



Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2021

made under subsections 7(3) and (4) of the

Remuneration Tribunal Act 1973

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About this compilation

This compilation

This is a compilation of the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2021* that shows the text of the law as amended and in force on 1 April 2022 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary	1
1 Name.....	1
3 When this instrument takes effect.....	1
4 Authority.....	1
5 Determination supersedes previous determination.....	1
7 Definitions.....	1
8 Meaning of <i>total remuneration</i>	3
9 Remuneration and benefits not to be supplemented.....	3
Part 2—Remuneration	4
10 Total remuneration.....	4
11 Special provisions for certain offices.....	11
12 Part-time work.....	13
13 Remuneration packaging.....	13
Part 3—Superannuation	14
14 Superannuation.....	14
15 Superannuation salary for the purposes of CSS, PSS, DFRDB and MSBS.....	15
Part 4—Vehicles and business support	17
16 Vehicles.....	17
17 Vehicle parking.....	17
18 Business support.....	17
Part 5—Travel and accommodation assistance	18
19 Accommodation assistance.....	18
20 Accommodation assistance—special provisions.....	19
21 Accommodation in official residence.....	20
22 Reunion travel assistance.....	20
Part 6—Application and transitional provisions	22
23 Application and transitional provisions—general.....	22
Endnotes	24
Endnote 1—About the endnotes	24
Endnote 2—Abbreviation key	25
Endnote 3—Legislation history	26
Endnote 4—Amendment history	27

Part 1—Preliminary

1 Name

This instrument is the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2021*.

3 When this instrument takes effect

This instrument takes effect at the start of 1 July 2021.

4 Authority

This instrument is made under subsections 7(3) and (4) of the *Remuneration Tribunal Act 1973*.

5 Determination supersedes previous determination

This instrument supersedes the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2020*.

7 Definitions

In this instrument:

agency, of an office holder, means:

- (a) the agency to which the office holder is attached; or
- (b) if the office holder is not attached to an agency—the portfolio Department.

benefit means:

- (a) any non-monetary benefit provided at the employing authority's expense to or for the benefit of an office holder as a personal benefit, including:
 - (i) a vehicle (see section 16); and
 - (ii) vehicle parking (see section 17); and
- (b) any other benefit received by way of remuneration packaging (see section 13).

CSS (short for Commonwealth Superannuation Scheme) has the same meaning as in the *Superannuation Act 1976*.

DFRDB (short for Defence Force Retirement and Death Benefits) means the scheme established by the *Defence Force Retirement and Death Benefits Act 1973*.

Section 7

employer superannuation contribution for an office holder means:

- (a) if the office holder is a member of the CSS, PSS, DFRDB or MSBS—the value attributed to the employer superannuation contribution under subsection 14(1), (2), (3) or (4); or
- (b) if the office holder is a member of the PSSAP—15.4% of ordinary time earnings (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*) for the office holder; or
- (c) if the office holder is a member of another superannuation fund—the amount worked out under subsection 14(6).

Note 1: An office holder's employer superannuation contribution is part of the office holder's total remuneration (see section 8).

Note 2: Superannuation contributions made as a result of remuneration packaging do not form part of an office holder's employer superannuation contribution (see section 13).

employing authority, in relation to an office holder, means an entity exercising a power or performing a function in relation to the office holder's employment or remuneration.

fringe benefits tax means fringe benefits tax (within the meaning of the *Fringe Benefits Tax Assessment Act 1986* as it applies of its own force or because of the *Fringe Benefits Tax (Application to the Commonwealth) Act 1986*).

MSBS (short for Military Superannuation and Benefits Scheme) has the same meaning as **Scheme** has in the *Military Superannuation and Benefits Act 1991*.

office holder means a person who holds an office in column 1 of Table 2A.

office locality, in relation to an office holder, means the geographic locality of the office holder's usual place of work on official business.

official business, in relation to an office holder, means business pertaining to or required by the duties of the office holder's office.

official travel determination means the *Remuneration Tribunal (Official Travel) Determination 2019* (or any determination that supersedes that determination).

PSS (short for Public Sector Superannuation Scheme) has the same meaning as **Public Sector Superannuation Scheme** has in the *Superannuation Act 1990*.

PSSAP (short for Public Sector Superannuation Accumulation Plan) has the same meaning as in the *Superannuation Act 2005*.

superannuation salary, for an office holder who is a member of the CSS, PSS, DFRDB or MSBS, is the amount worked out under section 15.

Table 2A means the table of total remuneration in section 10.

Table 2B means the table of special provisions for certain offices in section 11.

Table 3A means the table of superannuation salaries in subsection 15(1).

Table 3B means the table of superannuation salaries for specified office holders in subsection 15(2).

Table 5A means the table of accommodation assistance in subsection 19(6).

Table 5B means the table of reunion fares assistance in subsection 22(4).

Table 6A means the table of application and transitional provisions in section 23.

total remuneration: see section 8.

