



## REMUNERATION TRIBUNAL

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### Determination 2006/06:

### 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 22 May 2006 and incorporates amending determinations up to and including 2006/08 – Remuneration and Allowances for Members of Parliament and Holders of Public Office. Prepared by the Remuneration Tribunal Secretariat.

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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 2006.
- 1.3 **Effect on Earlier Determinations:** This Determination supersedes and revokes in full Determination 2005/06 (*Remuneration and Allowances for Holders of Full-Time Public Office*).
- 1.4 **Definitions:** For the purposes of this Determination, the following definitions apply.
- 1.4.1 **'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.
- 1.4.2 **'Base Salary'** means the applicable amounts specified in Column 2 of Table 2A of this Determination.
- 1.4.3 **'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).

**1.4.4 '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.

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

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

**1.4.7 '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:

- 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;
- recreation leave specified in Part 5; and
- compensation for early loss of office provisions specified in Part 6.

**1.5 Guidance notes:** The Tribunal may issue guidance notes from time to time to assist agencies to administer this Determination.

## **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 2006, unless otherwise specified.

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

<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 (in Total Remuneration) (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Chair, Australian Prudential Regulation Authority	\$385,840	\$552,730	Nil	2.6.1	Tier 1
Solicitor-General	\$363,250	\$485,150	Nil		Tier 1
Deputy Chair, Australian Prudential Regulation Authority	\$322,850	\$462,490	Nil		Tier 1
Member, Australian Prudential Regulation Authority	\$307,100	\$439,940	Nil		Tier 1
Director of Public Prosecutions	\$291,870	\$383,530	Nil		Tier 1
Chairperson, Australian Securities and Investments Commission	\$265,230	\$385,730	Nil		Tier 1
Chair, Australian Competition and Consumer Commission	\$265,230	\$385,730	Nil		Tier 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 (in Total Remuneration) (per annum)	Refer Clause	Travel Tier
Chair, Australian Communications and Media Authority	\$247,520	\$353,600	\$20,800	2.2.1	Tier 1
Deputy Chairperson, Australian Securities and Investments Commission	\$252,930	\$353,250	Nil		Tier 1
Commissioner, Australian Federal Police	\$238,680	\$342,770	Nil		Tier 1
Director-General, Australian Security Intelligence Organisation	\$238,680	\$331,170	Nil		Tier 1
Director-General, Office of National Assessments	\$238,680	\$331,170	Nil		Tier 1
Vice-Chief of the Defence Force	\$229,190	\$331,130	Nil		Tier 1
Chief Executive Officer, Australian Crime Commission	\$229,190	\$331,130	Nil		Tier 1
Member, Australian Securities and Investments Commission	\$226,410	\$329,970	Nil		Tier 1
Inspector-General of Intelligence and Security	\$226,410	\$316,060	Nil		Tier 1
Commonwealth Ombudsman	\$226,410	\$316,060	Nil		Tier 1
Examiner, Australian Crime Commission	\$222,240	\$316,040	Nil		Tier 1
Chief of Navy	\$222,240	\$316,040	Nil		Tier 1
Chief of Army	\$222,240	\$316,040	Nil		Tier 1
Chief of Air Force	\$222,240	\$316,040	Nil		Tier 1
Chair, Australian Energy Regulator	\$222,240	\$296,460	Nil		Tier 1
Chairperson, Productivity Commission	\$222,240	\$296,350	Nil		Tier 1
Inspector-General of Taxation	\$211,230	\$302,100	Nil		Tier 1
President, Human Rights and Equal Opportunity Commission	\$147,310	\$211,540	Nil	2.2.2	Tier 1
Deputy Chair, Australian Competition and Consumer Commission	\$211,230	\$284,730	Nil		Tier 1
CEO, National Offshore Petroleum Safety Authority	\$202,480	\$288,790	Nil		Tier 1
Privacy Commissioner	\$200,810	\$290,480	Nil		Tier 1
Deputy Chair, Australian Communications and Media Authority	\$205,710	\$271,500	Nil		Tier 1
Australian Electoral Commissioner	\$200,810	\$272,120	Nil		Tier 1
