



REMUNERATION TRIBUNAL

Determination 2004/02:

Remuneration and Allowances for Holders of Public Offices

- (i) Pursuant to subsections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*, the Remuneration Tribunal has inquired into the remuneration and allowances to be paid to various public office holders, and other matters significantly related thereto, and determines as set out below.
- (ii) This Determination takes effect on and from the date of signature except where specified otherwise.

PART 1 FULL-TIME OFFICE HOLDERS

- 1.1 In this part, Determination Number 11 of 2003 (as amended) is referred to as the Principal Determination.
- 1.2 Part 2, **Table 2A** of the Principal Determination is amended by deleting the personal loading in column 4 and the clause reference in column 5 against the entry for the 'Director-General, Office of National Assessments' and inserting a '-' in their place.
- 1.3 Part 2 of the Principal Determination is amended by deleting sub-clause 2.2.2 relating to the Office of National Assessments, Director-General and inserting the following in its place:
'2.2.2 Deleted'
- 1.4 Part 2, **Table 2** of the Principal Determination is amended by deleting the entries for the Registrar, Large Registry, Social Security Appeals Tribunal; Registrar, Medium Registry, Social Security Appeals Tribunal; and Registrar, Small Registry, Social Security Appeals Tribunal.
- 1.5 **Part 2** of the Principal Determination is amended by deleting clause 2.5 and inserting the following in its place:
'2.5 Subject to this Part, an Office Holder may elect to receive the benefit of Total Remuneration 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% of Total Remuneration as salary. Any election will 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 Commonwealth (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.'

PART 2 FULL-TIME OFFICE HOLDERS

- 1.6 In this part, Determination Number 9 of 2002 (as amended) is referred to as the Principal Determination.
- 1.7 Part 1, **Table 1** of the Principal Determination is amended by deleting the entries for the Chief Executive Officer, Australian Strategic Policy Institute and Renewable Energy Regulator.
- 1.8 Part 4, **Table 4.3** of the Principal Determination is amended by deleting the entries for the Renewable Energy Regulator.

PART 3 PART-TIME OFFICE HOLDERS

1.9 In this part, Determination Number 3 of 2003 (as amended) is referred to as the Principal Determination.

1.10 Part 1, **Table 1A** of the Principal Determination is amended by deleting the entry for the Chairperson and Members, Medibank Private Limited and inserting the following with effect on and from 18 December 2003:

Medibank Private Limited	\$89,030	-	\$44,520	Tier 1
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1.11 Part 1, **Table 1A** of the Principal Determination is amended by deleting the entry for the Chairperson, Members and Co-opted Commissioner, Australian Heritage Commission and inserting the following with effect on and from 1 January 2004.

Australian Heritage Council	\$43,790	-	\$19,140	Tier 1
Co-opted Commissioner			\$19,140	Tier 1

1.12 Part 1, **Table 1A** of the Principal Determination is amended by deleting the entry for the Chairperson, Deputy Chairperson and Members of the Bankstown Airport Limited, Camden Airport Limited and Hoxton Park Airport Limited and placing the following against its footnote:

'17. Deleted'

1.13 Part 2, **Table 2A** of the Principal Determination is amended by changing the name 'Australian National Council on AIDS, Hepatitis C and Related Diseases' to 'Ministerial Advisory Committee on AIDS, Sexual Health and Hepatitis'.

PART 4 JUDICIAL AND RELATED OFFICES

1.14 In this part, Determination Number 21 of 2002 (as amended) is referred to as the Principal Determination.

1.15 Part B of the Principal Determination is amended by deleting sub-clause B7(b) and inserting the following in its place:

'(b) is deemed to hold full-time office for the purposes of entitlements, other than separation benefits and salary packaging, if paid the same as the equivalent full time office in any given financial year.'

1.16 Part B of the Principal Determination is amended by inserting the following after clause B20 as follows:

B21 A full-time office holder, other than a judge, may elect to take goods or services in lieu of salary but must take at least 50% of their base salary as salary.

B22 Any election made in accordance with clause B21 shall be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office.

B23 Any election made in accordance with clause B21 must not result in cost to the Commonwealth (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.'

PART 5

PRINCIPAL EXECUTIVE OFFICE HOLDERS

1.17 In this part, Determination Number 15 of 1999 (as amended) is referred to as the Principal Determination.

1.18 Part B of the Principal Determination is amended by deleting clause B2 and inserting the following in its place:

'B2 An officer may take goods or services in lieu of salary but must take at least 50% of their Total Remuneration as salary. Any election shall 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 Commonwealth (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'.

Signed this

17th

day of February 2004



John C Conde AO
PRESIDENT



Janet E Grieve
MEMBER



John D C Allen
MEMBER