



REMUNERATION TRIBUNAL

Determination 2011/08:

Remuneration and Allowances for Holders of Full-Time Public Office

As amended.

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

Consolidated as at 1 June 2012 and incorporates amending determinations up to and including 2012/08 – Remuneration and Allowances for Holders of Public Office

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 2011.

1.3 Effect on Earlier Determinations: This Determination supersedes and revokes in full Determination 2010/10 (as amended) – *Remuneration and Allowances for Holders of Full-Time Public Office*.

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 amounts 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 2.8), the value attributed by the Remuneration Tribunal to the Superannuation Support (refer clause 2.7) and any other benefits received by way of remuneration packaging (refer clause 2.5).

'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.

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

'Superannuation Support' means the amount ascertained in accordance with clause 2.7, representing the employer superannuation liability.

'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; and
- Benefits;

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 2011, unless otherwise specified.

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

Column 1 Office	Column 2 Base Salary (per annum)	Column 3 Total Remuneration for office (per annum)	Column 4 Additional Amount of Total Remuneration (per annum)	Column 5 Refer Clause	Column 6 Travel Tier
Chair, Australian Prudential Regulation Authority (APRA) <i>Effective 10 August 2011 ref Det 2011/17</i>	\$560,000	\$800,000	Nil	2.6.1	1
Chairperson, Australian Securities and Investments Commission (ASIC) <i>Effective 10 August 2011 ref Det 2011/17</i>	\$490,000	\$700,000	Nil		1
Chairperson, Australian Competition and Consumer Commission (ACCC) <i>Effective 10 August 2011 ref Det 2011/17</i>	\$490,000	\$700,000	Nil		1
Solicitor-General <i>Effective 10 August 2011 ref Det 2011/17</i>	\$511,000	\$700,000	Nil		1
Deputy Chair, APRA <i>Effective 10 August 2011 ref Det 2011/17</i>	\$448,000	\$640,000	Nil		1
Member, APRA <i>Effective 10 August 2011 ref Det 2011/17</i>	\$420,000	\$600,000	Nil		1
Deputy Chairperson, ASIC <i>Effective 10 August 2011 ref Det 2011/17</i>	\$392,000	\$560,000	Nil		1
Chairman, Productivity Commission <i>Effective 1 May 2012 refer Det 2012/08</i>	\$385,000	\$550,000	Nil		1
Member, ASIC <i>Effective 10 August 2011 ref Det 2011/17</i>	\$350,000	\$500,000	Nil		1
Chair, Australian Communications and Media Authority (ACMA) <i>Effective 1 May 2012 refer Det 2012/08</i>	\$350,000	\$500,000	Nil		1
Deputy Chairperson, ACCC <i>Effective 10 August 2011 ref Det 2011/17</i>	\$367,500	\$525,000	Nil		1
Chair, Australian Energy Regulator <i>Effective 10 August 2011 ref Det 2011/23</i>	\$350,000	\$500,000	Nil		1
Chief Executive Officer, National Mental Health Commission (NMHC) <i>Effective 1 January 2012 ref Det 2012/01</i>	\$376,640	\$470,790	Nil		2
Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority (ACARA)	\$338,620	\$463,860	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
Commissioner, Australian Federal Police	\$338,600	\$463,820	Nil		1
Director of Public Prosecutions	\$351,760	\$462,220	Nil		1
Chief Executive Officer, Centrelink	\$334,470	\$458,170	Nil		1
Chief Executive Officer, Austrade <i>Effective 1 May 2012 ref Det 2012/08</i>	\$330,617	\$452,900	Nil		1
Member, ACCC <i>Effective 10 August 2011 ref Det 2011/17</i>	\$315,000	\$450,000	Nil		1
Chair/Chief Executive Officer, Clean Energy Regulator <i>Effective 2 April 2012 ref Det 2012/07</i>	\$315,000	\$450,000	Nil	2.2.20	1
Director-General of Security, Australian Security Intelligence Organisation	\$327,190	\$448,200	Nil		1
Deputy President, Fair Work Australia	\$313,660	\$400,580	Nil	2.11	1
CEO, National Offshore Petroleum Safety and Environmental Management Authority <i>Effective 1 May 2012 refer Det 2012/08</i>	\$280,000	\$400,000	Nil		2
Director-General, Office of National Assessments	\$287,650	\$399,120	Nil		1
Chief Executive Officer, Australian Crime Commission	\$276,230	\$399,060	Nil		1
Information Commissioner	\$278,060	\$380,900	Nil		1
Inspector-General of Intelligence and Security	\$272,870	\$380,900	Nil		1
Commonwealth Ombudsman	\$272,870	\$380,900	Nil		1
Vice Chief of the Defence Force	\$267,850	\$380,880	Nil		1
Chief of Navy	\$267,850	\$380,880	Nil		1
Chief of Army	\$267,850	\$380,880	Nil		1
Chief of Air Force	\$267,850	\$380,880	Nil		1
Examiner, Australian Crime Commission	\$267,850	\$380,880	Nil		1
Law Enforcement Integrity Commissioner	\$267,850	\$380,880	Nil		1
Chief Executive Officer, Australian Transaction Reports and Analysis Centre <i>Effective 28 March 2012 ref Det 2012/08</i>	\$276,933	\$379,360	Nil		2
Parliamentary Budget Officer <i>Effective 24 May 2012 ref Det 2012/08</i>	\$294,000	\$380,000	\$40,000	2.2.22	2

