



REMUNERATION TRIBUNAL

**Determination 2014/22:
Remuneration and Allowances for Holders of Public Office
including Judicial and Related Offices**

- (i) Pursuant to subsections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*, the Remuneration Tribunal has inquired into the remuneration and allowances to be paid to certain holders of public office, and other matters significantly related thereto, and determines as set out below.
- (ii) This Determination takes effect on and from the day following the day it is registered in the Federal Register of Legislative Instruments unless otherwise specified.

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PART 1 – FULL-TIME OFFICES

- 1.1** In this part, Determination Number 12 of 2014 (as amended) is referred to as the Principal Determination.
- 1.2** Part 4 of the Principal Determination is amended by deleting Clause 4.1.4.
- 1.3** Part 5 of the Principal Determination is amended by deleting Clause 5.1.1.
- 1.4** Table 3A of Part 3 of the Principal Determination is amended by inserting the following entry after the entry for "Mr Bruce Gosper, Chief Executive Officer, Austrade":

Column 1	Column 2	Column 3
Mr Paul Jevtovic	Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$40,000

- 1.5** Table 3B of Part 3 of the Principal Determination is amended by inserting the following entry after the entry for "Mr Timothy Wilson, Human Rights Commissioner, Australian Human Rights Commission":

Column 1	Column 2	Column 3
Mr Paul Jevtovic	Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$14,736

- 1.6** Clauses 1.4 and 1.5 take effect on and from 17 November 2014.
- 1.7** Table 3A of Part 3 of the Principal Determination is amended by deleting the entry for "Mr Paul O'Connor, Chief Executive Officer, Comcare".
- 1.8** Table 3B of Part 3 of the Principal Determination is amended by deleting the entry for "Mr Paul O'Connor, Chief Executive Officer, Comcare".
- 1.9** Clause 2.2.4 in Part 2 of the Principal Determination is amended by replacing the wording "31 December 2014" with "28 February 2015".

- 1.10** Clause 6.1 of Part 6 of the Principal Determination is amended by replacing "2012/10" with "2014/17".
- 1.11** Clause 1.10 takes effect on and from 13 August 2014.

PART 2 – PART-TIME OFFICES

- 2.1** In this part, Determination Number 08 of 2014 (as amended) is referred to as the Principal Determination.
- 2.2** Table B3 of Schedule B of the Principal Determination is amended by deleting the entry for "Comcover Advisory Council".
- 2.3** Table A to Schedule A of the Principal Determination is amended by deleting the entry for "Medibank Private Ltd".
- 2.4** Schedule A of the Principal Determination is amended by deleting Clause A7 in the Additional Sub-clauses to Table A.
- 2.5** Table B3 of Schedule B of the Principal Determination is amended by replacing the name "Prime Minister's Science, Engineering and Innovation Council" with the following name "Commonwealth Science Council".
- 2.6** Clause 2.5 takes effect on and from 14 October 2014.
- 2.7** Table A of Schedule A of the Principal Determination is amended by inserting the following entry after the entry for "Foreign Investment Review Board":

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Independent National Security Legislation Monitor	102,400				1

- 2.8** Clause 2.7 takes effect on and from 1 December 2014.
- 2.9** Schedule A of the Principal Determination is amended by inserting the following sentence after the heading Australian Hearing Services at Clause A15 of the Additional Sub-Clauses to Table A as follows "While Dr Peta Seaton, occupies the office of Chair, she will receive an annual fee of \$51,280 and not the amount specified in column 2."
- 2.10** Clause 2.9 takes effect on and from 16 December 2014.
- 2.11** Table A of Schedule A of the Principal Determination is amended by inserting "A1" in Column 5 of the entry for Reserve Bank of Australia.

PART 3 – JUDICIAL AND RELATED OFFICES

- 3.1** In this part, Determination Number 09 of 2014 (as amended) is referred to as the Principal Determination.
- 3.2** Clause 2.7 (ii) (b) of Part 2 of the Principal Determination is amended by replacing the words "1 January each year" with "a pro rata basis".
- 3.3** Sub clause 2.7.1 (ii) of Part 2 of the Principal Determination is amended by inserting the following after the word "office" as follows "calculated using the office holder's base salary, or, in the case of office holders included in Part 5 of this Determination, in accordance with clause 5.8."
- 3.4** Part 2 of the Principal Determination is amended by replacing Clause 2.8 and all its sub clauses to and including 2.8.4 with the following:

2.8 Separation benefits: The separation benefits of an office holder other than a Judge are to be determined in accordance with the following sub-clauses.

