



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 6) 2024

1. The *Remuneration Tribunal Act 1973* (the Act) establishes the Remuneration Tribunal (the Tribunal) as an independent statutory authority responsible for reporting on and determining the remuneration, allowances and entitlements of key Commonwealth office holders. These include Judges of Federal Courts and most full-time and part-time holders of public offices, including Specified Statutory Offices. An additional function of the Tribunal is to determine a classification structure for Principal Executive Offices and the terms and conditions applicable to each classification within the structure.

Consultation

2. Section 11 of the Act advises that in the performance of its functions the Tribunal:
 - may inform itself in such manner as it thinks fit;
 - may receive written or oral statements;
 - is not required to conduct any proceeding in a formal manner; and
 - is not bound by the rules of evidence.
3. The Tribunal normally receives submissions on remuneration from a portfolio minister, or a secretary, program manager or employing body (in respect of a Principal Executive Office) with responsibility for the relevant office(s). The Tribunal will normally seek the views of the relevant portfolio minister prior to determining remuneration for an office.
4. The Tribunal may reach a decision based on the information provided in the submission and other publicly available information such as portfolio budget statements, annual reports, corporate plans, legislation and media releases. On occasion it may wish to meet with relevant parties or seek further information from the relevant minister or person making the submission.
5. Amongst other relevant matters in deliberating on appropriate remuneration for an office the Tribunal informs itself on:
 - the main functions, responsibilities and accountabilities of the office;
 - the organisational structure, budget and workforce;
 - the requisite characteristics, skills or qualifications required of the office holder(s); and
 - the remuneration of similar, comparator, offices within its jurisdiction.

National Mental Health Commission, Chief Executive Officer; Chair or Commissioner; Head, National Suicide Prevention Office

6. The 2024–25 Federal Budget announced the functions, resources, and associated appropriations for the National Mental Health Commission would transfer into the Department of Health and Aged Care from 1 October 2024.

This includes the National Suicide Prevention Office. An Executive Order abolishing the Commission was signed on 26 September 2024.

Australian Anti-Slavery Commissioner

7. On 15 January 2024, the Attorney-General, the Hon Mark Dreyfus KC MP, wrote to the Tribunal seeking an indicative determination of remuneration and travel tier for the new full-time office of the Australian Anti-Slavery Commissioner. The accompanying submission outlined the role and responsibilities of the office.

National Commissioner for Aboriginal and Torres Strait Islander Children and Young People

8. On 26 September 2024, the Hon Amanda Rishworth MP, Minister for Social Services, wrote to the Tribunal seeking a determination of remuneration and travel tier for the new full-time office of the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People. The accompanying submission outlined the role and responsibilities of the office.

High Speed Rail Authority, Chief Executive Officer

9. There was no consultation on this matter. In October 2024, the Tribunal's Secretariat identified an error in the personal loading determined for Mr Timothy Parker, Chief Executive Officer of the High Speed Rail Authority. The amendment corrects this error by applying the increase determined by the Tribunal as part of its annual review of remuneration to the personal loading with effect from 1 July 2024.

Parliamentary Budget Office, Parliamentary Budget Officer

10. On 4 October 2024, Senator the Hon Sue Lines, President of the Senate and the Hon Milton Dick MP, Speaker of the House of Representatives, wrote to the Tribunal seeking the determination of a personal superannuation salary for Ms Sam Reinhardt, the incoming Parliamentary Budget Officer.

Independent Parliamentary Standards Commission, Chair Commissioner, Commissioner

11. On 15 August 2024, the Special Minister of State, Senator the Hon Don Farrell, wrote to the Tribunal seeking a determination of remuneration and travel tier for the new part-time offices of Chair Commissioner and Commissioner of the Independent Parliamentary Standards Commission. The accompanying submission outlined the roles and responsibilities of the offices.

Referendum Council, Co-Chair and Member

12. There was no consultation on this matter. The Referendum Council ceased operation on 30 June 2017.

Cotton Research and Development Corporation, Chair and Member

13. On 9 May 2024, Mr Allan Williams, Executive Director of the Cotton Research and Development Corporation (CRDC), wrote to the Tribunal seeking a review of remuneration for the part-time offices of the CRDC Board. The accompanying

submission outlined changes in the roles and responsibilities of the offices since the Tribunal last considered them. On 18 September 2024, Senator the Hon Anthony Chisholm wrote to the Tribunal supporting its consideration of remuneration for the offices.

Retrospectivity

14. Any retrospective application of this determination is in accordance with subsection 12(2) of the *Legislation Act 2003* as it does not affect the rights of a person (other than the Commonwealth or an authority of the Commonwealth) to that person's disadvantage, nor does it impose any liability on such a person.
15. With respect to the personal loading for Mr Timothy Parker, Chief Executive Officer of the High Speed Rail Authority, the retrospective application of this provision does not disadvantage any person as it provides an entitlement greater than that which previously applied.

