



## REMUNERATION TRIBUNAL

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# Determination 2002/23: Remuneration and Allowances for Holders of Full-Time Public Office

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This Determination governs remuneration and allowances for the full-time Public Offices specified in Table 2A. These offices remain outside the Principal Executive Office structure because an employing body cannot be specified and/or it is not appropriate to apply a system of performance assessment and remuneration due to the offices' independence from Government or their regulatory role.

Prior to the making of this Determination, remuneration of Office Holders was determined by the Remuneration Tribunal in respect of salary and some loadings while the employer approved certain other remuneration components. This Determination replaces these earlier arrangements.

A primary objective of this Determination is to determine the total value an Office Holder is to receive by way of salary and other benefits in respect of carrying out the functions and exercising the powers of his or her office. It is the intention of the Tribunal that the salary and benefits provided for in this Determination by way of remuneration and allowances not be supplemented by the employer of the Office Holder.

The Determination comprises:

- Part 1 – General;
- Part 2 – Remuneration and related matters;
- Part 3 – Allowances;
- Part 4 – Official travel;
- Part 5 – Recreation leave; and
- Part 6 – Compensation for Loss of Office.

## **PART 1 – GENERAL**

**1.1 Authority:** The Remuneration Tribunal has made this Determination in accordance with sub-sections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*.

**1.2 Effective Date:** This Determination takes effect on and from 19 December 2002.

**1.3 Effect on Earlier Determinations:** This Determination:

- supersedes *Determination 2002/09 – Remuneration and Allowances for Holders of Full-Time Public Office* - in respect of the offices shown in Table 2A;
- revokes the following Determinations:
  - *1999/11 - Australian Securities and Investments Commission – Remuneration and Allowances*; and
  - *2000/15 – Remuneration and Allowances of the Solicitor-General and the Director of Public Prosecutions*.

**1.4 Definitions:** For the purposes of this Determination, the following definitions apply.

- 1.4.1 'Agency'** means the agency to which the Office Holder is attached, or the portfolio department, if the office holder is not attached to an agency.
- 1.4.2 'Base Salary'** means the amount specified in column 2 of Table 2A of this Determination.
- 1.4.3 'Benefits'** means all non-monetary benefits provided at the employer's expense to or on behalf of an Office Holder as a personal benefit including a vehicle (where provided - refer clause 2.10), the value attributed by the Remuneration Tribunal to the employer's superannuation contributions or Superannuation Support (refer clauses 2.8 and 2.9) and any other benefits received by way of remuneration packaging (refer clause 2.7).
- 1.4.4 'DEWR Allowance Subscription Scheme'** means the Department of Employment and Workplace Relations Allowance Subscription Scheme.
- 1.4.5 'Employer'** means the Commonwealth and includes any person authorised to exercise powers, perform acts, grant approvals or give directions for, or on behalf of, the Commonwealth.
- 1.4.6 'Office Holder'** means a person appointed to an office listed in Table 2A of this Determination.
- 1.4.7 'Total Remuneration'** is the amount shown in Column 3 of Table 2A plus any additional remuneration shown in Column 4, representing the value, calculated at the total cost to the employer, of:
- salary (including Base Salary), allowances or lump sum payments; and
  - Benefits;
- but does not include:
- allowances specified in Part 3;
  - reimbursement of expenses incurred on geographic relocation following appointment as an Office Holder, in accordance with agency policies and practices where approved by the employer;
  - travelling allowances and expenditure referred to in Part 4;
  - recreation leave specified in Part 5; and
  - compensation for early loss of office provisions specified in Part 6.
- 1.5** The Tribunal may issue guidance notes from time to time to assist employing bodies to administer this Determination.

## PART 2 – REMUNERATION AND RELATED MATTERS

**2.1 Total Remuneration:** Office Holders will be eligible for the annual amounts of Base Salary, Total Remuneration and additional remuneration, as set out in Table 2A below.

