



REMUNERATION TRIBUNAL

Determination 2000/15: Remuneration and allowances of the Solicitor-General and Director of Public Prosecutions

- (i) This Determination governs remuneration and allowances for the offices specified in Table 1. It comprises:

Part A – general;

Part B – remuneration and related matters; and

Part C – official travel and related matters.

PART A

GENERAL

Effect of this determination

- A1 This Determination is issued pursuant to the *Remuneration Tribunal Act 1973*, sections 7(3) and 7(4).
- A2 This Determination takes effect on and from 1 October 2000 except where specified otherwise. It revokes and supersedes:
- Determination 1998/19 in full; and
 - Determination 1994/33 insofar as it applies to the offices specified in Table 1.
- A3 This Determination sets a base level of remuneration and benefits for specified offices. Other authorities may prescribe additional remuneration and/or benefits under, for example:
- (a) general Commonwealth laws concerned with employment;
 - (b) the specific Commonwealth Act that establishes an office (if any); and/or
 - (c) the Constitution, which grants certain executive powers to the Governor-General and to Ministers of State.

Administration

- A4 In administering this Determination, authorities:
- (a) shall pay the annual benefits specified in proportion (*pro rata*) to a specified office holder's period of service during that year;
 - (b) may issue procedural instructions to assist in the interpretation and implementation of this determination; and
 - (c) may elect to apply the same instructions as they do for employees, except where those instructions are not in accordance with this determination.
- A5 In this determination, 'specified office holder' means the holder

of an office listed in Table 1.

PART B

REMUNERATION AND RELATED MATTERS

- Responsibilities & remuneration of office*** B1 Specified office holders are to devote all of their time, attention and skills to the performance of their duties:
- (a) during normal business hours;
 - (b) at such other times as may reasonably be necessary to the performance of their duties; and
 - (c) without limiting their obligation, for 36.75 hours a week on average.
- Base salary*** B2 Specified office holders shall be paid the base salary specified in Table 1.
- Leave*** B3 Specified office holders shall be entitled to the following types and amounts of leave:
- (a) any leave credits accrued previously in Commonwealth employment, including under Remuneration Tribunal Determinations 1994/33 and 1991/20;
 - (b) the public holidays observed by the Australian Public Service in the location in which the office is based;
 - (c) paid annual leave of four (4) weeks per year of service, accruing on 1 January each year;
 - (d) paid long service leave as provided under the *Long Service Leave (Commonwealth Employees) Act 1976*;
 - (e) paid and unpaid maternity leave as provided under the *Maternity Leave (Commonwealth Employees) Act 1973*; and
 - (f) other paid and unpaid leave, including sick and carers' leave, provided under Commonwealth Law or at the discretion of the Commonwealth.
- B4 Specified office holders:
- (a) may elect to take leave on a half-pay basis and/or to cash out up to one week's annual leave per financial year; and
 - (b) shall be paid the balance of their annual and long service leave on leaving office.
- Separation benefits*** B5 Specified office holders are not entitled to separation benefits under Clause B6 where:
- (a) the person served the full term of appointment;
 - (b) the appointment was terminated prematurely for reasons of unsatisfactory performance; or
 - (c) 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.
- B6 Subject to Clause B5, 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).

- B7 Where the Commonwealth does not offer alternative employment under Clause B6, the Commonwealth will pay the specified 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 or redundancy pay and subject to:
- (a) a minimum payment of four months' remuneration; and
- (b) a maximum payment of one year's remuneration.
- B8 Under Clause B7, the Commonwealth may calculate service remaining taking into account any period of continuing Commonwealth service in alternative employment, and may require a specified office holder to sign a release in return for the payment.

