



## REMUNERATION TRIBUNAL

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# **Determination 2016/19: Remuneration and Allowances for Holders of Full-Time Public Office**

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**As amended.**

**Made under sub-sections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973***

**Consolidated by the Remuneration Tribunal Secretariat as at 13 April 2017 and  
incorporating amending determinations up to and including 2017/03: Remuneration  
and Allowances for Holders of Public Office and Judicial and Related Offices**

**Compilation No. 6**

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This Determination governs remuneration and allowances for the full-time Public Offices specified in Table 2A.

This Determination specifies the total value an Office Holder is to receive by way of salary and other benefits in respect of carrying out the functions and exercising the powers of his or her office. The salary and benefits provided for in this Determination must not be supplemented.

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## **PART 1 – GENERAL**

**1.1 Authority:** This Determination is issued pursuant to sub-sections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*.

**1.2 Effect of this determination:** This Determination takes effect on and from 8 December 2016 except where specified otherwise. It revokes and supersedes in full *Determination 2015/21: Remuneration and Allowances for Holders of Full-Time Public Office* (as amended).

**1.3 Definitions:** For the purposes of this Determination, the following definitions apply.

**‘Agency’** means the agency to which the Office Holder is attached, or the portfolio department, if the office holder is not attached to an agency.

**'Base Salary'** means the applicable amount specified in Clause 2.1 of this Determination.

**'Benefits'** means all non-monetary benefits provided at the employer's expense to or on behalf of an Office Holder as a personal benefit, including a vehicle (where provided – refer Clause 2.6), the value attributed by the Remuneration Tribunal to the Employer Superannuation Contribution (refer Clause 2.5) and any other benefits received by way of remuneration packaging (refer Clause 2.4)

**'Employer'** means the Commonwealth and includes any person authorised to exercise powers, perform acts, grant approvals or give directions for, or on behalf of, the Commonwealth.

**'Employer's Superannuation Contribution'** means:

- (a) in respect of a member of a Commonwealth defined benefit scheme (including the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme), the value attributed to the Employer's Superannuation Contribution in accordance with sub-clauses 2.5.1, 2.5.2, 2.5.4 or 2.5.5; or
- (b) in respect of a member of the Public Sector Superannuation Accumulation Plan, 15.4% of ordinary time earnings (OTE) for the office holder; or
- (c) in respect of a member of any other fund, the minimum level of employer superannuation contribution that would reduce to zero the charge percentage for that Office Holder under section 23 of the *Superannuation Guarantee (Administration) Act 1992*.

Contributions made on a salary sacrifice basis do not form part of the Employer's Superannuation Contribution: these are covered by clause 2.4 (Remuneration packaging).

**'Office Holder'** means the holder of an office listed in Column 1 of Table 2A of this Determination.

**'Total Remuneration'** is the amount shown in Clause 2.1 of this Determination. Total Remuneration represents the value, calculated at the total cost to the employer (including Fringe Benefits Tax), of:

- salary (including Base Salary), allowances or lump sum payments;
- Benefits; and
- the Employer's Superannuation Contribution

but does not include:

- facilities provided as business support as referred to in Part 2;
- allowances specified in Part 3;
- reimbursement of expenses incurred on geographic relocation following appointment as an Office Holder, in accordance with agency policies and practices where approved by the employer;
- travelling allowances and expenditure referred to in Part 4;
- any payment in lieu of recreation leave in accordance with Part 5; and
- any compensation for early loss of office in accordance with Part 6.

## PART 2 – REMUNERATION AND RELATED MATTERS

**2.1 Total Remuneration:** Office Holders are eligible for the annual amounts of Base Salary and Total Remuneration as set out in Columns 2 and 3 of Table 2A below, with effect from 8 December 2016, unless otherwise specified.