8 Meaning of total remuneration

- (1) For the purposes of this instrument, the **total remuneration** of an office holder is the amount, per year, in column 2 of Table 2A.
- (2) The total remuneration of an office holder represents the value, calculated at the total cost to the employing authority of the office holder (including fringe benefits tax), of the following in relation to the office holder:
 - (a) salary, allowances and lump sum payments;
 - (b) benefits;
 - (c) the employer superannuation contribution.
- (3) However, the total remuneration of an office holder does not include the following:
 - (a) the value of facilities provided as business support that are not required to be included in total remuneration under section 18;
 - (b) assistance paid in accordance with Part 5;
 - (c) reimbursement of expenses incurred on geographic relocation following appointment as an office holder, in accordance with agency policies and practices where approved by the employing authority;
 - (d) travel expenses and allowances under the official travel determination;
 - (e) payment in lieu of recreation leave in accordance with the *Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) Determination 2018* (or any determination that supersedes that determination);
 - (f) compensation for early loss of office in accordance with the *Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018* (or any determination that supersedes that determination).

9 Remuneration and benefits not to be supplemented

The remuneration and benefits provided for in this instrument must not be supplemented.

Section 10

Part 2—Remuneration**10 Total remuneration**

The following table (*Table 2A*) sets out, for the holder of each office in column 1:

- (a) the total remuneration, per year, of the office holder; and
- (b) the special provisions of this instrument that apply to the office holder (if any); and
- (c) the travel tier that applies to the office holder for the purposes of the official travel determination.

Table 2A—Total remuneration			
Column 1	Column 2	Column 3	Column 4
Office	Total remuneration (per year)	Special provisions	Travel tier
Chair, Australian Prudential Regulation Authority	\$886,750		1
Chairperson, Australian Competition and Consumer Commission	\$775,910	Table 2B, item 1	1
Chairperson, Australian Securities and Investments Commission	\$775,910		1
Director-General, Office of the Special Investigator	\$775,910		1
Solicitor-General	\$775,910	Table 2B, item 2	1
Chief Executive Officer, Services Australia	\$748,210		1
Australian Federal Police Commissioner	\$720,480		1
Australian Public Service Commissioner	\$720,480		1
Director-General, Office of National Intelligence	\$720,480		1
Deputy Chair, Australian Prudential Regulation Authority	\$709,390		1
Member, Australian Prudential Regulation Authority	\$665,070		1
Director-General of Security, Australian Security Intelligence Organisation	\$665,070		1
Director-General, Australian Signals Directorate	\$665,070		1
Australian Border Force Commissioner	\$642,890		1
Deputy Chairperson, Australian Securities and Investments Commission	\$620,730		1
Vice Chief of the Defence Force	\$609,640		1
Chair, Productivity Commission	\$609,640		1

Table 2A—Total remuneration			
Column 1	Column 2	Column 3	Column 4
Office	Total remuneration (per year)	Special provisions	Travel tier
Deputy Chairperson, Australian Competition and Consumer Commission	\$581,940	Table 2B, item 1	1
Chief of Navy	\$581,940		1
Chief of Army	\$581,940		1
Chief of Air Force	\$581,940		1
Vice President, Fair Work Commission	\$581,940		1
Chief Executive Officer, Austrade	\$554,220		1
Chair, Australian Communications and Media Authority	\$554,220		1
Member, Australian Competition and Consumer Commission	\$554,220	Table 2B, item 1	1
Chief Executive Officer, Australian Criminal Intelligence Commission	\$554,220		1
Chief Executive Officer, Australian Digital Health Agency	\$554,220		1
Australian Electoral Commissioner	\$554,220		1
Chair, Australian Energy Regulator	\$554,220		1
Member, Australian Securities and Investments Commission	\$554,220		1
Chair/Chief Executive Officer, Clean Energy Regulator	\$554,220		1
Chief Executive Officer, Digital Transformation Agency	\$554,220		1
Director of Public Prosecutions	\$554,220		1
Chief Executive Officer, National Disability Insurance Scheme Launch Transition Agency	\$554,220	Table 2B, item 14	2
Chief Executive Officer, National Indigenous Australians Agency	\$554,220		1
First Parliamentary Counsel	\$554,220		1
Chief Executive Officer, National Health and Medical Research Council	\$526,520		1
Chief Executive, Australian Financial Security Authority	\$498,810		2
Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$498,810		2
Director, Bureau of Meteorology	\$498,810		2
Chief Scientist	\$498,810		1
Data Standards Chair	\$498,810		1