Associate Director of Public Prosecutions	\$200,810	\$267,300	Nil		Tier 1
Director of Military Prosecutions	\$212,160	\$264,600	Nil		Tier 2
Inspector-General of the Australian Defence Force	\$212,160	\$264,600	Nil		Tier 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 (in Total Remuneration) (per annum)	Refer Clause	Travel Tier
Chairperson, Commonwealth Grants Commission	\$200,810	\$261,500	Nil		Tier 1
Member, Australian Energy Regulator	\$190,840	\$249,880	Nil		Tier 1
Member, Australian Competition and Consumer Commission	\$190,840	\$249,880	Nil		Tier 1
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$178,790	\$267,200	Nil		Tier 1
Director, Professional Services Review	\$178,790	\$254,460	Nil		Tier 1
Chief Executive Officer, National Transport Commission	\$178,790	\$253,830	Nil		Tier 1
Member, Australian Communications and Media Authority	\$190,840	\$249,880	Nil		Tier 1
Chairman, Pharmaceutical Benefits Advisory Committee	\$182,210	\$249,600	Nil		Tier 1
Administrator of the Northern Territory	\$178,790	\$225,510	Nil		Tier 1
Principal Member, Refugee Review Tribunal	\$173,230	\$244,020	\$32,380	2.2.3	Tier 2
Principal Member, Migration Review Tribunal	\$173,230	\$244,020	\$32,380	2.2.3	Tier 2
Director, Classification Board	\$173,230	\$244,020	Nil		Tier 2
Chairman, Indigenous Business Australia	\$173,230	\$199,990	Nil		Tier 1
Gene Technology Regulator	\$167,900	\$220,830	Nil		Tier 2
Deputy Commonwealth Ombudsman	\$167,900	\$215,040	Nil		Tier 2
Sex Discrimination Commissioner	\$160,490	\$228,910	Nil		Tier 2
Race Discrimination Commissioner	\$160,490	\$228,910	Nil		Tier 2
Human Rights Commissioner	\$160,490	\$228,910	Nil		Tier 2
Disability Discrimination Commissioner	\$160,490	\$228,910	Nil		Tier 2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$160,490	\$228,910	Nil		Tier 2
Official Secretary to the Governor-General	\$160,490	\$215,000	Nil		Tier 2
Chairperson, Indigenous Land Corporation	\$160,490	\$213,850	Nil		Tier 2
Director General, Australian Safeguards and Non-Proliferation Office	\$153,300	\$206,870	Nil		Tier 2
Administrator, Christmas and Cocos (Keeling) Islands	\$145,540	\$203,350	Nil		Tier 2
Principal Member, Veterans' Review Board	\$143,810	\$196,390	Nil		Tier 2
Deputy Director, Classification	\$142,060	\$205,660	Nil		Tier 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 (in Total Remuneration) (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Board					
Deputy Principal Member, Refugee Review Tribunal	\$142,060	\$199,860	Nil		Tier 2
Private Health Insurance Ombudsman	\$142,060	\$196,390	Nil		Tier 2
Executive Director, Social Security Appeals Tribunal	\$142,060	\$190,600	Nil		Tier 2
Chairperson, Superannuation Complaints Tribunal <sup>1</sup>	\$142,060	\$187,120	Nil		Tier 2
Chairperson, Torres Strait Regional Authority	\$130,480	\$198,700	Nil		Tier 2
Administrator, Torres Strait Regional Authority	\$130,480	\$198,700	Nil		Tier 2
Senior Member, Refugee Review Tribunal	\$116,580	\$168,480	Nil		Tier 2
Senior Member, Migration Review Tribunal	\$116,580	\$168,480	Nil		Tier 2
Director, Social Security Appeals Tribunal	\$116,580	\$163,850	Nil		Tier 2
Deputy Chairperson, Superannuation Complaints Tribunal	\$116,580	\$155,730	Nil		Tier 2
Administrator, Norfolk Island	\$104,760	\$158,700	Nil		Tier 2
Senior Member, Veterans' Review Board	\$104,760	\$151,290	Nil		Tier 2
Chairman (full-time), Central Land Council	\$104,760	\$150,370	Nil		Tier 3
Member, Refugee Review Tribunal	\$104,760	\$150,040	Nil	2.2.4	Tier 2
Member, Migration Review Tribunal	\$104,760	\$150,040	Nil		Tier 2
Chairman (full-time), Northern Land Council	\$104,760	\$141,790	Nil		Tier 2
Senior Classifier, Classification Board	\$104,760	\$120,930	Nil		Tier 2
Member, Veterans' Review Board	\$95,140	\$112,210	Nil		Tier 3
Member, SSAT	\$86,640	\$99,980	Nil		Tier 3
Classifier, Classification Board	\$82,620	\$95,350	Nil	2.4	Tier 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.

<sup>1</sup> **SCT:** Under Regulation 3 of the Judicial and Statutory Officers (Remuneration and Allowances) Regulation 1986, Mr Graham McDonald is paid remuneration and allowances prescribed in relation to the office of Deputy President of the Administrative Appeals Tribunal while occupying the office of Chairman, Superannuation Complaints Tribunal.

