



REMUNERATION TRIBUNAL

Determination 2012/16: Specified Statutory Offices – Remuneration and Allowances

As amended.

Made under sub-sections 7(3) and 7(4) of the Remuneration Tribunal Act 1973

Consolidated as at 25 January 2013 and incorporates amending determinations up to and including 2013/01 – Remuneration and Allowances for Holders of Public Office

This Determination governs remuneration and allowances for the Specified Statutory Offices specified in Table 1.

The Determination comprises:

Part 1 – General;

Part 2 – Remuneration and related matters;

Part 3 – Official travel;

Part 4 – Compensation for loss of office; and

Part 5 – Recreation leave.

PART 1 – GENERAL

1.1 Authority: This Determination is issued pursuant to subsections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*.

1.2 Effective Date: This Determination takes effect on and from 1 July 2012.

1.3 Effect on Earlier Determinations: This Determination supersedes and revokes in full Determination 2012/05 - *Specified Statutory Offices – Remuneration and Allowances*.

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

1.4.1 'Base Salary' means the applicable amounts specified in Table 1.

1.4.2 'Benefits' means all non-monetary benefits provided at the Employer's expense to or on behalf of a Specified Statutory Officer as a personal benefit, including a vehicle (where provided – refer clause 2.4), the value attributed by the Remuneration Tribunal to the Employer's Superannuation Contribution (refer clause 2.3) and any other benefits received by way of remuneration packaging (refer clause 2.2 and 2.5).

1.4.3 '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.

1.4.4 'Employer's Superannuation Contribution' in respect of a Specified Statutory Officer means payments made by the Commonwealth in respect of the Specified Statutory Officer to:

- (a) a Commonwealth defined benefit scheme (including the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme); or
- (b) another superannuation fund.

1.4.5 'Specified Statutory Officer' means the holder of a particular office as specified in Table 1 of this Determination.

1.4.6 'Total Remuneration' is the amount shown in Table 1 for the Specified Statutory Office. It represents the value, calculated at the total cost to the employer (including Fringe Benefits Tax), of:

- salary (including Base Salary), allowances or lump sum payments; and
- Benefits;

but does not include;

- reimbursement of expenses incurred on geographic relocation following appointment as a Specified Statutory Officer, in accordance with agency policies and practices, where approved by the Employer;
- travelling allowances and expenditure in accordance with Part 3;
- any compensation for early loss of office in accordance with Part 4; and
- any payment in lieu of recreation leave in accordance with Part 5.

PART 2 – REMUNERATION AND RELATED MATTERS

2.1 Remuneration: Specified Statutory Officers are eligible for Base Salary and Total Remuneration as set out in Table 1 of this Determination with effect from the dates specified.

2.2 Remuneration packaging: Subject to this part, a Specified Statutory Officer may elect to receive the value of Total Remuneration, other than the value of the Employer's Superannuation Contribution, as salary or as a combination of salary and Benefits. The office holder must take at least 50 per cent of Superannuation Salary as salary, except where agency policies and procedures on salary packaging allow otherwise. Any election must be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office. Any election must not result in a cost to the employer (including in relation to any fringe benefits taxation) additional to the cost which would be incurred if all of the Total remuneration elements able to be taken as salary were taken as salary.

2.3 Superannuation Salary

2.3.1 For a Specified Statutory Officer who is a member of the Commonwealth Superannuation Scheme:

- (a) the Specified Statutory Officer's annual rate of salary for the purposes of the scheme is the Specified Statutory Officer's Base Salary; and
- (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Specified Statutory Officer's Base Salary.

2.3.2 For a Specified Statutory Officer who is a member of the Public Sector Superannuation Scheme:

- (a) the Specified Statutory Officer's basic salary for the purposes of the scheme is the Specified Statutory Officer's Base Salary; and
- (b) the amount of the Specified Statutory Officer's recognised allowances for the purpose of the scheme is zero; and
- (c) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Specified Statutory Officer's Base Salary.

2.3.3 For a Specified Statutory Officer who is a member of the Public Sector Superannuation Accumulation Plan, the Specified Statutory Officer's superannuation salary for the purposes of the scheme is the Specified Statutory Officer's ordinary time earnings (OTE).

2.3.4 For a Specified Statutory Officer who is a member of the Defence Force Retirement and Death Benefits Scheme:

- (a) the Specified Statutory Officer's annual rate of salary for the purposes of the scheme is the Specified Statutory Officer's Base Salary; and
- (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Specified Statutory Officer's Base Salary.

2.3.5 For a Specified Statutory Officer who is a member of the Military Superannuation and Benefits Scheme:

- (a) the Specified Statutory Officer's annual rate of salary for the purposes of the scheme is the Specified Statutory Officer's Base Salary; and
- (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Specified Statutory Officer's Base Salary.

2.3.6 For a Specified Statutory Officer who is a member of any other superannuation fund, the Employer's Superannuation Contribution is to be made at the rate elected by the Specified Statutory Officer, which must not be less than a rate that would, under section 23 of the *Superannuation Guarantee (Administration) Act 1992*, reduce the charge percentage in relation to that Specified Statutory Officer to zero.

