



REMUNERATION TRIBUNAL

REMUNERATION
TRIBUNAL ANNUAL
REPORT
2018–19

ISBN: 978-0-6486748-3-2

ISSN: 1032 0350



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The document must be attributed as the *Remuneration Tribunal annual report 2018–19*.



REMUNERATION TRIBUNAL

19 September 2019

The Hon Greg Hunt MP
Minister Assisting the Prime Minister for the Public Service and Cabinet
Parliament House
CANBERRA ACT 2600

Dear Minister

We have pleasure in presenting to you the *Remuneration Tribunal's annual report for 2018–19*. The report covers the activities of the Tribunal during the year ended 30 June 2019.

Section 12AA(2) of the *Remuneration Tribunal Act 1973* requires you to cause a copy of this report to be laid before each House of Parliament within 15 sitting days of receipt.

Yours sincerely

Handwritten signature of John Conde in black ink.

John Conde AO
PRESIDENT

Handwritten signature of Ewen Crouch in black ink.

Ewen Crouch AM
MEMBER

Handwritten signature of Heather Zampatti in black ink.

Heather Zampatti
MEMBER

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PRESIDENT'S OVERVIEW

In the year to June 2019, the Remuneration Tribunal reviewed and determined remuneration arrangements for a range of senior public offices and continued its comprehensive review of the remuneration structures for principal executive offices.

In considering remuneration for public offices, the Tribunal assesses the work value of an office. It strives to determine remuneration at levels that will attract and retain individuals of the calibre and with the skills necessary to perform the particular role. The Tribunal has no role in making appointments to any of the offices in its determinative jurisdiction, no role in evaluating an office holder's performance and no scope for varying remuneration up or down according to performance.

In determining remuneration for offices in its jurisdiction, the Tribunal maintains awareness of remuneration trends in the private and public sectors generally, including by monitoring trends in Senior Executive Service remuneration in the Australian Public Service (APS).

Senior Executive Service remuneration is of particular interest to the Tribunal. The Tribunal is concerned about the need to maintain appropriate relativities between the remuneration of office holders, such as departmental secretaries and other agency heads, with those of their direct reports. The Australian Public Service Commissioner takes an active role in managing remuneration relativities between secretaries of departments and the most senior members of the Senior Executive Service through administration of the *APS Executive Remuneration Management Policy*.

Parliamentarians

The Tribunal continued to monitor the parliamentary work expenses system that commenced on 1 January 2018, working with the Special Minister of State, the Department of Finance and the Independent Parliamentary Expenses Authority to support the arrangements and ensure the continued integrity of the principles-based system.

The Tribunal completed a number of its inquiry and determinative obligations with respect to the remuneration and work expenses framework for parliamentarians, set out in the *Parliamentary Business Resources Act 2017*. This included a formal review of the travel and expense-related provisions for which it is responsible.

The Tribunal made some small modifications to these arrangements over the course of the year, including the abolition of the Canberra Daily Allowance which was payable previously to Canberra-based Parliamentarians travelling in Canberra on parliamentary business.

Judicial and related offices

The Tribunal issued a new determination covering judicial and related offices on 1 July 2018. The determination incorporated streamlined provisions and modifications to a range of matters arising from its comprehensive review completed in 2016. The changes have been implemented seamlessly, reflecting the extensive consultation over 2015 and 2016 on the details of the determination.

Principal executive offices

The Tribunal continued its examination of the principal executive office (PEO) arrangements. This was a major piece of work during the reporting period. As noted in the Tribunal's 2017–18 annual report, the review is concerned with ensuring the efficacy of the current arrangements in satisfying the government's policy intent for offices in the structure.

The Tribunal convened on a number of occasions in 2019 to meet with 17 employing bodies to obtain their views on the use and utility of the PEO arrangements. The Tribunal also sought views on possible changes to the arrangements.

The Tribunal was pleased with the views expressed by most of the employing bodies which acknowledged the value of having an independent body deciding and managing the remuneration structure for PEOs. Employing bodies appreciated the discretionary elements of the arrangements and in the main did not seek wide-ranging changes.

The Tribunal also sought the views of a number of employing bodies (nine ministers and three employing bodies) on the potential return of certain PEOs to the Tribunal's full-time determinative jurisdiction. The Tribunal's intention has been to focus its consideration of the PEO arrangements on those offices most suited to the more flexible remuneration arrangements provided by the PEO provisions.

As a result of these discussions and considerations, the PEO declarations of nine offices have been revoked and the group reduced from 54 to 46 offices over the course of 2018–19. One new PEO was declared during this time.

More detail on the review can be found later in this report.