**TABLE 2A – FULL-TIME OFFICE HOLDERS – TOTAL REMUNERATION AND OTHER BENEFITS**

<u>Column 1</u> Office	<u>Column 2</u> Base Salary (per annum)	<u>Column 3</u> Total Remuneration for office (per annum)	<u>Column 4</u> Additional clauses applying	<u>Column 5</u> Travel Tier
Chair, Australian Prudential Regulation Authority (APRA)	\$584,920	\$835,590		1
Solicitor-General	\$519,110	\$731,140	2.2.10	1
Chairperson, Australian Competition and Consumer Commission (ACCC)	\$511,800	\$731,140		1
Chairperson, Australian Securities and Investments Commission (ASIC)	\$511,800	\$731,140		1
Deputy Chair, APRA	\$467,930	\$668,470		1
Australian Public Service Commissioner	\$475,250	\$678,920		1
Commissioner, Australian Federal Police	\$475,250	\$678,920		1
Member, APRA	\$438,690	\$626,690		1
Director-General of Security, Australian Security Intelligence Organisation	\$438,690	\$626,690	2.2.7	1
Australian Border Force Commissioner	\$424,060	\$605,800		1
Deputy Chairperson, ASIC	\$409,440	\$584,910		1
Chairman, Productivity Commission	\$402,130	\$574,470		1
Vice Chief of the Defence Force	\$402,130	\$574,470		1
Chief of Navy	\$383,860	\$548,360		1
Chief of Army	\$383,860	\$548,360		1
Chief of Air Force	\$383,860	\$548,360		1
Deputy Chairperson, ACCC	\$383,860	\$548,360		1
Director-General, Office of National Assessments	\$383,860	\$548,360		1
Vice President, Fair Work Commission	\$383,860	\$548,360	2.2.6	1
Chief Executive Officer, Australian Digital Health Agency	\$365,570	\$522,240		1
Australian Electoral Commissioner	\$365,570	\$522,240		1
Chair, Australian Energy Regulator	\$365,570	\$522,240		1
Chair/Chief Executive Officer, Clean Energy Regulator	\$365,570	\$522,240	2.2.4	1
Chair, Australian Communications and Media Authority (ACMA)	\$365,570	\$522,240		1

<b>Column 1</b> <b>Office</b>	<b>Column 2</b> <b>Base Salary</b> <b>(per annum)</b>	<b>Column 3</b> <b>Total Remuneration</b> <b>for office</b> <b>(per annum)</b>	<b>Column 4</b> <b>Additional clauses</b> <b>applying</b>	<b>Column 5</b> <b>Travel Tier</b>
Chief Executive Officer, Digital Transformation Agency	\$365,570	\$522,240		1
Chief Executive Officer, Austrade	\$365,570	\$522,240		1
Chief Executive Officer, National Disability Insurance Scheme Launch Transition Agency	\$365,570	\$522,240		2
Director of Public Prosecutions	\$381,240	\$522,240		1
Member, ASIC	\$365,570	\$522,240		1
Chief Executive Officer, Australian Crime Commission	\$347,300	\$496,130		1
Chief Executive, Australian Financial Security Authority	\$329,020	\$470,020		2
Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$329,020	\$470,020		2
Chief Scientist	\$329,020	\$470,020		1
Director, Bureau of Meteorology	\$329,020	\$470,020		2
Member, ACCC	\$329,020	\$470,020		1
Deputy President, Fair Work Commission	\$337,380	\$443,910	2.2.6	1
Information Commissioner	\$310,740	\$443,910		1
Chief Executive Officer, Independent Hospital Pricing Authority	\$310,740	\$443,910		1
Commonwealth Ombudsman	\$310,740	\$443,910		1
Examiner, Australian Crime Commission	\$310,740	\$443,910		1
Inspector-General of Intelligence and Security	\$310,740	\$443,910		1
Integrity Commissioner, Australian Commission for Law Enforcement Integrity	\$310,740	\$443,910		1
Australian Building and Construction Commissioner <i>Effective 13 February 2017, refer Det 2017/01</i>	\$292,460	\$417,800		2
Chief Commissioner, Australian Transport Safety Bureau	\$292,460	\$417,800		1
CEO, National Offshore Petroleum Safety and Environmental Management Authority	\$292,460	\$417,800		2
Chair, Tax Practitioners Board	\$292,460	\$417,800		1
Chief Executive Officer, Australian Commission on Safety and Quality in Health Care (ACSQHC)	\$292,460	\$417,800		1
Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority (ACARA)	\$292,460	\$417,800		2
Chief Executive, Murray-Darling Basin Authority	\$292,460	\$417,800	2.2.5	1