2.3.7 No cash in lieu: The value attributable by virtue of this clause to the Employer's Superannuation Contribution 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.

2.4 Private plated vehicles and parking: Where a Specified Statutory Officer accepts an offer of an agency owned or leased vehicle for private use, the Specified Statutory Officer shall have deducted from his or her Total Remuneration, an amount equal to the actual cost of the vehicle to the agency including the value of parking, plus fringe benefits tax, less \$3,750 per annum (in recognition of business use).

2.5 Salary sacrifice vehicle: Where a Specified Statutory Officer elects not to receive a Commonwealth provided vehicle but instead enters into a salary sacrifice arrangement for the provision of another vehicle, and that vehicle is used for business-related purposes, the Specified Statutory Officer is entitled to an amount of \$3,750 per annum being recognised in the calculation of the salary sacrifice.

2.6 Chief of the Defence Force: The employer may approve housing assistance in accordance with agency policy and practices.

PART 3 – OFFICIAL TRAVEL

3.1 Official travel: The provisions of Determination 2004/03 (as amended) - *Official Travel by Office Holders* - apply to offices covered by this Determination, subject to any exclusions or limitations in this Determination. In establishing entitlements, the Travel Tier identified in this Determination for an office will apply under Determination 2004/03.

3.2 Travel tier: A Specified Statutory Officer is eligible for Tier 1 travel entitlements for travel on official business.

PART 4 – COMPENSATION FOR LOSS OF OFFICE

4.1 Loss of Office: Compensation for early loss of office for a Specified Statutory Officer shall be in accordance with the provisions of Determination 2012/10 - *Compensation for Loss of Office for Holders of Public Office*.

4.1.1 Where a Specified Statutory Officer serves the full term of appointment, no entitlement to a payment under this part arises.

PART 5 – RECREATION LEAVE

5.1 Recreation Leave entitlements: The provisions of Determination 2012/11 (as amended) - *Recreation Leave for Full-Time Holders of Relevant Offices* - apply to full-time¹ Specified Statutory Officers to the extent specified in that Determination.

¹ 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 Governor-General or relevant Minister. The Tribunal does not have the power to determine recreation leave entitlements for the Chief of the Defence Force and the Australian Statistician.

Table 1 – RATES OF REMUNERATION – SPECIFIED STATUTORY OFFICES

Dates of Effect					
15 March 2012	1 Jul 2012	1 Jan 2013	1 Jul 2013	1 Jan 2014	1 Jul 2014
Chief of the Defence Force					
Transition Total Remuneration (TR) Rates					Final TR
\$612,500	\$646,000	\$679,500	\$713,000	\$746,500	\$780,000
Base Salary (salary for superannuation purposes)					
Transition Rates					Final
\$441,000	\$458,660	\$475,650	\$499,100	\$522,550	\$546,000

Commissioner of Taxation					
Transition Total Remuneration (TR) Rates					Final TR
\$580,000	\$630,000	\$740,000	\$740,000	\$740,000	\$740,000
Base Salary (salary for superannuation purposes)					
Transition Rates					Final
\$417,600	\$447,300	\$518,000	\$518,000	\$518,000	\$518,000

CEO of Australian Customs & Border Protection Service					
Transition Total Remuneration (TR) Rates					Final TR
\$575,000	\$600,000	\$625,000	\$650,000	\$675,000	\$700,000
Base Salary (salary for superannuation purposes)					
Transition Rates					Final
\$414,000	\$426,000	\$437,500	\$455,000	\$472,500	\$490,000

Auditor-General for Australia Australian Statistician					
Transition Total Remuneration (TR) Rates					Final TR
\$572,500	\$593,000	\$613,500	\$634,000	\$654,500	\$675,000
Base Salary (salary for superannuation purposes)					
Transition Rates					Final
\$412,200	\$421,030	\$429,450	\$443,800	\$458,150	\$472,500

Notes to Remuneration Tribunal Determination 2012/16: Specified Statutory Offices - Remuneration and Allowances

This determination as shown in this compilation is amended as indicated in the tables below. Under the Legislative Instruments Act 2003, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
Determination 2012/16 – Specified Statutory Offices - Remuneration and Allowances	22/06/2012 F2012L01303	1/07/2012	-
Determination 2012/22 – Remuneration and Allowances for Holders of Public Office and Specified Statutory Offices	30/10/2012 F2012L02104	CI 3.1, 3.3 – 31/10/2012 CI 3.2 – 1/07/2012	-
Determination 2013/01 – Remuneration and Allowances for Holders of Public Office	25/01/2013 F2013L00100	CI 1.1, 1.3 – 26/01/2013 CI 1.2 – 1.01.2013	-

Notes to Remuneration Tribunal Determination 2012/16:
Specified Statutory Offices - Remuneration and Allowances

Table of Amendments

ad. = added or inserted	am. = amended	rs. = repealed and substituted	rep. = repealed
Provision affected	How affected		
Part 2			
Clause 2.6	ad 2012/22		
Table 1	am 2013/01		