Part 2 Remuneration

Section 10

Table 2A—Total remuneration			
Column 1 Office	Column 2 Total remuneration (per year)	Column 3 Special provisions	Column 4 Travel tier
Chief Executive Officer, National Housing Finance and Investment Corporation	\$498,810		2
Aged Care Quality and Safety Commissioner	\$471,090	Table 6A, item 5	2
Integrity Commissioner, Australian Commission for Law Enforcement Integrity	\$471,090		1
Examiner, Australian Criminal Intelligence Commission	\$471,090		1
Chief Executive Officer, Australian Renewable Energy Agency	\$471,090	Table 6A, item 3	2
Chief Executive Officer, Australian Research Council	\$471,090		1
Commonwealth Ombudsman	\$471,090		1
Deputy President, Fair Work Commission	\$471,090		1
Chief Executive Officer, Independent Hospital Pricing Authority	\$471,090		1
Information Commissioner	\$471,090		1
Inspector-General of Intelligence and Security	\$471,090		1
National Disability Insurance Scheme Quality and Safeguards Commissioner	\$471,090		2
Australian Building and Construction Commissioner	\$443,390		2
Chief Executive Officer, Australian Commission on Safety and Quality in Health Care	\$443,390		1
Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority	\$443,390	Table 2B, item 3	2
President, Australian Human Rights Commission	\$443,390	Table 2B, item 4	1
Chief Commissioner, Australian Transport Safety Bureau	\$443,390		1
Chief Executive Officer, Cancer Australia	\$443,390		2
Fair Work Ombudsman	\$443,390		1
Inspector-General of Taxation	\$443,390		1
Chief Executive, Murray-Darling Basin Authority	\$443,390		1
Coordinator-General, National Recovery and Resilience Agency	\$443,390	Table 2B, item 5	1

Table 2A—Total remuneration			
Column 1 Office	Column 2 Total remuneration (per year)	Column 3 Special provisions	Column 4 Travel tier
Chief Executive Officer, National Offshore Petroleum Safety and Environmental Management Authority	\$443,390		2
National Skills Commissioner	\$443,390	Table 2B, item 16	2
Parliamentary Budget Officer	\$443,390		2
Deputy Chair, Productivity Commission	\$443,390		1
Second Parliamentary Counsel	\$443,390		2
Chief Executive Officer, Sport Integrity Australia	\$443,390		2
Chair, Australian Accounting Standards Board	\$415,680		1
Deputy Chair, Australian Communications and Media Authority	\$415,680		1
Inspector-General Australian Defence Force	\$415,680		2
Member, Australian Energy Regulator	\$415,680		1
Chief Executive Officer, Australian Fisheries Management Authority	\$415,680		1
Chief Executive Officer, Australian Skills Quality Authority	\$415,680		2
Chief Executive Officer, Comcare	\$415,680	Table 2B, item 6	2
eSafety Commissioner	\$415,680	Table 6A, item 2	2
General Manager, Fair Work Commission	\$415,680		1
Chief Executive Officer, National Mental Health Commission	\$415,680		2
Chair, Pharmaceutical Benefits Advisory Committee	\$415,680		1
Chief Executive Officer, Safe Work Australia	\$415,680		2
Chair, Auditing and Assurance Standards Board	\$387,960		1
Director, Australian Institute of Criminology	\$387,960		1
Director, Australian Institute of Family Studies	\$387,960		2
Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority	\$387,960		2
Chief Executive Officer, Australian Radiation Protection and Nuclear Safety Agency	\$387,960		1
Director of Military Prosecutions	\$387,960		2
Associate Director of Public Prosecutions	\$387,960		1

Part 2 Remuneration

Section 10

Table 2A—Total remuneration			
Column 1	Column 2	Column 3	Column 4
Office	Total remuneration (per year)	Special provisions	Travel tier
Commissioner, Fair Work Commission	\$387,960		1
Freedom of Information Commissioner	\$387,960		2
Chief Executive Officer, Infrastructure Australia	\$387,960	Table 2B, item 7	1
Director-General, National Archives of Australia	\$387,960		2
General Manager, National Blood Authority	\$387,960		2
Chief Executive Officer, Northern Australia Infrastructure Facility	\$387,960	Table 2B, item 17	1
Privacy Commissioner	\$387,960		2
Commissioner, Productivity Commission	\$387,960		2
Director, Professional Services Review	\$387,960		1
Registered Organisations Commissioner	\$387,960		2
Chief Executive Officer, Australian Centre for International Agriculture Research	\$360,250		2
Member, Australian Communications and Media Authority	\$360,250		1
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$360,250		2
Age Discrimination Commissioner	\$360,250		2
Disability Discrimination Commissioner	\$360,250		2
Human Rights Commissioner	\$360,250		2
National Children's Commissioner	\$360,250		2
Race Discrimination Commissioner	\$360,250		2
Sex Discrimination Commissioner	\$360,250		2
Chief Executive Officer, Australian National Preventative Health Agency	\$360,250		2
Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority	\$360,250	Table 6A, item 4	2
Chief Executive Officer, Australian Radioactive Waste Agency	\$360,250	Table 2B, item 18	1
Australian Small Business and Family Enterprise Ombudsman	\$360,250		2
Chief Executive Officer, Climate Change Authority	\$360,250		2
Chief Executive Officer, Great Barrier Reef Marine Park Authority	\$360,250		2
Chief Executive Officer, Independent Parliamentary Expenses Authority	\$360,250		2

