



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2016/05: Remuneration and Allowances for Holders of Public Office and Official Travel by Office Holders

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 increased remuneration for the Administrator of Norfolk Island.
6. Clause 1.3 sets the commencement date of clause 1.2.

PART 2 – PART-TIME OFFICES

7. Clause 2.1 specifies the Principal Determination (Number 20 of 2015 as amended) for the purposes of Part 2 of the Determination.
8. Clauses 2.2 and 2.3 set remuneration and the daily fee cap for the new office of Inspector-General of Biosecurity.
9. Clause 2.4 sets the commencement date of clauses 2.2 and 2.3.
10. Clauses 2.5 and 2.6 set increased remuneration for the offices of the National Disability Insurance Scheme Launch Transition Agency, remove a remuneration loading that applied during the initial establishment period and maintain remuneration for existing office holders previously in receipt of the establishment loading.
11. Clause 2.7 sets the commencement date of clauses 2.5 and 2.6.

PART 3 – TRAVEL ALLOWANCE – OFFICE HOLDERS

12. Clause 3.1 specifies the Principal Determination (Number 11 of 2015) for the purposes of Part 3 of the Determination.
13. Clauses 3.2 and 3.3 amend the motor vehicle allowance provisions by removing Table 4A and any reference to the table and replacing the previous three cents per kilometre rates with a single motor vehicle rate of 66 cents per kilometre.
14. Clause 3.4 sets the commencement date of clauses 3.2 and 3.3.

Authority: Subsections 5(2A), 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 2016/05

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; and
2015/11: Official Travel by Office Holders.

The Determination:

- sets increased remuneration for the Administrator of Norfolk Island due to changes in the governance and economic arrangements in place on the Island;
- sets remuneration for the new office of Inspector-General of Biosecurity on its establishment; and
- increases remuneration and removes an initial establishment loading for the offices of the National Disability Insurance Scheme Launch Transition Agency. Remuneration maintenance arrangements are also put in place for existing office holders formerly in receipt of the establishment loading.

The Determination also replaces the current references to the three motor vehicle allowance rates with one rate with effect from the commencement of the new financial year. This amendment, foreshadowed by the Tribunal in its 29 February 2016 statement is a result of changes made by the Australian Taxation Office (announced by the Government in the 2015 budget) to the way in which taxpayers may claim motor vehicle expenses in their tax returns.

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