

REMUNERATION TRIBUNAL
Determination Number 4 of 1999

SECRETARIES OF DEPARTMENTS AND SPECIFIED STATUTORY OFFICERS -
REMUNERATION AND ALLOWANCES

Pursuant to sub-sections 7(3) and 7(4) and 8(2)(b) and 8(3) of the *Remuneration Tribunal Act 1973*, the Remuneration Tribunal has inquired into the remuneration and allowances to be paid to the Secretaries of Departments and certain holders of public offices, and other matters significantly related thereto, and determines as set out hereunder:

PART 1 - DEFINITIONS

1.1 Unless the context otherwise requires, in this Determination:

"Basic Rate of Salary" means the amount specified under clause 2.1 of this Determination.

"Base Salary" means the amounts specified under clause 3.1 of this Determination.

"Benefits" means non-monetary benefits provided at the Commonwealth's expense.

"Employer" means the Commonwealth and includes any person authorised to act on behalf of the Commonwealth in relation to any act, approval or direction to be done, granted or exercised by or on behalf of the Commonwealth.

"Executive Vehicle Scheme" means the scheme of that name, the policy responsibility for which lies with the Department of Employment, Workplace Relations and Small Business, or any scheme of a similar nature which modifies, replaces or supersedes that scheme.

"Executive Vehicle Scheme Guidelines" means guidelines published from time to time by the Department of Employment, Workplace Relations and Small Business in respect of the Executive Vehicle Scheme or such other Department or agency as then has policy responsibility for the scheme, or any guidelines of a similar nature which modify, replace or supersede those guidelines.

"Secretary" means the holder of an office referred to in paragraph (a) of the definition of "office of Secretary" in sub-section 7(1) of the *Public Service Act 1922*.

"Specified Statutory Officer" means the holder of a particular office as specified in Column 1 of Part B of Schedule A.

"Superannuation Support" in respect of a Secretary means payments made by the Commonwealth to or in respect of the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme in order to support the provision of benefits under either of those schemes.

"Total Remuneration" is the value attributed by the Remuneration Tribunal to the remuneration to be paid to or in respect of a Secretary and includes:

- (a) Base Salary;
- (b) the value attributed by the Remuneration Tribunal to a fully maintained Commonwealth provided vehicle plus applicable fringe benefits taxation; and
- (c) the value attributed by the Remuneration Tribunal to the employer's superannuation contributions or Superannuation Support,

but does not include performance based remuneration specified in clauses 3.13 to 3.15 or the Travelling Allowances specified in Part 4 or the Compensation for Early Loss of Office specified in Part 5 of this Determination.

PART 2 - BASIC RATE OF SALARY

- 2.1 Except as specified in Part 3, or except where otherwise determined, a Secretary shall be entitled to a Basic Rate of Salary of \$144,100 per annum.

PART 3 - TOTAL REMUNERATION

- 3.1 Secretaries, being the holders of offices as specified in the first column of Part A of Schedule A, shall be eligible while holding those offices for Base Salary and Total Remuneration in the amounts specified in the second and third columns, respectively, of Part A of Schedule A.
- 3.2 Specified Statutory Officers, being the holders of offices as specified in the first column of Part B of Schedule A, shall be eligible while holding those offices for Base Salary and Total Remuneration in the amounts specified in the second and third columns respectively, of Part B of Schedule A.
- 3.3 In spite of anything else in this Determination, Base Salary for a Secretary or Specified Statutory Officer shall be that officer's annual rate of salary for the purposes of the Superannuation (CSS) Salary Regulations. (Note: It will therefore be the officer's superannuation salary for the purposes of the *Superannuation Act 1976* and the *Superannuation Act 1990*).

Remuneration Packaging

- 3.4 Subject to this Part, a Secretary or Specified Statutory Officer may elect to receive the benefit of the Total Remuneration as salary or a combination of salary and other Benefits.
- 3.5 Any election made in accordance with clause 3.4 shall be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office.
- 3.6 Any election made in accordance with clause 3.4 must not result in cost to the Commonwealth (including in relation to any fringe benefits taxation) additional to the cost which would be incurred if Benefits able to be taken as salary were taken as salary.
- 3.7 At least 50% of the Total Remuneration must be taken by a Secretary or Specified Statutory Officer as salary.
- 3.8 The Total Remuneration of a Secretary or Specified Statutory Officer shall be taken to include the value of the Superannuation Support provided or superannuation contributions made in respect of the Secretary or Specified Statutory Officer. For this purpose:
- (a) in the case of a Secretary or Specified Statutory Officer participating wholly or partly in the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme, the value of the provision by the Commonwealth of Superannuation Support in respect of the Secretary or Specified Statutory Officer shall be taken to be 13% of Base Salary; and
 - (b) in the case of a Secretary or Specified Statutory Officer participating in any other superannuation scheme, the value of the superannuation contributions made by the Commonwealth in respect of the Secretary or Specified Statutory Officer to the superannuation scheme shall reflect the amounts actually made or liable to be made.
- 3.9 In spite of anything else in this Part, the value attributable by virtue of clause 3.8 to Superannuation Support or superannuation contributions 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.

