



## REMUNERATION TRIBUNAL

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Determination 2012/12:

Remuneration and Allowances for Holders of Full-Time Public Office

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As amended.

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

Consolidated as at 28 August 2012 and incorporates amending determinations up to and including 2012/17 – Remuneration and Allowances for Holders of Public Office including Judicial and Related Offices

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This Determination governs remuneration and allowances for the full-time Public Offices specified in Table 2A.

This Determination specifies 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. The salary and benefits provided for in this Determination must not be supplemented.

**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 early loss of office.

### **PART 1 – GENERAL**

- 1.1 Authority:** This Determination is issued pursuant to sub-sections 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 2011/08 (as amended) – *Remuneration and Allowances for Holders of Full-Time Public Office* and also supersedes and revokes the following Determinations (that amended 2011/08): 2011/13; 2011/14; 2011/17; 2011/21; 2011/23; 2012/01; 2012/07; 2012/08.
- 1.4 Definitions:** For the purposes of this Determination, the following definitions apply.

**'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.

**'Base Salary'** means the applicable amount specified in Column 2 of Table 2A of this Determination.

**'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 2.6), the value attributed by the Remuneration Tribunal to the Employer Superannuation Contribution (refer clause 2.5) and any other benefits received by way of remuneration packaging (refer clause 2.4).

**'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.

**'Employer's Superannuation Contribution'** in respect of an Office Holder means payments made by the Commonwealth in respect of the Office Holder to:

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

**'Office Holder'** means the holder of an office listed in Column 1 of Table 2A of this Determination.

**'Total Remuneration'** is the amount shown in Column 3 of Table 2A plus any additional amount shown in Column 4. 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;
- Benefits; and
- the Employer's Superannuation Contribution

but does not include:

- facilities provided as business support as referred to in Part 2;
- 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;
- any payment in lieu of recreation leave in accordance with Part 5; and
- any compensation for early loss of office in accordance with Part 6.

## **PART 2 – REMUNERATION AND RELATED MATTERS**

2.1 **Total Remuneration:** Office Holders are eligible for the annual amounts of Base Salary and Total Remuneration (including any additional amount shown in Column 4), as set out in Table 2A below with effect from 1 July 2012, unless otherwise specified.

**TABLE 2A – FULL-TIME OFFICE HOLDERS – TOTAL REMUNERATION AND OTHER BENEFITS**

<b>Column 1</b> Office	<b>Column 2</b> Base Salary (per annum)	<b>Column 3</b> Total Remuneration for office (per annum)	<b>Column 4</b> Additional Amount of Total Remuneration (per annum)	<b>Column 5</b> Refer Clause	<b>Column 6</b> Travel Tier
Chair, Australian Prudential Regulation Authority (APRA)	\$560,000	\$800,000	Nil	2.2.10	1
Chairperson, Australian Securities and Investments Commission (ASIC)	\$490,000	\$700,000	Nil		1
Chairperson, Australian Competition and Consumer Commission (ACCC)	\$490,000	\$700,000	Nil		1
Solicitor-General	\$511,000	\$700,000	Nil		1
Deputy Chair, APRA	\$448,000	\$640,000	Nil		1
Member, APRA	\$420,000	\$600,000	Nil		1
Deputy Chairperson, ASIC	\$392,000	\$560,000	Nil		1
Chairman, Productivity Commission	\$385,000	\$550,000	Nil		1
Deputy Chairperson, ACCC	\$367,500	\$525,000	Nil		1
Public Service Commissioner	\$379,570	\$519,960	Nil		1
Member, ASIC	\$350,000	\$500,000	Nil		1
Chair, Australian Communications and Media Authority (ACMA)	\$350,000	\$500,000	Nil		1
Chair, Australian Energy Regulator	\$350,000	\$500,000	Nil		1
Chief Executive Officer, Austrade	\$350,000	\$500,000	Nil		1
Chief Executive Officer, National Mental Health Commission (NMHC)	\$387,940	\$484,920	Nil		2
Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority (ACARA)	\$348,780	\$477,780	Nil		2
Commissioner, Australian Federal Police	\$348,760	\$477,740	Nil		1
Director of Public Prosecutions	\$362,320	\$476,090	Nil		1
Chief Executive Officer, Centrelink	\$344,510	\$471,920	Nil		1
Chair/Chief Executive Officer, Clean Energy Regulator	\$324,450	\$463,500	Nil	2.2.20	1
Director-General of Security, Australian Security Intelligence Organisation	\$337,010	\$461,650	Nil		1
Member, ACCC	\$315,000	\$450,000	Nil		1

