



## REMUNERATION TRIBUNAL

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# **Explanatory Statement: Determination 2016/09: Remuneration and Allowances for Holders of Public Office and Judicial and Related Offices**

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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 *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 removes reference to Chief Executive Officer CrimTrac from Table 2A of the determination. The agency functions form part of a new criminal intelligence agency established from 1 July 2016. The clause also removes all reference to the Chief Executive Officer, National Health Performance Authority. The activities of the agency have been transferred to the Australian Institute of Health and Welfare and the Australian Commission on Safety and Quality in Health Care. The clause also removes the entry for the Commonwealth Financial Officer for Norfolk Island. The office has been repealed by the *Norfolk Island Legislation Amendment Act 2015*.
6. Clause 1.3 removes reference to the Chief Executive Officer, CrimTrac from Table 3A. The clause is no longer applicable.
7. Clause 1.4 amends the Travel Tier applying to former Members of the Social Security Appeals Tribunal whose existing appointment continues within the Administrative Appeals Tribunal.
8. Clauses 1.5 and 1.6 set accommodation allowance and reunion fares allowance for the Sex Discrimination Commissioner, Australian Human Rights Commission.
9. Clause 1.7 sets the commencement date of Clauses 1.5 and 1.6.
10. Clause 1.8 sets remuneration for the office of the Chief Executive Officer, Innovation and Science Australia.
11. Clause 1.9 sets additional remuneration incorporating a loading for a fixed period for the inaugural Chief Executive Officer, Innovation and Science Australia.
12. Clause 1.10 sets the commencement date of Clauses 1.8 and 1.9.

13. Clause 1.11 sets remuneration for the office of the Chief Executive Officer, Northern Australia Infrastructure Facility.
14. Clause 1.12 sets additional remuneration incorporating a loading for a fixed period for the inaugural Chief Executive Officer, Northern Australia Infrastructure Facility.
15. Clause 1.13 sets the commencement date of Clauses 1.11 and 1.12.

## **PART 2 – PART-TIME OFFICES**

16. Clause 2.1 specifies the Principal Determination (Number 20 of 2015 as amended) for the purposes of Part 2 of the Determination.
17. Clause 2.2 removes all reference to the Australian Government Reconstruction Inspectorate. The office has been abolished.
18. Clause 2.3 removes all reference to the National Health Performance Authority. The office functions have been transferred to the Australian Institute of Health and Welfare and the Australian Commission for Safety and Quality in Health Care.
19. Clause 2.4 amends the Travel Tier applying to former Members of the Social Security Appeals Tribunal whose existing appointment continues within the Administrative Appeals Tribunal.
20. Clause 2.5 sets increased remuneration for the office of the Independent National Security Legislation Monitor.
21. Clause 2.6 sets remuneration for the Chair and Members of the Emissions Reduction Assurance Committee.
22. Clause 2.7 amends the Travel Tier applying to the Chair of the Innovation Australia Board. The current name of the Board is retained pending passage of amending legislation.
23. Clause 2.8 sets the commencement date of Clause 2.7.
24. Clause 2.9 sets remuneration for the Chair and Members of the Northern Australia Infrastructure Facility Board.
25. Clause 2.10 sets additional remuneration incorporating a loading for a fixed period for the inaugural Chair of the Northern Australia Infrastructure Facility Board and a person specific rate of remuneration for Board member, Mr Barry Coulter.
26. Clause 2.11 sets the commencement date of Clauses 2.9 and 2.10.

## **PART 3 – JUDICIAL AND RELATED OFFICES**

27. Clause 3.1 specifies the Principal Determination (Number 18 of 2015 as amended) for the purposes of Part 3 of the Determination.
28. Clauses 3.2 and 3.3 amend the basis of remuneration for the Assessor (Full-time) of the Federal Court of Australia from Base salary to Total Remuneration.

**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 2016/09**

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:

2015/21: Remuneration and Allowances for Holders of Full-Time Public Office;  
2015/20: Remuneration and Allowances for Holders of Part-Time Public Office; and  
2018/2015: Judicial and Related Offices – Remuneration and Allowances.

The Determination removes all references to the following offices/bodies which have been abolished or absorbed into other Government agencies:

- Australian Government Reconstruction Inspectorate
- National Health Performance Authority
- Commonwealth Financial Officer for Norfolk Island
- CrimTrac

In addition, the Determination:

- sets remuneration for the new office of the Chief Executive Officer, Innovation and Science Australia, including an additional fixed loading for a specified period in recognition of additional responsibilities during the initial phase;
- sets remuneration for the new office of the Chief Executive Officer, Northern Australia Infrastructure Facility including a higher level of remuneration for the appointee for a fixed period in recognition of additional responsibilities during the financial assistance phase;
- sets increased remuneration for the Independent National Security Legislation Monitor due to the expanded responsibilities of the office;
- sets specific remuneration for the Chair and Members of the Emissions Reduction Assurance Committee, previously remunerated in accordance with the Determination 2015/20 unspecified rates;
- sets remuneration for the new offices of the Chair and Members of the Northern Australia Infrastructure Facility Board, including an additional loading for the Chair for a fixed period in recognition of additional responsibilities during the initial phase, and a person specific member fee for Mr Barry Coulter, a former Northern Territory parliamentarian in receipt of a superannuation pension;
- amends the remuneration for the Assessor (Full-time) of the Federal Court of Australia by moving it from a Base Salary basis to a Total Remuneration basis;
- amends the Travel Tier applying to the Chair of the Innovation Australia Board;
- amends the Travel Tier applying to former Members of the Social Security Appeals Tribunal whose existing appointment continues within the Administrative Appeals Tribunal (AAT). This increases travel entitlements for these office holders to the same level as other AAT members; and
- sets accommodation and reunion fares allowance for the new Sex Discrimination Commissioner.

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**