



## REMUNERATION TRIBUNAL

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### **Explanatory Statement: Determination 2017/01: Remuneration and Allowances for Holders of Public Office**

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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 expenses 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 (CEO), Australian Digital Health Agency*

6. The Tribunal received a submission from the Hon Sussan Ley MP, then Minister for Health and Aged Care, requesting reunion travel allowance for the incoming CEO. The submission provided the information required to consider the request, consistent with the Tribunal's *Guidelines on Geographic Relocation of Full-time Office Holders* (available on its website [www.remtribunal.gov.au](http://www.remtribunal.gov.au)).

#### *CEO, Austrade*

7. There was no consultation on this matter as the amendments remove conditions applying to an office holder whose term of appointment has ceased.

*Interim CEO, Aboriginal Hostels Limited (AHL)*

8. The Tribunal received a submission from the Chairperson of AHL, requesting the continuation of accommodation and reunion fares allowances for Mr Tony Usher upon his reappointment as Interim CEO, AHL. The submission provided the information required to consider the request, consistent with the Tribunal's *Guidelines on Geographic Relocation of Full-time Office Holders*.

*Digital Transformation Agency*

9. The Tribunal received correspondence from the Deputy Secretary, Department of the Prime Minister and Cabinet, advising of the change of name of the Executive Agency from Digital Transformation Office to Digital Transformation Agency. No additional consultation was required.

*Commissioner and Deputy Commissioner, Australian Building and Construction Commission*

10. The Tribunal received a submission from the Minister for Employment, Senator the Hon Michaelia Cash, outlining the responsibilities of these offices and seeking a determination of remuneration. Additional information was obtained from the Department. This, together with comprehensive information available from the establishing legislation and associated documents informed the Tribunal's decision.

*Fair Work Building Industry Inspectorate*

11. This office has been deleted from the determination as it has been replaced by the Australian Building and Construction Commissioner under the *Building and Construction Industry (Improving Productivity) Act 2016*.

*Special Building Industry Powers – Independent Assessor*

12. This office has been deleted from the determination, following its abolition as a result of the repeal of the *Fair Work (Building Industry) Act 2012* by the *Building and Construction Industry (Consequential and Transitional Provisions) Act 2016*. The Department of Employment confirmed that the office had been abolished.

*Productivity Commission – Associate Commissioner*

13. The Tribunal was advised by the Productivity Commission that the listing for the part-time statutory office was incomplete in the determination. The words "Associate Commissioner" were added to clarify the entry. No consultation was necessary.

*Therapeutic Goods Administration (TGA) specified professional committees*

14. The Tribunal received correspondence from the Hon Sussan Ley MP, then Minister for Health and Aged Care, requesting the removal of a number of professional committees listed in the Tribunal's part-time determination following the rationalisation of a number of the TGA's statutory committees via amendments to the Therapeutic Goods Regulations 1990. The former Minister also requested the removal of the Australian Therapeutic Good Advisory Council from the part-time determination as the Council has lapsed.
15. The former Minister also requested a determination of remuneration for two new professional committees, the Advisory Committee on Medicines and the Advisory Committee on Vaccines.

### *Scientific Advisory Group (Biosecurity)*

16. The Tribunal received a submission from the Secretary of the Department of the Agriculture and Water Resources, outlining the responsibilities of these offices and seeking determination of fees for the Scientific Advisory Group established under Biosecurity Regulation 2016. The Tribunal considered the submission together with the Regulation and additional information obtained from the Department.

### *Ambassador for Women and Girls and the Special Envoy for Human Rights*

17. The Tribunal received a submission from the Hon Julie Bishop MP, Minister for Foreign Affairs, seeking a determination of remuneration for these offices that were referred into the Tribunal's jurisdiction by the Minister Assisting the Prime Minister for the Public Service with effect from 13 February 2017.