<u>Column 1</u> Office	<u>Column 2</u> Base Salary (per annum)	<u>Column 3</u> Total Remuneration for office (per annum)	<u>Column 4</u> Additional Amount of Total Remuneration (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Director-General, AusAID	\$315,800	\$432,600	Nil		1
Deputy President, Fair Work Australia	\$323,070	\$412,600	Nil	2.2.16	1
Director-General, Office of National Assessments	\$296,280	\$411,100	Nil		1
Chief Executive Officer, Australian Crime Commission	\$284,520	\$411,040	Nil		1
CEO, National Offshore Petroleum Safety and Environmental Management Authority	\$280,000	\$400,000	Nil		2
Information Commissioner	\$286,410	\$392,330	Nil		1
Inspector-General of Intelligence and Security	\$281,060	\$392,330	Nil		1
Commonwealth Ombudsman	\$281,060	\$392,330	Nil		1
Vice Chief of the Defence Force	\$275,890	\$392,310	Nil		1
Chief of Navy	\$275,890	\$392,310	Nil		1
Chief of Army	\$275,890	\$392,310	Nil		1
Chief of Air Force	\$275,890	\$392,310	Nil		1
Examiner, Australian Crime Commission	\$275,890	\$392,310	Nil		1
Law Enforcement Integrity Commissioner	\$275,890	\$392,310	Nil		1
Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$285,250	\$390,750	Nil		2
Director, Bureau of Meteorology	\$292,810	\$390,400	Nil		2
Parliamentary Budget Officer	\$294,000	\$380,000	\$40,000	2.2.22	2
Chief Commissioner & Chief Executive Officer, Australian Skills Quality Agency (ASQA)	\$274,450	\$375,950	Nil		2
Chief Commissioner & Chief Executive Officer, Tertiary Education Quality and Standards Agency (TEQSA)	\$274,450	\$375,950	Nil	2.2.15	2
Chief Commissioner, Australian Transport Safety Bureau Commission	\$275,890	\$375,400	Nil		1
Chief Scientist	\$274,050	\$375,400	Nil		1
Inspector-General of Taxation	\$262,220	\$375,010	Nil		1
President, Australian Human Rights Commission	\$262,220	\$375,010	Nil		1
Chief Executive, Murray-Darling Basin Authority	\$268,530	\$367,820	Nil	2.2.6	1

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
Office	Base Salary (per annum)	Total Remuneration for office (per annum)	Additional Amount of Total Remuneration (per annum)	Refer Clause	Travel Tier
Chief Executive Officer, Health Workforce Australia	\$266,060	\$364,460	\$33,140	2.2.11	2
Coordinator-General for Remote Indigenous Services	\$265,740	\$364,030	Nil		1
Fair Work Ombudsman	\$263,260	\$360,610	Nil		1
Chief Executive Officer, Australian Commission on Safety and Quality in Health Care (ACSQHC)	\$293,250	\$355,350	\$45,000	2.2.17	1
Chair, Tax Practitioners Board	\$257,430	\$352,660	Nil		1
Chief Executive Officer, Renewable Energy Agency (ARENA)	\$245,000	\$350,000	Nil		2
Director, Australian Institute of Criminology	\$254,670	\$348,860	Nil		1
Chief Executive Officer, National Water Commission <i>Effective 1 July 2012 ref Det 2012/17</i>	\$253,980	\$347,980	Nil	2.2.25	2
General Manager, Fair Work Australia	\$253,290	\$346,970	Nil		1
Chief Executive Officer, ComSuper	\$249,930	\$342,380	Nil		1
Australian Electoral Commissioner	\$249,290	\$337,790	Nil	2.2.7	1
Deputy Chair, ACMA	\$255,380	\$337,030	Nil		1
Chief Executive, Insolvency and Trustee Service Australia	\$251,680	\$335,580	Nil		2
Chief Executive Officer, National Health Performance Authority (NHPA)	\$263,170	\$334,750	\$25,000	2.2.18	2
Associate Director of Public Prosecutions	\$249,290	\$331,820	Nil		1
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$221,950	\$331,690	Nil		1
CEO, Australian Pesticides and Veterinary Medicines Authority	\$241,130	\$330,330	Nil		2
Chief Executive Officer, Climate Change Authority	\$231,000	\$330,000	Nil		2
Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority	\$241,170	\$329,890	Nil		2
Chief Executive Officer, Safe Work Australia	\$240,850	\$329,890	Nil		2
Executive Director, Australian Solar Institute	\$240,830	\$329,890	Nil		2
Deputy Commissioner, ASQA	\$240,610	\$329,600	Nil		2