Exemption from sunseting

16. Under section 12, item 56 of the Legislation (Exemptions and Other Matters) Regulation 2015, an instrument required to be laid before the Parliament under subsection 7(7) of the Act is exempt from the provisions of paragraph 54(2)(b) of the *Legislation Act 2003*.
17. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
18. As the Remuneration Tribunal makes new principal determinations annually, the principal instruments amended by this determination are unlikely to have any practical effect beyond the usual 10 year sunseting period. As such, the exemption from sunseting will not have a practical impact on parliamentary oversight of the relevant measures.

The power to repeal, rescind and revoke, amend and vary

19. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Details of the determination are as follows:

20. Section 1 specifies the name of the instrument.
21. Section 2 specifies when the instrument commences.
22. Section 3 specifies the authority for the instrument.
23. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.
24. Schedule 1 sets out the amendments made to the instruments specified in Schedule 1.

SCHEDULE 1—AMENDMENTS

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2024

25. Item 1 removes the office of Chief Executive Officer, National Mental Health Commission from Table 2A.
26. Item 2 establishes remuneration and travel tier for the office of Australian Anti-Slavery Commissioner in Table 2A.
27. Item 3 establishes remuneration and travel for the office of National Commissioner for Aboriginal and Torres Strait Islander Children and Young People in Table 2A.
28. Item 4 removes the office of Head, National Suicide Prevention Office from Table 2A.
29. Item 5 adjusts the personal loading for Mr Timothy Parker, Chief Executive Officer, High Speed Rail Authority, with effect from 1 July 2024 in Table 2B.
30. Item 6 establishes a personal superannuation salary for Ms Sam Reinhardt, Parliamentary Budget Officer, in Table 3B.

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2024

31. Item 7 establishes an annual fee and travel tier for the office of Chair Commissioner, Independent Parliamentary Standards Commission in Table 3A.
32. Items 8 and 13 remove the offices of the Referendum Council (Co-Chair and Member) from Tables 3A and 4A.
33. Items 9 and 10 amend the annual fees for the offices of Chair and Member of the Cotton Research and Development Corporation in Table 3A.
34. Item 11 removes the offices of the National Mental Health Commission (Chair of Commissioner) from Table 4A.
35. Item 12 establishes a daily fee and travel tier for the office of Commissioner, Independent Parliamentary Standards Commission in Table 4A.

Authority: Sub-sections 7(3) and (4)

Remuneration Tribunal Act 1973

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Remuneration Tribunal Amendment Determination (No 6) 2024

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Instrument

This instrument, or determination, amends the principal determinations:

- Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2024
- Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2024

The instrument establishes remuneration and travel tier for a range of new offices; removes a number of offices that have ceased to exist; establishes a personal superannuation salary for one office holder; increases the fees of certain existing offices; and increases the personal loading of one office holder.

Human rights implications

This instrument engages the right to work in Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the right to the enjoyment of just and favourable conditions of work, primarily contained in Article 7 of ICESCR.

Right to work and to just and favourable conditions of work

Article 6 of the ICESCR recognises ‘... *the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts ...*’ The right to just and favourable conditions of work includes, but is not limited to, ensuring ‘*fair wages and equal remuneration for work of equal value without distinction of any kind*’, and ‘*a decent living for themselves and their families*’ (Article 7(1)(a)).

Consistent with Articles 6 and 7 of the ICESCR, this instrument ensures that individuals appointed to the public offices subject to the determination continue to be fairly remunerated in respect of the work they undertake as public office holders. Specifically, the instrument:

- Removes the offices of the National Mental Health Commission which ceased to exist from 1 October 2024. These offices include the Chief Executive Officer, the Head of the National Suicide Prevention Office and the Chair or Commissioner.
- Establishes the remuneration and travel tier for the full-time office of the Australian Anti-Slavery Commissioner;
- Establishes the remuneration and travel tier for the full-time office of the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People;
- Increases the value of the personal loading paid to Mr Timothy Parker, Chief Executive Officer of the High Speed Rail Authority;

- Establishes a personal superannuation salary for Ms Sam Reinhardt, Parliamentary Budget Officer;
- Establishes the remuneration and travel tier for the part-time Chair Commissioner and Commissioners of the Independent Parliamentary Standards Commission;
- Removes the offices of the Referendum Council, which ceased to exist from 1 July 2017; and
- Increases the remuneration for the part-time offices of Chair and Member of the Cotton Research and Development Corporation.

By establishing remuneration, allowances and entitlements based on an assessment of the current work value of the office, the instrument directly promotes the principle of ensuring '*fair wages and equal remuneration for work of equal value*' per Article 7(1)(a) of the ICESCR and more broadly contributes to '*... the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts ...*' per Article 6 of the ICESCR.

Conclusion

This instrument is compatible with human rights because it enhances and promotes the protection of human rights, and in particular, the right to work and to just and favourable conditions of work through maintaining the principle of fair, and current, remuneration for work performed.

The Remuneration Tribunal