Section 10

Table 2A—Total remuneration			
Column 1 Office	Column 2 Total remuneration (per year)	Column 3 Special provisions	Column 4 Travel tier
Administrator of the National Health Funding Pool	\$360,250		2
Director of National Parks	\$360,250		2
Chief Executive Officer, National Transport Commission	\$360,250		1
Official Secretary to the Governor-General	\$360,250		2
Director, Old Parliament House	\$360,250		2
Deputy President, Repatriation Commission	\$360,250		1
Chief Executive Officer, Tertiary Education Quality and Standards Agency	\$360,250		2
Principal Member, Veterans' Review Board	\$360,250		1
Chief Executive Officer, Aboriginal Hostels Limited	\$332,550		2
Administrator of the Northern Territory	\$332,550		1
Commissioner, Australian Charities and Not-for-profits Commission	\$332,550		2
Deputy Electoral Commissioner	\$332,550		2
Deputy Commonwealth Ombudsman	\$332,550		2
Chief Executive Officer, Food Standards Australia New Zealand	\$332,550		1
Gene Technology Regulator	\$332,550		2
Chief Executive, National Capital Authority	\$332,550	Table 2B, item 8	2
Executive Director, Australian Industrial Chemicals Introduction Scheme	\$332,550		2
National Rural Health Commissioner	\$332,550		2
Registrar of Aboriginal and Torres Strait Islander Corporations	\$304,830		2
Administrator, Christmas and Cocos (Keeling) Islands	\$304,830	Table 2B, item 9	2
Administrator of Norfolk Island	\$304,830		2
Aged Care Pricing Commissioner	\$304,830		2
Chief Executive Officer, Asbestos Safety and Eradication Agency	\$304,830		2
Deputy Australian Building and Construction Commissioner	\$304,830		2
Director General, Australian Safeguards and Non-Proliferation Office	\$304,830		2

Part 2 Remuneration

Section 10

Table 2A—Total remuneration			
Column 1	Column 2	Column 3	Column 4
Office	Total remuneration (per year)	Special provisions	Travel tier
Chief Executive Officer, National Faster Rail Agency	\$304,830		2
Chief Executive Officer, National Health Funding Body	\$304,830		2
Chief Executive Officer, National Sports Tribunal	\$304,830		2
Head, National Suicide Prevention Office	\$304,830		2
Chief Executive Officer, North Queensland Water Infrastructure Authority	\$304,830		2
Deputy Chair, Pharmaceutical Benefits Advisory Committee	\$304,830		1
Commissioner, Repatriation Commission	\$304,830		2
Administrator, Torres Strait Regional Authority	\$304,830		2
Chairperson, Torres Strait Regional Authority	\$304,830		2
Australian Electoral Officer for New South Wales	\$277,120		2
Australian Electoral Officer for Victoria	\$277,120		2
Director of Workplace Gender Equality	\$277,120		2
Merit Protection Commissioner	\$277,120		2
Director, Office of Australian War Graves	\$277,120		2
Executive Director of Township Leasing	\$277,120		2
Chief Executive Officer, Torres Strait Regional Authority	\$258,393		2
Australian Electoral Officer for Queensland	\$249,420		2
Director, Classification Board	\$249,420	Table 2B, item 10	2
Associate Commissioner, Productivity Commission	\$249,420		2
Student Identifiers Registrar	\$249,420		2
Director, Tuition Protection Service	\$249,420		2
Senior Member, Veterans' Review Board	\$249,420		2
Administrative Appeals Tribunal (former member, Migration Review Tribunal (MRT))	\$221,700	Table 2B, item 12	2
Administrative Appeals Tribunal (former member, Refugee Review Tribunal (RRT))	\$221,700	Table 2B, item 12	2
Australian Electoral Officer for Western Australia	\$221,700		2
Chair (full-time), Central Land Council	\$221,700		2
Chair (full-time), Northern Land Council	\$221,700		2
Australian Electoral Officer for South Australia	\$215,930		2

Section 11

Table 2A—Total remuneration

Column 1 Office	Column 2 Total remuneration (per year)	Column 3 Special provisions	Column 4 Travel tier
Australian Electoral Officer for Northern Territory	\$202,930		2
Australian Electoral Officer for Tasmania	\$198,280		2
Chair (full-time), Anindilyakwa Land Council	\$193,990		2
Deputy Director, Classification Board	\$193,990	Table 2B, item 10	2
Classifier, Classification Board	\$138,570	Table 2B, item 13	3
Chair, Tiwi Land Council	\$127,150	Table 6A, item 1	2

11 Special provisions for certain offices

The provisions in column 2 of the following table (*Table 2B*) apply to the holders of the offices in column 1.

