



REMUNERATION TRIBUNAL

Determination 2005/06:

Remuneration and Allowances for Holders of Full-Time 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 2005.
- 1.3 Effect on Earlier Determinations:** This Determination supersedes and revokes in full Determination 2004/13 (*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 2005, 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	\$371,000	\$531,470	Nil	2.6.1	Tier 1
Solicitor-General	\$349,270	\$466,490	Nil		Tier 1
Deputy Chair, Australian Prudential Regulation Authority	\$310,430	\$444,700	Nil		Tier 1
Member, Australian Prudential Regulation Authority	\$295,280	\$423,010	Nil		Tier 1
Director of Public Prosecutions	\$280,640	\$368,770	Nil		Tier 1
Chairperson, Australian Securities and Investments Commission	\$255,020	\$370,890	Nil		Tier 1
Chair, Australian Competition and Consumer Commission	\$255,020	\$370,890	Nil		Tier 1
Deputy Chairperson, Australian Securities and Investments Commission	\$243,200	\$339,660	Nil		Tier 1
Commissioner, Australian Federal Police	\$229,500	\$329,580	Nil		Tier 1
Director-General, Australian Security Intelligence Organisation	\$229,500	\$318,430	\$11,660	2.2.1	Tier 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 (in Total Remuneration) (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Director-General, Office of National Assessments	\$229,500	\$318,430	Nil		Tier 1
Vice-Chief of the Defence Force	\$220,370	\$318,390	Nil		Tier 1
Chief Executive Officer, Australian Crime Commission	\$220,370	\$318,390	Nil		Tier 1
Member, Australian Securities and Investments Commission	\$217,700	\$317,270	Nil		Tier 1
Inspector-General of Intelligence and Security	\$217,700	\$303,900	Nil		Tier 1
Commonwealth Ombudsman	\$217,700	\$303,900	Nil		Tier 1
Examiner, Australian Crime Commission	\$213,690	\$303,880	Nil		Tier 1
Chief of Navy	\$213,690	\$303,880	Nil		Tier 1
Chief of Army	\$213,690	\$303,880	Nil		Tier 1
Chief of Air Force	\$213,690	\$303,880	Nil		Tier 1
Chair, Australian Energy Regulator	\$213,690	\$285,050	Nil		Tier 1
Chairperson, Productivity Commission	\$213,690	\$284,950	Nil		Tier 1
Inspector-General of Taxation	\$203,100	\$290,480	Nil		Tier 1
President, Human Rights and Equal Opportunity Commission	\$141,640	\$203,400	Nil	2.2.2	Tier 1
Deputy Chair, Australian Competition and Consumer Commission	\$203,100	\$273,770	Nil		Tier 1
CEO, National Offshore Petroleum Safety Authority	\$194,690	\$277,680	Nil		Tier 1
Privacy Commissioner	\$193,080	\$279,300	Nil		Tier 1
Australian Electoral Commissioner	\$193,080	\$261,650	Nil		Tier 1
Associate Director of Public Prosecutions	\$193,080	\$257,010	Nil		Tier 1
Chairperson, Commonwealth Grants Commission	\$193,080	\$251,440	Nil		Tier 1
Member, Australian Energy Regulator	\$183,500	\$240,260	Nil		Tier 1
Member, Australian Competition and Consumer Commission	\$183,500	\$240,260	Nil		Tier 1
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$171,910	\$256,920	Nil		Tier 1
Director, Professional Services Review	\$171,910	\$244,670	Nil		Tier 1
Chief Executive Officer, National Transport Commission	\$171,910	\$244,060	Nil		Tier 1
Administrator of the Northern Territory	\$171,910	\$216,830	Nil		Tier 1
Principal Member, Refugee Review Tribunal	\$166,560	\$234,630	\$31,130	2.2.3	Tier 2
Principal Member, Migration Review Tribunal	\$166,560	\$234,630	\$31,130	2.2.3	Tier 2
Director, Classification Board	\$166,560	\$234,630	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
Chairman, Indigenous Business Australia	\$166,560	\$192,290	Nil		Tier 1
Gene Technology Regulator	\$161,440	\$212,330	Nil		Tier 2
Deputy Commonwealth Ombudsman	\$161,440	\$206,760	Nil		Tier 2
Sex Discrimination Commissioner	\$154,310	\$220,100	Nil		Tier 2
Race Discrimination Commissioner	\$154,310	\$220,100	Nil		Tier 2
Human Rights Commissioner	\$154,310	\$220,100	Nil		Tier 2
Disability Discrimination Commissioner	\$154,310	\$220,100	Nil		Tier 2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$154,310	\$220,100	Nil		Tier 2
Official Secretary to the Governor-General	\$154,310	\$206,730	Nil		Tier 2
Chairperson, Indigenous Land Corporation	\$154,310	\$205,620	Nil		Tier 2
Director General, Australian Safeguards and Non-Proliferation Office	\$147,400	\$198,910	Nil		Tier 2
Administrator, Christmas and Cocos (Keeling) Islands	\$139,940	\$195,520	Nil		Tier 2
Principal Member, Veterans' Review Board	\$138,270	\$188,830	Nil		Tier 2
Deputy Director, Classification Board	\$136,590	\$197,750	Nil		Tier 2
Deputy Principal Member, Refugee Review Tribunal	\$136,590	\$192,170	Nil		Tier 2
Private Health Insurance Ombudsman	\$136,590	\$188,830	Nil		Tier 2
Executive Director, Social Security Appeals Tribunal	\$136,590	\$183,260	Nil		Tier 2
Chairperson, Superannuation Complaints Tribunal ¹	\$136,590	\$179,920	Nil		Tier 2
Chairperson, Torres Strait Regional Authority	\$125,460	\$191,050	Nil		Tier 2
Administrator, Torres Strait Regional Authority	\$125,460	\$191,050	Nil		Tier 2
Senior Member, Refugee Review Tribunal	\$112,090	\$162,000	Nil		Tier 2
Senior Member, Migration Review Tribunal	\$112,090	\$162,000	Nil		Tier 2
Director, Social Security Appeals Tribunal	\$112,090	\$157,540	Nil		Tier 2
Deputy Chairperson, Superannuation Complaints Tribunal	\$112,090	\$149,740	Nil		Tier 2