<b>Column 1</b> <b>Office</b>	<b>Column 2</b> <b>Base Salary</b> <b>(per annum)</b>	<b>Column 3</b> <b>Total Remuneration</b> <b>for office</b> <b>(per annum)</b>	<b>Column 4</b> <b>Additional clauses</b> <b>applying</b>	<b>Column 5</b> <b>Travel Tier</b>
Deputy Chair, Productivity Commission	\$292,460	\$417,800	2.2.13	1
Fair Work Ombudsman	\$292,460	\$417,800		1
Inspector-General of Taxation	\$292,460	\$417,800		1
President, Australian Human Rights Commission	\$292,460	\$417,800		1
Parliamentary Budget Officer	\$289,750	\$396,910	2.2.1	2
Chair, Australian Accounting Standards Board	\$285,930	\$391,680		1
Inspector-General Australian Defence Force	\$285,930	\$391,680		2
Chief Commissioner & Chief Executive Officer, Australian Skills Quality Authority	\$285,930	\$391,680	2.2.19	2
Chief Executive Officer, Australian Fisheries Management Authority	\$285,930	\$391,680		1
Chief Executive Officer, Safe Work Australia	\$285,930	\$391,680		2
General Manager, Fair Work Commission	\$285,930	\$391,680		1
Chief Executive Officer, Comcare	\$285,930	\$391,680	2.2.8	2
Member, Australian Energy Regulator	\$285,930	\$391,680		1
Deputy Chair, ACMA	\$285,930	\$391,680		1
Chief Executive Officer, Innovation and Science Australia	\$285,930	\$391,680	2.2.9	1
Director of Military Prosecutions	\$281,490	\$365,570		2
Commissioner, Fair Work Commission	\$266,870	\$365,570	2.2.6	1
Associate Director of Public Prosecutions	\$266,870	\$365,570		1
Chief Executive Officer, Australian Aged Care Quality Agency	\$266,870	\$365,570		2
CEO, Australian Pesticides and Veterinary Medicines Authority	\$266,870	\$365,570		2
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$266,870	\$365,570		1
Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority	\$266,870	\$365,570		2
Chief Executive Officer, Climate Change Authority	\$266,870	\$365,570		2
Director, Australian Institute of Criminology	\$266,870	\$365,570		1
Director, Professional Services Review	\$266,870	\$365,570		1
Director-General, National Archives of Australia	\$266,870	\$365,570	2.2.12	2

<b>Column 1</b> <b>Office</b>	<b>Column 2</b> <b>Base Salary (per annum)</b>	<b>Column 3</b> <b>Total Remuneration for office (per annum)</b>	<b>Column 4</b> <b>Additional clauses applying</b>	<b>Column 5</b> <b>Travel Tier</b>
General Manager, National Blood Authority <i>Effective 29 November 2016</i>	\$266,870	\$365,570		2
Freedom of Information Commissioner	\$266,870	\$365,570		2
Privacy Commissioner	\$266,870	\$365,570		2
Chief Executive Officer, Australian Renewable Energy Agency (ARENA)	\$266,870	\$365,570		2
Chief Executive Officer, Northern Australia Infrastructure Facility	\$266,870	\$365,570	2.2.2	1
Commissioner, Productivity Commission	\$266,870	\$365,570		2
Member, ACMA	\$251,210	\$339,460		1
Deputy Chief Commissioner, ASQA	\$247,810	\$339,460		2
Director, Old Parliament House	\$247,810	\$339,460		1
Chief Executive Officer, National Mental Health Commission (NMHC)	\$247,810	\$339,460		2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$247,810	\$339,460		2
Age Discrimination Commissioner	\$247,810	\$339,460		2
Aged Care Complaints Commissioner	\$247,810	\$339,460		2
Australian Small Business and Family Enterprise Ombudsman	\$247,810	\$339,460		2
Children's e-Safety Commissioner	\$247,810	\$339,460		2
CEO, National Transport Commission	\$247,810	\$339,460		1
Chairman, Pharmaceutical Benefits Advisory Committee	\$247,810	\$339,460		1
Chief Executive Officer, Australian National Preventative Health Agency (ANPHA)	\$247,810	\$339,460		2
Chief Executive Officer, Australian Sports Anti-Doping Authority (ASADA)	\$247,810	\$339,460		2
Chief Executive Officer, Independent Parliamentary Expenses Authority (IPEA) <i>Effective 3 April 2017, refer Det 2017/03</i>	\$247,810	\$339,460		2
Disability Discrimination Commissioner	\$247,810	\$339,460		2
Human Rights Commissioner	\$247,810	\$339,460		2
Infrastructure Australia, Chief Executive Officer	\$247,810	\$339,460		1
National Children's Commissioner	\$247,810	\$339,460		2
Official Secretary to the Governor-General	\$247,810	\$339,460		2
Race Discrimination Commissioner	\$247,810	\$339,460		2
Sex Discrimination Commissioner	\$247,810	\$339,460		2

