



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2017/21: Remuneration and Allowances for Holders of Public Office and Judicial and Related Offices

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.

Australian Pesticides and Veterinary Medicines Authority (APVMA) Chief Executive Officer

6. The Tribunal received a submission from the Assistant Minister for Agriculture and Water Resources, the Hon Luke Hartsuyker MP, seeking consideration of an accommodation allowance for the office holder. The submission provided information on the office holder's circumstances, consistent with the Tribunal's *Guidelines on Geographic Relocation of Full-time Office Holders* (Geographic Relocation Guidelines).

Infrastructure and Project Financing Agency, Chief Executive Officer

7. The Tribunal received a submission from the Secretary of the Department of the Prime Minister and Cabinet, Dr Martin Parkinson AC PSM, seeking personal remuneration for the incoming CEO, Ms Leilani Frew.

Director-General of the Office of National Assessments

8. The Tribunal received a submission from the Secretary of the Department of the Prime Minister and Cabinet, Dr Martin Parkinson AC PSM, seeking a review of remuneration for the office. The submission provided updated information on the functions and responsibilities of the office, consistent with the recommendations in the report of the 2017 Independent Intelligence Review. The Tribunal set a person specific superannuation salary for Mr Nick Warner, the appointee to the office. This maintains his current superannuation arrangements consistent with the Commonwealth Superannuation Scheme legislation.

Australian Statistics Advisory Council (ASAC), Member

9. The Tribunal received a submission from the Australian Statistician, Mr David Kalisch, seeking an amendment to the Tribunal's Part-time Office determination to specify a nil fee and Tier 2 travel for the part-time office of Member of the Australian Statistics Advisory Council.

Australian Institute of Health and Welfare (AIHW) Ethics Committee, Chair and Member

10. The Tribunal received a letter from the Minister for Health, the Hon Greg Hunt MP, providing a submission from the Chair, AIHW, Mrs Louise Markus, seeking an increase in fees for the Chair and Members of the AIHW Ethics Committee. The submission provided updated information on the functions, workload, and responsibilities of the offices.

Wine Authority

11. The Tribunal received a request from the Department of Agriculture and Water Resources to amend the references to "the Australian Grape and Wine Authority" to "Wine Australia" consistent with the *Australian Grape and Wine Authority Amendment (Wine Australia) Act 2017*.

Judicial and Related Offices

12. The Tribunal reviewed its *Determination 2017/09: Judicial and Related Offices – Remuneration and Allowances* and arrangements for the provision of private plated vehicles in the context of the closure of vehicle manufacturing in Australia. The Tribunal sought the views of the Chief Justice of the High Court, the Chief Justices of the Federal Courts, and the Chief Executive and Principal Registrars of the High Court and Federal Court on the proposed new arrangements.
13. The new arrangements remove the requirement that vehicles be Australian-made, and provide an upper limit on the value of the vehicle at the level of the luxury car tax threshold (for non-fuel efficient cars), as mentioned in subsection 25 1(3A) of the *A New Tax System (Luxury Car Tax) Act 1999*. The *A New Tax System (Luxury Car Tax) Act 1999* is available online for free at <https://www.legislation.gov.au/Details/C2013C00099>.

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 an accommodation allowance for Dr Chris Parker, Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority.
18. Clause 1.3 sets the commencement date of clause 1.2.
19. Clauses 1.4 and 1.5 set person specific remuneration for Ms Leilani Frew, the incoming Chief Executive Officer, Infrastructure and Project Financing Agency.
20. Clause 1.6 sets the commencement date of clauses 1.4 and 1.5.
21. Clause 1.7 sets increased remuneration for the office of Director-General, Office of National Assessments.
22. Clause 1.8 sets person specific superannuation salary for Mr Nick Warner, the incoming Director-General, Office of National Assessments.
23. Clause 1.9 sets the commencement date of clauses 1.7 and 1.8.

PART 2 – PART-TIME OFFICES

24. Clause 2.1 specifies the Principal Determination (Number 10 of 2017 as amended) for the purposes of Part 2 of the Determination.
25. Clause 2.2 sets Travel Tier 2 and a nil fee for the office of Member, Australian Statistics Advisory Council.
26. Clause 2.3 sets the commencement date of clause 2.2.
27. Clause 2.4 sets an Annual fee in place of the Daily fee for the Chair, Australian Institute of Health and Welfare Ethics Committee.
28. Clause 2.5 sets increased remuneration for the Members of the Australian Institute of Health and Welfare Ethics Committee.
29. Clause 2.6 sets the commencement date of clauses 2.4 and 2.5.
30. Clause 2.7 amends the reference to the "Australian Grape and Wine Authority" to "Wine Australia".
31. Clause 2.8 amends the reference to the "Australian Grape and Wine Authority Selection Panel" to "Wine Australia Selection Panel".
32. Clause 2.9 sets the commencement date of clauses 2.7 and 2.8.

PART 3 – JUDICIAL AND RELATED OFFICES

33. Clause 3.1 specifies the Principal Determination (Number 09 of 2017 as amended) for the purposes of Part 3 of the Determination.
34. Clauses 3.2 to 3.10 set revised arrangements for the provision of private plated vehicles to judicial offices.

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 2017/21

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;

2017/09: Judicial and Related Offices – Remuneration and Allowances.

The determination:

- sets an accommodation allowance for Dr Chris Parker, Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority;
- sets person specific remuneration for the incoming Chief Executive Officer, Infrastructure and Project Financing Agency, Ms Leilani Frew;
- sets increased remuneration for the office of Director-General, Office of National Assessments;
- sets person specific superannuation salary for the incoming Director-General, Office of National Assessments, Mr Nick Warner;
- sets a nil fee and Travel Tier 2 for the office of Member, Australian Statistics Advisory Council;
- sets an Annual fee for the Chair, Australian Institute of Health and Welfare Ethics Committee, and sets an increased Daily fee for Members of the Australian Institute of Health and Welfare Ethics Committee;
- amends the name of the "Australian Grape and Wine Authority" to "Wine Australia" consistent with amendments to the *Australian Grape and Wine Authority Amendment (Wine Australia) Act 2017*.

The determination also amends Part 4 of the Judicial and Related Offices - Remuneration and Allowances, setting new arrangements for the provision of private plated vehicles to judicial offices. The new arrangements remove the requirement that vehicles be Australian-made and set an upper limit at the level of the luxury car tax threshold (for non-fuel efficient cars), as mentioned in subsection 25 1(3A) of the *A New Tax System (Luxury Car Tax) Act 1999*.

This 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