



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2016/10: Remuneration and Allowances for Holders of Public Office

1. The *Remuneration Tribunal Act 1973* (the Act) establishes the Remuneration Tribunal (the Tribunal) as an independent statutory authority responsible for reporting on and determining the remuneration, allowances and entitlements of key Commonwealth office holders. These include members of Parliament, Judges of Federal Courts, most full-time and part-time holders of public offices and Principal Executive Offices.

Consultation

2. Section 11 of the Act advises that in the performance of its functions the Tribunal:
 - may inform itself in such manner as it thinks fit;
 - may receive written or oral statements;
 - is not required to conduct any proceeding in a formal manner; and
 - is not bound by the rules of evidence.
3. The Tribunal normally receives submissions on remuneration from a Portfolio Minister, or a Secretary, Program Manager or Employing Body (in respect of a principal executive office) with responsibility for the relevant office(s). The Tribunal will normally seek the views of the relevant Portfolio Minister prior to determining remuneration for an office.
4. The Tribunal may reach a decision based on the information provided in the submission and other publicly available information such as portfolio budget statements, annual reports, corporate plans, legislation and media releases. On occasion it may wish to meet with relevant parties or seek further information from the relevant Minister or person making the submission.
5. Amongst other relevant matters in deliberating on appropriate remuneration for an office the Tribunal informs itself on:
 - the main functions, responsibilities and accountabilities of the office;
 - the organisational structure, budget and workforce;
 - the requisite characteristics, skills or qualifications required of the office holder(s); and
 - the remuneration of similar, comparator, offices within its jurisdiction.

Chief Executive Officer of the National Disability Insurance Launch Transition Agency

6. The Tribunal received a submission from the Minister for Social Services requesting a review of remuneration for this office. The submission provided details on the expansion of the National Disability Insurance Scheme to full implementation from 1 July 2016.
7. In considering remuneration for the office the Tribunal also met with the Secretary for the Department of Social Services.

Aboriginal and Torres Strait Islander Social Justice Commissioner

8. There was no consultation on this matter as the amendments delete conditions applying to an office holder who resigned from the public office.

Retrospectivity

9. 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.

Details of the determination are as follows:

PART 1 – FULL-TIME OFFICES

9. Clause 1.1 specifies the Principal Determination (Number 21 of 2015 as amended) for the purposes of Part 1 of the Determination.
10. Clauses 1.2 and 1.3 remove all reference to Mr M Gooda, the Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission. Mr Gooda has resigned to take up another appointment.
11. Clause 1.4 sets increased total remuneration for the Chief Executive Officer of the National Disability Insurance Scheme Launch Transition Agency of \$522,240.
12. Clause 1.5 sets the commencement date, 1 July 2016, of Clause 1.4.

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 2016/10

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 Determination:
2015/21: Remuneration and Allowances for Holders of Full-Time Public Office.

The Determination:

- removes all reference to Mr M Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission. Mr Gooda has resigned to take up another appointment.
- sets increased remuneration for the Chief Executive Officer, of the National Disability Insurance Scheme Launch Transition Agency, due to the expansion of the scheme.

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