### **Retrospectivity**

18. 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**

19. Clause 1.1 specifies the Principal Determination (Number 19 of 2016) for the purposes of Part 1 of the Determination.
20. Clause 1.2 sets reunion fares allowance for Mr Tim Kelsey, Chief Executive Officer, Australian Digital Health Agency.
21. Clause 1.3 sets the commencement date of Clause 1.2.
22. Clause 1.4 removes all references to Mr Bruce Gosper, the former Chief Executive Officer, Austrade as his term of appointment has expired.
23. Clauses 1.5, 1.6, 1.7 and 1.8 set accommodation allowance and reunion fares allowances for Mr Tony Usher, the Interim Chief Executive Officer, Aboriginal Hostels Limited for his current period of appointment.
24. Clause 1.9 sets the commencement date of Clauses 1.5, 1.6, 1.7 and 1.8.
25. Clauses 1.10 and 1.11 set remuneration for the offices of the Australian Building and Construction Commissioner and Deputy Commissioner.
26. Clause 1.12 sets the commencement date of Clauses 1.10 and 1.11.
27. Clauses 1.13 and 1.14 remove all references to the Director, Fair Work Building Industry Inspectorate. This office was replaced by the Australian Building and Construction Commissioner.
28. Clause 1.15 changes the name of the Digital Transformation Office to the Digital Transformation Agency following the government's announcement of its new name and expanded responsibilities.

#### **PART 2 – PART-TIME OFFICES**

29. Clause 2.1 specifies the Principal Determination (Number 18 of 2016) for the purposes of Part 2 of the Determination.
30. Clauses 2.2 and 2.3 remove all reference to the Special Building Industry Powers – Independent Assessor. This office was abolished by the *Building and Construction Industry (Consequential and Transitional Provisions) Act 2016*.
31. Clause 2.4 updates the title of the office of the Productivity Commission – Associate Commissioner.

32. Clause 2.5 removes a number of committees from the list of Specified Professional Committees (Table B4) following amendments to the Therapeutic Goods Regulations 1990 and removes a further council which has lapsed.
33. Clause 2.6 adds two new committees to the list of Specified Professional Committees.
34. Clause 2.7 sets the commencement date of Clauses 2.5 and 2.6.
35. Clause 2.8 sets remuneration for the newly constituted Scientific Advisory Group (Biosecurity).
36. Clause 2.9 sets the commencement date of Clause 2.8.
37. Clause 2.10 sets remuneration for the offices of Ambassador for Women and Girls and Special Envoy for Human Rights.
38. Clause 2.11 sets the commencement date of Clause 2.10.

**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 2017/01**

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:

2016/19: Remuneration and Allowances for Holders of Full-Time Public Office; and  
2016/18: Remuneration and Allowances for Holders of Part-Time Public Office.

The determination:

- sets reunion allowances for Mr Tim Kelsey, the newly appointed Chief Executive Officer, Australian Digital Health Agency;
- sets accommodation and reunion allowances for Mr Tony Usher, the Interim Chief Executive Officer, Aboriginal Hostels Limited upon his reappointment;
- renames the Digital Transformation Office as the Digital Transformation Agency; and
- updates the title of the office 'Productivity Commission - Associate Commissioner'.

In addition, the determination sets remuneration for the offices of:

- the Australian Building and Construction Commissioner and Deputy Commissioner established under the *Building and Construction Industry (Improving Productivity) Act 2016* (new offices);
- the newly constituted Scientific Advisory Group, established under Biosecurity Regulation 2016; and
- the Ambassador for Women and Girls and the Special Envoy for Human Rights which were referred into the Tribunal's jurisdiction on 13 February 2017.

The determination removes all reference to the following:

- the Special Building Industry Powers – Independent Assessor as the office has been abolished;
- the Director, Fair Work Building Industry Inspectorate as the office has been replaced by the Australian Building and Construction Commissioner; and
- Mr Bruce Gosper, the former Chief Executive Officer, Austrade whose term of appointment has ceased.

In addition, the determination:

- Removes a number of professional committees and councils from the list of Specified Professional Committees in the part-time determination and adds two new committees following the rationalisation of the number of Therapeutic Good Administration committees via amendments to the Therapeutic Goods Regulations 1990 and administrative action.

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**