Table 2B—Special provisions for certain offices

Item	Column 1 Office	Column 2 Special provision
1	Chairperson, Deputy Chairperson and Member of the Australian Competition and Consumer Commission (ACCC)	Despite the official travel determination, 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.
2	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 travel allowance provided for by Division 2 of Part 4 of the official travel determination that would otherwise be payable for travel to Canberra.
3	Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority	Total remuneration for Mr David de Carvalho is \$450,090 per year, until 3 March 2022.
4	President, Australian Human Rights Commission	Total remuneration for Emeritus Professor Rosalind Croucher is \$463,710 per year, until 29 July 2024.
5	Coordinator-General, National Recovery and Resilience Agency	The Hon Shane Stone will receive an additional fixed loading of \$100,000 per year for the term of his appointment, until 29 February 2024.

Part 2 Remuneration

Section 11

Table 2B—Special provisions for certain offices

Item	Column 1 Office	Column 2 Special provision
6	Chief Executive Officer, Comcare	Total remuneration for Ms Sue Weston is \$463,298 for the period beginning on 20 April 2021 and ending on 20 April 2022.
7	Chief Executive Officer, Infrastructure Australia	Ms Romilly Madew will receive an additional fixed loading of \$75,000 per year, until 29 April 2022.
8	Chief Executive, National Capital Authority	Ms Sally Barnes will receive an additional fixed loading of \$55,380 for the initial term of her appointment, until 10 February 2023.
9	Administrator, Christmas and Cocos (Keeling) Islands	Despite the official travel determination, the Administrator and any immediate family members normally resident with the Administrator on Christmas Island are entitled to 2 return economy class fares per year each between their home and work base.
10	Director, Classification Board and Deputy Director, Classification Board	On any occasion when the Deputy Director acts as Director, the Deputy Director is entitled to the remuneration and other conditions determined for the Director.
12	Administrative Appeals Tribunal (AAT) (former member, Migration Review Tribunal (MRT)) and Administrative Appeals Tribunal (former member, Refugee Review Tribunal (RRT))	This instrument applies to a full-time office holder of the AAT who is a former member of the MRT or the RRT and is covered by item 5 of Schedule 9 to the <i>Tribunals Amalgamation Act 2015</i> (i.e. for the remaining balance of the former member's term of appointment that commenced before 1 July 2015).
13	Temporary Classifier	<p>If a person is appointed to the Classification Board as a Temporary Classifier, a daily fee of \$576 is payable to the person, in lieu of other provisions in this Part. The conditions for payment of the daily fee are as set out in Part 4 of the <i>Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2021</i>.</p> <p>The following do not apply to the person:</p> <ul style="list-style-type: none"> (a) Part 5 of this instrument; (b) the <i>Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) Determination 2018</i> (or any determination that supersedes that determination); (c) the <i>Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018</i> (or any determination that supersedes that determination).
14	Chief Executive Officer, National Disability Insurance Scheme Launch Transition Agency	Mr Martin Hoffman will receive an additional fixed loading of \$166,260 per year, until 3 November 2022.

12 *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2021*

Table 2B—Special provisions for certain offices

Item	Column 1 Office	Column 2 Special provision
16	National Skills Commissioner	Mr Adam Boyton will receive an additional fixed loading of \$27,700 per year, for the initial term of his appointment, until 12 October 2025.
17	Chief Executive Officer, Northern Australia Infrastructure Facility	Total remuneration for this office is \$471,090 per year for the period beginning on 1 July 2021 and ending on 30 June 2026.
18	Chief Executive Officer, Australian Radioactive Waste Agency	Total remuneration for Mr Sam Usher is \$495,000 per year, for the initial term of his appointment (beginning on 10 January 2022).

12 Part-time work

- (1) If an office holder's employing authority has approved the office holder to perform the duties of the office on a part-time basis, the total remuneration for that office is to be paid on a pro rata basis in accordance with the proportion of full-time hours worked.
- (2) However, if the proposed hours are less than 60% of the full-time hours, prior agreement of the Tribunal is required for the level of remuneration.

13 Remuneration packaging

- (1) Subject to this Part, an office holder may elect to receive the benefit of the total remuneration, other than the employer superannuation contribution, as salary or a combination of salary and benefits if:
 - (a) the election is consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office; and
 - (b) providing the benefit would not result in a cost to the employing authority (including any fringe benefits tax) that would not be incurred if the office holder received the remuneration in the form of salary.
- (2) To avoid doubt, a superannuation contribution made as a result of an election by an office holder under subsection (1) does not form part of the employer superannuation contribution for the office holder.

Part 3—Superannuation

14 Superannuation

Commonwealth Superannuation Scheme

- (1) For an office holder who is a member of the CSS:
 - (a) the office holder's annual rate of salary for the purposes of the CSS is the office holder's superannuation salary; and
 - (b) for the purposes of paragraph (a) of the definition of **employer superannuation contribution** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the **superannuation salary** for an office holder who is a member of the CSS, see section 15.

Public Sector Superannuation Scheme

- (2) For an office holder who is a member of the PSS:
 - (a) the office holder's basic salary for the purposes of the PSS is the office holder's superannuation salary; and
 - (b) the amount of the office holder's recognised allowances for the purposes of the PSS is nil; and
 - (c) for the purposes of paragraph (a) of the definition of **employer superannuation contribution** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the **superannuation salary** for an office holder who is a member of the PSS, see section 15.

