



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2016/02: Remuneration and Allowances for Holders of Public Office 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 *Legislation 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 as amended) for the purposes of Part 1 of the Determination.
5. Clause 1.2 sets remuneration for the new office of Chief Executive Officer, Australian Digital Health Agency.
6. Clause 1.3 sets increased remuneration for the Inspector-General Australian Defence Force.
7. Clause 1.4 sets the date of effect of clause 1.3.
8. Clause 1.5 sets personal remuneration for the current Parliamentary Budget Officer until the expiration of his term of appointment.

PART 2 – PART-TIME OFFICES

9. Clause 2.1 specifies the Principal Determination (Number 20 of 2015 as amended) for the purposes of Part 2 of the Determination.
10. Clause 2.2 removes all reference to the Defence Science and Technology Organisation Advisory Board. These offices have been abolished.
11. Clause 2.3 removes the clause number from the Referendum Council, Co-Chair entry. This provision expired on 31 December 2015.
12. Clause 2.4 removes all reference to an obsolete clause.
13. Clause 2.5 removes the clause number from the Referendum Council. This provision expired on 31 December 2015.
14. Clause 2.6 removes all reference to an obsolete clause.

15. Clauses 2.7 and 2.8 set remuneration for the new offices of Chair and Member of the Australian Digital Health Agency Board.
16. Clause 2.9 sets remuneration for the new office of Member of the Australian Digital Health Agency – Standing Advisory Committees.

PART 3 – PRINCIPAL EXECUTIVE OFFICE

17. Clause 3.1 specifies the Principal Determination (Number 19 of 2015 as amended) for the purposes of Part 3 of the Determination.
18. Clause 3.2 clarifies the clause to make it clear that any provisions for performance pay do not apply where the Tribunal has previously consented to the removal of this entitlement.

Authority: Subsections 7(3) and 7(4)
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 2016/02

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;
2015/19: Principal Executive Office – Classification Structure and Terms and Conditions.

The Determination removes all references to the Defence Science and Technology Organisation Advisory Board. This Board has been abolished.

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

- Referendum Council, Co-Chair; and
- Referendum Council.

In addition, the Determination:

- sets remuneration for the new offices of Chief Executive Officer, Chair and Member of the Australian Digital Health Agency Board and members of the Standing Advisory Committees;
- sets increased remuneration due to the expanded role of the Inspector-General Australian Defence Force;
- sets personal remuneration for the current Parliamentary Budget Officer until his term of appointment ceases; and
- clarifies that performance pay is not available to a PEO where the Tribunal has consented to an alternate arrangement for a particular office.

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