**Table 2A – Full-Time Office Holders – Total Remuneration and other Benefits**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Office</b>	<b>Base Salary (per annum)</b>	<b>Total Remuneration for office (per Annum)</b>	<b>Additional Total Remuneration for Office Holder (per annum)</b>	<b>Refer Clause</b>	<b>Travel Tier</b>
Solicitor-General	\$313,500	\$380,000	Nil		Tier 1
Director of Public Prosecutions	\$251,900	\$330,000	Nil		Tier 1
Chairperson, Australian Securities and Investments Commission	\$228,900	\$332,000	Nil		Tier 1
Chair, Australian Competition and Consumer Commission	\$228,900	\$332,000	Nil		Tier 1
Deputy Chairperson, Australian Securities and Investments Commission	\$218,300	\$304,000	Nil		Tier 1
Commissioner, Australian Federal Police	\$206,000	\$295,000	Nil		Tier 1
Vice-Chief of the Defence Force	\$197,800	\$285,000	Nil		Tier 1
Chief Executive Officer, Australian Crime Commission	\$197,800	\$285,000	Nil		Tier 1
Director-General, Australian Security Intelligence Organisation	\$197,800	\$275,000	\$18,613	2.2.1	Tier 1
Director-General, Office of National Assessments	\$197,800	\$266,000	\$18,613	2.2.2	Tier 1
Member, Australian Securities and Investments Commission	\$195,400	\$284,000	Nil		Tier 1
Chief of Navy	\$191,800	\$272,000	Nil		Tier 1
Chief of Air Force	\$191,800	\$272,000	Nil		Tier 1
Chief of Army	\$191,800	\$272,000	Nil		Tier 1
Inspector-General of Intelligence and Security	\$191,800	\$266,000	\$5,725	2.2.3	Tier 1
Chairperson, Productivity Commission	\$191,800	\$255,000	Nil		Tier 1
Commonwealth Ombudsman	\$191,800	\$255,000	\$16,113	2.2.4	Tier 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Office</b>	<b>Base Salary (per annum)</b>	<b>Total Remuneration for office (per Annum)</b>	<b>Additional Total Remuneration for Office Holder (per annum)</b>	<b>Refer Clause</b>	<b>Travel Tier</b>
President, Human Rights and Equal Opportunity Commission	\$182,300	\$260,000	Nil		Tier 1
Deputy Chair, Australian Competition and Consumer Commission	\$182,300	\$245,000	Nil		Tier 1
Chairperson, Australian Communications Authority	\$182,300	\$241,000	\$25,613	2.2.5	Tier 1
Chairperson, Australian Broadcasting Authority	\$182,300	\$240,000	Nil		Tier 1
Chairperson, ATSI Board of Commissioners	\$182,300	\$235,000	Nil		Tier 1
Member, National Crime Authority	\$173,300	\$272,000	Nil		Tier 1
Privacy Commissioner	\$173,300	\$250,000	Nil		Tier 1
Examiner, Australian Crime Commission	\$173,300	\$248,000	-	2.2.6	Tier 1
Associate Director of Public Prosecutions	\$173,300	\$230,000	Nil		Tier 1
Chairperson, Commonwealth Grants Commission	\$173,300	\$225,000	Nil		Tier 1
Member, Australian Competition and Consumer Commission	\$164,700	\$215,000	Nil		Tier 1
Australian Electoral Commissioner	\$154,300	\$208,000	Nil		Tier 1
Deputy President, Repatriation Commission	\$154,300	\$205,000	Nil		Tier 1
Deputy Chair, Australian Communications Authority	\$154,300	\$203,000	Nil		Tier 1
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$154,300	\$197,000	Nil		Tier 1
Administrator of the Northern Territory	\$154,300	\$194,000	Nil		Tier 1
Director, Professional Services Review	\$154,300	\$192,000	Nil		Tier 2
Director, Classification Board	\$149,500	\$210,000	Nil		Tier 2