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
Office	Base Salary (per annum)	Total Remuneration for office (per annum)	Additional Amount of Total Remuneration (per annum)	Refer Clause	Travel Tier
Director of Military Prosecutions	\$263,370	\$328,460	Nil		2
Inspector-General of the Australian Defence Force	\$263,370	\$328,460	Nil		2
Commissioner, Fair Work Australia	\$248,000	\$326,150	Nil	2.2.16	1
Freedom of Information Commissioner	\$237,850	\$325,810	Nil		2
Privacy Commissioner	\$237,850	\$325,810	Nil		2
Chairperson, Commonwealth Grants Commission	\$227,240	\$324,620	Nil		1
Chief Executive Officer, Australian Fisheries Management Authority Commission	\$233,880	\$320,360	Nil		1
Commissioner, ASQA	\$233,090	\$319,300	Nil		2
Commissioner, TEQSA	\$233,090	\$319,300	Nil	2.2.15	2
Director, Old Parliament House	\$237,180	\$316,240	Nil		2
Director, Professional Services Review	\$221,950	\$315,890	Nil		1
CEO, National Transport Commission	\$221,950	\$315,080	Nil		1
Principal Member, Refugee Review Tribunal (RRT)	\$223,670	\$315,030	\$41,840	2.2.3	2
Principal Member, Migration Review Tribunal (MRT)	\$223,670	\$315,030	\$41,840	2.2.3	2
Member, Australian Energy Regulator	\$236,900	\$310,200	Nil		1
Member, ACMA	\$236,900	\$310,200	Nil		1
Chairman, Pharmaceutical Benefits Advisory Committee	\$226,190	\$309,850	Nil		1
Director, Fair Work Building Industry Inspectorate	\$225,570	\$309,000	\$55,430	2.2.1	2
Registrar, Administrative Appeals Tribunal	\$225,210	\$308,500	Nil		1
Chief Executive Officer, Australian National Preventative Health Agency (ANPHA)	\$224,610	\$307,670	Nil		2
Infrastructure Coordinator	\$223,480	\$306,130	Nil		1
Director-General, National Archives of Australia	\$221,820	\$303,850	\$10,000	2.2.19	2
Administrator of the National Health Funding Pool <i>Effective 1 July 2012 ref Det 2012/17</i>	\$210,000	\$300,000	Nil		2
Chief Executive Officer, CrimTrac	\$223,650	\$298,200	Nil		2

