



REMUNERATION TRIBUNAL

Determination 2012/07

Remuneration and Allowances for Holders of Public Office

- (i) Pursuant to subsections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*, the Remuneration Tribunal has inquired into the remuneration and allowances to be paid to holders of public office, and other matters significantly related thereto, and determines as set out below.
- (ii) This Determination takes effect on and from the day following the day it is registered in the Federal Register of Legislative Instruments unless otherwise specified.

PART 1 – FULL-TIME OFFICES

- 1.1** In this part, Determination Number 8 of 2011 (as amended) is referred to as the Principal Determination.
- 1.2** Table 2A of Part 2 of the Principal Determination is amended by inserting the following entry after the entry for "Member, ACCC":

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6
Chair/Chief Executive Officer, Clean Energy Regulator	\$315,000	\$450,000	Nil	2.2.20	1

- 1.3** Part 2 of the Principal Determination is amended by inserting Clause 2.2.20 after Clause 2.2.19 as follows: **Clean Energy Regulator, Chair/Chief Executive Officer:** Ms Chloe Munro will receive an additional \$85,000 total remuneration loading per annum to cease on 31 December 2013 including a base salary (salary for superannuation purposes) loading of \$59,500 per annum.
- 1.4** Table 3A of Part 3 of the Principal Determination is amended by inserting the following entry after the entry for "Ms L Sylvan".

Column 1 Office Holder	Column 2 Office	Column 3 Allowance (pa)	Column 4 Refer Clause
Ms C Munro	Chair/Chief Executive Officer, Clean Energy Regulator	\$28,500	

- 1.5** Table 3B of Part 3 of the Principal Determination is amended by inserting the following entry after the entry for "Mr M Gooda":

Column 1 Office Holder	Column 2 Office	Column 3 Allowance (pa)
Ms C Munro	Chair/Chief Executive Officer, Clean Energy Regulator	\$12,936

- 1.6** Clauses 1.2 to 1.5 have effect on and from 2 April 2012.

- 1.7** Table 2A of Part 2 of the Principal Determination is amended by replacing the current entry for "CEO, National Offshore Petroleum Safety Authority" with the following:

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6
CEO, National Offshore Petroleum Safety and Environmental Management Authority	\$244,020	\$348,040	Nil		1

- 1.8** Table 2A of Part 2 of the Principal Determination is amended by inserting the following entry after the entry for "Classifier, Classification Board":

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6
Commonwealth Financial Officer for Norfolk Island	-	\$80,000	\$63,455	2.2.21	2

- 1.9** Part 2 of the Principal Determination is amended by inserting Clause 2.2.21 after Clause 2.2.20 as follows: **Norfolk Island, Commonwealth Financial Officer:** The Commonwealth Financial Officer will receive a personal loading as shown in Column 4 of Table 2A and \$100,420 base salary (salary for superannuation purposes) for 12 months from 29 March 2012.

- 1.10** Clauses 1.8 and 1.9 take effect on and from 29 March 2012.

PART 2 – PART-TIME OFFICES

- 2.1** In this part, Determination Number 9 of 2011 (as amended) is referred to as the Principal Determination.
- 2.2** Schedule B of the Principal Determination is amended by deleting the following entry under Clause B1.1 Professional Committees "Medical Devices Incident Review Committee".
- 2.3** Schedule B of the Principal Determination is amended by inserting the following entry under Clause B1.1 Professional Committees after the entry for "Advisory

Committee on Non-Prescription Medicines”: “Advisory Committee on the Safety of Medical Devices”.

- 2.4** Part 1 of the Principal Determination is amended by replacing the words in the second paragraph of Clause 1.4 “Clause 2.5;” with the following “Clause 2.10;”.
- 2.5** Part 2 of the Principal Determination is amended by replacing clause 2.3 “Offices not specified” with the following clause **2.3 “Offices not specified:** An office-holder in respect of whom a fee has not otherwise been specified in this Determination shall, subject to the conditions outlined in clauses 2.10 to 2.14 of this Determination, be paid a daily fee as set out in Table 2A below. These fees are inclusive of the amount necessary to meet any taxation obligation in respect of these fees”.
- 2.6** Part 2 of the Principal Determination is amended by inserting the following heading after clause 2.3.2 as follows “**Conditions of payment of base and meeting fees**”:
- 2.7** Part 2 of the Principal Determination is amended by deleting clauses 2.4 to 2.11.5 and replacing them with the following clauses.