<b>Column 1</b> <b>Office</b>	<b>Column 2</b> <b>Base Salary</b> <b>(per annum)</b>	<b>Column 3</b> <b>Total Remuneration</b> <b>for office</b> <b>(per annum)</b>	<b>Column 4</b> <b>Additional clauses</b> <b>applying</b>	<b>Column 5</b> <b>Travel Tier</b>
Chief Executive Officer, Tertiary Education Quality and Standards Agency (TEQSA)	\$247,810	\$339,460	2.2.18	2
Commissioner, ASQA	\$247,810	\$339,460		2
Administrator of the Northern Territory	\$238,150	\$313,350		1
Chief Executive Officer, Aboriginal Hostels Limited (AHL)	\$228,750	\$313,350		2
Chief Executive, National Capital Authority	\$228,750	\$313,350	2.2.3	2
Administrative Appeals Tribunal (AAT) (former Deputy Principal Member, Migration Review Tribunal (MRT))	\$228,750	\$313,350	2.2.16	2
AAT (former Deputy Principal Member, Refugee Review Tribunal (RRT))	\$228,750	\$313,350	2.2.16	2
Director, National Industrial Chemicals Notification and Assessment Scheme (NICNAS) <i>Effective 29 November 2016</i>	\$228,750	\$313,350		2
Gene Technology Regulator	\$228,750	\$313,350		2
Merit Protection Commissioner	\$228,750	\$313,350		2
Principal Member, Veterans' Review Board (VRB)	\$228,750	\$313,350		1
Administrator of the National Health Funding Pool	\$228,750	\$313,350		2
Commissioner, Australian Charities and Not-for-profits Commission	\$228,750	\$313,350		2
Administrator, Christmas and Cocos (Keeling) Islands	\$209,690	\$287,240		2
Administrator of Norfolk Island	\$209,690	\$287,240		2
Administrator, Torres Strait Regional Authority	\$209,690	\$287,240		2
Chairperson, Superannuation Complaints Tribunal (SCT)	\$209,690	\$287,240		2
Chairperson, Torres Strait Regional Authority	\$209,690	\$287,240		2
Deputy Australian Building and Construction Commissioner <i>Effective 13 February 2017, refer Det 2017/01</i>	\$209,690	\$287,240		2
Deputy Commonwealth Ombudsman	\$209,690	\$287,240		2
AAT (former Deputy Principal Member, Social Security Appeals Tribunal (SSAT))	\$209,690	\$287,240	2.2.17	2
Director General, Australian Safeguards and Non-Proliferation Office	\$209,690	\$287,240		2
Director, Classification Board	\$209,690	\$287,240	2.2.14	2

<u>Column 1</u> Office	<u>Column 2</u> Base Salary (per annum)	<u>Column 3</u> Total Remuneration for office (per annum)	<u>Column 4</u> Additional clauses applying	<u>Column 5</u> Travel Tier
Member, Tax Practitioners Board	\$209,690	\$287,240		2
Aged Care Pricing Commissioner	\$209,690	\$287,240		2
Chief Executive Officer, Asbestos Safety and Eradication Agency	\$209,690	\$287,240		2
Registrar of Aboriginal and Torres Strait Islander Corporations	\$209,690	\$287,240		2
Executive Director of Township Leasing	\$190,620	\$261,120		2
Deputy Chairperson, SCT	\$171,560	\$235,010		2
Deputy Director, Classification Board	\$171,560	\$235,010	2.2.14	2
AAT (former Senior Member, MRT)	\$171,560	\$235,010	2.2.16	2
AAT (former Senior Member, RRT)	\$171,560	\$235,010	2.2.16	2
Student Identifiers Registrar	\$171,560	\$235,010		2
Senior Member, VRB	\$171,560	\$235,010		2
Director, Tuition Protection Service	\$171,560	\$235,010	2.2.11	2
Chief Executive Officer, National Health Funding Body	\$171,560	\$235,010		2
Chairman (full-time), Central Land Council	\$152,500	\$208,900		3
Chairman (full-time), Northern Land Council	\$152,500	\$208,900		2
AAT (former Member, MRT)	\$152,500	\$208,900	2.2.16	2
AAT (former Member, RRT)	\$152,500	\$208,900	2.2.16	2
AAT (former Senior Member, SSAT)	\$152,500	\$208,900	2.2.17	2
Senior Classifier, Classification Board	\$157,200	\$182,790		2
Chair (full-time), Anindilyakwa Land Council	\$133,440	\$182,790		2
AAT (former Member, SSAT)	\$133,440	\$182,790	2.2.17	2
Classifier, Classification Board	\$112,290	\$130,560	2.2.15	3

**2.2 Alternative/Additional Remuneration Provisions:** Where Column 4 of Table 2A contains a reference to this clause in respect of an Office, the provisions of this clause modify Columns 2 and/or 3 of Table 2A. Unless otherwise specified, the rates in this clause will apply from 1 January 2016.

**2.2.1 Parliamentary Budget Officer:** Mr Phil Bowen will receive \$436,910 Total Remuneration with \$305,840 Base Salary until 22 July 2017.

**2.2.2 Northern Australia Infrastructure Facility, Chief Executive Officer:** The Chief Executive Officer will receive Total Remuneration of \$410,570 with Base Salary of \$299,720 until 30 June 2021, during the financial assistance phase prescribed under section 8 of the *Northern Australia Infrastructure Facility Act 2016*.