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
Office	Base Salary (per annum)	Total Remuneration for office (per annum)	Additional Amount of Total Remuneration (per annum)	Refer Clause	Travel Tier
Principal Member, Social Security Appeals Tribunal (SSAT)	\$215,580	\$295,310	Nil		2
Chief Executive Officer, Australian Sports Anti Doping Authority (ASADA)	\$214,780	\$294,200	\$73,030	2.2.12	2
Official Secretary to the Governor-General	\$216,150	\$292,360	Nil		2
Principal Member, Veterans' Review Board (VRB)	\$209,790	\$287,370	Nil		1
Aged Care Commissioner	\$209,200	\$286,560	Nil		2
Age Discrimination Commissioner	\$199,250	\$284,160	Nil		2
Sex Discrimination Commissioner	\$199,250	\$284,160	Nil		2
Race Discrimination Commissioner	\$199,250	\$284,160	Nil		2
Human Rights Commissioner	\$199,250	\$284,160	Nil		2
Disability Discrimination Commissioner	\$199,250	\$284,160	Nil		2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$199,250	\$284,160	Nil		2
Chief Executive, National Capital Authority	\$206,980	\$283,520	Nil		2
Administrator of the Northern Territory	\$221,950	\$279,950	Nil		1
Gene Technology Regulator	\$208,450	\$274,140	Nil	2.2.9	2
Registrar of Aboriginal and Torres Strait Islander Corporations	\$199,310	\$273,030	Nil		2
Chief Executive Officer, Aboriginal Hostels Limited (AHL)	\$197,500	\$270,530	\$20,000	2.2.13	2
Member, Tax Practitioners Board	\$195,160	\$267,330	Nil		2
Deputy Commonwealth Ombudsman	\$208,450	\$266,940	\$7,112	2.2.14	2
Director General, Australian Safeguards and Non-Proliferation Office	\$199,250	\$266,110	Nil		2
Chairperson, Indigenous Land Corporation	\$199,250	\$265,480	Nil		2
Chairperson, Superannuation Complaints Tribunal (SCT)	\$193,700	\$265,320	Nil		2
Deputy Principal Member, RRT	\$183,430	\$258,040	\$20,910	2.2.5	2
Deputy Principal Member, MRT	\$183,430	\$258,040	\$20,910	2.2.5	2

<u>Column 1</u> Office	<u>Column 2</u> Base Salary (per annum)	<u>Column 3</u> Total Remuneration for office (per annum)	<u>Column 4</u> Additional Amount of Total Remuneration (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Merit Protection Commissioner	\$195,340	\$254,680	Nil		2
Senior Member, SSAT	\$185,320	\$253,870	Nil		2
Administrator, Christmas and Cocos (Keeling) Islands	\$180,680	\$252,440	Nil		2
Chief Executive Officer, Telecommunications Universal Service Management Authority (TUSMA)	\$175,000	\$250,000	Nil		2
Chairperson, Torres Strait Regional Authority	\$162,010	\$246,660	Nil		2
Administrator, Torres Strait Regional Authority	\$162,010	\$246,660	Nil		2
Executive Director of Township Leasing	\$177,990	\$243,850	Nil		2
Private Health Insurance Ombudsman	\$176,370	\$243,810	Nil		2
Director, Classification Board	\$172,740	\$236,620	Nil	2.2.24	2
Director, Tuition Protection Service	\$157,500	\$225,000	\$22,348	2.2.26	2
Chief Executive Officer, National Health Funding Body <i>Effective 1 July 2012 ref Det 2012/17</i>	\$157,500	\$225,000	Nil		2
Deputy Chairperson, SCT	\$158,810	\$217,530	Nil		2
Senior Member, RRT	\$150,530	\$217,530	Nil		2
Senior Member, MRT	\$150,530	\$217,530	Nil		2
Senior Member, VRB	\$144,730	\$208,920	Nil		2
Deputy Director, Classification Board	\$148,500	\$203,420	Nil	2.2.24	2
Administrator, Norfolk Island	\$130,050	\$197,020	Nil	2.2.8	2
Member, RRT	\$135,260	\$193,740	Nil	2.2.4	2
Member, MRT	\$135,260	\$193,740	Nil		2
Assistant Senior Member, SSAT	\$138,200	\$189,310	Nil		2
Chairman (full-time), Central Land Council	\$130,050	\$186,690	Nil		3
Chairman (full-time), Northern Land Council	\$130,050	\$176,020	Nil		2
Member, SSAT	\$126,930	\$173,860	Nil		3
Chair (full-time), Anindilyakwa Land Council	\$112,790	\$154,500	Nil		2



<u>Column 1</u> Office	<u>Column 2</u> Base Salary (per annum)	<u>Column 3</u> Total Remuneration for office (per annum)	<u>Column 4</u> Additional Amount of Total Remuneration (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Senior Classifier, Classification Board	\$130,050	\$150,140	Nil		2
Commonwealth Financial Officer for Norfolk Island <i>Effective 1 July 2012 ref Det 2012/17</i>	\$128,040	\$149,470	Nil	2.2.21	2
Classifier, Classification Board	\$102,590	\$118,400	Nil	2.2.23	3