2.4 Application: The provisions of clauses 2.5 to 2.8 apply to office-holders covered by Table A2A. Clauses 2.9 to 2.14 do not apply to offices covered by Table A2A.

2.5 Base fee: The base fee is an annual fee payable on a periodic basis throughout each year. Part years are paid on a proportionate basis. The base fee covers all activities undertaken on behalf of the authority, except formal meetings of the authority. Committee work including audit committee membership is included in the base fee.

2.6 Meeting fee: The daily meeting fees specified in Table A2A are payable only in respect of formal meetings of the prescribed authority, requiring attendance for a full day, or more than one day, of at least 5 hours on each day. Formal meeting attendance for each member must be certified by the Chair or nominated presiding officer.

2.7 Maximum number of meetings: For each office a cap on the total number of meeting days of the authority each calendar year, for which a meeting fee is payable, is specified in Table A2A. Meeting fees are not payable for meetings above the cap.

2.8 Exclusions: No meeting fee is payable in respect of part-day meetings, preparation or travel time, committee meetings, formal dinners, teleconferences, representational activities or other business of the authority.

The base fee covers those activities. There is no payment in respect of aggregation of part-day work of any kind.

Conditions of payment of daily fees

2.9 Application: The provisions of clauses 2.10 to 2.14 apply to office-holders covered by clause 2.3 and by Schedules A (Table A1A only), B and C, unless otherwise specified. Clauses 2.10 to 2.14 do not apply to Schedules D and E.

2.10 Daily fee – preparation for meetings: The daily fee for a formal meeting includes a component to cover normal preparation time, but where the chairperson of the authority considers the period of preparation time involved is so unusual as to warrant recognition that period may be included as business of the authority.

2.11 Daily fee – minimum hours: An office-holder shall be paid the daily fee in respect of such period, not less than three hours, on any one day on which he or she attends a formal meeting of the authority, and/or is engaged on business of the authority other than normal preparation time for a meeting, subject to the following conditions.

2.11.1 The chairperson, or nominated presiding officer, shall in each case certify whether the period of three hours has elapsed and in so certifying may have regard to reasonable travelling time incurred by an office holder away from the metropolitan area of the capital city or the environs of the town in which he or she lives.

2.11.2 The maximum payment in respect of any one day shall be the appropriate daily fee.

2.12. Part-payment of daily fee – meeting days: An office-holder may be paid in respect of formal meetings of less than three hours subject to the following conditions:

- (a) for formal meetings aggregating less than two hours, an amount equal to two-fifths of a daily fee;
- (b) for formal meetings, or formal meetings and business of the authority on the day of a formal meeting, of two hours or more, but less than three hours on any one day, an amount equal to three-fifths of a daily fee;
- (c) the maximum payment in respect of any one day shall be the appropriate daily fee;

- (d) eligibility for each payment shall be certified by the chairperson or nominated presiding officer and in so certifying the chairperson may have regard to reasonable travelling time in accordance with subclause 2.11.1; and
- (e) preparation time shall only be included in accordance with clause 2.10.

2.13 Aggregation of hours for daily fee – non-meeting days: An office-holder may also be paid a daily fee in respect of aggregates of periods of business of the authority of less than three hours, subject to the following conditions:

- (a) individual periods of business must be on other than formal meeting days and each period must be for a minimum of one hour;
- (b) to attract payment of a daily fee, aggregated periods shall total at least five hours;
- (c) the maximum payment in respect of any one day shall be the appropriate daily fee;
- (d) eligibility for each payment shall be certified by the chairperson and in so certifying the chairperson may have regard to reasonable travelling time in accordance with subclause 2.11.1; and
- (e) preparation time shall only be included in accordance with clause 2.10.

