



## REMUNERATION TRIBUNAL

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# **Explanatory Statement: Determination 2015/09: Remuneration and Allowances for Holders of Public Office**

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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 07 of 2015) for the purposes of Part 1 of the Determination.
5. Clause 1.2 sets remuneration for the new office of Australian Border Force Commissioner.
6. Clause 1.3 sets remuneration for the new office of Children's e-Safety Commissioner.
7. Clause 1.4 sets remuneration for the new office of Chief Executive Officer, Digital Transformation Office.
8. Clause 1.5 sets the date of effect of clauses 1.2, 1.3 and 1.4.
9. Clauses 1.6 to 1.18 implement changes arising from the amalgamation of the Migration Review Tribunal (MRT), Refugee Review Tribunal (RRT), Social Security Appeals Tribunal (SSAT) and Administrative Appeals Tribunal. The amalgamated tribunal is known as the Administrative Appeals Tribunal (AAT).
10. Clause 1.6 deletes all references to the Principal Member MRT, Principal Member RRT and Principal Member SSAT. These offices will not exist in the amalgamated AAT. It also deletes the reference to the Registrar AAT as this office has been moved to the Judicial and Related Offices Determination.
11. Clauses 1.7 to 1.17 implement transitional arrangements in accordance with Item 5 of Schedule 9 to the *Tribunals Amalgamation Act 2015* for members of the amalgamated AAT who were formerly full-time office holders of the MRT, RRT or SSAT for the duration of the appointment that commenced prior to 1 July 2015. The effect of these clauses is to maintain the remuneration and related matters for the specified office holders of the respective former tribunals as they applied prior to commencement of the amalgamated AAT, for the duration of the appointment that commenced prior to 1 July 2015.

12. Clause 1.18 sets the date of effect of clauses 1.6 to 1.17.
13. Clause 1.19 removes all reference to the Chief Executive Officer, National Water Commission. The Commission has been abolished.

## **PART 2 – PART-TIME OFFICES**

14. Clause 2.1 specifies the Principal Determination (Number 08 of 2015) for the purposes of Part 2 of the Determination.
15. Clauses 2.2 to 2.7 implement changes arising from the amalgamation of the MRT, RRT, SSAT and AAT.
16. Clauses 2.2 to 2.7 implement transitional arrangements in accordance with Item 5 of Schedule 9 to the *Tribunals Amalgamation Act 2015* for members of the amalgamated AAT who were formerly part-time office holders of the MRT, RRT or SSAT for the duration of the appointment that commenced prior to 1 July 2015. The effect of these clauses is to maintain the remuneration and related matters for the specified office holders of the respective former tribunals as they applied prior to commencement of the amalgamated AAT for the duration of the appointment that commenced prior to 1 July 2015. The only changes are included in Clause 2.6 and 2.7, relating to certification of official business prior to payment, previously the responsibility of the respective Principal Member.
17. Clause 2.8 sets the date of effect of Clauses 2.2 to 2.7.
18. Clause 2.9 sets remuneration for the Chair and Members of the Ministerial Council on Asylum Seekers and Detention.
19. Clause 2.10 sets the date of effect of Clause 2.9.
20. Clause 2.11 reinstates fees for the office of CSIRO Advisory Committees as a new advisory committee has been established. The previous fees have not changed.
21. Clause 2.12 sets the date of effect of Clause 2.11.
22. Clause 2.13 removes all reference to the National Water Commission. The Commission has been abolished.

## **PART 3 – SPECIFIED STATUTORY OFFICES (SSOs)**

23. Clause 3.1 specifies the Principal Determination (Number 03 of 2015) for the purposes of Part 3 of the Determination.
24. Clause 3.2 removes the CEO, Australian Customs and Border Protection Service from the SSOs Determination. This office no longer exists.
25. Clause 3.3 sets the date of effect of Clause 3.2.

**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 2015/09**

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 2015/07: Remuneration and Allowances for Holders of Full-Time Public Office, 2015/08: Remuneration and Allowances for Holders of Part-Time Public Office and Determination 2015/03: Specified Statutory Offices – Remuneration and Allowances.

The Determination sets remuneration for the following new offices:

- Australian Border Force Commissioner
- Children's e-Safety Commissioner
- Chief Executive Officer, Digital Transformation Office

The Determination removes all reference to the National Water Commission. The Commission has been abolished. The Determination also sets remuneration for the offices of Chair and Members, Ministerial Council on Asylum Seekers and Detention.

The Determination reinstates the fees for the office of CSIRO Advisory Committees which was previously removed; the remuneration remains unchanged.

In addition, in accordance with the *Tribunals Amalgamation Act 2015* effective from 1 July 2015 a number of the offices have been abolished and removed from the Determination.

The offices are as follows:

- Principal Member, Migration Review Tribunal (MRT)
- Principal Member, Refugee Review Tribunal (RRT)
- Principal Member, Social Security Appeals Tribunal (SSAT)

The office of Registrar, Administrative Appeals Tribunal has been moved from the Full-Time Determination to the Judicial and Related Offices Determination.

The Determination implements transitional arrangements in accordance with Item 5 of Schedule 9 to the *Tribunals Amalgamation Act 2015* for members of the amalgamated AAT who were formerly office holders of the MRT, RRT or SSAT for the duration of the appointment that commenced prior to 1 July 2015. The effect of these clauses is to maintain the remuneration and related matters for the specified office holders of the respective former tribunals as they applied prior to commencement of the amalgamated AAT for the duration of the appointment that commenced prior to 1 July 2015. The exception is that there have been some changes to the certification arrangements for payment of part-time daily fees.

The Determination removes the CEO, Australian Customs and Border Protection Service, as the office has been abolished.

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**