**2.2 Additional Provisions:** Where an additional annual amount is specified in Column 4 of Table 2A in relation to an Office Holder, payment 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 Fair Work Building Industry Inspectorate, Director:** The Director will receive a loading of \$53,810 per annum from 1 June 2012 until 30 June 2012, and an additional loading as shown in Column 4 of Table 2A from 1 July 2012 until 31 May 2013. Base salary for superannuation purposes will be \$266,040 until 31 May 2013.

**2.2.2 Deleted**

**2.2.3 Migration Review Tribunal and Refugee Review Tribunal, Principal Member:** A dual appointee as Principal Member of the Migration Review Tribunal and Refugee Review Tribunal is entitled to Tier 1 travel and will receive an additional loading as shown in Column 4 of Table 2A. This loading is included in superannuation salary.

**2.2.4 Refugee Review Tribunal:** Where a person held an appointment as a Full-time Member of the Refugee Review Tribunal on 17 April 2004, that person will be eligible for a personal loading of \$5,630 per annum while continuing to hold an appointment (including re-appointment) as a Member. The loading does not count towards superannuation salary.

**2.2.5 Refugee Review Tribunal and Migration Review Tribunal:** An office holder who holds dual appointments as Deputy Principal Member of the RRT and of the MRT will be entitled to the remuneration determined for one of those offices, including the additional Total Remuneration figure in Column 4. Of the Column 4 figure, \$15,290 will count towards salary for superannuation.

**2.2.6 Murray-Darling Basin Authority:** The Chief Executive, Dr Rhondda Dickson, will receive an additional \$6,925 total remuneration loading per annum and Base Salary loading of \$36,079 per annum from 1 October 2011, while she occupies the office.

**2.2.7 Australian Electoral Commissioner:** Mr Ed Killesteyn will receive \$263,890 Base Salary and \$375,130 Total Remuneration while he occupies the office shown in Column 1.

**2.2.8 Norfolk Island, Administrator:** Mr Neil Pope will receive \$109,704 base salary and \$150,280 Total Remuneration from 1 April to 30 June 2012. From 1 July 2012 he will receive base salary of \$113,895 and Total Remuneration of \$156,020 while he occupies the office shown in Column 1.

- 2.2.9 Gene Technology Regulator:** Dr Joe Smith will receive \$229,120 Base Salary and \$301,470 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.10 APRA:** Notwithstanding the above provisions, the Base Salary of Dr John Laker will be \$640,000 from 10 August 2011, while he occupies the office of Chair, Australian Prudential Regulation Authority
- 2.2.11 Health Workforce Australia, Chief Executive Officer:** Mr Mark Cormack will receive a personal loading as shown in Column 4 of Table 2A from 1 July 2011 to 26 January 2014.
- 2.2.12 Australian Sports Anti Doping Authority, Chief Executive Officer:** Ms Aurora Andruska will receive a personal loading as shown in Column 4 of Table 2A from 1 July 2011 until 30 September 2012.
- 2.2.13 Aboriginal Hostels Limited (AHL), Chief Executive Officer:** Ms Joy Savage will receive a personal loading as shown in Column 4 of Table 2A from 11 October 2011 until 10 October 2012.
- 2.2.14 Deputy Commonwealth Ombudsman:** Ms Alison Larkins will receive a personal loading as shown in Column 4 of Table 2A with effect from 1 July 2011, Base Salary (salary for superannuation purposes) of \$215,377 from 1 July 2012.
- 2.2.15 Tertiary Education Quality and Standards Agency:** The Chief Commissioner/Chief Executive Officer, Ms Carol Nicoll will receive an additional loading of \$25,000 per annum, to cease on 29 September 2012. The Commissioners will each receive an additional loading of \$10,000 per annum, to cease on and from the dates specified: Ms Dorte Kristoffersen on 6 September 2012, Mr Ian Hawke and Mr Eric Mayne on 3 October 2012, and Mr Michael Beaton-Wells on 13 October 2012.
- 2.2.16 Fair Work Australia:** Where an appointee as Deputy President or Commissioner of Fair Work Australia is a Judge, the comparative salary for the purposes of s.637(6) of the *Fair Work Act 2009* is the amount in Column 2.
- 2.2.17 Australian Commission on Safety and Quality in Health Care:** The Chief Executive Officer will receive an additional loading as shown in Column 4 of Table 2A, to cease 12 months after his or her initial appointment commences.
- 2.2.18 National Health Performance Authority:** The Chief Executive Officer will receive an additional loading as shown in Column 4 of Table 2A, to cease 12 months after the establishment of the office.
- 2.2.19 National Archives of Australia, Director General:** Mr David Fricker will receive a personal loading as shown in Column 4 of Table 2A and Base Salary of \$271,360 while he occupies the office shown in Column 1.
- 2.2.20 Clean Energy Regulator, Chair/Chief Executive Officer:** Ms Chloe Munro will receive an additional \$85,000 total remuneration loading per annum to cease on 31 December 2013 including a Base Salary (salary for superannuation purposes) loading of \$59,500 per annum.
- 2.2.21 Commonwealth Financial Officer for Norfolk Island:** The Commonwealth Financial Officer will receive \$124,311 pa base salary and \$145,120 pa Total Remuneration on and from 29 March 2012 to cease on 30 June 2012.
- 2.2.22 Parliamentary Budget Officer:** The Parliamentary Budget Officer will receive an additional amount as shown in Column 4 for the first term of his or her office.

