



REMUNERATION TRIBUNAL

Determination 2003/06: Specified Statutory Officers - Remuneration and Allowances

- (i) This Determination governs remuneration and allowances for the Specified Statutory Offices specified in Table 1. It comprises:
- Part 1 – General;
 - Part 2 – Remuneration and related matters;
 - Part 3 – Official expenses including official travel; and
 - Part 4 – Compensation for Loss of Office.

PART 1

GENERAL

- 1.1 This Determination is issued pursuant to the *Remuneration Tribunal Act 1973*, subsections 7(3) and 7(4).
- 1.2 This Determination takes effect on and from 2 May 2003 except where specified otherwise. It revokes and supersedes Determination 2002/07 in full.
- 1.3 To avoid doubt, footnotes to tables in this Determination are part of the Determination.
- 1.4 In this Determination, "**Specified Statutory Officer**" means the holder of a particular office as specified in Column 1 of Table 1.

PART 2

REMUNERATION AND RELATED MATTERS

Definitions

- 2.1 In this Part:
- "**Base Salary**" means the amounts specified under clause 2.2 as applicable 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 and any scheme guidelines, the policy responsibility for which lies with the Department of Employment and Workplace Relations, or any scheme of a similar nature which modifies, replaces or supersedes that scheme.

"Superannuation Support" means payments made by the Commonwealth to or in respect of 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 in order to support the provision of benefits under any of those schemes.

"Total Remuneration" is the value attributed to the remuneration to be paid to a Specified Statutory Officer and includes:

- salary, subject to the packaging provisions of clauses 2.3 to 2.5 inclusive;
- the value, calculated in accordance with clauses 2.9 and 2.10, of a fully maintained Commonwealth provided vehicle plus parking and fringe benefits taxation; and
- the value attributed by the Remuneration Tribunal to the employer's superannuation contributions or Superannuation Support

but does not include;

- adjustment in lieu of performance bonus in accordance with clause 2.11;
- travelling allowances and expenditure specified in Part 3; and
- compensation for early loss of office provisions specified in Part 4.

Remuneration 2.2 For the purposes of paragraph 7(3) of the *Remuneration Tribunal Act 1973*, the Remuneration Tribunal determines Base Salary and Total Remuneration for Specified Statutory Offices as set out in Table 1 of this Determination.

Table 1

COLUMN 1	COLUMN 2	COLUMN 3
Specified Statutory Office	Base (superannuable) Salary \$ per annum	Total Remuneration \$ per annum
Chief of the Defence Force ⁽¹⁾	239,660	342,370
Auditor-General for Australia ⁽¹⁾	224,230	320,320
Australian Statistician ⁽¹⁾	224,230	320,320
Commissioner of Taxation ⁽¹⁾	224,230	320,320
Chief Executive Officer of Customs ⁽¹⁾ (subject to review on vacancy)	224,230	320,320

Remuneration packaging 2.3 Subject to this part, a Specified Statutory Officer may elect to receive the benefit of the Total Remuneration as salary or a combination of salary and other Benefits, but must take at least 50% of the Total Remuneration as salary.

1. The occupant of the office of Chief of the Defence Force as at 20 April 2001 shall receive a base salary (superannuable) equivalent to 73 per cent of the office's total remuneration figure specified in column 3. The occupants of the other Specified Statutory Offices as at 20 April 2001 shall receive a base (superannuable) salary equivalent to 72 per cent of the relevant total remuneration figure specified in column 3.

- 2.4 Any election made in accordance with clause 2.3 shall be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office (ATO).
- 2.5 Any election made in accordance with clause 2.3 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.

**Superannuation
Base Salary**

- 2.6 Regardless of anything else in this Determination, Base Salary for a Specified Statutory Officer, as specified under clause 2.2, shall be:
- (a) other than as provided in paragraph (b), the officer's annual rate of salary for the purposes of the Superannuation (CSS) Salary Regulations⁽²⁾; and
- (b) in the case of the holder of the office of the Chief of the Defence Force, that officer's annual rate of salary for the purposes of the Defence Force Retirement and Death Benefits Act 1973 and the Defence Force Retirement and Death Benefits (Annual Rate of Pay) Regulations.⁽³⁾

**Superannuation
support**

- 2.7 The Total Remuneration of a Specified Statutory Officer shall be taken to include the value of the Superannuation Support provided or superannuation contributions made in respect of the Specified Statutory Officer. For this purpose:
- (a) in the case of a Specified Statutory Officer 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 Secretary or Specified Statutory Officer shall be taken to be 13% of Base Salary; and
- (b) in the case of a Specified Statutory Officer participating in any other superannuation scheme, the value of the superannuation contributions made by the Commonwealth in respect of the Specified Statutory Officer to the superannuation scheme shall reflect the amounts actually made or liable to be made.
- 2.8 In spite of anything else in this Part, the value attributable by virtue of clause 2.7 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.