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Office	Base Salary (per annum)	Total Remuneration for office (per annum)	Additional Amount of Total Remuneration (per annum)	Refer Clause	Travel Tier
Chief Commissioner & Chief Executive Officer, Australian Skills Quality Agency (ASQA) <i>Effective 1 July 2011 ref Det 2011/13</i>	\$266,450	\$365,000	Nil	2.2.16	2
Deputy Commissioner, ASQA <i>Effective 1 July 2011 ref Det 2011/13</i>	\$233,600	\$320,000	Nil	2.2.16	2
Commissioner, ASQA <i>Effective 1 July 2011 ref Det 2011/13</i>	\$226,300	\$310,000	Nil	2.2.16	2
Chief Commissioner & Chief Executive Officer, Tertiary Education Quality and Standards Agency (TEQSA) <i>Effective 30 July 2011 ref Det 2011/14</i>	\$266,450	\$365,000	Nil	2.2.15	2
Commissioner, TEQSA <i>Effective 30 July 2011 ref Det 2011/14</i>	\$226,300	\$310,000	Nil	2.2.15	2
Chief Commissioner, Australian Transport Safety Bureau Commission	\$267,850	\$364,460	Nil		1
Chief Scientist	\$266,060	\$364,460	Nil		1
Inspector-General of Taxation	\$254,580	\$364,080	Nil		1
President, Australian Human Rights Commission	\$254,580	\$364,080	Nil	2.2.2	1
Chief Executive, Murray-Darling Basin Authority	\$260,700	\$357,100	Nil	2.2.6	1
Chief Executive Officer, Health Workforce Australia	\$258,310	\$353,840	\$32,170	2.2.11	2
Australian Building and Construction Commissioner	\$258,290	\$353,810	Nil		1
Coordinator-General for Remote Indigenous Services	\$258,000	\$353,420	Nil		1
Fair Work Ombudsman	\$255,590	\$350,100	Nil		1
Chief Executive Officer, Australian Commission on Safety and Quality in Health Care (ACSQHC) <i>Effective 1 July 2011 ref Det 2011/17</i>	\$284,700	\$345,000	\$45,000	2.2.17	1
Chair, Tax Practitioners Board	\$249,930	\$342,380	Nil		1
Director, Australian Institute of Criminology <i>Effective 28 March 2012 ref Det 2012/08</i>	\$247,244	\$338,690	Nil		2
Chief Executive Officer, National Water Commission <i>Effective 5 October 2011 ref Det 2011/21</i>	\$246,580	\$337,840	Nil		2
General Manager, Fair Work Australia	\$245,910	\$336,860	Nil		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, ComSuper <i>Effective 1 July 2011 ref Det 2011/13</i>	\$242,650	\$332,400	Nil		1
Australian Electoral Commissioner	\$242,020	\$327,950	Nil	2.2.7	1
Deputy Chair, ACMA	\$247,940	\$327,210	Nil		1
Chief Executive Officer, National Health Performance Authority (NHPA) <i>Effective 21 October 2011 ref Det 2011/23</i>	\$255,500	\$325,000	\$25,000	2.2.18	2
Associate Director of Public Prosecutions	\$242,020	\$322,150	Nil		1
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$215,480	\$322,020	Nil		1
CEO, Australian Pesticides and Veterinary Medicines Authority	\$234,100	\$320,700	Nil		2
Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority	\$234,140	\$320,280	Nil		2
Chief Executive Officer, Safe Work Australia	\$233,830	\$320,280	Nil		2
Executive Director, Australian Solar Institute	\$233,810	\$320,280	Nil		2
Director of Military Prosecutions	\$255,690	\$318,890	Nil		2
Inspector-General of the Australian Defence Force	\$255,690	\$318,890	Nil		2
Commissioner, Fair Work Australia	\$240,770	\$316,650	Nil	2.11	1
Freedom of Information Commissioner	\$230,920	\$316,320	Nil		2
Privacy Commissioner	\$230,920	\$316,320	Nil		2
Chairperson, Commonwealth Grants Commission	\$242,020	\$315,160	Nil		1
Chief Executive Officer, Australian Fisheries Management Authority Commission	\$227,060	\$311,020	Nil		1
Director, Professional Services Review	\$215,480	\$306,680	Nil		1
CEO, National Transport Commission	\$215,480	\$305,900	Nil		1
Principal Member, Refugee Review Tribunal (RRT)	\$217,150	\$305,850	\$40,620	2.2.3	2
Principal Member, Migration Review Tribunal (MRT)	\$217,150	\$305,850	\$40,620	2.2.3	2
Member, Australian Energy Regulator	\$230,000	\$301,160	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
Member, ACMA	\$230,000	\$301,160	Nil		1
Chairman, Pharmaceutical Benefits Advisory Committee	\$219,600	\$300,820	Nil		1
Director, Fair Work Building Industry Inspectorate <i>Effective 1 June 2012 ref Det 2012/08</i>	\$219,000	\$300,000	Nil	2.2.1	2
Registrar, Administrative Appeals Tribunal	\$218,650	\$299,510	Nil		1
Chief Executive Officer, Australian National Preventative Health Agency (ANPHA) <i>Effective 1 July 2011 ref Det 2011/13</i>	\$218,060	\$298,700	Nil		2
Infrastructure Coordinator	\$216,970	\$297,210	Nil		1
Director-General, National Archives of Australia <i>Effective 1 January 2012 ref Det 2012/01</i>	\$215,350	\$295,000	Nil	2.2.19	2
Chief Executive Officer, Australian Sports Anti Doping Authority (ASADA)	\$214,780	\$294,200	\$73,030	2.2.12	2
Principal Member, Social Security Appeals Tribunal (SSAT)	\$209,300	\$286,700	Nil		2
Official Secretary to the Governor-General	\$209,850	\$283,840	Nil		2
Deputy Australian Building and Construction Commissioner	\$214,680	\$283,250	\$10,817	2.2.23	2
Principal Member, Veterans' Review Board (VRB)	\$203,670	\$279,000	Nil	2.2.10	1
Aged Care Commissioner	\$203,100	\$278,210	Nil		2
Age Discrimination Commissioner <i>Effective 29 July 2011 ref Det 2011/14</i>	\$193,440	\$275,880	Nil		2
Sex Discrimination Commissioner	\$193,440	\$275,880	Nil		2
Race Discrimination Commissioner	\$193,440	\$275,880	Nil		2
Human Rights Commissioner	\$193,440	\$275,880	Nil		2
Disability Discrimination Commissioner	\$193,440	\$275,880	Nil		2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$193,440	\$275,880	Nil		2
Chief Executive, National Capital Authority	\$200,950	\$275,260	Nil		2
Administrator of the Northern Territory	\$215,480	\$271,790	Nil		1
Gene Technology Regulator	\$202,370	\$266,150	Nil	2.2.9	2
Registrar of Aboriginal and Torres Strait Islander Corporations	\$193,500	\$265,070	Nil		2