Defence Force Retirement and Death Benefits

- (3) For an office holder who is a member of the DFRDB:
 - (a) the office holder's annual rate of salary for the purposes of the DFRDB is the office holder's superannuation salary; and
 - (b) for the purposes of paragraph (a) of the definition of **employer superannuation contribution** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the **superannuation salary** for an office holder who is a member of the DFRDB, see section 15.

Military Superannuation and Benefits Scheme

- (4) For an office holder who is a member of the MSBS:

- (a) the office holder's annual rate of salary for the purposes of the MSBS is the office holder's superannuation salary; and
- (b) for the purposes of paragraph (a) of the definition of **employer superannuation contribution** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the **superannuation salary** for an office holder who is a member of the MSBS, see section 15.

Public Sector Superannuation Accumulation Plan

- (5) For an office holder who is a member of PSSAP, the office holder's superannuation salary for the purposes of the *Superannuation (PSSAP) Trust Deed* is the office holder's ordinary time earnings (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*).

Other superannuation funds

- (6) For an office holder who is a member of any other superannuation fund, the employer superannuation contribution is the minimum contribution that would, under section 23 of the *Superannuation Guarantee (Administration) Act 1992*, reduce the charge percentage for that office holder to nil.

No cash in lieu

- (7) The value attributed to the employer superannuation contribution under this section 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.

15 Superannuation salary for the purposes of CSS, PSS, DFRDB and MSBS

- (1) Subject to subsection (2), the **superannuation salary** for an office holder who is a member of the CSS, PSS, DFRDB or MSBS is worked out in accordance with the following table (**Table 3A**).

Table 3A—Superannuation salary—general

Item	If the office holder's total remuneration is ...	the office holder's superannuation salary is ...
1	\$443,390 or more	70% of the office holder's total remuneration (rounded up to the nearest \$10).
2	less than \$443,390	73% of the office holder's total remuneration (rounded up to the nearest \$10).

- (2) If an office or an office holder is specified in column 1 of the following table (**Table 3B**), the amount in column 2 is the superannuation salary for a holder of that office, or for that office holder.

Part 3 Superannuation

Section 15

Table 3B—Superannuation salary for specified office holders		
Item	Column 1 Office or office holder	Column 2 Superannuation salary
1	Mr Michael Burgess, Director-General of Security, Australian Security Intelligence Organisation	\$473,760
2	Ms Sue Weston, Chief Executive Officer, Comcare	\$392,240
3	Dr Stein Helgeby, Parliamentary Budget Officer	\$386,348
4	Ms Sandra Parker, Fair Work Ombudsman	\$368,660
6	Mr Phillip Glyde, Chief Executive Officer, Murray-Darling Basin Authority	\$356,240
7	Deputy President, Fair Work Commission	\$343,900
8	Mr David de Carvalho, Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority	\$315,070
8A	Ms Jody Swirepik, Director of National Parks	\$304,122
9	Mr David Fricker, Director-General, National Archives of Australia	\$299,080
10	Ms Cathryn Pope, Deputy President, Repatriation Commission	\$293,346
11	Director of Military Prosecutions	\$287,100
12	Mr Brad Archer, Chief Executive Officer, Climate Change Authority	\$269,080
13	Ms Justine Ross, Chief Executive Officer, Asbestos Safety and Eradication Agency	\$227,240
15	Deputy Director, Classification Board	\$166,840
16	Classifier, Classification Board	\$119,180

Part 4—Vehicles and business support

16 Vehicles

- (1) If an office holder:
 - (a) accepts an offer of a vehicle owned or leased by the office holder’s agency for private use; or
 - (b) has access to a vehicle owned or leased by the office holder’s agency for private use;the actual cost of the vehicle to the agency (including fringe benefits tax), less a reasonable amount (if any) reflecting business usage patterns, is taken to be a benefit.
- (2) For the purposes of subsection (1):
 - (a) if the annual business kilometres are less than 5,000—the business usage amount is to be based on the “cents per kilometre” method; or
 - (b) if the annual business kilometres are 5,000 or more:
 - (i) any business usage amount is to be assessed on log book records for at least a 12 week representative period; and
 - (ii) the percentage of business use to total kilometres travelled per year is to be applied to the total cost of the vehicle.

17 Vehicle parking

If 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 is taken to be a benefit.

18 Business support

If an office holder is provided with communications, information technology or other office facilities necessary for the efficient conduct of the office holder’s office, incidental private use of those facilities does not require the value of the facilities to be included in total remuneration.

Part 5—Travel and accommodation assistance

19 Accommodation assistance

- (1) An office holder in column 1 of Table 5A is eligible to be reimbursed for qualifying accommodation costs while the office holder:
 - (a) occupies the office in column 2; and
 - (b) has a principal place of residence in a locality (the **PPR locality**) other than the office locality.

