



REMUNERATION TRIBUNAL

**Determination 2014/13:
Remuneration and Allowances for Holders of Public Office
including Judicial and Related Offices**

- (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 certain 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.

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PART 1 – FULL-TIME OFFICES

- 1.1 In this part, Determination Number 12 of 2014 is referred to as the Principal Determination.
- 1.2 Part 2 of the Principal Determination is amended by deleting Clauses 2.2.7, 2.2.8, 2.2.9 and 2.2.10.
- 1.3 Table 2A of Part 2 of the Principal Determination is amended by deleting "2.2.9" from Column 4 of the entry for "Chair, Australian Prudential Regulation Authority".
- 1.4 Table 2A of Part 2 of the Principal Determination is amended by deleting "2.2.10" from Column 4 of the entry for "CEO, Health Workforce Australia".
- 1.5 Table 2A of Part 2 of the Principal Determination is amended by deleting "2.2.8" from Column 4 of the entry for "Gene Technology Regulator".
- 1.6 Table 2A of Part 2 of the Principal Determination is amended by deleting "2.2.7" from Column 4 of the entry for "Administrator, Norfolk Island".
- 1.7 Table 3A of Part 3 of the Principal Determination is amended by deleting the entry for Mr M Cormack, Chief Executive Officer, Health Workforce Australia.
- 1.8 Table 3B of Part 3 of the Principal Determination is amended by deleting the entry for Mr M Cormack, Chief Executive Officer, Health Workforce Australia.
- 1.9 Table 3A of Part 3 of the Principal Determination is amended by inserting the following entry after the entry for "Mr Timothy Wilson, Human Rights Commissioner, Australian Human Rights Commission":

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Mr Ben McDevitt	Chief Executive Officer, Australian Sports Anti-Doping Authority	\$34,500

- 1.10** Table 3B of Part 3 of the Principal Determination is amended by inserting the following entry before the entry for "Mr Timothy Wilson, Human Rights Commissioner, Australian Human Rights Commission":

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Mr Ben McDevitt	Chief Executive Officer, Australian Sports Anti-Doping Authority	\$18,690

- 1.11** Table 2A of Part 2 of the Principal Determination is amended by inserting the following entry after the entry for "Senior Member, RRT".

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
Student Identifiers Registrar	\$168,200	\$230,400		2

- 1.12** Table 3B of Part 3 of the Principal Determination is amended by inserting the following entry after the entry for Mr Robert Fitzgerald, Commissioner Productivity Commission":

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
The Hon. Gary Hardgrave	Administrator, Norfolk Island	\$6,012

- 1.13** Part 4 of the Principal Determination is amended by deleting Clause 4.1.3.
- 1.14** Part 5 of the Principal Determination is amended by replacing the wording in Clause 5.1.3 with the following" Administrator, Norfolk Island: The Administrator is entitled to three days recreation leave per annum, additional to any entitlement in Clause 5.1."
- 1.15** Clauses 1.12 to 1.14 take effect on and from 1 July 2014.

PART 2 – PART-TIME OFFICES

- 2.1** In this part, Determination Number 8 of 2014 is referred to as the Principal Determination.
- 2.2** Table A of Schedule A of the Principal Determination is amended by replacing the figure in column 4 of the entry for "Australia Council" with "30,980".
- 2.3** Table A of Schedule A of the Principal Determination is amended by deleting the entry for the "Australia Council, Boards".
- 2.4** Table A of Schedule A of the Principal Determination is amended by inserting "A3" in Column 5 of the entry for "Australia Council".
- 2.5** Table B3 of Schedule B of the Principal Determination is amended by inserting the following entries after the entry for "Asbestos Safety and Eradication Council":

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
Australia Council, Sector Strategy Panels	922		738		2
Australia Council, Peer Assessment Panel Members			692		2

- 2.6** Clauses 2.2 to 2.5 take effect on and from 8 May 2014.

