



REMUNERATION TRIBUNAL

Determination 2000/16: Remuneration for holders of public office

- (i) The Remuneration Tribunal is empowered to inquire into and determine the remuneration and significantly related matters for holders of public office as defined in the *Remuneration Tribunal Act 1973*.
- (ii) This Determination, No 16 of 2000, takes effect on and from 1 December 2000 except where specified otherwise.

PART 1 FULL-TIME HOLDERS OF PUBLIC OFFICE

- 1.1 In this Part, Determination No 5 of 1999 as amended is referred to as the Principal Determination.
- 1.2 The Principal Determination is amended by deleting Part 2, Part 3, Part 4 and Part 5 and inserting:

“ PART 2 ADDITIONAL REMUNERATION FOR NON-TENURED OFFICERS

- 2.1 The holder of an office which attracts a basic rate of salary of \$148,800 or more as at 1 December 2000 will be entitled to be paid a loading of 15% of the office holder's basic rate of salary on and from 1 December 2000, if the office holder:
 - (a) immediately before being appointed to his or her current office was employed by the Commonwealth; and
 - (b) has, or has had, preferential rights to take up or return to full-time employment under a law of the Commonwealth at the end of the term of the current appointment; and
 - (c) notifies the Public Service Commissioner in writing before 31 March 2001 that he or she wishes to forfeit such rights; and
 - (d) takes any further action required by the Public Service Commissioner to forfeit those rights.

2.2 The holder of an office which attracts a basic rate of salary of \$148,800 or more as at 1 December 2000, or which is specifically nominated for the purposes of this Part in another determination by the Remuneration Tribunal, will be entitled to be paid a loading of 15% of the Reference Salary C referred to in Table 1 of Determination No 15 of 1999 on and from the date of receipt by the Public Service Commissioner of the notification referred to in this clause, if the office holder:

- (a) immediately before being appointed to his or her current position was employed by the Commonwealth; and
- (b) has, or has had, rights to take up or return to full-time employment under a law of the Commonwealth at the end of the term of the current position; and
- (c) notifies the Public Service Commissioner in writing on or after 31 March 2001 that he or she wishes to forfeit such rights; and
- (d) takes any further action required by the Public Service Commissioner to forfeit those rights.

2.3 The holder of an office which attracts a basic rate of salary of \$148,800 or more which has been created after 1 December 2000 and before 31 March 2001, will be entitled to be paid a loading of 15% of the Reference Salary C referred to in Table 1 of Determination No 15 of 1999 on and from the date of receipt by the Public Service Commissioner of the notification referred to in this clause, if the office holder:

- (a) immediately before being appointed to his or her current position was employed by the Commonwealth; and
- (b) has, or has had, rights to take up or return to full-time employment under a law of the Commonwealth at the end of the term of the current position; and
- (c) notifies the Public Service Commissioner in writing that he or she wishes to forfeit such rights; and
- (d) takes any further action required by the Public Service Commissioner to forfeit those rights.

PART 3

ACCESS TO PERFORMANCE REMUNERATION OR SUPPLEMENTARY REMUNERATION

3.1 The holder of an office, being an office with a basic rate of salary of \$148,800 or more as at 1 December 2000 and an office not specified in the table in clause 4.3, who makes or in respect of whom there is made before 31 March 2001 a submission to the Remuneration Tribunal concerning access to performance remuneration, may be entitled to performance remuneration in accordance with Part 4 from the later of the date the office holder

commenced in the office and 1 December 2000.

3.2 The holder of an office, being an office with a basic rate of salary of \$148,800 or more as at 1 December 2000 and an office not specified in the table in clause 4.3, who makes or in respect of whom there is made before 31 March 2001 a submission to the Remuneration Tribunal concerning supplementary remuneration in lieu of performance remuneration, may be entitled to such supplementary remuneration in accordance with Part 5 from the later of the date the office holder commenced in the office and 1 December 2000.

3.3 The holder of an office as at 1 December 2000:

- (a) in respect of whom a submission as contemplated in clause 3.1 or 3.2 could have been made, but was not made before 31 March 2001; and
- (b) who makes, or in respect of whom there is made, on or after 31 March 2001 a submission to the Remuneration Tribunal concerning either access to performance remuneration or supplementary remuneration in lieu of performance remuneration

may be entitled to such performance remuneration or such supplementary remuneration in accordance with Part 4 or Part 5, as applicable, from a date no earlier than the date of receipt by the Remuneration Tribunal of the submission.

3.4 The holder of an office:

- (a) attracting a basic rate of salary of \$148,800 or more as at 1 December 2000, and which is not specified in the table in clause 4.3; and
- (b) who was appointed to the office after 1 December 2000; and
- (c) who makes, or in respect of whom there is made, a submission to the Remuneration Tribunal concerning access to performance remuneration or supplementary remuneration in lieu of performance remuneration.

may be entitled to such performance remuneration or such supplementary remuneration in accordance with Part 4 or Part 5, as applicable, from a date no earlier than the date of receipt by the Remuneration Tribunal of the submission.

