



REMUNERATION TRIBUNAL

Determination 2008/08: Remuneration and Allowances for Holders of Full-Time Public Office

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.

The Determination comprises:

- **Part 1** – General;
- **Part 2** – Remuneration and related matters;
- **Part 3** – Allowances;
- **Part 4** – Official travel;
- **Part 5** – Recreation leave; and
- **Part 6** – Compensation for early loss of office.

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 Effective Date:** This Determination takes effect on and from 1 July 2008.
- 1.3 Effect on Earlier Determinations:** This Determination supersedes and revokes in full Determination 2007/13 (as amended) – *Remuneration and Allowances for Holders of Full-Time Public Office*.
- 1.4 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 amounts specified in Column 2 of Table 2A 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 2.8), the value attributed by the Remuneration Tribunal to the Superannuation Support (refer clause 2.7) and any other benefits received by way of remuneration packaging (refer clause 2.5).

'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.

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

'Superannuation Support' means the amount ascertained in accordance with clause 2.7, representing the employer superannuation liability.

'Total Remuneration' is the amount shown in Column 3 of Table 2A plus any additional amount shown in Column 4. It 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; and
- Benefits;

but does not include:

- 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.

1.5 Guidance notes: The Tribunal may issue guidance notes from time to time to assist agencies to administer this Determination.

PART 2 – REMUNERATION AND RELATED MATTERS

2.1 Total Remuneration: Office Holders are eligible for the annual amounts of Base Salary and Total Remuneration (including any additional amount shown in Column 4), as set out in Table 2A below with effect from 1 July 2008, 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 Amount of Total Remuneration (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Chair, Australian Prudential Regulation Authority (APRA)	\$421,030	\$603,130	Nil	2.6.1	Tier 1
Solicitor-General	\$396,380	\$529,390	Nil		Tier 1
Chairperson, Australian Securities and Investments Commission (ASIC)	\$364,300	\$529,830	Nil		Tier 1
Chairperson, Australian Competition and Consumer Commission (ACCC)	\$364,300	\$529,830	Nil		Tier 1
Deputy Chair, APRA	\$352,300	\$504,660	Nil		Tier 1
Member, APRA	\$335,100	\$480,060	Nil		Tier 1
Deputy Chairperson, ASIC	\$318,670	\$445,050	Nil		Tier 1
Director of Public Prosecutions	\$318,490	\$418,510	Nil		Tier 1
Chair, Australian Communications and Media Authority (ACMA)	\$270,100	\$385,850	\$22,710	2.2.1	Tier 1
Member, ASIC	\$263,580	\$384,130	Nil		Tier 1
Commissioner, Australian Federal Police	\$260,450	\$374,040	Nil		Tier 1
Director-General of Security, Australian Security Intelligence Organisation	\$260,450	\$361,370	Nil		Tier 1
Director-General, Office of National Assessments	\$260,450	\$361,370	Nil		Tier 1
Deputy Chairperson, ACCC	\$255,510	\$344,390	Nil		Tier 1
Vice-Chief of the Defence Force	\$250,100	\$361,330	Nil		Tier 1
Chief Executive Officer, Australian Crime Commission	\$250,100	\$361,330	Nil		Tier 1
Inspector-General of Intelligence and Security	\$247,060	\$344,880	Nil		Tier 1
Commonwealth Ombudsman	\$247,060	\$344,880	Nil		Tier 1
Member, ACCC	\$242,800	\$317,900	Nil		Tier 1
Examiner, Australian Crime Commission	\$242,510	\$344,860	Nil		Tier 1
Law Enforcement Integrity Commissioner	\$242,510	\$344,860	Nil		Tier 1
Chief of Navy	\$242,510	\$344,860	Nil		Tier 1
Chief of Army	\$242,510	\$344,860	Nil		Tier 1
Chief of Air Force	\$242,510	\$344,860	Nil		Tier 1

