifies the Principal Determination (Number 08 of 2014 as amended) for the purposes of Part 2 of the Determination.
13. Clause 2.2 removes all reference to the Comcover Advisory Council. This Council has been dissolved.

14. Clause 2.3 removes all reference to the Medibank Private Ltd. Medibank Private Ltd is no longer a public entity.
15. Clause 2.4 removes all reference to Clause A7 as Medibank Private Ltd Board members are no longer in the Tribunal's jurisdiction.
16. Clause 2.5 changes the name of the Council. The associated fees and entitlements have not changed.
17. Clause 2.6 sets the date of effect of Clause 2.5.
18. Clause 2.7 sets remuneration for the office of Independent National Security Legislation Monitor.
19. Clause 2.8 sets the date of effect of Clause 2.7.
20. Clause 2.9 sets a personal rate for Dr Peta Seaton while she occupies the office of Chair, Australian Hearing Services.
21. Clause 2.10 sets the date of effect of Clause 2.9.
22. Clause 2.11 sets Audit Fees for the Reserve Bank of Australia Audit Committee members.

PART 3 – JUDICIAL AND RELATED OFFICES

23. Clause 3.1 specifies the Principal Determination (Number 09 of 2014 as amended) for the purposes of Part 3 of the Determination.
24. Clause 3.2 changes the basis of recreation leave accrual for office holders other than a Judge, from an annual accrual to a pro-rata accrual.
25. Clause 3.3 specifies the rate of remuneration to be used when paying out the balance of recreation leave for an office holder.
26. Clause 3.4 sets revised arrangements for compensation for loss of office provisions.
27. Clauses 3.5 to 3.12 removes all reference to the Executive Vehicle Scheme and replaces them with reference to the Department of Finance Fleet Vehicle Selection Policy, and includes an additional provision to maintain the current provisions in relation to small imported cars from selected manufacturers.
28. Clause 3.13 sets the date of effect of clauses 3.2 to 3.12.

Authority: Subsections 7(3), 7(4) and 7(4B)
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 2014/22

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 references to person specific clauses for the:

- former Commonwealth Financial Officer for Norfolk Island;
- former CEO, Comcare;
- former member, Medibank Private Ltd.

removes all reference to the following offices/bodies which have been abolished or are no longer within the Tribunal's jurisdiction:

- Comcover Advisory Council;
- Medibank Private Ltd.

In addition, the Determination:

- sets accommodation and reunion travel allowances for the incoming CEO, Australian Transaction Reports and Analysis Centre.
- extends the end date that the specified remuneration is to be paid to CEO/Chair of the Clean Energy Regulator.
- sets specific remuneration for the incoming Chair, Australian Hearing Services, remuneration for the new office of Independent National Security Legislation Monitor and Audit Fees for members of the Reserve Bank Audit Committee.
- amends an incorrect reference to a Determination number in the Full-Time Public Office Determination.
- amends the name of the Prime Minister's Science, Engineering and Innovation Council to the Commonwealth Science Council.
- sets revised arrangements for compensation for loss of office provisions for full-time offices included in the Judicial and Related Offices Determination. The determination has no retrospective impact, as entitlements accrue only on the date of termination, thereby only impacting offices terminated on or after 1 January 2015.
- removes all reference to the Executive Vehicle Scheme which has been replaced in the determination by the Department of Finance Fleet Vehicle Selection Policy, and allows continuation of any current guidelines in relation to small imported cars from selected manufacturers.

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