3.5 In spite of anything else in this Part 3:

- (a) an office holder entitled to access performance remuneration as contemplated in this Part shall not be eligible to receive supplementary remuneration in lieu of performance remuneration; and

- (b) an office holder entitled to receive supplementary remuneration in lieu of performance remuneration as contemplated in this Part shall not be eligible to access performance remuneration.

PART 4 PERFORMANCE REMUNERATION

- 4.1 In addition to the basic rate per annum of salary set out in Part 1, the holder of an office specified in the table at clause 4.3 shall be entitled to an amount of performance based remuneration, if so assessed by the relevant Board or Council, up to a maximum amount per annum as follows:

Level 1	\$20,000
Level 2	\$15,000
Level 3	\$12,500
Level 4	\$10,000

- 4.2 The amount of performance remuneration to be paid (up to the specified maximum) must be assessed by the Board or Council of the relevant authority in accordance with criteria that are consistent with the "*Performance Remuneration Guidelines*" published by the Remuneration Tribunal from time to time. A determination of the Remuneration Tribunal is required to provide agencies authority to pay under this Part.

	Office	Level
4.3	Managing Director, Australian Broadcasting Corporation	1
	Chief Executive Officer, Australian National Training Authority	1
	Managing Director, Australian Trade Commission (AUSTRADE)	1
	Managing Director, Health Insurance Commission	1
	Deputy Managing Director, (AUSTRADE)	1
	Executive Director, Australian Nuclear Science and Technology Organisation	1
	Executive Director, Special Broadcasting Service	1
	Chief Executive Officer, Australian Maritime Safety Authority	1
	Chief Executive Officer, National Health and Medical Research Council	1
	General Manager, Australia Council	2
	Chief Executive Officer, Comcare	2
	Chief Executive Officer, National Occupational Health and Safety Commission	2
	Director-General, National Library of Australia	2
	Executive Director, Australian Sports Commission	2
	Managing Director, Australian Tourist Commission	2
	Managing Director, Defence Housing Authority	2
	Director, Australian Institute of Marine Science	2
	Director, National Gallery of Australia	2
	Chief Executive, National Capital Authority	2
	Director, Australian War Memorial	2
	Director, National Museum of Australia	2
	Chief Executive Officer, National Registration Authority for Agricultural and Veterinary Chemicals	2

Director, Australian Centre for International Agricultural Research	2
Director, Professional Services Review	2
Director, Australian National Maritime Museum	3
Principal, Australian Institute of Aboriginal and Torres Strait Islander Studies	3
Chief Executive Officer, Australian Sports Drug Agency	3
Executive Director, National Standards Commission	3
Managing Director, Frontline Defence Services (AAFCANS)	3
Director, Australian Institute of Sport	3
General Manager, Aboriginal Hostels Ltd	3
Director, Private Health Insurance Administration Council	3

4.4 The holder of an office in respect of whom the requirements of Part 3 are satisfied, may also be awarded an amount of performance remuneration by the Remuneration Tribunal.

PART 5 CALCULATIONS OF SUPPLEMENTARY REMUNERATION IN LIEU OF PERFORMANCE REMUNERATION

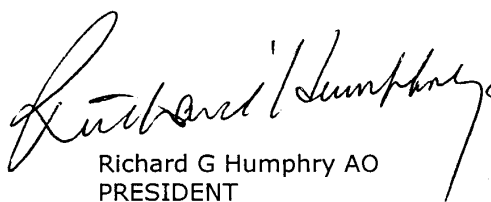

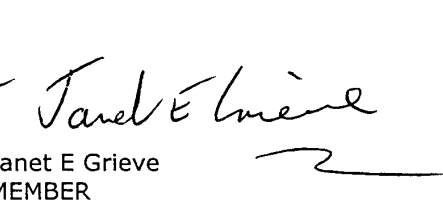
5.1 This Part applies to the holder of an office who either does not receive a loading under Part 2 or, if he or she does receive such a loading, is the subject of a decision of the Remuneration Tribunal following a relevant submission made under Part 3 to the effect that this Part 5 should be applicable.

5.2 The holder of an office (to whom this Part applies) not specified in the table at clause 4.3 shall be entitled to supplementary remuneration in lieu of performance remuneration in addition to the basic rate of salary calculated in the manner set out below:

Basic Rate of Salary within the Range of:	Supplementary Remuneration:
\$140,900 – 179,900	\$11,500
\$113,900 – 140,899	\$8,500
\$70,200 - 113,899	\$5,750
\$0 - 70,199	\$4,500

5.3 The Remuneration Tribunal may require the holder of an office or the relevant employing authority to supply information about payments made under or by virtue of this Part.

Signed this 7 day of December 2000

Richard G Humphry AO
 PRESIDENT

John C Conde AO
 MEMBER

Janet E Grieve
 MEMBER