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Office	Base Salary (per annum)	Total Remuneration for office (per annum)	Additional Amount of Total Remuneration (per annum)	Refer Clause	Travel Tier
General Manager, Aboriginal Hostels Limited (AHL)	\$191,740	\$262,650	\$20,000	2.2.13	2
Member, Tax Practitioners Board	\$189,470	\$259,540	Nil		2
Deputy Commonwealth Ombudsman	\$202,370	\$259,160	\$7,112	2.2.14	2
Director General, Australian Safeguards and Non-Proliferation Office	\$193,440	\$258,350	Nil		2
Chairperson, Indigenous Land Corporation	\$193,440	\$257,740	Nil		2
Chairperson, Superannuation Complaints Tribunal (SCT)	\$188,050	\$257,590	Nil		2
Deputy Principal Member, RRT	\$178,080	\$250,520	\$20,300	2.2.5	2
Deputy Principal Member, MRT	\$178,080	\$250,520	\$20,300	2.2.5	2
Senior Member, SSAT	\$179,920	\$246,470	Nil		2
Administrator, Christmas and Cocos (Keeling) Islands	\$175,410	\$245,080	Nil		2
Chairperson, Torres Strait Regional Authority	\$157,290	\$239,470	Nil		2
Administrator, Torres Strait Regional Authority	\$157,290	\$239,470	Nil		2
Executive Director of Township Leasing	\$172,800	\$236,740	Nil		2
Private Health Insurance Ombudsman	\$171,230	\$236,700	Nil		2
Director, Classification Board	\$167,700	\$229,720	Nil	2.9	2
Deputy Chairperson, SCT	\$154,180	\$211,190	Nil		2
Senior Member, RRT	\$146,140	\$211,190	Nil		2
Senior Member, MRT	\$146,140	\$211,190	Nil		2
Senior Member, VRB	\$140,510	\$202,830	Nil		2
Deputy Director, Classification Board	\$144,170	\$197,490	Nil	2.9	2
Administrator, Norfolk Island	\$126,260	\$191,280	Nil		2
Member, RRT	\$131,320	\$188,090	Nil	2.2.4	2
Member, MRT	\$131,320	\$188,090	Nil		2
Assistant Senior Member, SSAT	\$134,170	\$183,790	Nil		2
Chairman (full-time), Central Land Council	\$126,260	\$181,250	Nil		3

