



REMUNERATION TRIBUNAL

Determination 2009/18: 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 October 2009.
- 1.3 Effect on Earlier Determinations:** This Determination supersedes and revokes in full Determination 2008/08 (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:

- 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.

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 October 2009, 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) | \$433,670 | \$621,230 | Nil | 2.6.1 | Tier 1 |
| Solicitor-General | \$408,280 | \$545,280 | Nil | | Tier 1 |
| Chairperson, Australian Securities and Investments Commission (ASIC) | \$375,230 | \$545,730 | Nil | | Tier 1 |
| Chairperson, Australian Competition and Consumer Commission (ACCC) | \$375,230 | \$545,730 | Nil | | Tier 1 |
| Deputy Chair, APRA | \$362,870 | \$519,800 | Nil | | Tier 1 |
| Member, APRA | \$345,160 | \$494,470 | Nil | | Tier 1 |
| Deputy Chairperson, ASIC | \$328,240 | \$458,410 | Nil | | Tier 1 |
| Director of Public Prosecutions | \$328,050 | \$431,070 | Nil | | Tier 1 |
| Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority (ACARA) | \$315,800 | \$432,600 | Nil | | Tier 2 |
| Chair, Australian Communications and Media Authority (ACMA) | \$278,210 | \$397,430 | \$23,400 | 2.2.1 | Tier 1 |
| Member, ASIC | \$271,490 | \$395,660 | Nil | 2.2.9 | Tier 1 |
| Commissioner, Australian Federal Police | \$268,270 | \$385,270 | Nil | | Tier 1 |
| Deputy President – Fair Work Australia | \$292,520 | \$373,590 | Nil | 2.11 | Tier 1 |
| Director-General of Security, Australian Security Intelligence Organisation | \$268,270 | \$372,220 | Nil | | Tier 1 |
| Director-General, Office of National Assessments | \$268,270 | \$372,220 | Nil | | Tier 1 |
| Deputy Chairperson, ACCC | \$263,180 | \$354,730 | Nil | | Tier 1 |
| Vice Chief of the Defence Force | \$249,790 | \$355,210 | Nil | | Tier 1 |
| Chief Executive Officer, Australian Crime Commission | \$257,610 | \$372,170 | Nil | | Tier 1 |
| Inspector-General of Intelligence and Security | \$254,480 | \$355,230 | Nil | | Tier 1 |
| Commonwealth Ombudsman | \$254,480 | \$355,230 | Nil | | Tier 1 |
| Member, ACCC | \$250,090 | \$327,440 | Nil | | Tier 1 |
| Examiner, Australian Crime Commission | \$249,790 | \$355,210 | Nil | 2.2.8 | Tier 1 |