- 2.7** Table B3 of Schedule B of the Principal Determination is amended by deleting the entry for "National Film and Sound Archive".
- 2.8** Table A of Schedule A of the Principal Determination is amended by inserting the following entry after the entry for "Fishing Industry Policy Council":

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
National Film and Sound Archive	40,960	20,480	20,480		2

2.9 Clauses 2.7 and 2.8 take effect on and from 1 July 2014.

2.10 Table A of Schedule A of the Principal Determination is amended by inserting the following entry after the entry for "Outback Stores Pty Ltd":

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Australian Grape and Wine Authority	71,680	35,840	35,840		2

2.11 Clause 2.10 takes effect on and from 1 July 2014.

2.12 Sub-clause B.3.11 in Schedule B of the Principal Determination is amended by replacing the current wording with the following "**Defence Force Advocate:** The daily fee specified in Table B.3 is payable when the Advocate undertakes tasks that do not require the advocacy and legal advice skills of a Senior Counsel. Fees payable for advocacy and legal advice that the Department certifies as within the Advocate's functions under s.58T of the *Defence Act 1903* and requiring the skills of a Senior Counsel or a Queens Counsel, shall be at the rate of \$3,500 per day."

2.13 Table A of Schedule A of the Principal Determination is amended by deleting the entry for "Australian Workforce and Productivity Agency".

2.14 Table B3 of Schedule B of the Principal Determination is amended by deleting the entry for "Pharmaceutical Benefits Pricing Authority".

PART 3 – JUDICIAL AND RELATED OFFICES

3.1 In this part, Determination Number 9 of 2014 is referred to as the Principal Determination.

3.2 Part 2 of the Principal Determination is amended by replacing the words "salary for superannuation purposes" in Clause 2.8.3 with "Reference Salary".

3.3 Part 2 of the Principal Determination is amended by replacing the words "salary for superannuation purposes" in Clause 2.8.5 sub clauses (i), (ii), (iii) with "Reference Salary".

3.4 Part 2 of the Principal Determination is amended by inserting the following words after "as salary" in Clause 2.10 "except where policies and procedures on salary packaging of the administering agency provide otherwise".

3.5 Part 5 of the Principal Determination is amended by replacing 5.6 with "5.5" in sub clause 5.1.3.

3.6 Part 5 of the Principal Determination is amended by removing clauses 5.1.4 and 5.1.5 and replacing them with the following clauses:

5.1.4 'Employer's Superannuation Contribution' in respect of an Office Holder means payments made by the Commonwealth in respect of the Office Holder to:

- a Commonwealth defined benefit scheme (including the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme); or
- another superannuation fund

5.1.5 'Office Holder' means a person appointed to an office listed in Table 3 of this Determination.

5.1.6 'Reference Salary' means the Office Holder's Total remuneration, less the amount of the Employer's Superannuation Contribution for the office holder.

5.1.7 'Total Remuneration' is the amount shown in Columns 4 of Table 3 representing the value, calculated at the total cost to the Commonwealth (including Fringe Benefits Tax where applicable), of:

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

but does not include:

- the value of Business Support referred to in clause 5.7;
- reimbursement of expenses incurred on geographic relocation following appointment as an Office Holder, in accordance with the authority's policies and practices where approved by the appropriate authority;
- travelling allowances and expenditure referred to in Part 3;
- any payment in lieu of recreation leave; and
- any separation benefits in accordance with clauses 2.8 – 2.8.6.

3.7 The Principal Determination is amended by removing clauses 5.4 to sub clause 5.7.1 and replacing with the following clauses:

5.4 Remuneration packaging: Subject to this part, an Office Holder may elect to receive the benefit of Total Remuneration as salary or a combination of salary and Benefits, in accordance with the authority's policies and procedures on salary packaging. The Office Holder must take at least 50 per cent of Total Remuneration 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 (ATO).

5.5 Superannuation Salary

5.5.1 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.

5.5.2 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.

5.5.3 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).

5.5.4 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.

5.5.5 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.

5.5.6 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.

5.6 Vehicles: Where an Office Holder accepts an offer of an authority 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 authority plus parking and fringe benefits taxation, less a reasonable amount (if any) reflecting business usage patterns. Where an Office Holder has access to an authority 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.

5.6.1 Any business usage amount is to be assessed on log book records for 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.

5.6.2 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.

5.7 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.

5.8 Payments on Separation: The rate of payment to an office holder whose remuneration is determined in accordance with this Part in respect of

- payment in lieu of Recreation Leave as specified in clause 2.7 (ii); and
- loss of office benefits as specified in clause 2.8.3

shall be the office holder's Reference Salary.

Signed this 7th day of August 2014.



John C Conde AO
PRESIDENT



John B Prescott AC
MEMBER