

REMUNERATION TRIBUNAL

Determination Number 11 of 1992
(Consolidated as at 14 October 2003)

REMUNERATION AND ALLOWANCES FOR HOLDERS OF PUBLIC OFFICE

Pursuant to section 7(4)(b) of the *Remuneration Tribunal Act 1973* the Tribunal has inquired into the provision of compensation for loss of office for a holder of a public office, and determines as follows from the date of this determination.

1. A person who holds public office is not entitled to compensation for loss of office under clause 3 where:
 - (a) the person served the full term of appointment;
 - (b) the person was appointed on a part-time basis and is eligible for either a daily or annualised fee (rather than a base salary or other component of Total Remuneration, or a proportion thereof);
 - (c) the appointment was terminated prematurely for reasons of misbehaviour or unsatisfactory performance; or
 - (d) the appointment was terminated prematurely on account of mental or physical incapacity and the person is entitled to receive invalidity retirement benefits under Commonwealth superannuation legislation.
2. Subject to Clause 1, where a person's appointment to a public office is terminated prematurely, the Commonwealth may elect to offer suitable alternative employment (including in a Commonwealth company or authority).
3. Where the Commonwealth does not offer alternative employment under Clause 2, the Commonwealth will pay the office holder 1/3 of one month's remuneration per month of service remaining, in lieu of obligations such as provision of notice or payment instead of notice of redundancy pay and subject to:
 - (e) a minimum payment of four months' remuneration; and
 - (f) a maximum payment of a year's remuneration.

4. Under clause 3, the Commonwealth may calculate service remaining taking into account any period of continuing Commonwealth service in alternative employment, and may require an office holder to sign a release in return for the payment.
5. Where an office holder is eligible for a payment under clause 3, the rate of remuneration used for calculating an entitlement is to be the same as the office holder's salary for superannuation purposes.

Dated this day of April one thousand nine hundred and ninety two.

Mr Justice Mahoney
Chairman

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L J Mangan
Member

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Amending Determination

- Determination No 14 of 1999
- Determination No 14 of 2002
- Determination No 16 of 2003
- Determination No 19 of 2003
- Determination No 21 of 2003