- 2.2.23 Temporary Classifier:** Where a person is appointed to the Classification Board as a Temporary Classifier, a daily fee of \$490 is payable from 1 July 2012, in lieu of other provisions in this Part. The provisions of Part 3 (Allowances), Part 5 (Recreation leave) and Part 6 (Compensation for early loss of office) do not apply.
- 2.2.24 Classification Board:** On any occasion when the Deputy Director acts as Director, he or she will be entitled to the remuneration and other conditions determined for the Director.
- 2.2.25 National Water Commission:** The remuneration determined for the Chief Executive Officer expires on 31 December 2012.
- 2.2.26 Tuition Protection Service:** The initial appointee to the office of Director will receive a loading of \$22,348 in addition to Total Remuneration, and a Base Salary of \$182,842 while he or she holds appointment to the office.
- 2.3 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 and Total Remuneration 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 per cent of the full-time rate, prior agreement of the Remuneration Tribunal is required to the remuneration level.
- 2.4 Remuneration packaging:** Subject to this Part, an Office Holder may elect to receive the benefit of the Total Remuneration, other than the value of the Employer's Superannuation Contribution, in cash 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.
- 2.5 Superannuation Salary**
- 2.5.1** For an Office Holder who is a member of the Commonwealth Superannuation Scheme:
- (a) the Officer Holder's annual rate of salary for the purposes of the scheme is the Officer Holder's Base Salary; and
  - (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Office Holder's Base Salary.
- 2.5.2** For an Office Holder who is a member of the Public Sector Superannuation Scheme:
- (a) the Office Holder's basic salary for the purposes of the scheme is the Office Holder's Base Salary; and
  - (b) the amount of the Officer Holder'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 Officer Holder's Base Salary.
- 2.5.3** For an Office Holder who is a member of the Public Sector Superannuation Accumulation Plan, the Office Holder's superannuation salary for the purposes of the scheme is the Office Holder's ordinary time earnings (OTE).

- 2.5.4** For an Office Holder who is a member of the Defence Force Retirement and Death Benefits Scheme:
- (a) the Office Holder's annual rate of salary for the purposes of the scheme is the Office Holder's Base Salary; and
  - (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Office Holder's Base Salary.
- 2.5.5** For an Office Holder who is a member of the Military Superannuation and Benefits Scheme:
- (a) the Office Holder's annual rate of salary for the purposes of the scheme is the Office Holder's Base Salary; and
  - (b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Office Holder's Base Salary.
- 2.5.6** For an Office Holder who is a member of any other superannuation fund, the Employer's Superannuation Contribution is to be made at the rate elected by the Office Holder, 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 Office Holder to zero.
- 2.5.7 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.
- 2.6 Vehicles:** Where an Office Holder accepts an offer of an agency owned or leased vehicle 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. 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. Any business usage amount is to be assessed on log book records for at least a 12 week representative period. Where the annual business kilometres are less than 5,000 it will be based on the 'cents per kilometre' method. Where business kilometres are 5,000 kilometres or more, the percentage of business use to total kilometres travelled per annum will be applied to the total cost of the vehicle.
- 2.7 Business Support:** Where an Office Holder is provided with communications, information technology and other office facilities necessary for the efficient conduct of his or her office, incidental private use of those facilities by the Office Holder does not necessitate the value of the facilities being included in Total Remuneration.