<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
Chairman (full-time), Northern Land Council	\$126,260	\$170,890	Nil		2
Member, SSAT	\$123,230	\$168,790	Nil		3
Chair (full-time), Anindilyakwa Land Council <i>Effective 31 August 2011 ref Det 2011/17</i>	\$109,500	\$150,000	Nil		2
Senior Classifier, Classification Board	\$126,260	\$145,760	Nil		2
Classifier, Classification Board	\$99,600	\$114,950	Nil	2.4	3
Commonwealth Financial Officer for Norfolk Island <i>Effective 29 March 2012 ref Det 2012/07</i>	-	\$80,000	\$63,455	2.2.21	2

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 base salary of \$258,290 (salary for superannuation purposes) for 12 months from 1 June 2012.

2.2.2 Australian Human Rights Commission, President: the Hon Catherine Branson will receive \$207,120 base salary and \$283,710 Total Remuneration while she occupies the office shown in Column 1.

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 \$5,460 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, \$14,840 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 \$256,200 base salary and \$364,200 Total Remuneration while he occupies the office shown in Column 1.

2.2.8 Deleted.

2.2.9 Gene Technology Regulator: Dr Joe Smith will receive \$222,440 base salary and \$292,680 Total Remuneration while he occupies the office shown in Column 1.

2.2.10 Principal Member, Veterans' Review Board: Mr Doug Humphreys will receive \$203,910 base salary while he occupies the office shown in Column 1.

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 9 May 2012.

2.2.13 Aboriginal Hostels Limited (AHL), General Manager: 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 \$209,450 and Total Remuneration of \$266,490.

2.2.15 Tertiary Education Quality and Standards Agency: The Chief Commissioner/Chief Executive Officer will receive an additional loading of \$25,000 per annum, to cease 12 months after his or her initial appointment commences. The Commissioners will each receive an additional loading of \$10,000 per annum, in each case to cease 12 months after their initial appointments commence.