¹ **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.

<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
Administrator, Norfolk Island	\$100,730	\$152,590	Nil		Tier 2
Senior Member, Veterans' Review Board	\$100,730	\$145,470	Nil		Tier 2
Chairman (full-time), Central Land Council	\$100,730	\$144,580	Nil		Tier 3
Member, Refugee Review Tribunal	\$100,730	\$144,260	Nil	2.2.4	Tier 2
Member, Migration Review Tribunal	\$100,730	\$144,260	Nil		Tier 2
Chairman (full-time), Northern Land Council	\$100,730	\$136,330	Nil		Tier 2
Senior Classifier, Classification Board	\$100,730	\$116,270	Nil		Tier 2
Member, Veterans' Review Board	\$91,480	\$107,890	Nil		Tier 3
Member, SSAT	\$83,300	\$96,120	Nil		Tier 3
Classifier, Classification Board	\$79,440	\$91,680	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.

2.2.1 Australian Security Intelligence Organisation, Director-General: Mr Dennis Richardson will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. This loading is included in superannuation salary.

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 \$203,100 Base Salary and \$290,480 Total Remuneration (as at 1 July 2005).

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 \$3,990 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 \$358 is payable from 1 July 2005, 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 the Total Remuneration (other than Superannuation Support) as salary or a combination of salary and Benefits, in accordance with agency policies and procedures on salary packaging. The Office Holder must take at least 50 per cent of Total Remuneration as salary. Any election made in accordance with this clause must be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office (ATO). 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 and Chief of Army, 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 J Laker will be \$425,153, from 1 July 2005, 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 and 3.1.1
Mr T Wilson	CEO, National Transport Commission	\$27,000	3.1 and 3.1.1
Ms P Goward	Sex Discrimination Commissioner	\$23,400	3.1
Mr Jeffrey Lucy	Chairman, ASIC	\$23,000	3.1
Mr S Somogyi	Member, APRA	\$25,000	3.1
Mr T Calma	ATSI Social Justice Commissioner	\$28,600	3.1
Mr G Samuel	Chairman, ACCC	\$25,000	3.1
Mr E Willett	Member, ACCC	\$20,000	3.1
Dr A Webber	Director, PSR	\$25,500	3.1 and 3.1.4

3.1.2 Classification Board: The employer may approve reimbursement of accommodation expenses for Members of the Classification Board in accordance with agency policy, based on the Rates of Contribution and Rental Ceilings specified in the Department of Employment and Workplace Relations Allowance Subscription Scheme.

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 and the Chief of Army.

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.

TABLE 3B – REUNION TRAVEL

<u>Column 1</u> Office Holder	<u>Column 2</u> Office	<u>Column 3</u> Allowance (pa)	<u>Column 4</u> Refer Clause
Mr S Somogyi	Member, Australian Prudential Regulation Authority	\$7,128	3.2
Mr S Karas	Principal Member, Migration Review Tribunal and Refugee Review Tribunal	\$47,187	3.2
Mr T Calma	Aboriginal and Torres Strait Islander Social Justice Commissioner	\$7,128	3.2
Mr G Samuel	Chairman, ACCC	\$30,000	3.2
Mr E Willett	Member, ACCC	\$23,500	3.2

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-time² 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.

Signed this 9th day of May 2005

		
John C Conde AO PRESIDENT	Janet E Grieve MEMBER	John D C Allen MEMBER

² 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.