| <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 |
|---|---|--|--|---------------------------------|--------------------------------|
| Law Enforcement Integrity Commissioner | \$249,790 | \$355,210 | Nil | | Tier 1 |
| Chief of Navy | \$249,790 | \$355,210 | Nil | | Tier 1 |
| Chief of Army | \$249,790 | \$355,210 | Nil | | Tier 1 |
| Chief of Air Force | \$249,790 | \$355,210 | Nil | | Tier 1 |
| Chair, Australian Energy Regulator | \$249,790 | \$333,210 | Nil | | Tier 1 |
| Chairperson, Productivity Commission | \$249,790 | \$333,090 | Nil | | Tier 1 |
| Chief Commissioner, Australian Transport Safety Bureau Commission | \$249,790 | \$339,900 | Nil | | Tier 1 |
| Chief Scientist | \$248,130 | \$339,900 | Nil | | Tier 1 |
| Chief Executive, Murray-Darling Basin Authority | \$243,130 | \$333,030 | Nil | | Tier 2 |
| Coordinator-General for Remote Indigenous Services | \$240,610 | \$329,600 | Nil | | Tier 1 |
| Fair Work Ombudsman | \$238,360 | \$326,510 | Nil | | Tier 1 |
| Chair, Tax Practitioners Board | \$233,090 | \$319,300 | Nil | | Tier 1 |
| Director of Military Prosecutions | \$238,460 | \$297,400 | Nil | | Tier 2 |
| Inspector-General of the Australian Defence Force | \$238,460 | \$297,400 | Nil | | Tier 2 |
| Inspector-General of Taxation | \$237,420 | \$339,540 | Nil | | Tier 1 |
| Deputy Chair, ACMA | \$231,220 | \$305,150 | Nil | | Tier 1 |
| CEO, National Offshore Petroleum Safety Authority | \$227,570 | \$324,590 | Nil | | Tier 1 |
| Privacy Commissioner | \$225,710 | \$326,480 | Nil | | Tier 1 |
| General Manager, Fair Work Australia | \$229,330 | \$314,150 | Nil | 2.2.13 | Tier 1 |
| Australian Electoral Commissioner | \$225,710 | \$305,850 | Nil | 2.2.7 | Tier 1 |
| Associate Director of Public Prosecutions | \$225,710 | \$300,440 | Nil | | Tier 1 |
| Commissioner, Fair Work Australia | \$224,540 | \$295,310 | Nil | 2.11 | Tier 1 |
| Chairperson, Commonwealth Grants Commission | \$225,710 | \$293,920 | Nil | | Tier 1 |
| CEO, Australian Pesticides and Veterinary Medicines Authority | \$218,320 | \$299,080 | Nil | | Tier 2 |
| Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority | \$218,360 | \$298,700 | Nil | 2.2.10 | Tier 2 |
| Member, Australian Energy Regulator | \$214,500 | \$280,860 | Nil | | Tier 1 |
| Member, ACMA | \$214,500 | \$280,860 | 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 |
| Chief Executive Officer, Australian Fisheries Management Authority Commission | \$211,750 | \$290,060 | \$21,180 | 2.2.6 | Tier 1 |
| Chairman, Pharmaceutical Benefits Advisory Committee | \$204,800 | \$280,540 | Nil | | Tier 1 |
| Registrar, Administrative Appeals Tribunal | \$203,910 | \$279,320 | Nil | | Tier 1 |
| Infrastructure Coordinator | \$202,350 | \$277,180 | Nil | | Tier 1 |
| CEO, Australian Radiation Protection and Nuclear Safety Agency | \$200,960 | \$300,320 | Nil | | Tier 1 |
| Director, Professional Services Review | \$200,960 | \$286,010 | Nil | | Tier 1 |
| CEO, National Transport Commission | \$200,960 | \$285,290 | Nil | | Tier 1 |
| Administrator of the Northern Territory | \$200,960 | \$253,470 | Nil | | Tier 1 |
| Executive Director, Australian Solar Institute | \$199,260 | \$272,950 | Nil | 2.2.12 | Tier 2 |
| Principal Member, Refugee Review Tribunal (RRT) | \$194,720 | \$274,260 | \$36,410 | 2.2.3 | Tier 2 |
| Principal Member, Migration Review Tribunal (MRT) | \$194,720 | \$274,260 | \$36,410 | 2.2.3 | Tier 2 |
| Aged Care Commissioner | \$189,410 | \$259,460 | Nil | | Tier 2 |
| Gene Technology Regulator | \$188,730 | \$248,210 | Nil | 2.2.11 | Tier 2 |
| Deputy Commonwealth Ombudsman | \$188,730 | \$241,700 | Nil | | Tier 2 |
| Executive Director, Social Security Appeals Tribunal (SSAT) | \$187,680 | \$257,080 | Nil | | Tier 2 |
| Official Secretary to the Governor-General | \$195,700 | \$264,710 | Nil | | Tier 2 |
| Sex Discrimination Commissioner | \$180,400 | \$257,290 | Nil | | Tier 2 |
| Race Discrimination Commissioner | \$180,400 | \$257,290 | Nil | | Tier 2 |
| Human Rights Commissioner | \$180,400 | \$257,290 | Nil | | Tier 2 |
| Disability Discrimination Commissioner | \$180,400 | \$257,290 | Nil | | Tier 2 |
| Aboriginal and Torres Strait Islander Social Justice Commissioner | \$180,400 | \$257,290 | Nil | | Tier 2 |
| Chief Executive, National Capital Authority | \$187,400 | \$256,710 | Nil | | Tier 2 |
| Member, Tax Practitioners Board | \$176,700 | \$242,050 | Nil | | Tier 2 |
| Director General, Australian Safeguards and Non-Proliferation Office | \$180,400 | \$240,940 | Nil | | Tier 2 |
| Chairperson, Indigenous Land Corporation | \$180,400 | \$240,370 | 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 |
|---|---|--|--|---------------------------------|--------------------------------|
| Registrar of Aboriginal and Torres Strait Islander Corporations | \$180,460 | \$247,200 | Nil | | Tier 2 |
| President, Human Rights and Equal Opportunity Commission | \$237,420 | \$339,540 | Nil | 2.2.2 | Tier 1 |
| Administrator, Christmas and Cocos (Keeling) Islands | \$163,590 | \$228,560 | Nil | | Tier 2 |
| Principal Member, Veterans' Review Board (VRB) | \$182,630 | \$250,190 | Nil | | Tier 1 |
| Director, SSAT | \$161,330 | \$221,010 | Nil | | Tier 2 |
| Executive Director of Township Leasing | \$161,150 | \$220,780 | Nil | | Tier 2 |
| Deputy Principal Member, RRT | \$159,690 | \$224,640 | \$13,440 | 2.2.5 | Tier 2 |
| Private Health Insurance Ombudsman | \$159,690 | \$220,740 | Nil | | Tier 2 |
| Chairperson, Superannuation Complaints Tribunal (SCT) | \$168,620 | \$230,980 | Nil | | Tier 2 |
| Director, Classification Board | \$156,390 | \$214,230 | Nil | 2.9 | Tier 2 |
| Chairperson, Torres Strait Regional Authority | \$146,680 | \$223,330 | Nil | | Tier 2 |
| Administrator, Torres Strait Regional Authority | \$146,680 | \$223,330 | Nil | | Tier 2 |
| Deputy Chairperson, SCT | \$138,250 | \$189,370 | Nil | | Tier 2 |
| Deputy Director, Classification Board | \$134,450 | \$184,170 | Nil | 2.9 | Tier 2 |
| Senior Member, RRT | \$131,040 | \$189,370 | Nil | | Tier 2 |
| Senior Member, MRT | \$131,040 | \$189,370 | Nil | | Tier 2 |
| Senior Member, VRB | \$125,990 | \$181,880 | Nil | | Tier 2 |
| Assistant Director, SSAT | \$120,310 | \$164,800 | Nil | | Tier 2 |
| Administrator, Norfolk Island | \$117,750 | \$178,380 | Nil | | Tier 2 |
| Chairman (full-time), Central Land Council | \$117,750 | \$169,030 | Nil | | Tier 3 |
| Member, RRT | \$117,750 | \$168,660 | Nil | 2.2.4 | Tier 2 |
| Member, MRT | \$117,750 | \$168,660 | Nil | | Tier 2 |
| Chairman (full-time), Northern Land Council | \$117,750 | \$159,370 | Nil | | Tier 2 |
| Senior Classifier, Classification Board | \$117,750 | \$135,930 | Nil | | Tier 2 |
| Member, SSAT | \$110,490 | \$151,350 | Nil | | Tier 3 |
| Classifier, Classification Board | \$92,880 | \$107,200 | 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 Hon Catherine Branson will receive \$193,160 base salary and \$264,590 Total Remuneration while she occupies the office shown in Column 1.
- 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 \$5,090 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.
- 2.2.6 Australian Fisheries Management Authority Commission:** Mr Glenn Hurry will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. The loading does not count towards superannuation salary.
- 2.2.7 Australian Electoral Commissioner:** Mr Ed Killesteyn will receive \$238,930 base salary and \$339,660 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.8 Australian Crime Commission:** The Hon John Hannaford will receive \$214,010 base salary and \$304,330 Total Remuneration when he occupies the office shown in Column 1.
- 2.2.9 ASIC:** Dr Peter Boxall AO will receive \$376,650 base salary and \$470,800 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.10 CEO, Donation and Transplantation Authority:** Ms Karen Murphy will receive a personal loading of \$61,800 to be added to the determined Total Remuneration figure while she occupies the office shown in Column 1.
- 2.2.11 Gene Technology Regulator:** Dr Joe Smith will receive \$207,450 base salary and \$272,950 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.12 Australian Solar Institute, Executive Director:** will receive \$217,330 base salary and \$298,700 Total Remuneration until 31 August 2010.
- 2.2.13 General Manager, Fair Work Australia:** will receive an additional amount of total remuneration of \$10,300 until 30 June 2010.
- 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 \$440 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 \$497,910, 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