PART C

OFFICIAL TRAVEL AND RELATED MATTERS

- C1 The following provisions of this Determination apply where specified office holders travel for official business by scheduled commercial transport and also apply, to the extent possible, where an office holder travels by self-drive vehicle.
- Guidance from the Tribunal* C2 The Tribunal may issue guidance notes from time to time to assist employing bodies to interpret and implement this Determination.
- Definitions* C3 In the following provisions of this Determination:
- 'Business Class'** means a standard of service equivalent to that offered by Qantas Airways Ltd in its Business Class.
- 'employing body'** means the relevant authority listed in [Table 1](#).
- 'home base'** means the town or city in which the specified office holder's principle place of residence is located.
- 'official business'** means business pertaining to or required by the duties of the specified office holder's office.
- 'partner'** means any person who lives with the specified office holder on a genuine domestic basis as the partner of the office holder.
- 'spouse'** means husband or wife.
- Guiding Principles* C4 Specified office holders are not expected to gain or lose financially as a result of travelling on official business.
- C5 Specified office holders must only incur or commit the Commonwealth to meet expenses where funds are lawfully available to do so.
- Private Non-Commercial Accommodation* C6 Where specified office holders are accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.
- Once-only Entitlement* C7 Where travelling allowance is paid under this determination, specified office holders are not entitled to claim or receive travelling allowance or reimbursement of travelling expenses

under any other source or entitlement for the same travel.

- Frequent Flyer Points*** C8 Frequent flyer points accrued at the Commonwealth's expense should not be used for private purposes.
- Use of Judgement*** C9 Specified office holders are expected to have regard to the principle of value for money when travelling at Commonwealth expense. In making travel arrangements, they are to consider:
- (a) the most cost-effective outcome (the "best deal" for the taxpayer);
 - (b) the total cost of travel, including the opportunity cost associated with travel times; and
 - (c) the need to maintain an appropriate balance between work and home responsibilities.
- Use of preferred providers*** C10 Specified office holders are to use their employing body's travel-related preferred provider arrangements where they exist.
- Compliance with Guidelines*** C11 Specified office holders should comply with the travel-related administrative guidelines put in place by each employing body.
- Accompanied Travel*** C12 Specified office holders may be entitled to be accompanied by a spouse or partner for purposes relating to official business at Commonwealth expense when travelling within Australia or overseas in accordance with this determination.
- C13 Accompanied travel may only occur when the Minister certifies in writing that it is demonstrably in the interests of the Commonwealth, given the purpose of the travel, for the specified office holder to be accompanied by their spouse or partner.
- C14 Where a spouse or partner accompanies a specified office holder, the spouse or partner may travel at the same class of travel as the specified office holder.

Travel within Australia

- Entitlement*** C15 Specified office holders listed in Table 1 are entitled to the travelling allowances for travel on official business within Australia at the Tier which is specified in that Table for those office holders.
- C16 Travelling allowance rates for each Tier of travel is specified in Determination Number 2000/06 as amended from time to time.
- Self-Drive Vehicles*** C17 The following arrangements apply to the use of vehicles where the specified office holder is not supplied with a Commonwealth vehicle that can be used for the purposes of the travel.
- C18 Specified office holders may choose to hire a vehicle or use their own vehicle to travel on official business where it is demonstrably in the interest of the Commonwealth to do so. In such circumstances the Commonwealth shall:
- (a) meet the cost of a rental vehicle; or
 - (b) pay the private vehicle costs calculated in accordance with Table A of Determination Number 2000/06 where a private vehicle is used for the journey.

C19 These provisions do not apply to any journey commenced from the home base of an office holder where the specified office holder is provided with a Commonwealth vehicle at that home base.

International Travel

Class of Travel C20 Specified office holders entitled to travelling allowances for travel within Australia at the Tier 1 rate are entitled to First Class international travel.

Accommodation C21 When travelling overseas on official business, specified office holders are entitled to accommodation at Commonwealth expense.

C22 Accommodation should be at a standard reasonably equivalent to that provided to the specified office holder in Australia.

Meals and Incidentals C23 Rates for meals and incidentals are to be paid in accordance with the overseas meals and incidentals rates published annually by the Australian Taxation Office in its taxation ruling dealing with reasonable travelling allowances amounts (the ATO Ruling).


C24 For the purpose of this Determination, columns 1, 2 and 3 specified in Schedule 1 of the ATO Ruling shall correspond to Tiers 1, 2 and 3 respectively.

TABLE 1 RATES OF REMUNERATION


Effective on and from 1 October 2000 (unless specified otherwise)

Authority	Office	Full-time office base salary	Part-time office fee	Travel Entitlement
Office of the Solicitor-General	Solicitor-General	\$289,200	-	Tier 1
	Acting Solicitor-General	\$278,200	-	Tier 1
Office of the Director of Public Prosecutions	Director of Public Prosecutions	\$232,400	-	Tier 1

Signed this 29th day of November 2000


Richard G Humphry AO
PRESIDENT


John C Conde AO
MEMBER


Janet E Grieve
MEMBER