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
Office	Base Salary (per annum)	Total Remuneration for office (per annum)	Additional Amount of Total Remuneration (per annum)	Refer Clause	Travel Tier
Chair, Australian Energy Regulator	\$242,510	\$323,500	Nil		Tier 1
Chairperson, Productivity Commission	\$242,510	\$323,380	Nil		Tier 1
Chair, Murray-Darling Basin Authority	\$236,040	\$323,330	Nil		Tier 2
Director of Military Prosecutions	\$231,510	\$288,730	Nil		Tier 2
Inspector-General of the Australian Defence Force	\$231,510	\$288,730	Nil		Tier 2
Inspector-General of Taxation	\$230,500	\$329,650	Nil		Tier 1
Deputy Chair, ACMA	\$224,480	\$296,260	Nil		Tier 1
CEO, National Offshore Petroleum Safety Authority	\$220,940	\$315,130	Nil		Tier 1
Privacy Commissioner	\$219,130	\$316,970	Nil		Tier 1
Australian Electoral Commissioner	\$219,130	\$296,940	Nil		Tier 1
Associate Director of Public Prosecutions	\$219,130	\$291,680	Nil		Tier 1
Chairperson, Commonwealth Grants Commission	\$219,130	\$285,350	Nil		Tier 1
CEO, Australian Pesticides and Veterinary Medicines Authority	\$211,960	\$290,360	Nil		Tier 2
Member, Australian Energy Regulator	\$208,250	\$272,670	Nil		Tier 1
Member, ACMA	\$208,250	\$272,670	Nil		Tier 1
Chairman, Pharmaceutical Benefits Advisory Committee	\$198,830	\$272,360	Nil		Tier 1
Registrar, Administrative Appeals Tribunal	\$197,970	\$271,180	Nil		Tier 1
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$195,100	\$291,570	Nil		Tier 1
Director, Professional Services Review	\$195,100	\$277,670	Nil		Tier 1
CEO, National Transport Commission	\$195,100	\$276,980	Nil		Tier 1
Administrator of the Northern Territory	\$195,100	\$246,080	Nil		Tier 1
Principal Member, Refugee Review Tribunal (RRT)	\$189,040	\$266,270	\$35,340	2.2.3	Tier 2
Principal Member, Migration Review Tribunal (MRT)	\$189,040	\$266,270	\$35,340	2.2.3	Tier 2
Chairman, Indigenous Business Australia	\$189,040	\$218,230	Nil		Tier 1
Aged Care Commissioner	\$183,890	\$251,900	Nil		Tier 2
Gene Technology Regulator	\$183,230	\$240,980	Nil		Tier 2
Deputy Commonwealth Ombudsman	\$183,230	\$234,660	Nil		Tier 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 Amount of Total Remuneration (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Executive Director, Social Security Appeals Tribunal (SSAT)	\$182,210	\$249,590	Nil		Tier 2
Official Secretary to the Governor-General	\$182,150	\$246,390	Nil		Tier 2
Sex Discrimination Commissioner	\$175,140	\$249,790	Nil		Tier 2
Race Discrimination Commissioner	\$175,140	\$249,790	Nil		Tier 2
Human Rights Commissioner	\$175,140	\$249,790	Nil		Tier 2
Disability Discrimination Commissioner	\$175,140	\$249,790	Nil		Tier 2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$175,140	\$249,790	Nil		Tier 2
Director General, Australian Safeguards and Non-Proliferation Office	\$175,140	\$233,920	Nil		Tier 2
Chairperson, Indigenous Land Corporation	\$175,140	\$233,360	Nil		Tier 2
Registrar of Aboriginal and Torres Strait Islander Corporations	\$167,510	\$229,460	Nil		Tier 2
President, Human Rights and Equal Opportunity Commission	\$160,750	\$230,840	Nil	2.2.2	Tier 1
Administrator, Christmas and Cocos (Keeling) Islands	\$158,820	\$221,900	Nil		Tier 2
Principal Member, Veterans' Review Board (VRB)	\$177,310	\$242,900	Nil		Tier 1
Director, SSAT	\$156,630	\$214,570	Nil		Tier 2
Executive Director of Township Leasing	\$156,450	\$214,340	Nil		Tier 2
Deputy Principal Member, RRT	\$155,030	\$218,090	\$13,040	2.2.5	Tier 2
Private Health Insurance Ombudsman	\$155,030	\$214,310	Nil		Tier 2
Chairperson, Superannuation Complaints Tribunal (SCT)	\$163,700	\$224,250	Nil		Tier 2
Director, Classification Board	\$151,830	\$207,990	Nil		Tier 2
Chairperson, Torres Strait Regional Authority	\$142,400	\$216,820	Nil		Tier 2
Administrator, Torres Strait Regional Authority	\$142,400	\$216,820	Nil		Tier 2
Deputy Chairperson, SCT	\$134,220	\$183,850	Nil		Tier 2
Deputy Director, Classification Board	\$130,530	\$178,800	Nil		Tier 2
Senior Member, RRT	\$127,220	\$183,850	Nil		Tier 2
Senior Member, MRT	\$127,220	\$183,850	Nil		Tier 2
Administrator, Norfolk Island	\$114,320	\$173,180	Nil		Tier 2
Senior Member, VRB	\$114,320	\$165,090	Nil		Tier 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 Amount of Total Remuneration (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Chairman (full-time), Central Land Council	\$114,320	\$164,100	Nil		Tier 3
Member, RRT	\$114,320	\$163,740	Nil	2.2.4	Tier 2
Member, MRT	\$114,320	\$163,740	Nil		Tier 2
Chairman (full-time), Northern Land Council	\$114,320	\$154,720	Nil		Tier 2
Senior Classifier, Classification Board	\$114,320	\$131,970	Nil		Tier 2
Member, SSAT	\$107,270	\$146,940	Nil		Tier 3
Member, VRB	\$103,840	\$122,450	Nil		Tier 3
Classifier, Classification Board	\$90,170	\$104,070	Nil	2.4	Tier 3