**2.2.3 National Capital Authority, Chief Executive:** Mr Malcolm Snow will receive \$338,350 Total Remuneration with \$247,000 Base Salary for the initial term of his appointment.



- 2.2.4 Clean Energy Regulator, Chair/CEO:** Ms Chloe Munro will receive \$559,900 Total Remuneration with \$391,930 Base Salary until 1 April 2017, while she occupies the office shown in Column 1 of Table 2A.
- 2.2.5 Murray-Darling Basin Authority, Chief Executive Officer:** A Base Salary of \$335,683 will apply to Mr Phillip Glyde while he occupies the office shown in Column 1 of Table 2A.
- 2.2.6 Fair Work Commission:** Where an appointee as Deputy President or Commissioner of Fair Work Commission is a Judge, the comparative salary for the purposes of s.637(6) of the *Fair Work Act 2009* is the amount in Column 2. Where a holder of the office of Vice President appointed under section 626 of the *Fair Work Act 2009* has residual entitlements under the Fair Work Legislation Amendment Regulation 2012 (No.1), the salary applicable to that office holder is \$441,850.
- 2.2.7 Australian Security Intelligence Organisation, Director – General of Security:** A Base Salary of \$494,810 will apply to Mr Duncan Lewis while he occupies the office shown in Column 1 of Table 2A.
- 2.2.8 Comcare, Chief Executive Officer:** A Base Salary of \$342,600 will apply to Ms Jennifer Taylor while she occupies the office shown in Column 1 of Table 2A.
- 2.2.9 Innovation and Science Australia, Chief Executive Officer:** The Chief Executive Officer will receive an additional fixed loading of \$50,000 for a period of three years from the date of commencement of the inaugural appointee. During this period Base Salary will be \$309,180.
- 2.2.10 Solicitor-General:** While Dr Stephen Donaghue QC does not establish his principal place of residence in Canberra he will be paid an annualised amount of \$34,500 per year instead of the daily amounts of travel allowance set out in Clauses 3.5 – 3.9 of *Determination 2016/07 – Official Travel by office Holders* (or any determination that supersedes 2016/07) that would otherwise be payable for travel to Canberra, effective from 2 April 2017.
- 2.2.11 Tuition Protection Service, Director:** Mr Vipin Mahajan will receive \$257,358 Total Remuneration with \$190,450 Base Salary while he occupies the office shown in Column 1 of Table 2A.
- 2.2.12 National Archives of Australia, Director General:** A Base Salary of \$282,740 will apply to Mr David Fricker while he occupies the office shown in Column 1 of Table 2A.
- 2.2.13 Productivity Commission, Deputy Chair:** A Base Salary of \$434,480 will apply to Ms Patricia Scott while she occupies the office shown in Column 1 of Table 2A.
- 2.2.14 Classification Board:** On any occasion when the Deputy Director acts as Director, he or she will be entitled to the remuneration and other conditions determined for the Director.
- 2.2.15 Temporary Classifier:** Where a person is appointed to the Classification Board as a Temporary Classifier, a daily fee of \$541 is payable, in lieu of other provisions in this Part. The provisions of Part 3 (Allowances), Part 5 (Recreation leave) and Part 6 (Compensation for early loss of office) do not apply. The conditions for payment of the daily fee shall be as set out in the Tribunal's determination in relation to Holders of Part-Time Office, 2015/20 Schedule B.
- 2.2.16 Administrative Appeals Tribunal – Migration Review Tribunal/Refugee Review Tribunal:** This determination applies to a full-time office holder of the AAT who is a former member of the MRT/RRT and is covered by the transitional provisions of Item 5 of Schedule 9 to the *Tribunals Amalgamation Act 2015* (i.e. for the

remaining balance of the former MRT/RRT member's term of appointment that commenced before 1 July 2015).

**2.2.17 Administrative Appeals Tribunal – Social Security Appeals Tribunal:** This determination applies to a full-time office holder of the AAT who is a former member of the SSAT and is covered by the transitional provisions of Item 5 of Schedule 9 to the *Tribunals Amalgamation Act 2015* (i.e. for the remaining balance of the former SSAT member's term of appointment that commenced before 1 July 2015).

**2.2.18 Tertiary Education Quality and Standards Agency (TEQSA), Chief Executive Officer:** Mr Anthony McClaran will receive \$391,680 Total Remuneration with \$285,930 Base Salary for the term of his initial appointment.