Principal Member, Migration Review Tribunal	\$149,500	\$210,000	\$27,810	2.2.7	Tier 2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Office</b>	<b>Base Salary (per annum)</b>	<b>Total Remuneration for office (per Annum)</b>	<b>Additional Total Remuneration for Office Holder (per annum)</b>	<b>Refer Clause</b>	<b>Travel Tier</b>
Principal Member, Refugee Review Tribunal	\$149,500	\$210,000	\$27,810	2.2.7	Tier 2
Member, Australian Communications Authority	\$149,500	\$197,000	Nil		Tier 1
Deputy Chairperson, Australian Broadcasting Authority	\$149,500	\$195,000	Nil		Tier 2
Chairman, Indigenous Business Australia	\$149,500	\$172,000	Nil		Tier 1
Gene Technology Regulator	\$144,900	\$190,000	Nil		Tier 2
Deputy Commonwealth Ombudsman	\$144,900	\$185,000	Nil		Tier 2
Disability Discrimination Commissioner	\$138,500	\$197,000	Nil		Tier 2
Human Rights Commissioner	\$138,500	\$197,000	Nil		Tier 2
Race Discrimination Commissioner	\$138,500	\$197,000	Nil		Tier 2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$138,500	\$197,000	Nil		Tier 2
Sex Discrimination Commissioner	\$138,500	\$197,000	Nil		Tier 2
Member, Australian Broadcasting Authority	\$138,500	\$184,000	Nil		Tier 2
Chairperson, Indigenous Land Corporation	\$138,500	\$184,000	Nil		Tier 2
Chief Executive Officer, National Road Transport Commission	\$138,500	\$183,000	Nil		Tier 2
Director of Safeguards	\$132,300	\$178,000	Nil		Tier 2
Administrator, Christmas and Cocos (Keeling) Islands	\$125,600	\$175,000	Nil		Tier 2
Principal Member, Veterans' Review Board	\$124,100	\$169,000	Nil		Tier 2
Commissioner, Repatriation Commission	\$124,100	\$169,000	Nil		Tier 2
Official Secretary to the Governor-General	\$124,100	\$167,000	Nil		Tier 2
Deputy Director, Classification Board	\$122,600	\$177,000	Nil		Tier 2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Office</b>	<b>Base Salary (per annum)</b>	<b>Total Remuneration for office (per Annum)</b>	<b>Additional Total Remuneration for Office Holder (per annum)</b>	<b>Refer Clause</b>	<b>Travel Tier</b>
Deputy Principal Member, Refugee Review Tribunal	\$122,600	\$172,000	Nil		Tier 2
Private Health Insurance Ombudsman	\$122,600	\$169,000	Nil		Tier 2
Executive Director, Social Security Appeals Tribunal	\$122,600	\$163,000	Nil		Tier 2
Chairperson, Superannuation Complaints Tribunal	\$122,600	\$161,000	-	2.2.8	Tier 2
Chairperson, Torres Strait Regional Authority	\$112,600	\$150,000	Nil		Tier 2
Administrator, Torres Strait Regional Authority	\$112,600	\$150,000	Nil		Tier 2
Deputy Chairperson, ATSI Board of Commissioners	\$112,600	\$148,000	Nil		Tier 1
Senior Member, Migration Review Tribunal	\$100,600	\$145,000	Nil		Tier 2
Senior Member, Refugee Review Tribunal	\$100,600	\$145,000	Nil		Tier 2
Director, Social Security Appeals Tribunal	\$100,600	\$134,000	Nil		Tier 2
Deputy Chairperson, Superannuation Complaints Tribunal	\$100,600	\$134,000	Nil		Tier 2
Administrator, Norfolk Island	\$90,400	\$136,600	Nil		Tier 2 See 4.15.1
Member, Refugee Review Tribunal	\$90,400	\$133,000	Nil		Tier 2
Senior Member, Veterans' Review Board	\$90,400	\$130,200	Nil		Tier 2
Chairman (full-time), Central Land Council	\$90,400	\$129,400	Nil		Tier 3
Chairman (full-time), Northern Land Council	\$90,400	\$122,000	Nil		Tier 2
Member, Migration Review Tribunal	\$90,400	\$106,000	Nil		Tier 2
Commissioner, ATSI Board of Commissioners	\$90,400	\$104,000	Nil		Tier 1
Senior Classifier, Classification Board	\$90,400	\$104,000	Nil		Tier 2
Member, Veterans' Review Board	\$82,100	\$96,500	Nil		Tier 3

