



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 1) 2025

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.
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.

Consultation

High Court of Australia, Chief Executive and Principal Registrar

6. On 24 January 2025, Mr Chris Collett, acting Deputy Secretary, Attorney-General's Department, wrote to the Tribunal seeking the determination of a personal superannuation salary for Mr Richard Glenn, the newly appointed Chief Executive and Principal Registrar of the High Court of Australia, with effect from the date of his appointment, 28 January 2025.

Digital ID Data Standards Chair, Data Standards Chair

7. On 26 September 2024, the Departments of Finance and the Treasury provided a joint submission to the Tribunal seeking a determination of remuneration for the new full-time office of the Digital ID Data Standards Chair and a review of remuneration for the Data Standards Chair. The submission outlined the roles and responsibilities of the offices.

Aged Care Quality and Safety Commission, Commissioner

8. On 13 December 2024, the Hon Anika Wells MP, Minister for Aged Care, wrote to the Tribunal seeking the determination of a personal superannuation salary for Ms Elizabeth Hefren-Webb, the newly appointed Aged Care Quality and Safety Commissioner, with effect from the date of her appointment, 20 January 2025.

Australian Human Rights Commission, President

9. There was no consultation on this matter. The accommodation and reunion travel assistance provisions determined for Mr Hugh de Kretser; President of the Australian Human Rights Commission expired on 31 January 2025.

Australian National Audit Office, Auditor-General for Australia

10. There was no consultation on this matter. The accommodation and reunion travel assistance provisions determined for Dr Caralee McLiesh, Auditor-General for Australia expired on 21 December 2024.

Retrospectivity

11. 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.
12. With respect to the personal superannuation salaries established for Ms Elizabeth Hefren-Webb and Mr Richard Glenn, the retrospective application of these provisions do not disadvantage any person as they maintain entitlements that previously existed under superannuation fund rules.

Exemption from sunseting

13. 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*.
14. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
15. As the Remuneration Tribunal makes new principal determinations annually, this instrument's exemption from sunseting will not have any practical effect. 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

16. 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:

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

SCHEDULE 1—AMENDMENTS

Remuneration Tribunal (Judicial and Related Offices) Determination 2024

22. Item 1 establishes a personal superannuation salary for Mr Richard Glenn, Chief Executive and Principal Registrar, High Court of Australia in Table 3C.
23. Item 2 sets application and transitional provisions for the item dealing with the superannuation salary for Mr Richard Glenn in Table 5A.

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

24. Item 3 repeals the existing entry for the item dealing with the office of the Data Standards Chair in Table 2A.
25. Item 4 establishes new remuneration and a travel tier for the office of the Data Standards Chair and establishes remuneration and travel tier for the new office of the Digital ID Data Standards Chair in Table 2A.
26. Item 5 establishes a personal superannuation salary for Ms Elizabeth Hefren-Webb, Aged Care Quality and Safety Commissioner in Table 3B.
27. Item 6 removes accommodation assistance for Mr Hugh de Kretser, President, Australian Human Rights Commission from Table 5A.
28. Item 7 removes reunion travel assistance for Mr Hugh de Kretser, President, Australian Human Rights Commission from Table 5B.
29. Item 8 sets application and transitional provisions for items 3, 4 and 5 in Table 6A.

Remuneration Tribunal (Specified Statutory Offices – Remuneration and Allowances) Determination 2024

30. Item 9 removes the definitions of Table 5A (accommodation assistance) and 5B (reunion fares assistance) from the definitions listed section 7.

31. Item 10 removes the reference to assistance paid in accordance with Part 5 from the list of items not included as part total remuneration for the purposes of section 8.
32. Item 11 repeals Part 5 of the determination in its entirety. The removal of this Part includes removing the expired accommodation and reunion travel assistance for Dr Caralee McLiesh, Auditor-General for Australia.

Authority:

Sub-sections 7(3), (3AA), (4) and (4B) *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. 1) 2025

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 (Judicial and Related Offices – Remuneration and Allowances) Determination 2024
- Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2024
- Remuneration Tribunal (Specified Statutory Offices – Remuneration and Allowances) Determination 2024

This instrument establishes remuneration and travel tier for a new full-time office; reduces the remuneration of an existing full-time office, establishes personal superannuation salaries for two office holders, and removes expired temporary special provisions for two offices holders.

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 include, 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:

- establishes the remuneration and travel tier for the new full-time office of Digital ID Data Standards Chair;
- reduces the remuneration of the full-time office of the Data Standards Chair;
- establishes a personal superannuation salary for Ms Elizabeth Hefren-Webb, Aged Care Quality and Safety Commissioner;
- removes the special provisions (temporary accommodation and reunion travel assistance) determined for Mr Hugh de Kretser, President of the Australian Human Rights Commission which have expired;

- establishes a personal superannuation salary for Mr Richard Glenn, Chief Executive and Principal Registrar of the High Court of Australia; and
- removes the special provisions (temporary accommodation and reunion travel assistance) determined for Dr Caralee McLiesh, Auditor-General for Australia, which have expired.

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.

The instrument reduces the remuneration determined for the office of Data Standards Chair, with effect on and from 1 March 2025. The Remuneration Tribunal initially determined remuneration for the office in 2019. The 2024 submission from the Departments of Finance and the Treasury sought a reduction based on a number of factors, including that the requirements of the office were now better understood. The Tribunal assessed the current work value of the office and agreed a reduction in remuneration was warranted. The reduction will not impact the current office holder, whose term expires on 28 February 2025.

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