Commercial accommodation

- (2) For the purposes of subsection (1), if the office holder is in commercial accommodation in the office locality, the following are **qualifying accommodation costs** up to the amount (per year) in column 3 of Table 5A:
 - (a) the costs of the commercial accommodation;
 - (b) settling-in costs (including one-off utility connection costs);
 - (c) if the commercial accommodation does not include cooking facilities—the cost of meals.

Private, non-commercial accommodation

- (3) For the purposes of subsection (1), if the office holder is in private, non-commercial accommodation (such as the home of a family member or friend) in the office locality, the costs of the private, non-commercial accommodation are **qualifying accommodation costs** up to one third of the amount (per year) in column 3 of Table 5A.

Exclusions

- (4) Assistance is not payable under this section while the office holder lives in premises owned by the office holder in the office locality.
- (5) An office holder is not eligible to access travel allowance entitlements under the official travel determination in the PPR locality or the office locality while the office holder remains eligible to receive assistance under this section.

Amounts of accommodation assistance

- (6) Amounts of accommodation assistance are set out in the following table (**Table 5A**).

Table 5A—Accommodation assistance

Item	Column 1 Office holder	Column 2 Office	Column 3 Assistance (per year)
1	Ms June Oscar	Aboriginal and Torres Strait Islander Social Justice Commissioner (until 3 April 2022)	\$40,000
2	Mr Chin Tan	Race Discrimination Commissioner, Australian Human Rights Commission (until 7 October 2023)	\$40,000
3	Professor Dorothy Keefe	Chief Executive Officer, Cancer Australia (until 2 July 2022)	\$40,000
3A	Mr Graeme Barden	Executive Director, Australian Industrial Chemicals Introduction Scheme (beginning on 1 July 2021, until 30 June 2026)	\$40,000
3B	Ms Kate Jenkins	Sex Discrimination Commissioner (beginning on 17 April 2021, until 16 April 2023)	\$40,000
3BA	The Hon Mary Wooldridge	Director of Workplace Gender Equality (beginning on 19 May 2021, until 18 May 2024)	\$40,000
3BB	Ms Lorraine Finlay	Human Rights Commissioner (beginning on 22 November 2021, until 21 November 2026)	\$40,000
4	Mr Mark Bielecki	Registered Organisations Commissioner (until 30 April 2022)	\$34,500
5	Dr Christopher Jessup QC	Inspector-General of Intelligence and Security (until 7 February 2026)	\$34,500

20 Accommodation assistance—special provisions

Member of the Classification Board

- (1) Subject to individual qualification for this allowance, to be decided by the employing authority in accordance with agency guidelines, a member of the Classification Board who has, or had, to relocate to Sydney to take up the appointment is to be paid an accommodation allowance of \$13,500 per year. This allowance does not represent salary for superannuation.

Defence chiefs

- (2) The employing authority 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 Army, the Chief of Air Force, and the Director of Military Prosecutions.

Section 21

21 Accommodation in official residence

If an office requires the office holder to reside in an official residence, the office holder's total remuneration does not include the value of accommodation in the residence or the running costs of the residence.

22 Reunion travel assistance

- (1) An office holder in column 1 of Table 5B may receive travel costs of up to the amount (per year) in column 3 for travel back to the locality of the office holder's principal place of residence (the **PPR locality**) for the purpose of family reunion, while the office holder occupies the office in column 2.
- (2) If the office holder certifies that the workload and responsibilities of the office prevent the office holder from travelling to the PPR locality for reunion purposes, the costs of reunion travel by the office holder's partner, or a child or children of the office holder or of the office holder's partner, who resides at the office holder's principal place of residence, can be funded. Funding paid in accordance with this subsection counts towards the limit in subsection (1).
- (3) Travel by a person other than the office holder funded in accordance with subsection (2) must be at economy class, and only for direct travel between the PPR locality and the office locality.
- (4) Amounts of reunion travel assistance are set out in the following table (**Table 5B**).

Item	Column 1 Office holder	Column 2 Office	Column 3 Assistance (per year)
1	Ms Natasha Griggs	Administrator of Christmas and Cocos (Keeling) Islands (until 4 October 2022)	\$40,260
2	Ms June Oscar	Aboriginal and Torres Strait Islander Social Justice Commissioner (until 3 April 2022)	\$27,000
3	Mr Eric Hutchinson	Administrator of Norfolk Island (until 31 March 2023)	\$24,000
4	Professor Dorothy Keefe	Chief Executive Officer, Cancer Australia (until 2 July 2022)	\$22,200
5	Dr Christopher Jessup QC	Inspector-General of Intelligence and Security (until 7 February 2026)	\$21,384
5A	The Hon Mary Wooldridge	Director of Workplace Gender Equality (beginning on 19 May 2021, until 18 May 2024)	\$21,000
7	Mr Chin Tan	Race Discrimination Commissioner, Australian Human Rights Commission (until 7 October 2023)	\$18,500
7A	Ms Kate Jenkins	Sex Discrimination Commissioner (beginning on 17 April 2021, until 16 April 2023)	\$18,500