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Office</b>	<b>Base Salary (per annum)</b>	<b>Total Remuneration for office (per Annum)</b>	<b>Additional Total Remuneration for Office Holder (per annum)</b>	<b>Refer Clause</b>	<b>Travel Tier</b>
Chairperson, ATSI Regional Council	\$82,100	\$94,500	Nil		Tier 2
Regional Council Administrator, ATSI	\$82,100	\$94,500	Nil		Tier 2
Registrar - Large Registry SSAT	\$75,400	\$86,800	Nil		Tier 3
Registrar - Medium Registry SSAT	\$71,300	\$82,000	Nil		Tier 3
Classifier, Classification Board	\$71,300	\$82,000	Nil		Tier 3
Registrar - Small Registry SSAT	\$69,900	\$80,400	Nil		Tier 3
Member, SSAT	\$64,800	\$74,600	Nil		Tier 3

**2.2 Additional Provisions:** Where an additional annual amount is specified in Column 4 of Table 2A, payment of that amount to the Office Holder specified below will be subject to the provisions of the sub-clause shown in Column 5. The amount will be added to the figure in Column 3 to provide Total Remuneration for that Office Holder.

- 2.2.1 Australian Security Intelligence Organisation, Director-General:** Mr Dennis Richardson will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. This loading is included in superannuation salary.
- 2.2.2 Office of National Assessments, Director-General:** Mr Kim Jones will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. This loading is included in superannuation salary.
- 2.2.3 Inspector-General of Intelligence and Security:** Mr Bill Blick will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. This loading is included in superannuation salary.
- 2.2.4 Commonwealth Ombudsman:** Mr Ron McLeod will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. This loading is included in superannuation salary.
- 2.2.5 Australian Communications Authority, Chairperson:** Mr Anthony Shaw will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. This loading is included in superannuation salary.
- 2.2.6 Australian Crime Commission, Examiner:** Mr James Bennett will receive a personal loading of \$24,000 until 16 April 2003 while he occupies the office of Examiner, Australian Crime Commission, in recognition of his remuneration as Member, National Crime Authority prior to appointment to the ACC. This loading is included in superannuation salary.

- 2.2.7 Migration Review Tribunal and Refugee Review Tribunal, Principal Member:** Mr Steve Karas will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office of Principal Member of both the Migration Review Tribunal and Refugee Review Tribunal. This loading is included in superannuation salary.
- 2.2.8 Superannuation Complaints Tribunal, Chairperson:** In lieu of the provisions in this Determination, Mr Graham McDonald will receive the remuneration and allowances prescribed in relation to the office of the Deputy President of the Administrative Appeals Tribunal.
- 2.3 Remuneration in lieu of Performance Pay:** The Base Salary amounts in Column 2 of Table 2A contain a component in lieu of performance pay for those offices previously covered by *Determination 2002/09 – Remuneration and Allowances for Holders of Full-time Public Office*.
- 2.4 Locality Component:** Total Remuneration for the following Offices includes recognition of their geographic location:
- Northern Territory, Administrator;
  - Christmas and Cocos (Keeling) Islands, Administrator;
  - Norfolk Island, Administrator;
  - Torres Strait Regional Authority, Chair; and
  - Torres Strait Regional Authority, Administrator.
- 2.5 Defence Non-Tenure:** The Base Salary amount in Column 2 of Table 2A for the Vice-Chief of the Defence Force, the Chief of Navy, the Chief of Air Force and the Chief of Army contains a component in recognition of loss of tenure upon appointment.
- 2.6 Part-time work:** Where approval is given by the employer for an Office Holder to perform the duties of an Office on a part-time basis, the Base Salary, Total Remuneration and Additional Provisions (where applicable) contained in Table 2A will be payable on a pro-rata basis in accordance with the proportion of full-time hours worked. Where proposed hours are less than 60% of the full-time rate, prior agreement of the Remuneration Tribunal is required to the remuneration level.
- 2.7 Remuneration packaging:** Subject to this Part, an Office Holder may elect to receive the benefit of Total Remuneration as salary or a combination of salary and Benefits, in accordance with agency policies and procedures on salary packaging. The Office Holder must take at least 50% of Total Remuneration as salary. Any election will be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office (ATO).
- 2.8 Superannuation Salary:** Regardless of anything else in this Determination, salary for superannuation purposes comprises Base Salary plus any additional amount shown in Column 4 of Table 2A where the relevant sub-clause specifies that the loading is included as superannuation salary. This will be:
- a) the Office Holder’s annual rate of salary for the purposes of the Superannuation (CSS) Regulations, (and therefore the superannuation salary for the purposes of the *Superannuation Act 1976* and the *Superannuation Act 1990*); or
  - b) in the case of the holders of the offices of Vice-Chief of the Defence Force, Chief of Navy, Chief of Air Force and Chief of Army, that officer holder’s annual rate of salary for the purposes of the *Defence Force Retirement and Death Benefits Act 1973*, the *Defence Force Retirement and Death Benefits (Annual Rate of Pay)*