- 2.2.1 Australian Communications and Media Authority, Chair:** Mr Christopher Chapman will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1.
- 2.2.2 HREOC President:** The Base Salary and Total Remuneration as shown in Table 2A only applies to the Hon John von Doussa while he occupies the office of President, HREOC. The normal remuneration for the office is \$211,230 Base Salary and \$302,100 Total Remuneration (as at 1 July 2006).
- 2.2.3 Migration Review Tribunal and Refugee Review Tribunal, Principal Member:** Mr Steve Karas will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office of Principal Member of both the Migration Review Tribunal and Refugee Review Tribunal. 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 \$4,510 per annum while continuing to hold an appointment (including re-appointment) as a Member. The loading does not count towards superannuation salary.
- 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 \$373 is payable from 1 July 2006, 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 \$442,160, from 1 July 2006, 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 has 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.

### **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.

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.

- 3.1.1 Transitional:** This provision applies in respect of the accommodation allowances for Mr M Keelty and Mr T Wilson. Where the terms and conditions applying to the allowance immediately prior to being prescribed in a Remuneration Tribunal Determination (ie at

18 December 2002) differ from the above clause, the former provisions will apply to the extent of any inconsistency.

**TABLE 3A – ACCOMMODATION ALLOWANCES**

<u>Column 1</u> Office Holder	<u>Column 2</u> Office	<u>Column 3</u> Allowance (pa)	<u>Column 4</u> Refer Clause
Mr M Keelty	Commissioner, Australian Federal Police	\$15,600	3.1.1
Mr T Wilson	CEO, National Transport Commission	\$27,000	3.1.1
Ms P Goward	Sex Discrimination Commissioner	\$23,400	
Mr Jeffrey Lucy	Chairman, ASIC	\$28,600	
Mr T Calma	ATSI Social Justice Commissioner	\$28,600	
Mr S Somogyi	Member, APRA	\$25,500	
Mr G Samuel	Chairman, ACCC	\$25,000	
Mr E Willett	Member, ACCC	\$20,800	
Dr A Webber	Director, PSR	\$25,500	3.1.4

**3.1.2 Classification Board:** Subject to individual qualification for this allowance, to be decided by the employer in accordance with agency guidelines, Members appointed or reappointed on or after 28 February 2006 who have, or had, to relocate to Sydney to take up their original appointment will be paid an accommodation allowance of \$11,000 per annum. Members appointed before 28 February 2006, who qualify under the agency guidelines, can make a once only choice between being paid the \$11,000 per annum allowance, or retaining the previous condition, which is that accommodation expenses be reimbursed in accordance with agency policy, based on the Rates of Contributions and Rental Ceilings specified in the Department of Employment and Workplace Relations Allowance Subscription Scheme. The allowance does not represent salary for superannuation.

**3.1.3 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.

**3.1.4 Professional Services Review:** Dr Webber is entitled to an accommodation allowance up to the rate specified in Column 3 of Table 3A from 14 February 2005 until 31 December 2006.

**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.

**3.2.1 Australian Securities and Investments Commission:** Mr Lucy, Chairman, is entitled to twelve return business class trips per annum between his home and office locations for the purposes of clause 3.2 (Reunion Travel).

**TABLE 3B – REUNION TRAVEL**

<u>Column 1</u> Office Holder	<u>Column 2</u> Office	<u>Column 3</u> Allowance (pa)
Mr S Karas	Principal Member, Migration Review Tribunal and Refugee Review Tribunal	\$47,187
Mr T Calma	Aboriginal and Torres Strait Islander Social Justice Commissioner	\$7,128
Mr S Somogyi	Member, APRA	\$7,128



Mr G Samuel	Chairman, ACCC	\$30,000
Mr E Willett	Member, ACCC	\$23,500
Mr Jeffrey Lucy	Chairman, ASIC	See clause 3.2.1

## **PART 4 - OFFICIAL TRAVEL**

### **General Travel Provisions**

- 4.1 The provisions of Determination 2004/03 – 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.

## **PART 5 - RECREATION LEAVE**

- 5.1 **Recreation Leave entitlements:** The provisions of *Determination 2002/20 – Recreation Leave for Full-Time Holders of Relevant Offices* apply to full-time<sup>2</sup> Offices listed in Column 1 of Table 2A in this Determination to the extent specified in that Determination.

## **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 1992/11 – Compensation for Loss of Office*.
- 6.2 Where an Office Holder serves the full term of appointment, no entitlement to a payment under this part arises.

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<sup>2</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 2006/06:  
 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
2006/06 – Remuneration and Allowances for Holders of Full-Time Public Office	30/05/2006 F2006L01612	01/07/2006	-
2006/08 – Remuneration and Allowances for Members of Parliament and Holders of Public Office	31/05/2006 F2006L01610	01/07/2006	-
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Notes to Remuneration Tribunal Determination 2006/06:  
 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

Provision affected	How affected
<b>PART 1</b>	
<b>PART 2</b>	
Table 2A	am. 2006/08