Table 5B—Reunion travel assistance

Item	Column 1 Office holder	Column 2 Office	Column 3 Assistance (per year)
7B	Ms Lorraine Finlay	Human Rights Commissioner (beginning on 22 November 2021, until 21 November 2026)	\$18,000
8	Mr Mark Bielecki	Registered Organisations Commissioner (until 30 April 2022)	\$16,824
10	Mr Graeme Barden	Executive Director, Australian Industrial Chemicals Introduction Scheme (beginning on 1 July 2021, until 30 June 2026)	\$5,933

Part 6—Application and transitional provisions

23 Application and transitional provisions—general

The following table (*Table 6A*) sets out application and transitional provisions for the provisions in column 1.

Table 6A—Application and transitional provisions		
Item	Column 1 Provision	Column 2 Application and transitional provisions
1	Table 2A, item dealing with Chair, Tiwi Land Council	This item, as inserted by the <i>Remuneration Tribunal Amendment Determination (No. 3) 2021</i> , applies on and after 19 April 2021. For the period beginning on 19 April 2021 and ending at the commencement of the <i>Remuneration Tribunal Amendment Determination (No. 3) 2021</i> , the total remuneration specified in the item includes any remuneration (including remuneration by way of superannuation, allowances or benefits) paid to or in respect of the Chair.
2	Table 2A, item dealing with eSafety Commissioner	This item, as inserted by the <i>Remuneration Tribunal Amendment Determination (No. 4) 2021</i> (including the repeal of the item of Table 2A previously dealing with the e-Safety Commissioner), applies on and after 23 July 2021.
3	Table 2A, item dealing with Chief Executive Officer, Australian Renewable Energy Agency	This item, as inserted by the <i>Remuneration Tribunal Amendment Determination (No. 6) 2021</i> (including the repeal of the item of Table 2A previously dealing with the Chief Executive Officer, Australian Renewable Energy Agency), applies on and after 1 October 2021.
4	Table 2A, item dealing with Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority	This item, as inserted by the <i>Remuneration Tribunal Amendment Determination (No. 6) 2021</i> (including the repeal of the item of Table 2A previously dealing with the Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority), applies on and after 1 November 2021.
5	Table 2A, item dealing with Aged Care Quality and Safety Commissioner	This item, as inserted by the <i>Remuneration Tribunal Amendment Determination (No. 2) 2022</i> (including the repeal of the item of Table 2A previously dealing with the Aged Care Quality and Safety Commissioner), applies on and after 16 March 2022.
6	Table 3B, item 8A	This item, as inserted by the <i>Remuneration Tribunal Amendment Determination (No. 2) 2022</i> , applies on and after 1 March 2022 but between that day and 10 March 2022 this item applies as if a reference in this item to \$304,122 were a reference to \$299,263.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2021	17 June 2021 (F2021L00770)	1 July 2021 (s 2(1) item 1)	
Remuneration Tribunal Amendment Determination (No. 3) 2021	22 July 2021 (F2021L01012)	Sch 1 (items 1–9): 23 July 2021 (s 2(1) item 1)	—
Remuneration Tribunal Amendment Determination (No. 4) 2021	30 Aug 2021 (F2021L01202)	Sch 1 (items 1–6): 31 Aug 2021 (s 2(1) item 2)	—
Remuneration Tribunal Amendment Determination (No. 6) 2021	25 Nov 2021 (F2021L01607)	Sch 1 (items 1–8): 26 Nov 2021 (s 2(1) items 2, 3)	—
Remuneration Tribunal Amendment Determination (No. 7) 2021	20 Dec 2021 (F2021L01851)	Sch 1 (items 1–5): 21 Dec 2021 (s 2(1) item 1)	—
Remuneration Tribunal Amendment Determination (No. 1) 2022	22 Feb 2022 (F2022L00172)	Sch 1 (items 1–4): 23 Feb 2022 (s 2(1) item 1)	—
Remuneration Tribunal Amendment Determination (No. 2) 2022	31 Mar 2022 (F2022L00453)	Sch 1 (items 1–4, 6–17): 1 Apr 2022 (s 2(1) items 2, 3)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 6	rep LA s 48C
s 7	am F2021L01012
Part 2	
s 10	am F2021L01012; F2021L01202; F2021L01607; F2021L01851; F2022L00172; F2022L00453
s 11	am F2021L01012; F2021L01851; F2022L00172; F2022L00453
Part 3	
s 15	am F2021L01202; F2022L00172; F2022L00453
Part 5	
s 19	am F2021L01012; F2021L01202; F2021L01607; F2021L01851; F2022L00453
s 22	am F2021L01012; F2021L01202; F2021L01851; F2022L00172; F2022L00453
Part 6	
Part 6	ad F2021L01012 ed C1
s 23	ad F2021L01012 am F2021L01202; F2021L01607; F2022L00453
Schedule 1	rep LA s 48C