*Regulations, the Military Superannuation and Benefits Scheme Act 1991 and the Rules of the Military Superannuation and Benefits Scheme.*

- 2.9 Superannuation Support:** The Total Remuneration of an Office Holder will be taken to include the value of the Superannuation Support provided or superannuation contributions made in respect of the Office Holder. For this purpose:
- 2.9.1** In the case of an Office Holder participating wholly or partly in the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme or the Defence Force Retirement and Death Benefits Scheme or the Military Superannuation and Benefits Scheme, the value of the provision by the Commonwealth of Superannuation Support in respect of the Office Holder will be taken to be 15% of Superannuation Salary (refer clause 2.8);
  - 2.9.2** In the case of a Office Holder participating in any other superannuation scheme, the value of the superannuation contributions made by the Commonwealth in respect of the Office Holder to the superannuation scheme will reflect the amounts actually made or liable to be made; and
  - 2.9.3** Notwithstanding anything else in this Part, the value attributable by virtue of clauses 2.9.1 or 2.9.2 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.
- 2.10 Vehicles:** Where an Office Holder accepts an offer of an agency owned or leased vehicle<sup>1</sup> for private use, the office holder's Total Remuneration will be reduced by the actual cost of the vehicle to the agency plus parking and fringe benefits taxation, less a reasonable amount (if any) reflecting business usage patterns. Any business usage amount is to be based on the 'cents per kilometre' method assessed on log book records for a 12 week representative period. Where an Office Holder has access to an agency owned or leased vehicle for private use, the Office Holder will be considered to have accepted an offer of a vehicle for the purposes of this provision.

## **PART 3 – ALLOWANCES**

### **3.1 Accommodation Allowance**

- 3.1.1 Australian Competition and Consumer Commission, Chair:** Professor Allan Fels will receive an accommodation allowance as shown in Column 2 of Table 3A while he occupies the office shown in Column 1.
- 3.1.2 Australian Federal Police, Commissioner:** Mr Mick Keelty will receive an accommodation allowance as shown in Column 2 of Table 3A while he occupies the office shown in Column 1.
- 3.1.3 ATSIIC Board of Commissioners, Chair:** Mr Geoff Clark will receive an accommodation allowance as shown in Column 2 of Table 3A while he occupies the office shown in Column 1.
- 3.1.4 National Road Transport Commission, Chief Executive Officer:** Mr Tony Wilson will receive an accommodation allowance as shown in Column 2 of Table 3A while he occupies the office shown in Column 1.

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<sup>1</sup> The Executive Vehicle Scheme Guidelines issued by the Department of Employment and Workplace Relations apply to the selection of a vehicle.

**3.1.5 Sex Discrimination Commissioner:** Ms Pru Goward will be eligible to receive an accommodation allowance as shown in Column 2 of Table 3A plus one-off connection fees for utilities while she occupies the office shown in Column 1. This amount can be used to meet all costs to the Commonwealth to subsidise Ms Goward for her commercial (rental) accommodation costs in Sydney:

- a) while she also continues to have a property other than in Sydney, as her principal place of residence; and
- b) it will not be paid for such periods that she lives in Sydney premises owned by her.

Ms Goward will not be eligible to access travel allowance entitlements in Canberra and/or Sydney whilst she remains eligible to receive the additional payment.

**TABLE 3A – ACCOMMODATION ALLOWANCES**

<b>Column 1 Office Holder and Office</b>	<b>Column 2 Allowance (pa)</b>	<b>Column 3 Refer Clause</b>
Professor A Fels, Chair, Australian Competition and Consumer Commission.	\$13,500	3.1.1
Mr M Keelty, Commissioner, Australian Federal Police	\$15,600	3.1.2
Mr G Clark, Chair, ATSIC Board of Commissioners	\$25,480	3.1.3
Mr T Wilson, CEO, National Road Transport Commission	\$27,000	3.1.4
Ms P Goward, Sex Discrimination Commissioner	\$23,400	3.1.5

**3.1.6 Classification Board:** The employer may approve reimbursement of accommodation expenses for Members of the Classification Board in accordance with agency policy, based on the Rates of Contribution and Rental Ceilings specified in the DEWR Allowance Subscription Scheme.