### **PART 3 – ALLOWANCES**

- 3.1 Accommodation Allowance:** The Office Holders listed in Column 1 of Table 3A will be eligible to receive an accommodation allowance (subject to expenditure) as shown in Column 3 of Table 3A whilst they occupy the office shown in Column 2. This amount is to assist the Office Holder in meeting settling-in and commercial rental accommodation costs (including one-off utility connection costs) in the office location:
- (a) while they also continue to have a property other than in the office location, as their principal place of residence; and
  - (b) it will not be paid for such periods that they live in premises owned by them at the office location.

An Office Holder will not be eligible to access travel allowance entitlements in the home locality or the office locality whilst they remain eligible to receive the accommodation allowance. However, where in terms of the ongoing arrangement it would clearly be more cost effective for the agency to provide travel allowance entitlements in the office locality, the agency should decide at the earliest practical opportunity to pay travel allowance rather than the accommodation allowance.

Where the commercial accommodation does not include cooking facilities, the cost of meals may form part of the payment, within the accommodation cap set for an Office Holder.

**TABLE 3A – ACCOMMODATION ALLOWANCES**

<b>Column 1 Office Holder</b>	<b>Column 2 Office</b>	<b>Column 3 Allowance (pa)</b>	<b>Column 4 Refer Clause</b>
Mr M Gooda	Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission	\$32,780	
Dr Helen Szoke	Race Discrimination Commissioner, Australian Human Rights Commission	\$32,780	
Mr M Cormack	Chief Executive Officer, Health Workforce Australia	\$28,500	
Ms L Sylvan	Chief Executive Officer, Australian National Preventive Health Agency	\$28,500	
Ms C Munro	Chair/Chief Executive Officer, Clean Energy Regulator	\$28,500	
Mr Ivor Frischknecht	Chief Executive Officer, Australian Renewable Energy Agency	\$28,500	
Mr M Twidell	Executive Director, Australian Solar Institute	\$20,000	

**3.1.1 Classification Board:** Subject to individual qualification for this allowance, to be decided by the employer in accordance with agency guidelines, Members who have, or had, to relocate to Sydney to take up their appointment will be paid an accommodation allowance of \$13,500 per annum. The allowance does not represent salary for superannuation.

**3.1.2 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, the Chief of Army and the Director of Military Prosecutions.

**3.1.3 Official residence:** Where residing in an official residence is a requirement of an office, total remuneration does not include the value of accommodation in the official residence, or the running costs of the premises.

**3.1.4 Non-commercial accommodation:** Where an Office Holder listed in Column 1 of Table 3A elects to be accommodated in private, non-commercial accommodation, such as the home of a family member or friend, a rate of one third of the accommodation allowance in Column 3 of Table 3A is payable in lieu of the amount specified in Column 3.

**3.2 Reunion Travel:** The Office Holders shown in Column 1 of Table 3B may receive travel costs of up to the amount shown in Column 3 from their employer for travel back to their principal place of residence for the purposes of family reunion while they continue to occupy the office shown in Column 2. Where the agency decides, as provided in Clause 3.1 of this Determination, to pay an office holder travel allowance instead of

accommodation allowance, any reunion travel allowance in Table 3B for that Office Holder will cease to apply at the same time.

