

Guidelines for making a Submission to the Remuneration Tribunal - Establishment of a New Public Office

The following information is provided to assist agencies in the preparation of submissions to the Remuneration Tribunal (the Tribunal) seeking a determination of the remuneration for a new public office.

Sub-section 3(4) of the *Remuneration Tribunal Act 1973* (the Act) refers to various offices or appointments. These can be summarised as:

- offices established by, or made under a law of the Commonwealth;
- appointments made by the Governor-General or a Minister;
- offices or appointments in the service of, or employed by a public statutory corporation; and
- appointments as Directors of wholly Commonwealth owned corporations limited by guarantee.

Referral of Submissions

1. For statutory offices created in legislation, requests for the Remuneration Tribunal to determine remuneration and allowances should be referred to:

**The President
Commonwealth Remuneration Tribunal
P.O. Box 281
Civic Square ACT 2608**

by either a Portfolio Minister, a Secretary, or a Program Manager with responsibility for the establishment of the office.

Where legislation is yet to be enacted, the Tribunal will indicate a level of remuneration and will make a determination once the legislation is enacted. In these circumstances, the Tribunal Secretariat should be kept informed of any changes to the legislation and be advised when the legislation is enacted or an appointment is made. The Tribunal is able to determine a retrospective date of effect within reasonable limits.

2. For non-statutory offices established by the Governor-General or by Ministers, the submission requesting determination of remuneration and allowances must be referred to the Tribunal by a Portfolio Minister through the Minister for Employment and Workplace Relations. The Portfolio Minister's letter should ask the Minister for Employment and Workplace Relations to refer the request for a determination of remuneration and allowances to the Tribunal in accordance with sub-section 3(4) of the *Remuneration Tribunal Act 1973*.

The Minister should indicate the significance and urgency of the matter and, where a level of remuneration is recommended support or comment on the recommendation.

Content of Submissions

Submissions should include:

- the anticipated date of establishment of the office or date of appointment of the office holder
- whether the office is full or part-time
- details of any relevant legislative provisions including provisions for an Acting or Deputy office holder
- the main functions and nature of the organisation, company or committee (eg industry sector, size, budget, corporate structure and reporting structures)

- ❑ for Boards and Committees, the terms of reference, membership, estimated number of meetings per month or year, sub-committee structures, and anticipated out of session commitments
- ❑ any desirable or essential characteristics, skills or qualifications required of the individual office holders
- ❑ comparisons with the remuneration of other, similar Commonwealth, State or private sector positions and a recommendation of an increase or revised level of remuneration, daily fee or travelling allowance (in line with broader public sector employment relations policy, arguments for comparative wage justice may not be recognised, rather, demonstration of improved productivity and/or better work practices have a greater chance of recognition)
- ❑ a recommendation or assessment of the appropriate annual remuneration or daily fees and any allowances such as travel
- ❑ name, telephone, e-mail, and fax number of a contact officer who can assist the Tribunal Secretariat with further information or discussion should it be required.

Confidentiality

The Tribunal treats submissions in the strictest confidence. The Tribunal Secretariat should be advised when a matter has yet to be fully considered by the Government and/or if it has not been publicly announced.

Those making submissions should be aware that the Remuneration Tribunal is bound by the provisions of the *Freedom of Information Act 1982*.

Appearances before the Tribunal

Submissions should indicate whether an appearance before the Tribunal is sought. The Tribunal may request an appearance, but usually this is not the case.

Timing and Decisions

The Tribunal generally meets once every two months. The date for the next meeting can be provided by the Tribunal Secretariat on (02) 6121 7965.

The Tribunal Secretariat can provide further advice and assistance in the preparation of submissions and is grateful for early warnings of potential appointments or urgent matters. Where a matter is very urgent, the Secretariat can arrange for a matter to be heard out of session and can usually provide an indicative response within a short period of time.

Once a decision is made, the Secretariat will advise the contact officer by telephone. Generally written advice of a Tribunal decision will be received within two weeks from the date of the last meeting.

Where the Tribunal's decision results in the need for a determination to be issued, it is sent to the Minister for Employment and Workplace Relations for tabling in the Parliament. A copy of the determination is sent to the Portfolio Minister for information and copies are also sent to the office holder and nominated contact officer.

Remuneration Tribunal Secretariat
September 2002