**3.1.7 Defence Chiefs:** The employer may approve housing assistance in accordance with agency policy and practices for the Vice-Chief of the Defence Force, the Chief of Navy, the Chief of Air Force and the Chief of Army.

### **3.2 Reunion Travel**

**3.2.1 Migration Review Tribunal and Refugee Review Tribunal, Principal Member:** Mr Steve Karas will receive a reunion fares allowance as shown in Column 2 of Table 3B while he occupies the office shown in Column 1.

**TABLE 3B – REUNION FARES**

<b>Column 1 Office Holder and Office</b>	<b>Column 2 Allowance (pa)</b>	<b>Column 3 Refer Clause</b>
Mr S Karas, Principal Member, Migration Review Tribunal and Refugee Review Tribunal	\$47,187	3.2.1

### 3.3 Remote Localities

**3.3.1 ATSI Office Holders, District Allowance:** Where a Commissioner of the Aboriginal and Torres Strait Islander Commission holds an office located in a region or district which is classified for the purposes of District Allowance, the Office Holder will also be paid a District Allowance at the rates and on the conditions prescribed under the DEWR Allowance Subscription Scheme for officers of the Australian Public Service.

Additionally, a Commissioner holding an office in one of the following locations will also be paid District Allowance as if the Commissioner were an officer of the Australian Public Service residing at a locality of the District Allowance grade specified opposite the location:

Hope Vale, Qld	Grade C
Brewarrina, NSW	Grade A
Kanpa, WA	Grade D
Warrakurna, WA	Grade D
Flinders Island, Tas	Grade B
Menzies, WA	Grade A

## PART 4 - OFFICIAL TRAVEL

### General Travel Provisions

- 4.1** The following provisions of this Determination apply where an Office Holder travels for official business by scheduled commercial transport and also apply, to the extent possible, where an Office Holder travels by self-drive vehicle.
- 4.2** In this Part of the Determination:
- 4.2.1** '**Business Class**' means a standard of service equivalent to that offered by Qantas Airways Ltd in its Business Class;
  - 4.2.2** '**home base**' means the town or city in which the Office Holder's principal place of residence is located;
  - 4.2.3** '**official business**' means business pertaining to or required by the duties of the office holder's office;
  - 4.2.4** '**partner**' means any person who lives with the office holder on a genuine domestic basis as the partner of the office holder; and
  - 4.2.5** '**spouse**' means husband or wife.
- 4.3** Office Holders are not expected to gain or lose financially as a result of travelling on official business. Office Holders must only incur or commit the Commonwealth to meet expenses where funds are lawfully available to do so.
- 4.4** Travel may only be undertaken where its purpose is consistent with the duties of the Office Holder.
- 4.5** Where travelling allowance is paid under this Determination, the Office Holder is not entitled to claim or receive travelling allowance or reimbursement of travelling expenses under any other source or entitlement for the same travel.

- 4.6** Frequent flyer points accrued at the Commonwealth's expense should not be used for private purposes.
- 4.7** An Office Holder may upgrade his or her class of travel in order to accompany a person travelling at a higher class of travel where it is demonstrably in the interest of the Commonwealth to do so.
- 4.8** An Office Holder who is entitled to travel Economy Class may upgrade to Business Class (for domestic and international travel) where the duration of the flight exceeds five hours.
- 4.9** 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.
- 4.10** Office Holders are to use their agency's travel-related preferred provider arrangements where they exist.
- 4.11** Office Holders should comply with the travel-related administrative guidelines put in place by their agency.
- 4.12** An Office Holder 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.
- 4.13** Accompanied travel may only occur when the Office Holder's employer certifies in writing that it is demonstrably in the interest of the Commonwealth, given the purpose of the travel, for the Office Holder to be accompanied by their spouse or partner.
- 4.14** Where a spouse or partner accompanies an Office Holder, the spouse or partner may travel at the same class of travel as the Office Holder.