**TABLE 3B – REUNION TRAVEL**

<b>Column 1 Office Holder</b>	<b>Column 2 Office</b>	<b>Column 3 Allowance (pa)</b>
Mr M Twidell	Executive Director, Australian Solar Institute	\$4,650
Ms L Sylvan	Chief Executive Officer, Australian National Preventive Health Agency	\$10,032
Mr M Gooda	Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission	\$10,200
Ms C Munro	Chair/Chief Executive Officer, Clean Energy Regulator	\$12,936
Mr Ivor Frischknecht	Chief Executive Officer, Australian Renewable Energy Agency	\$13,656
Dr Helen Szoke	Race Discrimination Commissioner, Australian Human Rights Commission	\$15,072
Mr M Cormack	Chief Executive Officer, Health Workforce Australia	\$21,220

## **PART 4 – OFFICIAL TRAVEL**

### **General Travel Provisions**

- 4.1** 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.
- 4.1.1** **ACCC:** the ACCC may put in place arrangements for Members' travel to Canberra that are more cost effective than the travel entitlements they are otherwise entitled to under this Determination.
- 4.1.2** **Administrator, Christmas and Cocos (Keeling) Islands:** For the period of his appointment, Mr Brian Lacy and any immediate family members normally resident with him on Christmas Island shall be entitled to two return economy class fares per annum each between his home and work base.
- 4.1.3** **Administrator, Norfolk Island:** For the period of his appointment, Mr Neil Pope and his immediate family members normally resident with him on Norfolk Island shall be entitled to two return economy class fares per annum each between Melbourne and his work base.
- 4.1.4** **Commonwealth Financial Officer for Norfolk Island:** For the period of her appointment, Ms Alison Savary and any immediate family members normally resident with her on Norfolk Island shall be entitled to one return economy class fare each between Norfolk Island and Canberra.

## **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-time<sup>1</sup> Offices listed in Column 1 of Table 2A in this Determination to the extent specified in that Determination.
- 5.1.1 Commonwealth Financial Officer for Norfolk Island:** For the period of her appointment, Ms Alison Savary is entitled to three days recreation leave per annum, additional to any entitlements in Clause 5.1.
- 5.1.2 Administrator, Christmas and Cocos (Keeling) Islands:** For the period of his appointment, Mr Brian Lacy is entitled to seven days recreation leave per annum, additional to any entitlement in Clause 5.1.
- 5.1.3 Administrator, Norfolk Island:** For the period of his appointment, Mr Neil Pope is entitled to three days recreation leave per annum, additional to any entitlement in Clause 5.1

## **PART 6 – COMPENSATION FOR EARLY LOSS OF OFFICE**

- 6.1** Compensation for early loss of office for an Office Holder will be in accordance with the provisions of *Determination 2012/10: Compensation for Loss of Office for Holders of Public Office*.
- 6.2** Where an Office Holder serves the full term of appointment, no entitlement to payment under this part arises.

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<sup>1</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 the Governor-General.

## Notes to Remuneration Tribunal Determination 2012/12: Remuneration and Allowances for Holders of Full-Time Public Office

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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 2012/12 – Remuneration and Allowances for Holders of Full-Time Public Office	22/06/2012 F2012L01299	1/07/2012	-
Determination 2012/17 – Remuneration and Allowances for Holders of Public Office including Judicial and Related Offices	28/08/2012 F2012L01779	CI 1.4 – 28/03/2012 CI 1.2, 1.10, 1.11, 1.18, – 1/07/2012 CI 1.13, 1.14 – 6/08/2012 CI 1.1, 1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 1.12, 1.15, 1.16, 1.17, 1.19, 1.20, 1.21, 1.22, 1.23 29/08/2012	-



Notes to Remuneration Tribunal Determination 2012/12:  
Remuneration and Allowances for Holders of Full-Time Public Office

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Table of Amendments

ad. = added or inserted	am. = amended	rs. = repealed and substituted	rep. = repealed
<b>Provision affected</b>	<b>How affected</b>		
<b>Part 2</b>			
Table 2A	am 2012/17		
Clause 2.2.2	rep 2012/17		
Clause 2.2.21	am 2012/17		
<b>Part 3</b>			
Table 3A	am 2012/17		
Table 3B	am 2012/17		
<b>Part 4</b>			
Clause 4.1.4	ad 2012/17		
<b>Part 5</b>			
Clause 5.1.1	rs 2012/17		