2.2.16 Australian Skills Quality Agency: The Chief Commissioner/Chief Executive Officer will receive an additional loading of \$25,000 per annum, to cease 12 months after his or her initial appointment commences. The Deputy Commissioner/Commissioners will each receive an additional loading of \$10,000 per annum, in each case to cease 12 months after their initial appointments commence.

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 \$264,890 base salary and \$305,000 Total Remuneration 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 Norfolk Island, Commonwealth Financial Officer: The Commonwealth Financial Officer will receive a personal loading as shown in Column 4 of Table 2A and \$100,420 base salary (salary for superannuation purposes) for 12 months from 29 March 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 Deputy Australian Building and Construction Commissioner: Mr Brian Corney will receive a personal loading as shown in Column 4 of Table 2A from 11 July 2011 to 31 May 2012.

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 Temporary Classifier: Where a person is appointed to the Classification Board as a Temporary Classifier, a daily fee of \$473 is payable from 1 July 2011, 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.

2.5 Remuneration packaging: Subject to this Part, an Office Holder may elect to receive the value of remuneration 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 Benefits able to be taken as salary were taken as salary.

2.6 Superannuation Salary: Regardless of anything else in this Determination, salary for superannuation purposes will be the Base Salary plus any additional amount shown in Column 4 of Table 2A where the relevant sub-clause specifies that the loading is included as superannuation salary. This will be:

- the Office Holder's annual rate of salary for the purposes of the Superannuation (CSS) Regulations, (and therefore the superannuation salary for the purposes of the *Superannuation Act 1976* and the *Superannuation Act 1990*); or
- in the case of the holders of the offices of Vice-Chief of the Defence Force, Chief of Navy, Chief of Air Force, Chief of Army and Director of Military Prosecutions, that officer holder's annual rate of salary for the purposes of the *Defence Force Retirement and Death Benefits Act 1973*, the Defence Force Retirement and Death Benefits (Annual Rate of Pay) Regulations, the *Military Superannuation and Benefits Scheme Act 1991* and the Rules of the Military Superannuation and Benefits Scheme.

2.6.1 APRA: Notwithstanding the above provisions, the salary for superannuation purposes of Dr John Laker will be \$640,000 from 10 August 2011, while he occupies the office of Chair, Australian Prudential Regulation Authority.

2.7 Employer Superannuation Support: Total Remuneration will be taken to include the Superannuation Support provided by the employer in respect of an Office Holder, which as the value ascertained under sub-clause 2.7.1 or the amount of contributions under sub-clause 2.7.2. Contributions made on a salary sacrifice basis do not form part of Superannuation Support; these are covered by clause 2.5 (Remuneration packaging).

- 2.7.1 Defined Benefits Schemes:** In the case of an Office Holder who may be eligible for defined benefits under a Commonwealth superannuation scheme, the value of Superannuation Support will be taken to be 15.4 per cent of Base Salary.
- 2.7.2 Other Schemes:** In the case of an Office Holder not covered by sub-clause 2.7.1, the value of Superannuation Support will be the contributions actually paid, or liable to be paid, by the employer in respect of the Office Holder to a superannuation scheme.
- 2.7.3 No cash in lieu:** The value attributable by virtue of this clause to Superannuation Support 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.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.

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

Column 1 Office Holder	Column 2 Office	Column 3 Allowance (pa)	Column 4 Refer Clause
Mr D O'Brien	Principal Member, MRT/RRT	\$32,780	
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 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

Column 1 Office Holder	Column 2 Office	Column 3 Allowance (pa)
Mr M Twidell	Executive Director, Australian Solar Institute	\$4,650
Mr D O'Brien	Principal Member, Migration Review Tribunal and Refugee Review Tribunal	\$9,950
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
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.

PART 5 – RECREATION LEAVE

- 5.1 Recreation Leave entitlements:** The provisions of Determination 2007/09 (as amended) – *Recreation Leave for Full-Time Holders of Relevant Offices* apply to full-time¹ Offices listed in Column 1 of Table 2A in this Determination to the extent specified in that Determination.
- 5.1.1 Australian Human Rights Commission.** For the period of her appointment as President, the Hon Catherine Branson is entitled to two weeks recreation leave per annum, additional to any entitlement in Clause 5.1.

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 relevant Minister or the Governor-General.

