



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2016/01: Remuneration and Allowances for Holders of Public Office, Judicial and Related Offices and Principal Executive Office

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 21 of 2015) for the purposes of Part 1 of the Determination.
5. Clauses 1.2 and 1.3 correct a remuneration error in the original Determination for the office of Chief Commissioner and Chief Executive Officer, and correct the name of the Authority from the Australian Skills Quality Agency to the Australian Skills Quality Authority.
6. Clause 1.4 sets the date of effect of clauses 1.2 and 1.3.
7. Clause 1.5 removes all references to the Chief Executive Officer Health Workforce Australia, the Chief Executive Officer ComSuper and the Coordinator-General for Remote Indigenous Services. These offices have been abolished. The clause also removes all reference to the Private Health Insurance Ombudsman. The office functions have been transferred to the Office of the Commonwealth Ombudsman.
8. Clause 1.6 removes transitional arrangements for the Australian Accounting Standards Board, Chair. The clause is no longer applicable.
9. Clause 1.7 removes the clause number from the Chair, Australian Accounting Standards Board entry. This provision expired on 31 December 2015.
10. Clauses 1.8 and 1.9 remove all reference to accommodation and reunion travel allowances for Mr T Wilson, the former Human Rights Commissioner.
11. Clause 1.10 sets remuneration for the new office of Australian Small Business and Family Enterprise Ombudsman.
12. Clause 1.11 sets the date of effect of clause 1.10.

13. Clause 1.12 corrects the name of the body. The associated office fees and entitlements have not changed.

PART 2 – PART-TIME OFFICES

14. Clause 2.1 specifies the Principal Determination (Number 20 of 2015) for the purposes of Part 2 of the Determination.
15. Clause 2.2 deletes specific provisions for the Climate Change Authority Associate Member, the Australian Accounting Standards Board and the Auditing and Assurance Standards Board. These clauses are no longer applicable.
16. Clause 2.3 removes the clause number from the Climate Change Authority Associate Member entry. This provision expired on 31 December 2015.
17. Clause 2.4 removes the clause number from the Australian Accounting Standards Board (AASB) entry. This provision expired on 31 December 2015.
18. Clause 2.5 removes the clause number from the Auditing and Assurance Standards Board (AuASB) entry. This provision expired on 31 December 2015.
19. Clauses 2.6 and 2.7 set specific remuneration for the new office of Associate Member (Agriculture), Australian Competition and Consumer Commission.
20. Clauses 2.8 to 2.11 set remuneration for the new offices of Co-Chair, Referendum Council and members of the Referendum Council.
21. Clause 2.12 sets the date of effect of clauses 2.8 to 2.11.
22. Clause 2.13 sets remuneration for the new offices of the Australian Medical Research Advisory Board.
23. Clause 2.14 corrects the name of the office. The associated fees and entitlements have not changed.
24. Clause 2.15 deletes all reference to the Pathology Services Table Committee. This committee no longer exists.
25. Clause 2.16 sets a person specific member fee for the Hon Michael Knight AO as a former member of state parliament in receipt of a superannuation pension. There is no change to the Audit and Committee fee.
26. Clause 2.17 sets the date of effect of clause 2.16.
27. Clause 2.18 clarifies that the Chair of ASC Pty Ltd is not eligible for additional remuneration for Board sub-committees.

PART 3 – JUDICIAL AND RELATED OFFICES

28. Clause 3.1 specifies the Principal Determination (Number 18 of 2015) for the purposes of Part 3 of the Determination.
29. Clause 3.2 amends a section number as a result of renumbering certain provisions of the *Administrative Appeals Tribunal Act 1975*. It also corrects the year of the Act which was an error in the original Determination.

PART 4 – PRINCIPAL EXECUTIVE OFFICE

30. Clause 4.1 specifies the Principal Determination (Number 19 of 2015) for the purposes of Part 4 of the Determination.
31. Clause 4.2 provides for a partner and/or child/children to access reunion fares to reunite with an eligible office holder who is based away from their normal place of residence, where the demands of work prevent the office holder from travelling home. Travel is at economy class and is funded from the office holder's existing reunion travel entitlement.

Authority: Subsections 7(3), 7(4), 7(4B) and 5(2A)
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 2016/01

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:

2015/21: Remuneration and Allowances for Holders of Full-Time Public Office;
2015/20: Remuneration and Allowances for Holders of Part-Time Public Office;
2015/18: Judicial and Related Offices – Remuneration and Allowances; and
2015/19: Principal Executive Office – Classification Structure and Terms and Conditions.

The Determination removes all reference to the following offices/bodies which have been abolished or absorbed into Government Departments:

- Chief Executive Officer, Health Workforce Australia;
- Chief Executive Officer, Comsuper;
- Private Health Insurance Ombudsman;
- Coordinator-General for Remote Indigenous Services; and
- Pathology Services Table Committee

The Determination also removes clauses that expired on 31 December 2015 for:

- Climate Change Authority Associate Member;
- Australian Accounting Standards Board, Chair; and
- Auditing and Assurance Standards Board.

In addition, the Determination:

- amends a remuneration error in the original Determination set for the Chief Commissioner and Chief Executive Officer, Australian Skills Quality Agency and corrects the name of the body;
- sets remuneration for the new office of Australian Small Business and Family Enterprise Ombudsman;
- removes all reference to allowances for Mr Tim Wilson, who has resigned as Human Rights Commissioner;
- sets remuneration for the new offices of Co-Chair and Members, Referendum Council;
- sets remuneration for the new offices of Chair and Member, Australian Medical Research Advisory Board;
- sets specific remuneration for the new office of Australian Competition and Consumer Commission – Associate Member (Agriculture);
- corrects the names of the Australian Skills Quality Authority; Moorebank Intermodal Company Limited and the National Disability Insurance Scheme Launch Transition Agency;
- sets a person specific member fee for the Hon Michael Knight AO, Member of Australian Hearing Services, who is a former member of a state parliament in receipt of a superannuation pension;
- clarifies that the Chair of ASC Pty Ltd is not entitled to receive additional remuneration as a member of a board sub-committee;
- amends a section number as a result of renumbering certain provisions of the *Administrative Appeals Tribunal Act 1975*, and corrects the year of the Act, which was an error in the original Determination; and
- provides that a partner and/or children may access an eligible office holder's reunion travel entitlements at economy class where work prevents the office holder from travelling home.

The instrument maintains the principle of fair, and current, remuneration for work performed.

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.

Remuneration Tribunal