2.14 Daily Fees – travelling on non-meeting days: Where an office holder must undertake official travel on a non-meeting day, the chairperson or nominated presiding officer may determine that the office holder is engaged on business of the authority for the period of that travel and is therefore entitled to receive all or part of the appropriate daily fee in accordance with subclause 2.11.1 and 2.11.2.

2.15 Daily Fee – Superannuation Complaints Tribunal (SCT): The following sub-clauses apply, (and clauses 2.4 to 2.8 and clauses 2.10 to 2.14 do not apply), in relation to a person who holds an office as a member of the SCT on a part-time basis.

2.15.1 A daily fee is payable once such a person has undertaken official business of five hours duration in aggregate, regardless of the day or days on which that work is done.

2.15.2 The Chairperson of the SCT must certify the nature, reasonableness and duration of official business undertaken prior to any payment of fees to such a person.

2.15.3 Official business may include a hearing, preparation for a hearing, decision writing, checking and travel time other than for travel between the person's home and principal place of work.

2.15.4 The maximum payment in respect of any one day shall be the appropriate daily fee.

2.16 Daily Fee – Social Security Appeals Tribunal (SSAT): The following sub-clauses apply, (and clauses 2.4 to 2.8 and clauses 2.10 to 2.14 do not apply), in relation to a person who holds an office as a member of the SSAT on a part-time basis.

2.16.1 A daily fee is payable once such a person has undertaken official business of five hours duration in aggregate, regardless of the day or days on which that work is done.

2.16.2 The Principal Member of the SSAT is to certify the nature, reasonableness and duration of official business undertaken prior to any payment of fees to such a person.

2.16.3 Official business may include a hearing, preparation for a hearing, decision writing, checking and travel time other than for travel between the person's home and principal place of work.

2.16.4 In addition to fees specified a part-time member shall be paid a cancellation fee equivalent to 50 per cent of one day's fee for the cancellation of all work on a day with fewer than 5 working days' notice.

2.16.5 The maximum payment in respect of any one day shall be the appropriate daily fee.

2.8 Table A1A of Schedule A of the Principal Determination is amended by replacing the sentences below the heading with the sentences as follows:

Table A1A – Specified offices – annual and daily fees and travel tier. (Rates are effective from 1 July 2011 unless otherwise specified.)

General provisions relating to the following table:

- The fees set out in Table A1A below are payable in accordance with the conditions of this Determination to the holders of the relevant office.
- ***In Columns 2 and 3:***
 - ***an "a" following the dollar amount signifies an Annual Fee applies;***
 - ***a "d" following the dollar amount signifies a Daily Fee applies.***
- The additional clauses referred to in Column 4 are listed immediately following the Table.

2.9 Schedule A of the Principal Determination is amended by inserting the following sentences and table after clause A45 and before Schedule B:

**Table A2A – Specified offices – base and meeting fees and travel tier.
(Rates are effective from the date specified.)**

General provisions relating to the following table:

- The fees set out in Table A2A below are payable in accordance with the conditions of this Determination to the holders of the relevant office.
- The additional clauses referred to in Column 5 are listed immediately following the Table.

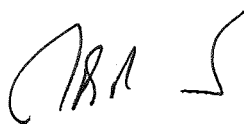
Column 1 Office/Authority	Column 2 Base fee \$	Column 3 Meeting fee \$	Column 4 Additional clauses applying	Column 5 Max. no of meeting days each year	Column 6 Travel tier
Clean Energy Regulator – Member	25,000	873		15	1

2.10 Clauses 2.4 to 2.9 take effect on and from 2 April 2012.

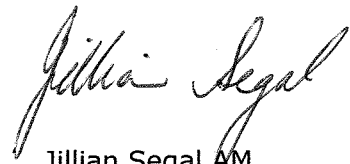
Signed this 29 day of March 2012.



John C Conde AO
PRESIDENT



John B Prescott AC
MEMBER



Jillian Segal AM
MEMBER