**2.2.19 Australian Skills Quality Authority (ASQA): The Chief Commissioner and Chief Executive Officer:** Mr Christopher Robinson will receive Total Remuneration of \$392,680 with Base Salary of \$286,660 for the duration of his current appointment to the office.

**2.3 Part-time work:** Where approval is given by the employer for an Office Holder to perform the duties of an Office on a part-time basis, the Base Salary and Total Remuneration contained in Table 2A will be payable on a pro-rata basis in accordance with the proportion of full-time hours worked. Where proposed hours are less than 60 per cent of the full-time rate, prior agreement of the Remuneration Tribunal is required to the remuneration level.

**2.4 Remuneration packaging:** Subject to this Part, an Office Holder may elect to receive the benefit of the Total Remuneration, other than the value of the Employer's Superannuation Contribution, in cash as salary or as a combination of salary and Benefits. The Office Holder must take at least 50 per cent of Superannuation Salary as salary, except where agency policies and procedures on salary packaging allow otherwise. Any election must be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office. Any election must not result in a cost to the employer (including in relation to any fringe benefits taxation) additional to the cost which would be incurred if all of the Total Remuneration elements able to be taken as salary were taken as salary.

## **2.5 Superannuation Salary**

**2.5.1** For an Office Holder who is a member of the Commonwealth Superannuation Scheme:

(a) the Officer Holder's annual rate of salary for the purposes of the scheme is the Officer Holder's Base Salary; and

(b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Office Holder's Base Salary.

**2.5.2** For an Office Holder who is a member of the Public Sector Superannuation Scheme:

(a) the Office Holder's basic salary for the purposes of the scheme is the Office Holder's Base Salary; and

(b) the amount of the Officer Holder's recognised allowances for the purpose of the scheme is zero; and

(c) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Officer Holder's Base Salary.

**2.5.3** For an Office Holder who is a member of the Public Sector Superannuation Accumulation Plan, the Office Holder's superannuation salary for the purposes of the scheme is the Office Holder's ordinary time earnings (OTE).

- 2.5.4** For an Office Holder who is a member of the Defence Force Retirement and Death Benefits Scheme:
- (a) the Office Holder's annual rate of salary for the purposes of the scheme is the Office Holder's Base Salary; and
  - (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Office Holder's Base Salary.
- 2.5.5** For an Office Holder who is a member of the Military Superannuation and Benefits Scheme:
- (a) the Office Holder's annual rate of salary for the purposes of the scheme is the office Holder's Base Salary; and
  - (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Office Holder's Base Salary.
- 2.5.6** For an Office Holder who is a member of any other superannuation fund, the Employer's Superannuation Contribution is to be made at the rate elected by the Office Holder, which must not be less than a rate that would, under section 23 of the *Superannuation Guarantee (Administration) Act 1992*, reduce the charge percentage in relation to that Office Holder to zero.
- 2.5.7 No cash in lieu:** The value attributable by virtue of this clause to the Employer's Superannuation Contribution is referable to a non-salary component of Total Remuneration and may not be the subject of an election to take an equivalent amount of salary instead.
- 2.6 Vehicles:** Where an Office Holder accepts an offer of an agency owned or leased vehicle for private use, the Office Holder's Total Remuneration will be reduced by the actual cost of the vehicle to the agency and fringe benefits taxation, less a reasonable amount (if any) reflecting business usage patterns. Where an Office Holder has access to an agency owned or leased vehicle for private use, the Office Holder will be considered to have accepted an offer of a vehicle for the purposes of this provision. Any business usage amount is to be assessed on log book records for at least a 12 week representative period. Where the annual business kilometres are less than 5,000 it will be based on the 'cents per kilometre' method. Where business kilometres are 5,000 kilometres or more, the percentage of business use to total kilometres travelled per annum will be applied to the total cost of the vehicle.
- 2.6.1 Vehicle parking:** Where an Office Holder accepts an offer of a car park at Commonwealth expense, the actual cost (including fringe benefits tax) of the car park to the Agency will be a Benefit for Total Remuneration purposes.
- 2.7 Business Support:** Where an Office Holder is provided with communications, information technology and other office facilities necessary for the efficient conduct of his or her office, incidental private use of those facilities by the Office Holder does not necessitate the value of the facilities being included in Total Remuneration.

## PART 3 – ALLOWANCES

**3.1 Accommodation Allowance:** The Office Holders listed in Column 1 of Table 3A will be eligible to receive an accommodation allowance (subject to expenditure) as shown in Column 3 of Table 3A whilst they occupy the office shown in Column 2. This amount is to assist the Office Holder in meeting settling-in and commercial rental accommodation costs (including one-off utility connection costs) in the office location:

- (a) while they also continue to have a property other than in the office location, as their principal place of residence; and
- (b) it will not be paid for such periods that they live in premises owned by them at the office location.