Vehicle

- 3.10 Total Remuneration shall be taken to include, where applicable, the value of a fully maintained Commonwealth provided vehicle as calculated under the Executive Vehicle Scheme Guidelines.

- 3.11 Where a Secretary or Specified Statutory Officer elects to receive a Commonwealth provided vehicle, the value of the vehicle component of the Secretary's Total Remuneration, inclusive of the value of parking and fringe benefits taxation and any officer contribution, shall be calculated in a manner ascertained by reference to the Executive Vehicle Scheme Guidelines.

Adjustment in Lieu of Performance Bonus

- 3.12 The Total Remuneration as specified in Part B of Schedule A, as applicable for a Specified Statutory Officer, shall be increased by 7% in recognition that the officer will not be eligible for performance bonuses.

Performance Bonus

- 3.13 A Secretary may be entitled to an annual performance bonus, in addition to Total Remuneration, of either

- (a) 10% of Total Remuneration for Superior Performance, or
- (b) 15% of Total Remuneration for Outstanding Performance.

- 3.14 The entitlement (if any) to a performance bonus in any year shall be determined by the Remuneration Tribunal taking into account, without limitation, performance criteria established from time to time for this purpose by the Prime Minister and recommendations by the Prime Minister about performance outcomes.

- 3.15 For the purpose of clause 3.14 -

“Superior Performance” means at least very good achievement against all performance criteria, and

“Outstanding Performance” means at least outstanding achievement against most performance criteria with very good achievement against the balance.

PART 4 - TRAVELLING AND OTHER ALLOWANCES

- 4.1 Subject to this Part, where a Secretary or Specified Statutory Officer stays overnight away from his or her usual residence on official business, travelling allowance shall be payable as follows:

- (a) Sydney - \$350 per overnight stay; and
- (b) Other Capital Cities - \$290 per overnight stay; and
- (b) Other than a Capital City \$200 per overnight stay.

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- 4.2 Where such travel involves an absence from the usual residence of at least 10 hours, but does not involve an overnight stay, an allowance of \$60 shall be payable.
- 4.3 Where such travel involves staying away for a period which exceeds a multiple of 24 hours by at least 10 hours, an extra \$60 shall be payable in addition to the appropriate overnight stay payments.
- 4.4 Where the Commonwealth meets the travel cost of a spouse accompanying a Secretary or Specified Statutory Officer, the additional cost of double room accommodation over single room accommodation shall be added to the rate of overnight stay payment. Such additional cost shall be assessed at \$10 unless vouched.
- 4.5 In spite of clause 4.1:
- (a) where the cost of accommodation is met directly by the Commonwealth, travelling allowance of \$80 only per overnight stay shall be payable;
 - (b) where the cost of accommodation and a meal per day is met directly by the Commonwealth, travelling allowance of \$65 only per overnight stay shall be payable; and
 - (c) where the cost of accommodation and all meals per day is met directly by the Commonwealth, travelling allowance of \$30 only per overnight stay shall be payable.
- 4.6 A Secretary or Specified Statutory Officer shall be entitled to receive travelling, equipment and other overseas allowances at the rates and on the conditions determined from time to time under section 82D of the *Public Service Act 1922* for Secretaries.

PART 5 - COMPENSATION FOR EARLY LOSS OF OFFICE

- 5.1 Where a Secretary appointed for a fixed term under Section 37 of the *Public Service Act 1922*, is terminated in accordance with the provisions of sub-section 37(5), and the Commonwealth has not made the Secretary an offer of suitable alternative employment, the Secretary shall be entitled upon his or her retirement to be paid one-third of one month's Basic Rate of Salary or Base Salary, as applicable, for each full month of the balance of the fixed term not served, subject to a maximum payment of 12 months Basic Rate of Salary or Base Salary, as the case may be, calculated at the date of his or her retirement.
- 5.2 In spite of clause 5.1, where a Secretary has a period of continued service as the result of a direction under subsection 37(6) of the *Public Service Act 1922*:
- (a) the payment shall not be made until the period of continued service ends; and