2.2 Additional Provisions: Where an additional annual amount is specified in Column 4 of Table 2A in relation to an Office Holder, payment will be subject to the provisions of the sub-clause shown in Column 5. The amount will be added to the figure in Column 3 to provide Total Remuneration for that Office Holder.

2.2.1 ACMA, Chair: Mr Christopher Chapman will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1.

2.2.2 HREOC President: The Base Salary and Total Remuneration as shown in Table 2A only applies to the Hon John von Doussa while he occupies the office of President, HREOC. The normal remuneration for the office is \$230,500 Base Salary and \$329,650 Total Remuneration (as at 1 July 2008).

2.2.3 Migration Review Tribunal and Refugee Review Tribunal, Principal Member: A dual appointee as Principal Member of the Migration Review Tribunal and Refugee Review Tribunal is entitled to Tier 1 travel and will receive an additional loading as shown in Column 4 of Table 2A. This loading is included in superannuation salary.

2.2.4 Refugee Review Tribunal: Where a person held an appointment as a Full-time Member of the Refugee Review Tribunal on 17 April 2004, that person will be eligible for a personal loading of \$4,940 per annum while continuing to hold an appointment (including re-appointment) as a Member. The loading does not count towards superannuation salary.

2.2.5 Refugee Review Tribunal and Migration Review Tribunal: Ms Mary Urquhart will receive a personal loading as shown in Column 4 of Table 2A while she occupies the office shown in Column 1 and also acts as a Senior Member of the Migration Review Tribunal.

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 Temporary Classifier: Where a person is appointed to the Classification Board as a Temporary Classifier, a daily fee of \$418 is payable from 1 July 2008, 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.