An Office Holder will not be eligible to access travel allowance entitlements in the home locality or the office locality whilst they remain eligible to receive the accommodation allowance. However, where in terms of the ongoing arrangement it would clearly be more cost effective for the agency to provide travel allowance entitlements in the office locality, the agency should decide at the earliest practical opportunity to pay travel allowance rather than the accommodation allowance.

Where the commercial accommodation does not include cooking facilities, the cost of meals may form part of the payment, within the accommodation cap set for an Office Holder.

**TABLE 3A – ACCOMMODATION ALLOWANCES**

<b>Column 1 Office Holder</b>	<b>Column 2 Office</b>	<b>Column 3 Allowance (pa)</b>
Mr Paul Jevtovic	Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$40,000
Mr Nick Ryan	Chief Executive Officer, Australian Aged Care Quality Agency	\$40,000
Ms Kate Jenkins	Sex Discrimination Commissioner, Australian Human Rights Commission	\$40,000
Mr Michael Griffin	Integrity Commissioner, Australian Commission for Law Enforcement Integrity	\$34,500
Mr Ben McDevitt	Chief Executive Officer, Australian Sports Anti-Doping Authority	\$34,500
Dr Charlie Day	Chief Executive Officer, Innovation and Science Australia	\$34,500
Dr Alan Finkel	Chief Scientist	\$34,500
The Hon Margaret Stone	Inspector-General of Intelligence and Security	\$34,500
Ms C Munro	Chair/Chief Executive Officer, Clean Energy Regulator	\$28,500
Mr Robert Fitzgerald	Commissioner, Productivity Commission	\$22,000
Mr Tony Usher	Chief Executive Officer, Aboriginal Hostels Limited <i>Effective 18 January 2017, refer Det 2017/01</i>	\$12,740 (Clause 3.3 refers)

- 3.1.1 Classification Board:** Subject to individual qualification for this allowance, to be decided by the employer in accordance with agency guidelines, Members who have, or had, to relocate to Sydney to take up their appointment will be paid an accommodation allowance of \$13,500 per annum. The allowance does not represent salary for superannuation.
- 3.1.2 Defence Chiefs:** The employer may approve housing assistance in accordance with agency policy and practices for the Vice-Chief of the Defence Force, the Chief of Navy, the Chief of Air Force, the Chief of Army and the Director of Military Prosecutions.
- 3.1.3 Official residence:** Where residing in an official residence is a requirement of an office, total remuneration does not include the value of accommodation in the official residence, or the running costs of the premises.
- 3.1.4 Non-commercial accommodation:** Where an Office Holder listed in Column 1 of Table 3A elects to be accommodated in private, non-commercial accommodation, such as the home of a family member or friend, a rate of one third of the accommodation allowance in Column 3 of Table 3A is payable in lieu of the amount specified in Column 3.
- 3.2 Reunion Travel:** The Office Holders shown in Column 1 of Table 3B may receive travel costs of up to the amount shown in Column 3 from their Employer for travel back to their principal place of residence for the purposes of family reunion while they continue to occupy the office shown in Column 2. Where the Agency decides, as provided in Clause 3.1 of this Determination, to pay an office holder travel allowance instead of accommodation allowance, any reunion travel allowance in Table 3B for that Office Holder will cease to apply at the same time.
- 3.2.1 Who can use reunion travel?** The allowance provided in Clause 3.2 and specified in Table 3B is intended to facilitate personal travel by the office holders identified in that Table. However, where the office holder certifies that the workload and responsibilities of the office prevents him or her from travelling to the principal place of residence for reunion purposes, reunion travel by the office holder's partner and/or a child or children of the office holder or his or her partner, whose normal place of residence is the office holder's principal place of residence, can be funded within the financial limits of the allowance. Travel by a person other than the office holder must be at economy class, and only for direct travel between the office holder's principal place of residence and office location.
- 3.3 Aboriginal Hostels Limited:** The amounts specified in Tables 3A and 3B are caps fixed for the period 18 January 2017 to 17 April 2017.