The Tribunal expects to finalise this work during 2019 and issue a new determination in late 2019 or early 2020.

General reviews of remuneration

The *Remuneration Tribunal Act 1973* and the *Parliamentary Business Resources Act 2017* require the Tribunal to examine and determine remuneration for offices in its jurisdiction at intervals no longer than one year. At these intervals the Tribunal considers whether any general increase to remuneration for offices in its jurisdiction should be determined.

The Tribunal reduced both the quantum and frequency of its general remuneration adjustments between 2013 and 2017, taking into account the environment of economic restraint, slower wage growth more broadly, and the government's public sector workplace bargaining policies.

With reducing unemployment and a gradual rise in wages across the economy, the Tribunal's 2017 and 2018 annual review increases remained modest.

Employment growth continued during 2018–19 and improvements in wage growth were evident across a range of measures. By the time of its June 2019 decision, however, the economy was showing signs of slowing, and the Tribunal decided again to maintain modest growth in remuneration for statutory offices.

On 6 June 2019, the Tribunal announced its decision to increase remuneration for public offices by two per cent, with effect from 1 July 2019.

Figures 1 and 2 show the Tribunal’s remuneration increases during the past decade and how they compare with the movement in adult weekly ordinary time earnings.

Figure 1: Tribunal annual review increases, 2010–2019

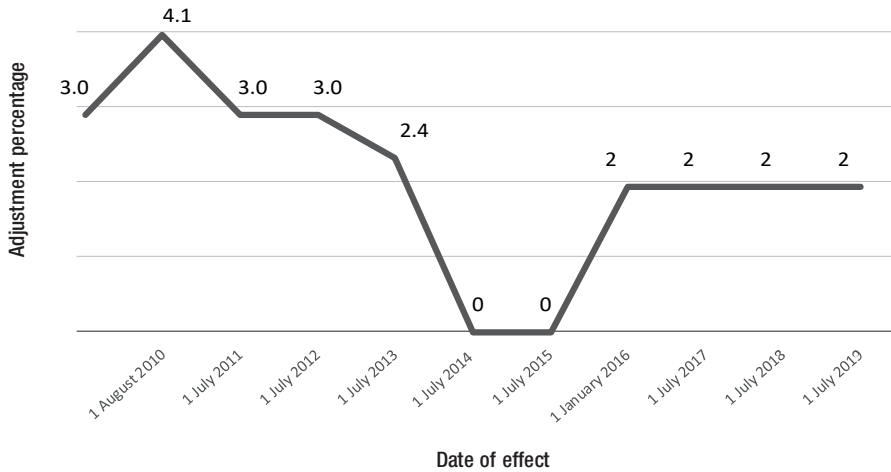
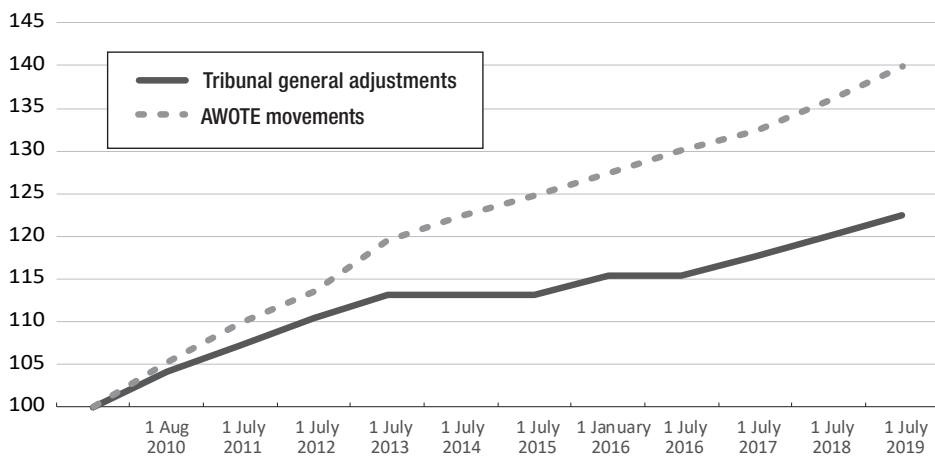


Figure 2: AWOTE increases and Tribunal increases 2010–2019



Note: AWOTE denotes adult weekly ordinary time earnings.

In its annual review deliberations, the Tribunal is obliged to consider—for offices other than Parliamentarians—the outcome of the annual wage reviews of the Fair Work Commission. It also considers the Australian Government’s budget outlook and published data on movements in both

private and public sector remuneration.