2.8.1. There is no entitlement to separation benefits under Clause 2.8.3 where:

- (i) the person served the full term of appointment;
- (ii) the person was appointed on a part-time basis and is paid in accordance with clause 2.4, 2.5 or 2.6;
- (iii) the appointment was terminated prematurely for reasons of misbehaviour or unsatisfactory performance; or
- (iv) the appointment was terminated prematurely on account of mental or physical incapacity; or
- (v) the person resigns or retires; or
- (vi) the person's appointment was terminated prematurely because the person became bankrupt, applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with his or her creditors, or made an assignment of his or her remuneration for the benefit of his or her creditors.

2.8.2 Subject to Clause 2.8.1, where a person's appointment to a public office is terminated prematurely, the Commonwealth may elect to offer suitable alternative employment (including in a Commonwealth company or authority).

2.8.2.1 For the purposes of Clause 2.8.2 an offer of suitable alternative employment is taken to have been made to the person if the person is on leave without pay or some other form of authorised absence from APS employment and is able to resume that employment following the termination of their appointment.

2.8.3 Where the Commonwealth does not offer suitable alternative employment under Clause 2.8.2, the Commonwealth will pay the office holder one-third of one month's base salary, or Reference Salary in the case of an office holder remunerated under Part 5, per month of service remaining, in lieu of obligations such as provision of notice or payment instead of notice or redundancy pay and subject to:

- (i) a minimum payment of four month's base salary or Reference Salary; and
- (ii) a maximum payment of one year's base salary or Reference Salary.

2.8.4 Under Clause 2.8.3, the Commonwealth may calculate service remaining by excluding any period of Commonwealth service in alternative employment to be performed during the remaining term of the appointment where the alternative employment commenced immediately after the termination. The Commonwealth may require an office holder to sign a release in return for the payment.

3.5 Clause 4.1 of Part 4 of the Principal Determination is amended by replacing sub clause 4.1.2 with the following: "**Fleet Vehicle Selection (FVS) Policy**, means Commonwealth Department of Finance policy on selection of passenger vehicles for the Australian Government Fleet;"

- 3.6** Clause 4.1 of Part 4 of the Principal Determination is amended by deleting sub clause 4.1.6.
- 3.7** Clause 4.2 of Part 4 of the Principal Determination is amended by inserting the following sentence at the end of the sub clause 4.2.1. "The FVS Policy applies, except as specified in 4.2.2."
- 3.8** Clause 4.2 of Part 4 of the Principal Determination is amended by adding sub clause 4.2.2 after 4.2.1 as follows.
- 4.2.2** Guidelines must provide for choice of an Australian-made vehicle from the FVS Policy list. Where guidelines in place at the date of this determination allowed for choice of an imported vehicle of 2000cc or less from Holden, Ford, Toyota or Nissan, in accordance with the Australian Public Service Executive Vehicle Scheme, that option can continue to be offered.
- 3.9** Clause 4.3 (i) of Part 4 of the Principal Determination is amended by replacing (i) with the following: "(i) a Commonwealth-provided privately plated vehicle leased in accordance with the FVS Policy, and subject to any guidelines issued in accordance with 4.2; or":
- 3.10** Clause 4.4 (i) of Part 4 of the Principal Determination is amended by replacing (i) with the following: "(i) a Commonwealth-provided privately plated vehicle leased in accordance with the FVS Policy, and subject to any Guidelines issued in accordance with 4.2; or".
- 3.11** Clause 4.5 (i) of Part 4 of the Principal Determination is amended by replacing (i) with the following: "(i) a Commonwealth-provided privately plated vehicle leased in accordance with the FVS Policy, and subject to any Guidelines issued in accordance with 4.2; or".
- 3.12** Clause 4.7 of Part 4 of the Principal Determination is amended by replacing the words "under the EVS Policy" with the following words "provided by the Commonwealth".
- 3.13** Clauses 3.2 to 3.12 take effect on and from 1 January 2015.

Signed on this 16th day of December 2014

Signed
John C Conde AO
PRESIDENT

Signed
John B Prescott AC
MEMBER