



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2017/20: 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 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 including Specified Statutory 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.

National Health and Medical Research Council (NHMRC) Chief Executive Officer

6. The Tribunal received a submission from the Minister for Health, the Hon Greg Hunt MP, seeking a review of remuneration for the office of Chief Executive Officer (CEO), National Health and Medical Research Council, in conjunction with revocation of the Principal Executive Office (PEO) status of that office.

Veterans' Review Board (VRB), Principal Member, Part-time Senior Member and Member

7. The Tribunal received a letter from the Minister for Veterans' Affairs, the Hon Dan Tehan MP, along with a submission from the Principal Member, Veterans' Review Board, seeking a review of the remuneration for the full-time office of Principal Member, and the part-time offices of the Senior Member and Member of the Veterans' Review Board. The submission provided updated information on the functions and responsibilities of the offices.

Merit Protection Commissioner (MPC)

8. The Tribunal received a submission from the Minister Assisting the Prime Minister for the Public Service, Senator the Hon Michaelia Cash, seeking a review of remuneration for the office of Merit Protection Commissioner. The submission provided updated information on the functions and responsibilities of the office.

Aboriginal Hostels Limited (AHL) Chief Executive Officer

9. The Tribunal received a submission from the Chairperson, Dr Susan Gordon AM, seeking consideration of accommodation allowance and reunion fares for the office holder. The submission provided information on the officer holder's circumstances, consistent with the Tribunal's *Guidelines on Geographic Relocation of Full-time Office Holders* (Geographic Relocation Guidelines).

Administrator, Christmas and Cocos (Keeling) Islands

10. The Tribunal received a submission from the Minister for Regional Development, Senator the Hon Fiona Nash, seeking consideration of accommodation allowance and reunion fares for the office holder. The submission provided information on the officer holder's circumstances, consistent with the Tribunal's *Guidelines on Geographic Relocation of Full-time Office Holders* (Geographic Relocation Guidelines).

WSA Co Limited, Board

11. The Tribunal received a request from the Department of Finance to amend the reference to 'Western Sydney Airport Corporation Limited (WSA Co)', to 'WSA Co Limited' which is the correct name of the corporation.

Indigenous Business Australia (IBA), Finance, Investment and Performance Committee

12. The Tribunal received a submission from the Chair, Indigenous Business Australia, Mr Eddie Fry, seeking additional fees for members of the Board of IBA who are members of the Board's Finance, Investment and Performance Committee. The submission provided information on the functions and responsibilities of the sub-committee and the commitment required of the Chair and Members.

Education Investment Fund Advisory Board

13. The Tribunal received a request from the Department of Education and Training to remove the offices of Chair and Member, Education and Investment Fund Advisory Board, as the Education and Investment Fund program is no longer in operation.

Retrospectivity

14. 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.

The power to repeal, rescind and revoke, amend and vary

15. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Details of the determination are as follows:

PART 1 – FULL-TIME OFFICES

16. Clause 1.1 specifies the Principal Determination (Number 11 of 2017 as amended) for the purposes of Part 1 of the Determination.
17. Clause 1.2 sets remuneration for the office of Chief Executive Officer, National Health and Medical Research Council.
18. Clause 1.3 sets the commencement date of clause 1.2.
19. Clause 1.4 sets increased remuneration for the office of Principal Member, Veterans' Review Board.
20. Clause 1.5 sets reduced remuneration for the office of Merit Protection Commissioner.
21. Clause 1.6 sets person specific remuneration for the current Merit Protection Commissioner, Ms Annwyn Godwin, for the remainder of her current appointment.
22. Clause 1.7 sets the commencement date of Clauses 1.4, 1.5, and 1.6.
23. Clauses 1.8 and 1.9 set accommodation and reunion fare allowances for Mr Tony Usher, Chief Executive Officer, Aboriginal Hostels Limited.
24. Clause 1.10 sets the commencement date of Clauses 1.8 and 1.9.
25. Clause 1.11 sets a reunion fares allowance for Ms Natasha Griggs, the newly appointed Administrator, Christmas and Cocos (Keeling) Islands.
26. Clause 1.12 sets the commencement date of Clause 1.10.
27. Clause 1.13 removes a person specific allowance for Mr Barry Haase, Administrator, Christmas and Cocos (Keeling) Islands, whose term of appointment has ended.

PART 2 – PART-TIME OFFICES

28. Clause 2.1 specifies the Principal Determination (Number 10 of 2017 as amended) for the purposes of Part 2 of the Determination.
29. Clause 2.2 amends an incorrect name for the 'Western Sydney Airport Corporation Limited (WSA Co)' and replaces it with the name 'WSA Co Limited'.
30. Clause 2.3 and 2.4 set additional fees for members of the Board of Indigenous Business Australia who are appointed members of the Finance, Investment and Performance Committee.
31. Clause 2.5 sets the commencement date of Clauses 2.3 and 2.4.
32. Clause 2.6 sets remuneration for the Senior Member and Member, Veterans' Review Board.
33. Clause 2.7 sets the commencement date of Clause 2.6.
34. Clause 2.8 removes the offices of Chair and Member of the Education Investment Fund Advisory Board.

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 2017/20

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:

2017/11: Remuneration and Allowances for Holders of Full-Time Public Office;

2017/10: Remuneration and Allowances for Holders of Part-Time Public Office.

The determination:

- sets remuneration for the office of Chief Executive Officer, National Health and Medical Research Council;
- reduces remuneration for the Office of Merit Protection Commissioner, and sets personal remuneration for the current office holder, Ms Annwyn Goodwin, for the remainder of her current appointment;
- increases remuneration for the full-time office of Principal Member and the part-time offices of Senior Member and Member of the Veterans' Review Board;
- sets specific accommodation and reunion travel allowances for:
 - Mr Tony Usher, Chief Executive Officer, Aboriginal Hostels Limited;
 - Ms Natasha Griggs, Administrator, Christmas and Cocos (Keeling) Islands;
- rectifies an incorrect reference to 'Western Sydney Airport Corporation Limited (WSA Co)'. The amendment reflects the correct title of the corporation, which is 'WSA Co Limited';
- sets additional annual fees for members of the Board of Indigenous Business Australia who are also members of the Board's Finance, Investment and Performance Committee; and
- removes the offices of Chair and Member, Education Investment Fund Advisory Board.

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