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.

- 2.9 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.
- 2.10 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.
- 2.11 Fair Work Australia:** Where an appointee as Deputy President or Commissioner of Fair Work Australia 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.

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>Column2</u> Office | <u>Column 3</u> Allowance (pa) | <u>Column 4</u> Refer Clause |
|--|---|---|---|
| Mr T Calma | ATSI Social Justice Commissioner | \$32,780 | |
| Mr D O'Brien | Principal Member, MRT/RRT | \$32,780 | |
| Mr G Samuel | Chairman, ACCC | \$28,500 | |
| Ms S Court | Member, ACCC | \$28,500 | |
| Mr R Freeman | Chief Executive, Murray-Darling Basin Authority | \$28,500 | |
| Mr P Watson | Executive Director of Township Leasing | \$20,800 | |

- 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.

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 |
| Ms S Court | Member, ACCC | \$21,950 |
| Mr R Freeman | Chief Executive, Murray-Darling Basin Authority | \$20,930 |

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.

5.1.2 Human Rights and Equal Opportunity Commission. For the period of her appointment as President, the Hon Catherine Branson is entitled to two weeks 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*.

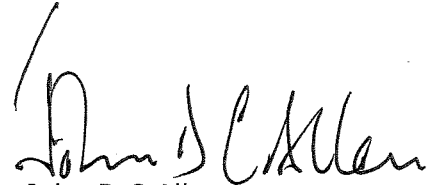
6.2 Where an Office Holder serves the full term of appointment, no entitlement to payment under this part arises.

Signed this 24 day of September 2009



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.