**Private plated
vehicles and
parking**

- 2.9 Total remuneration shall be taken to include, where applicable, the value, as calculated under the Executive Vehicle Scheme, of a fully maintained Commonwealth provided vehicle.
- 2.10 Where a Specified Statutory Officer elects to receive a Commonwealth provided vehicle, the value of the vehicle component of the Specified Statutory Officer's Total Remuneration is to be the actual cost. Should the actual cost to the Commonwealth of a Specified Statutory Officer's vehicle component at 7 May 2001 exceed \$21,500 in value, the value of that

2. It will therefore be a Specified Statutory Officer's superannuation salary for the purposes of the Superannuation Act 1976 and the Superannuation Act 1990.

3. It will therefore be the Specified Statutory Officer's superannuation salary for the purposes of the Military Superannuation and Benefits Scheme Act 1991 and the Rules of the Military Superannuation and Benefits Scheme.

Specified Statutory Officer's vehicle component will be taken to be \$21,500 until the expiration of the lease arrangement in place at the date of this determination.

Adjustment in lieu of performance pay

2.11 A Specified Statutory Officer shall be entitled to an amount of 7 per cent of Total Remuneration in recognition that the officer is not eligible for performance bonuses. The adjustment will be made in an annualised lump sum payment.

PART 3

OFFICIAL EXPENSES INCLUDING TRAVEL

Guidance from the Tribunal

3.1 The following provisions of this Determination apply where a Specified Statutory Officer travels for official business by scheduled commercial transport and also apply, to the extent possible, where a Specified Statutory Officer travels by self-drive vehicle.

3.2 The Tribunal may issue guidance notes from time to time to assist employing bodies to interpret and implement this Determination.

Definitions

3.3 In this Part:

'Business Class' means a standard of service equivalent to that offered by Qantas Airways Ltd in its Business Class.

'employing body' means the organisation, agency or entity to which the Specified Statutory Office is appointed.

'home base' means the town or city in which the office holder's principal place of residence is located.

'official business' means business pertaining to or required by the duties of the office holder's office.

'partner' means any person who lives with the office holder on a genuine domestic basis as the partner of the office holder.

'spouse' means husband or wife.

Guiding Principles

3.4 A Specified Statutory Officer is not expected to gain or lose financially as a result of travelling on official business.

3.5 A Specified Statutory Officer must only incur or commit the Commonwealth to meet expenses where funds are lawfully available to do so.

Frequent Flyer Points

3.6 Frequent flyer points accrued at the Commonwealth's expense should not be used for private purposes.

Use of Judgment

3.7 Specified Statutory Officers 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

3.8 Specified Statutory Officers are to use their employing body's travel-related preferred provider arrangements where they exist.

- Compliance with Guidelines** 3.9 Specified Statutory Officers should comply with the travel-related administrative guidelines put in place by each employing body.
- Accompanied Travel** 3.10 A Specified Statutory Officer 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.
- 3.11 Accompanied travel may only occur when a Specified Statutory Officer's employing body certifies in writing that it is demonstrably in the interests of the Commonwealth, given the purpose of the travel, for the Specified Statutory Officer to be accompanied by their spouse or partner.
- 3.12 Where a spouse or partner accompanies a Specified Statutory Officer, the spouse or partner may travel at the same class of travel as the Specified Statutory Officer.

Travel within Australia

- Entitlement** 3.13 Specified Statutory Officers are entitled to Tier 1 travelling allowances for travel on official business within Australia.
- 3.14 Travelling allowance rates for Tier 1 travel is specified in Determination Number 2000/06.
- Self-Drive Vehicles** 3.15 The following arrangements apply to the use of vehicles where a Specified Statutory Officer is not supplied with a Commonwealth vehicle that can be used for the purposes of the travel.
- 3.16 A Specified Statutory Officer 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 shall:
- (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.
- 3.17 These provisions do not apply to any journey commenced from the home base of a Specified Statutory Officer where he or she is provided with a Commonwealth vehicle at that home base.

International Travel

- Class of Travel** 3.18 A Specified Statutory Officer is entitled to First Class international travel.
- Accommodation** 3.19 When travelling overseas on official business, a Specified Statutory Officer is entitled to accommodation at Commonwealth expense.
- 3.20 Accommodation should be at a standard reasonably equivalent to that provided for the Specified Statutory Officer in Australia.
- Meals and Incidentals** 3.21 Rates for meals and incidentals are to be paid in accordance with the overseas meals and incidentals rates published annually by the ATO in its taxation ruling dealing with reasonable travelling allowances amounts (the

ATO Ruling).

- 3.22 For the purpose of this Determination, Tiers 1, 2 and 3 shall 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 3.21.

PART 4

COMPENSATION FOR EARLY LOSS OF OFFICE

**Compensation
for early loss of
office**

- 4.1 Compensation for early loss of office for a Specified Statutory Officer shall be in accordance with the provisions of Determination 1992/11.
- 4.2 Where a Specified Statutory Officer serves the full term of appointment, no entitlement to a payment under this part arises.

Signed this

8th

day of April 2003



John C Conde AO
ACTING PRESIDENT



Janet E Grieve
MEMBER