**TABLE 3B – REUNION TRAVEL**

<b>Column 1 Office Holder</b>	<b>Column 2 Office</b>	<b>Column 3 Allowance (pa)</b>
Mr Ben McDevitt	Chief Executive Officer, Australian Sports Anti-Doping Authority	\$18,690
Dr Charlie Day	Chief Executive Officer, Innovation and Science Australia	\$18,500
Ms Kate Jenkins	Sex Discrimination Commissioner, Australian Human Rights Commission	\$18,500
Mr Barry Haase	Administrator of Christmas Island and Cocos (Keeling) Islands	\$17,000
Mr Paul Jevtovic	Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$14,736
The Hon Margaret Stone	Inspector-General of Intelligence and Security	\$14,376
Mr Michael Griffin	Integrity Commissioner, Australian Commission for Law Enforcement Integrity	\$13,896
Ms C Munro	Chair/Chief Executive Officer, Clean Energy Regulator	\$12,936
Mr Nick Ryan	Chief Executive Officer, Australian Aged Care Quality Agency	\$12,216
Mr Tim Kelsey	Chief Executive Officer, Australian Digital Health Agency <i>Effective 13 December 2016, refer Det 2017/01</i>	\$10,000
Mr Robert Fitzgerald	Commissioner, Productivity Commission	\$9,950
Mr Tony Usher	Chief Executive Officer, Aboriginal Hostels Limited <i>Effective 18 January 2017, refer Det 2017/01</i>	\$4,052 (Clause 3.3 refers)

**PART 4 – OFFICIAL TRAVEL****General Travel Provisions**

**4.1** The provisions of Determination 2016/07 – *Official Travel by Office Holders* (or any Determination that supersedes Determination 2016/07) apply to offices covered by this Determination, subject to any exclusions or limitations in this Determination. In establishing entitlements, the Travel Tier identified in this Determination for an office will apply under Determination 2016/07 (or any Determination that supersedes Determination 2016/07).

**4.1.1 ACCC:** the ACCC may put in place arrangements for Members’ travel to Canberra that are more cost effective than the travel entitlements they are otherwise entitled to under this Determination.

**4.1.2 Administrator, Christmas and Cocos (Keeling) Islands:** The Administrator, and any immediate family members normally resident with him/her on Christmas Island shall be entitled to two return economy class fares per annum each between their home and work base.

## **PART 5 – RECREATION LEAVE**

**5.1 Recreation Leave entitlements:** The provisions of Determination 2012/11 – *Recreation Leave for Full-Time Holders of Relevant Offices* apply to full-time<sup>1</sup> Offices listed in Column 1 of Table 2A in this Determination to the extent specified in that Determination.

**5.1.1 Administrator, Christmas and Cocos (Keeling) Islands:** The Administrator is entitled to seven days recreation leave per annum additional to any entitlement in Clause 5.1.

**5.1.2 Administrator, Norfolk Island:** The Administrator is entitled to three days recreation leave per annum, additional to any entitlement in Clause 5.1.

## **PART 6 – COMPENSATION FOR EARLY LOSS OF OFFICE**

**6.1** Compensation for early loss of office for an Office Holder will be in accordance with the provisions of *Determination 2014/17: Compensation for Loss of Office for Holders of Public Office*.

**6.2** Where an Office Holder serves the full term of appointment, no entitlement to payment under this part arises.

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<sup>1</sup> Note that the Remuneration Tribunal may only determine recreation leave in respect of full-time office holders – refer s7(3AA) of RT Act. Leave (if any) for Part-time Office Holders is determined by the relevant Minister or the Governor-General.

## **Notes to Remuneration Tribunal Determination 2016/19: Remuneration and Allowances for Holders of Full-Time Public Office**

This determination as shown in this compilation is amended as indicated in the tables below. Under the *Legislation Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislation.

### **Table of Instruments**

<b>Title</b>	<b>Registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
Remuneration and Allowances for Holders of Full-Time Public Office	7/12/2016 F2016L01880	07/12/2016	-
Determination 2017/01: Remuneration and Allowances for Holders of Public Office	23/02/2017 F2017L00151	CI 1.2 – 13/12/2016 CI 1.5, 1.6, 1.7, 1.8 – 18/1/2017 CI 1.10, 1.11 – 13/02/2017 CI 1.1, 1.3, 1.4, 1.9, 1.12, 1.13, 1.14, 1.15 – 24/02/2017	-
Determination 2017/03: Remuneration and Allowances for Holders of Public Office and Judicial and Related Offices	12/04/2017 F2017L00416	CI 1.5 – 3/4/2017 CI 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.8 – 13/04/2017	-



## **Notes to Remuneration Tribunal Determination 2016/19: Remuneration and Allowances for Holders of Full-Time Public Office**

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### **Table of Amendments**

ad = added or inserted   am = amended   LIA = *Legislative Instruments Act 2003*   rep = repealed   rs = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Table 2A</b>	am 2017/01, am 2017/03
Clause 2.2.10	rep 2017/01, ad 2017/03
<b>Table 3A</b>	am 2017/01
Clause 3.3	ad 2017/01, am 2017/03
<b>Table 3B</b>	am 2017/01, am 2017/03
<b>Part 5</b>	
Clause 5.1.3	rep 2017/03

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