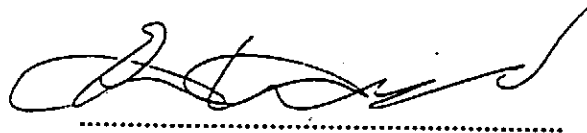
- (b) there shall be deducted from the payment then required to be made an amount equivalent to the salary attributable to the period of continued service.
- 5.3 In determining whether, for the purpose of clause 5.1, there has been an offer of suitable alternative employment, account is to be taken of any offer of employment with the Commonwealth, the administration of a Territory, or a public statutory corporation referred to in paragraphs 3(4)(d) of the *Remuneration Tribunal Act 1973*, or an incorporated company all the stock or shares in the capital of which is or are beneficially owned by the Commonwealth or by a public statutory corporation, or an incorporated company limited by guarantee where the interests and rights of the members in or in relation to the company are beneficially owned by the Commonwealth or by a public statutory corporation.
- 5.4 Compensation for early loss of office for a Specified Statutory Officer shall be in accordance with the provisions of Determination No. 11 of 1992.
- 5.5 Where a Secretary or a Specified Statutory Officer serves the full term of appointment, no entitlement to a payment under this Part arises.

PART 6 - APPLICATION

- 6.1 This Determination takes effect on and from 31 March 1999.
- 6.2 This Determination supersedes Determination No. 8 of 1994 as amended.

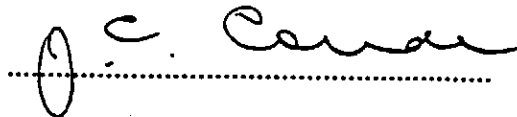
Dated this 24th day of March one thousand nine hundred and ninety-nine.

Richard G. Humphry AO
President



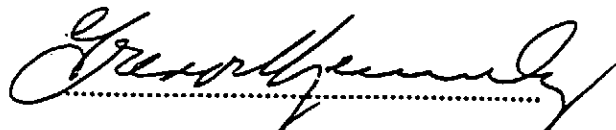
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John C. Conde AO
Member



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Trevor Kennedy AM
Member



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SCHEDULE A - PART A
TOTAL REMUNERATION - DEPARTMENTAL SECRETARIES

COLUMN 1	COLUMN 2		COLUMN 3	
Secretaries	Base Salary effective from 31.3.1999 \$ per annum	Base Salary effective from 31.3.2000 \$ per annum	Total Remuneration effective from 31.3.1999 \$ per annum	Total Remuneration effective from 31.3.2000 \$ per annum
Secretary to the Department of Defence	205,000	222,500	276,000	305,000
Secretary to the Department of the Prime Minister and Cabinet	"	"	"	"
Secretary to the Department of the Treasury	"	"	"	"
Secretary to the Department of Agriculture, Fisheries and Forestry	189,500	205,500	258,000	285,000
Secretary to the Attorney-General's Department	"	"	"	"
Secretary to the Department of Communications, Information Technology and the Arts	"	"	"	"
Secretary to the Department of Education, Training and Youth Affairs	"	"	"	"
Secretary to the Department of Employment, Workplace Relations and Small Business	"	"	"	"
Secretary to the Department of the Environment and Heritage	"	"	"	"
Secretary to the Department of Family and Community Services	"	"	"	"
Secretary to the Department of Finance and Administration	"	"	"	"
Secretary to the Department of Foreign Affairs and Trade	"	"	"	"
Secretary to the Department of Health and Aged Care	"	"	"	"
Secretary to the Department of Immigration and Multicultural Affairs	"	"	"	"
Secretary to the Department of Industry, Science and Resources	"	"	"	"
Secretary to the Department of Transport and Regional Services	"	"	"	"
Secretary to the Department of Veterans' Affairs	"	"	"	"

SCHEDULE A - PART B

TOTAL REMUNERATION - SPECIFIED STATUTORY OFFICERS

COLUMN 1	COLUMN 2		COLUMN 3	
	Base Salary pa effective from 31.3.1999	Base Salary pa effective from 31.3.2000	Total Remuneration pa effective from 31.3.1999	Total Remuneration pa effective from 31.3.2000
	\$	\$	\$	\$
Chief of the Defence Force	205,000	222,500	276,000	305,000
Auditor-General for Australia	189,500	205,500	258,000	285,000
Australian Statistician	"	"	"	"
Commissioner of Taxation	"	"	"	"
Public Service Commissioner	"	"	"	"
Chief Executive Officer of Customs - subject to review on vacancy	"	"	"	"