### **Travel within Australia**

- 4.15** Office Holders are entitled to the travelling allowances for travel on official business within Australia at the Tier which is specified in Column 6 of Table 2A for those Office Holders.
- 4.15.1 Norfolk Island, Administrator:** The Hon Anthony Messner will be entitled to first class or business class travel, whichever is available. Otherwise travelling allowance is to be paid at the Tier 2 rate.
- 4.16** Travelling allowance rates for each Tier of travel are specified in *Determination 2000/06 – Travelling Allowance Rates*.
- 4.17** The following arrangements apply to the use of vehicles where the Office Holder is not supplied with a Commonwealth vehicle that can be used for the purposes of the travel.

- 4.18** An Office Holder may choose to hire a vehicle or use his or her 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 will:
- a) meet the cost of a rental vehicle; or
  - b) pay the private vehicle costs calculated in accordance with Part 3 of *Determination Number 2000/06* where a private vehicle is used for the journey.
- 4.19** These provisions do not apply to any journey commenced from the home base of an Office Holder where he or she is provided with an agency vehicle at that home base.

### **International Travel**

- 4.20** Office Holders entitled to travelling allowances for travel within Australia at the Tier 1 rate are entitled to First Class international travel.
- 4.21** Office Holders entitled to travelling allowances for travel within Australia at the Tier 2 rate are entitled to Business Class international travel.
- 4.22** Office Holders entitled to travelling allowances for travel within Australia at the Tier 3 rate are entitled to Economy Class international travel, subject to the 'upgrade' provisions at clause 4.7.
- 4.23** When travelling overseas on official business, an Office Holder is entitled to accommodation at Commonwealth expense.
- 4.24** Accommodation should be at a standard reasonably equivalent to that provided for the Office Holder in Australia.
- 4.25** 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).
- 4.26** For the purposes of this Determination, Tiers 1, 2 and 3 will correspond to the highest, middle and lowest salary levels respectively, specified in the ATO Ruling table that deals with the matter referred to in clause 4.25.

## **PART 5 - RECREATION LEAVE**

- 5.1 Recreation Leave entitlements:** The provisions of *Determination 2002/20 – Recreation Leave for Full-Time Holders of Relevant Offices* apply to full-time<sup>2</sup> Offices listed in Column 1 of Table 2A in this Determination to the extent specified in that Determination.
- 5.2 TSRA, Chairperson and Administrator:** A full-time Chairperson or Administrator of the Torres Strait Regional Authority will be eligible for an additional seven days remote locality Recreation Leave per annum, in addition to the Recreation Leave provided for under *Determination Number 2002/20*.

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<sup>2</sup> Note that the Remuneration Tribunal may only determine recreation leave in respect of full-time office holders – refer s7(3AA) of RT Act. Leave (if any) for Part-time Office Holders is determined by the relevant Minister or Governor-General.

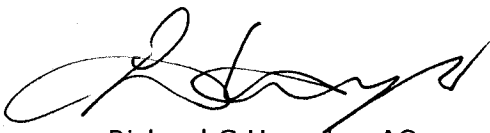
**5.3 ATSI Commission Commissioners:** With effect from date of appointment as a full-time Office Holder, a Commissioner of the Aboriginal and Torres Strait Islander Commission holding an office in one of the following locations, will accrue, in addition to the recreation leave otherwise applicable under *Determination 2002/20*, a credit at an annual rate equal to the sum of the credit otherwise applicable and the number of days specified opposite the location:

Hope Vale, Qld	5 days
Brewarrina, NSW	2 days
Kanpa, WA	7 days
Warrakurna, WA	7 days
Flinders Island, Tas	3 days
Menzies, WA	2 days

## **PART 6 - COMPENSATION FOR LOSS OF OFFICE**

- 6.1** Compensation for early loss of office for an Office Holder will be in accordance with the provisions of *Determination 1992/11 - Compensation for Loss of Office*.
- 6.2** Where an Office Holder serves the full term of appointment, no entitlement to a payment under this part arises.

Signed this            18            day of December 2002



Richard G Humphry AO  
PRESIDENT



John C Conde AO  
MEMBER



Janet E Grieve  
MEMBER