- 2.5 Remuneration packaging:** Subject to this Part, an Office Holder may elect to receive the value of remuneration 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 Benefits able to be taken as salary were taken as salary.
- 2.6 Superannuation Salary:** Regardless of anything else in this Determination, salary for superannuation purposes will be the Base Salary plus any additional amount shown in Column 4 of Table 2A where the relevant sub-clause specifies that the loading is included as superannuation salary. This will be:
- the Office Holder's annual rate of salary for the purposes of the Superannuation (CSS) Regulations, (and therefore the superannuation salary for the purposes of the *Superannuation Act 1976* and the *Superannuation Act 1990*); or
 - in the case of the holders of the offices of Vice-Chief of the Defence Force, Chief of Navy, Chief of Air Force, Chief of Army and Director of Military Prosecutions, that officer holder's annual rate of salary for the purposes of the *Defence Force Retirement and Death Benefits Act 1973*, the *Defence Force Retirement and Death Benefits (Annual Rate of Pay) Regulations*, the *Military Superannuation and Benefits Scheme Act 1991* and the Rules of the Military Superannuation and Benefits Scheme.
- 2.6.1 APRA:** Notwithstanding the above provisions, the salary for superannuation purposes of Dr John Laker will be \$483,400, from 1 July 2008, while he occupies the office of Chair, Australian Prudential Regulation Authority.
- 2.7 Employer Superannuation Support:** Total Remuneration will be taken to include the Superannuation Support provided by the employer in respect of an Office Holder, which has the value ascertained under sub-clause 2.7.1 or the amount of contributions under sub-clause 2.7.2. Contributions made on a salary sacrifice basis do not form part of Superannuation Support; these are covered by clause 2.5 (Remuneration packaging).
- 2.7.1 Defined Benefits Schemes:** In the case of an Office Holder who may be eligible for defined benefits under a Commonwealth superannuation scheme, the value of Superannuation Support will be taken to be 15.4 per cent of Base Salary.
- 2.7.2 Other Schemes:** In the case of an Office Holder not covered by sub-clause 2.7.1, the value of Superannuation Support will be the contributions actually paid, or liable to be paid, by the employer in respect of the Office Holder to a superannuation scheme.
- 2.7.3 No cash in lieu:** The value attributable by virtue of this clause to Superannuation Support 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.
- 2.8 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 plus parking 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.

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

<u>Column 1</u> Office Holder	<u>Column 2</u> Office	<u>Column 3</u> Allowance (pa)	<u>Column 4</u> Refer Clause
Mr T Calma	ATSI Social Justice Commissioner	\$28,600	
Mr D O'Brien	Principal Member, MRT/RRT	\$28,600	
Mr G Samuel	Chairman, ACCC	\$25,000	
Mr P Walker	Member, ACCC	\$25,500	

- 3.1.1 Classification Board:** Subject to individual qualification for this allowance, to be decided by the employer in accordance with agency guidelines, Members appointed or reappointed on or after 28 February 2006 who have, or had, to relocate to Sydney to take up their original appointment will be paid an accommodation allowance of \$11,000 per annum. Members appointed before 28 February 2006, who qualify under the agency guidelines, can make a once only choice between being paid the \$11,000 per annum allowance, or retaining the previous condition, which is that accommodation expenses be reimbursed in accordance with agency policy, based on the Rates of Contributions and Rental Ceilings specified in the Department of Employment and Workplace Relations Allowance Subscription Scheme. 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.

TABLE 3B – REUNION TRAVEL

Column 1 Office Holder	Column 2 Office	Column 3 Allowance (pa)
Mr T Calma	Aboriginal and Torres Strait Islander Social Justice Commissioner	\$9,950
Mr D O'Brien	Principal Member, Migration Review Tribunal and Refugee Review Tribunal	\$9,950
Mr G Samuel	Chairman, ACCC	\$30,000
Mr P Walker	Member, ACCC	\$37,824
Mr A Milroy	Chief Executive Officer, Australian Crime Commission	\$9,950

PART 4 – OFFICIAL TRAVEL

General Travel Provisions

- 4.1** The provisions of Determination 2004/03 (as amended) – *Official Travel by Office Holders* – 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 2004/03.

4.1.1 Administrator Christmas and Cocos (Keeling) Islands. For the period of his appointment Mr Neil Lucas and any immediate family members resident with him on Christmas Island shall be entitled to two return economy class fares per annum between his home and work base.

4.1.2 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.

PART 5 – RECREATION LEAVE

5.1 Recreation Leave entitlements: The provisions of Determination 2007/09 (as amended) – *Recreation Leave for Full-Time Holders of Relevant Offices* apply to full-time¹ 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. For the period of his appointment, Mr Neil Lucas is entitled to seven 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 2007/07: 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.

Signed this 5th day of June 2008



John C Conde AO
PRESIDENT



Janet E Grieve
MEMBER



John D C Allen
MEMBER

¹ 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.