- 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.

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 2007/07: 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.

Notes to Remuneration Tribunal Determination 2011/08: Remuneration and Allowances for Holders of Full-Time Public Office

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 2011/08 – Remuneration and Allowances for Holders of Full-Time Public Office	28/06/2011 F2011L01276	1/07/2011	-
Determination 2011/13 – Remuneration and Allowances for Holders of Public Office	13/07/2011 F2011L01480	CI 1.2, 1.4, 1.6 – 1/07/2011 CI 1.1, 1.3, 1.5, 1.7 – 14/07/2011	-
Determination 2011/14 – Remuneration and Allowances for Holders of Public office	12/08/2011 F2011L01644	CI 1.9, 1.10 – 1/07/2011 CI 1.2 – 29/07/2011, CI 1.6, 1.7 – 30/07/2011 CI 1.4 – 5/08/2011 CI 1.1, 1.3, 1.5, 1.8, 1.11 – 13/08/2011	-
Determination 2011/17 – Remuneration and Allowances for Holders of Public Office	30/08/2011 F2011L01770	CI 1.14, 1.15 – 1/07/2011 CI 1.1, 1.13, 1.16, 1.17, 1.18, 1.19, 1.22 - 31/08/2011 CI 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12 – 10/08/2011 CI 1.20, 1.21 – 5/09/2011	-
Determination 2011/21 – Remuneration and Allowances for Holders of Public Office	4/10/2011 F2011L02014	CI 1.1, 1.2, 1.3, 1.4 – 5/10/2011	-
Determination 2011/23 – Remuneration and Allowances for Holders of Public Office	17/11/2011 F2011L02384	CI 1.4 – 10/08/2011, CI 1.6, 1.7 – 21/10/2011 CI 1.1, 1.2, 1.3, 1.5, 1.8 – 18/11/2011	-
Determination 2012/01 – Remuneration and Allowances for Holders of Public Office	22/02/2012 F2012L00352	CI 1.7, 1.8 – 23/08/2011 CI 1.2, 1.3, 1.5 – 1/01/2012 CI 1.1, 1.4, 1.6, 1.9 – 23/02/2012	-
Determination 2012/07 – Remuneration and Allowances for Holders of Public Office	2/04/2012 F2012L00751	CI 1.8, 1.9 – 29/03/2012 CI 1.2, 1.3, 1.4, 1.5 – 2/04/2012 CI 1.1, 1.6, 1.7, 1.10 – 3/04/2012	-
Determination 2012/08 – Remuneration and Allowances for Holders of Public Office	23/05/2012 F2012L01067	CI 1.2, 1.3 – 28/03/2012 CI 1.5, 1.6, 1.7, 1.8, 1.10 – 1/05/2012 CI 1.1, 1.4, 1.9, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.19, 1.22 – 24/05/2012 CI 1.20, 1.21 – 1/06/2012	-

Notes to Remuneration Tribunal Determination 2011/08:
Remuneration and Allowances for Holders of Full-Time Public Office

Table of Amendments

ad. = added or inserted	am. = amended	rs. = repealed and substituted	rep. = repealed
Provision affected	How affected		
Part 2			
Table 2A	am 2011/13, am 2011/14, am 2011/17, am 2011/21, am 2011/23, am 2012/01, am 2012/07, am 2012/08		
Clause 2.2.1	rep 2012/08, ad 2012/08		
Clause 2.2.6	rep 2011/17, ad 2011/21		
Clause 2.2.8	rep 2012/08		
Clause 2.2.13	am 2012/08		
Clause 2.2.15	ad 2011/14		
Clause 2.2.16	ad 2011/14		
Clause 2.2.17	ad 2011/17		
Clause 2.2.18	ad 2011/23		
Clause 2.2.19	ad 2012/01		
Clause 2.2.20	ad 2012/07		
Clause 2.2.21	ad 2012/07		
Clause 2.2.22	ad 2012/08		
Clause 2.2.23	ad 2012/08		
Clause 2.6.1	am 2011/17		
Part 3			
Table 3A	ad 2011/17, am 2011/23, am 2012/01, am 2012/07		
Table 3B	ad 2011/17, am 2011/23, am 2012/01, am 2012/07		