



## REMUNERATION TRIBUNAL

### Explanatory Memorandum: Determination 2004/18

1. The Remuneration Tribunal has inquired into and determined the remuneration and significantly related matters for public office holders, as it is empowered to do by the *Remuneration Tribunal Act 1973*.
2. The retrospective application of this determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such a person.

#### **PART 1 – JUDICIAL AND RELATED OFFICES**

3. Clause 1.1 specifies the Principal Determination (Number 14 of 2004) for the purposes of Part 1 of the Determination.
4. Clauses 1.2 and 1.3 amend Table 2 of the Principal Determination to amend two typographical errors introduced by Determination Number 17 of 2004.
5. Clause 1.4 specifies the date of effect for the amendment outlined in clause 1.3.
6. Clause 1.5 amends clause E8 of the Principal Determination to specify correctly Mr Chris Doogan's total superannuable salary.
7. Clause 1.6 specifies the date of effect for the amendment outlined in clause 1.5.
8. Clause 1.7 amends clause B9(b) of the Principal Determination to include the word 'reasonableness' and so that clauses 'B6-8' rather than clauses 'B5-8' are specified as not applying to part time members of the Administrative Appeals Tribunal. This amendment will restore the previous situation that only one daily fee may be paid in respect of any one day.
9. Clause 1.8 inserts a new clause B19 into the Principal Determination which gives part time office holders, other than judges, the ability to elect to access salary sacrificing arrangements. Any election under new clause B19 must be in accordance with agency policies and procedures on salary packaging, and relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office.

Clause 1.8 also amends the clause references and some terminology in clauses B18, B20 and B21.

#### **PART 2 – PART-TIME HOLDERS OF PUBLIC OFFICE**

10. Clause 2.1 specifies the Principal Determination (Number 12 of 2004) for the purposes of Part 2 of the Determination.
11. Clause 2.2 amends Table A1A by deleting the entry for Comland Limited following completion of its sale.

12. Clause 2.3 reinserts in Table A1A the symbol which provides for payment of additional fees to Audit Committee members of the Defence Housing Authority Board. The symbol was mistakenly omitted when the entry was varied in Determination 2004/16.
13. Clauses 2.4 and 2.5 amend Table A1A following the replacement of the Australian Tourist Commission (ATC) by Tourism Australia. The fee is set at a higher rate for members and the Deputy Chair of the new Board of Tourism Australia. The rate for the Chairman is the same rate as that formerly paid to the ATC Chair.
14. Clause 2.6 amends Table A1A by deleting reference to the Tourism Forecasting Council following its abolition on 1 July 2004.
15. Clause 2.7 amends Table A1A by deleting the entry for the Australian Franchising Policy Council following advice that the Council was disbanded in 2002.
16. Clause 2.8 amends Table A1A by increasing the annual fee for members of the Board of the Reserve Bank of Australia.
17. Clause 2.9 amends the list of committees in Schedule B by adding the Implantable Medical Devices Tracking Sub-committee.
18. Clause 2.9 specifies that the amendments to the Principal Determination take effect from 1 July 2004.

### **PART 3 – FULL-TIME HOLDERS OF PUBLIC OFFICE**

19. Clause 3.1 specifies the Principal Determination (Number 9 of 2002) for the purposes of Part 3 of the Determination.
20. Clause 3.2 specifies that the Chief Executive Officer, National Health and Medical Research Council will receive a performance bonus for the calendar year 2003.

### **PART 4 – PRINCIPAL EXECUTIVE OFFICES**

21. Clause 4.1 specifies the Principal Determination (Number 15 of 1999) for the purposes of Part 4 of the Determination.
22. Clause 4.2 amends the existing clause that refers to the Official Travel Determination by inserting a new sentence which clarifies the source of the Travel Tier entitlement. Previously the Determination indicated that the source was within the Determination whereas it is as advised by the Minister or the Tribunal.

Authority: Sub-sections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*