



REMUNERATION TRIBUNAL

Determination 2005/20: Remuneration and Allowances for Holders of Public Office

- (i) Pursuant to subsections 5(2A), 7(3), 7(3D) and 7(4) of the *Remuneration Tribunal Act 1973*, the Remuneration Tribunal has inquired into the remuneration and allowances to be paid to holders of public office, and other matters significantly related thereto, and determines as set out below.
- (ii) This Determination takes effect on and from 12 December 2005 unless otherwise specified.

PART 1 – JUDICIAL AND RELATED OFFICES

1.1 In this part, Determination Number 11 of 2005 (as amended) is referred to as the Principal Determination.

1.2 **Part 3 – Official Travel and Related Matters** is amended by inserting the following new clause:

3.3 **Australian Military Court:** The employer may approve housing assistance in accordance with agency policy and practices for the Chief Judge Advocate and the Registrar of Military Justice.

1.3 Clause 5.5 of the Principal Determination is amended by deleting the current clause and inserting the following clause:

5.5 Superannuation Salary: Regardless of anything else in this Determination, salary for superannuation purposes comprises Base Salary plus any additional amount shown in Column 5 of Table 3 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 Chief Judge Advocate and Registrar of Military Justice, that office 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.

1.4 Clause 5.6 of the Principal Determination is amended by deleting sub-clause (i) and inserting the following sub-clause:

- (i) 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 Superannuation Salary (refer clause 5.5).

1.5 Table 3 of the Principal Determination is amended by inserting the following entries at the end of the **Table 3 Offices on Total Remuneration**:

Column 1 Authority	Column 2 Office	Column 3 Base Salary	Column 4 Total Remuneration	Column 5 Reference Clause	Column 6 Travel Tier
Australian Military Court	Chief Judge Advocate	\$222,000	\$275,190	-	2
	Registrar of Military Justice	\$145,000	\$167,330	-	2

1.6 Under the heading for Table 3 of the Principal Determination, delete "Effective on and from 1 July 2005" and replace with "Effective on and from 12 December 2005".

PART 2 – FULL-TIME OFFICE HOLDERS

2.1 In this part, Determination Number 6 of 2005 (as amended) is referred to as the Principal Determination.

2.2 Table 2A of the Principal Determination is amended by inserting the following entries for the Director of Military Prosecutions and the Inspector-General of the Australian Defence Force between the entries for the Chairperson, Productivity Commission and the Inspector-General of Taxation:

Column 1 Office	Column 2 Base Salary (per annum)	Column 3 Total Remuneration for office	Column 4 Additional Amount (in Total Remuneration) (per annum)	Column 5 Refer Clause	Column 6 Travel Tier
Director of Military Prosecutions	\$204,000	\$254,420	-	-	2
Inspector-General of the Australian Defence Force	\$204,000	\$254,420	-	-	2

2.3 Clause 2.6 is amended by deleting the current clause and inserting the following clause:

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 office 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 J Laker will be \$425,153, from 1 July 2005, while he occupies the office of Chair, Australian Prudential Regulation Authority.

2.4 Clause 3.1 is amended by deleting sub-clause 3.1.3 and inserting the following sub-clause:

3.1.3 Defence: 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.

PART 3 – PRINCIPAL EXECUTIVE OFFICES

3.1 In this part, Determination Number 19 of 2005 (as amended) is referred to as the Principal Determination.

3.2 Clause 2.8 of the Principal Determination is amended by inserting the following sub-clause:

2.8.4 Transitional: Where an Employing Body has determined remuneration for a PEO based on the provisions applying under the superseded PEO Determination (1999/15), any change resulting from the application of the provisions of this clause (Employer Superannuation Support) need not be applied until remuneration is next varied.

3.3 Clause 3.2 takes effect on and from 19 December 2005.

PART 4 – PART TIME OFFICES

4.1 In this part, Determination Number 5 of 2005 (as amended) is referred to as the Principal Determination.

4.2 Table A1A of Schedule A of the Principal Determination is amended by including the following entries at the end of the Table:

Column Number: 1	2	3	4	5	6
Australian Fair Pay Commission ⁴⁴	60,000	p/a	30,000	p/a	Tier 1

4.3 Table A1A of Schedule A of the Principal Determination is amended by including the following footnote:

⁴⁴ **Australian Fair Pay Commission:** The Chairman will receive the Chair’s fee plus an additional loading of 30%, and the Commissioners will receive the Member’s fee plus an additional loading of 30%. The loading for the offices of Chairman and Commissioner will be reviewed by the Tribunal in June 2007.

4.4 Clauses 4.2 and 4.3 take effect on and from 14 December 2005.

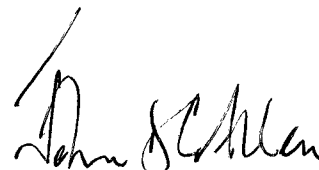
Signed this *21st* day of December 2005



John C Conde AO
PRESIDENT



Janet E Grieve
MEMBER



John D C Allen
MEMBER