In its 2019 review, the Tribunal noted that, in its 2019 decision to award a three per cent increase in minimum wages, the Fair Work Commission was taking the opportunity to increase the relative living standards of lower paid workers. The Tribunal was also conscious of the balance between measures of increasing employment and wages, and indicators of continuing spare capacity in the labour market, together with emerging signs of slowing economic growth.

Review of determination templates

The Tribunal continued the process, commenced in 2017–18, of reviewing, restructuring and reformatting its determinations to reflect standard Commonwealth drafting practice. This process continued through this reporting period to include Remuneration Tribunal (Official Travel) Determination 2018.

The Tribunal continues to receive instructive and supportive assistance from staff in the Office of Parliamentary Counsel in formally implementing its decisions. The Tribunal will call on that assistance in implementing decisions from its review of the PEO structure. This will include restructuring and reformatting the PEO Determination.

Independent Review of the Australian Public Service

The Tribunal appreciated the opportunity to meet with Mr David Thodey AO in February 2019, in his capacity as Chair of the Independent Review of the APS, to hear about the progress of the review and have the opportunity to provide comments.

Tribunal membership

The Tribunal operated with full membership throughout the reporting year.

I am very grateful for the support and counsel provided by Mr Ewen G W Crouch AM and Ms Heather Zampatti, the two other members of the Tribunal. I acknowledge the considerable additional time they committed to consulting with employing bodies as part of the PEO review and thank them for this.

The Tribunal's Secretariat, led ably by Mr Patrick Palmer, consists of a small group that continues capably and effectively to support the Tribunal's work program. The group has had a number of staffing changes and the Tribunal expresses again its gratitude to former long-serving employees for their contributions over many years. The Tribunal welcomed new staff to the group and looks forward to working with them. The quality of the Secretariat's support is appreciated greatly by the Tribunal. On behalf of all Tribunal members, I record sincere gratitude to Mr Palmer and all Secretariat staff.

John C Conde AO
President

1. INTRODUCTION TO THE TRIBUNAL

The Remuneration Tribunal is an independent statutory authority established under the *Remuneration Tribunal Act 1973*. It is primarily responsible for inquiring into and determining the remuneration and allowances to be paid to holders of public offices (including parliamentary offices). The Tribunal also reports on and provides advice about these matters.

The *Remuneration Tribunal Act 1973* defines ‘public office’ to include all offices established by a Commonwealth law (also known as statutory offices) and appointments made under a Commonwealth law, as well as, but not limited to, appointments made by the Governor-General or a minister of state that are formally referred into the Tribunal’s jurisdiction by the Minister responsible for the Tribunal (Section 3). The attributes of a ‘public office’ establish whether appointment to it is made on a full-time or other basis.

Since 2018, the Tribunal’s powers to determine remuneration for parliamentary offices have been provided in the *Parliamentary Business Resources Act 2017*.

In assessing the remuneration of offices, the Tribunal takes into account:

- the attributes of the office;
- remuneration of comparable offices;
- considerations related to complexity, merit and productivity; and
- indicators of movements in remuneration.

The Tribunal aims to develop remuneration arrangements that are flexible and broadly consistent, having regard to the diversity of the offices in its jurisdiction.

2. MEMBERSHIP OF THE TRIBUNAL

The Remuneration Tribunal Act establishes the Tribunal with three part-time members who are appointed by the Governor-General.

The current members are:

Mr John C Conde AO, President

Reappointed on 29 May 2018 as Member and President for a further five years from 25 June 2018, Mr Conde was appointed originally as a member of the Remuneration Tribunal on 18 June 1998. He is Chairman of the McGrath Foundation and Chairman of Cooper Energy Limited. He is Deputy Chairman of Whitehaven Coal Limited and a Director of Dexus Property Group. Mr Conde is an ex officio member of the Independent Parliamentary Expenses Authority.

Mr Conde’s previous appointments include Chairman of Bupa Australia Health Pty Ltd, Co-Chair of the Review Committee: An Independent Parliamentary Entitlements System, Chairman of the Sydney Symphony Orchestra, Chairman of Destination NSW, Chairman of Ausgrid (formerly

EnergyAustralia), Director of BHP Billiton and Excel Coal Limited, Managing Director of Broadcast Investment Holdings Pty Limited, Director of Lumley Corporation, President of the National Heart Foundation of Australia and member of the Sydney Children's Hospital Network Board and the Dermatology Research Foundation and Council of the Sydney Medical School Foundation.

Mr Ewen GW Crouch AM

Appointed a Member on 3 September 2015 for five years, Mr Crouch is a non-executive director of Westpac Banking Corporation and BlueScope Steel Limited. He is Chairman and Director of Corporate Travel Management Limited and a board member of Sydney Symphony Orchestra and Jawun.

Mr Crouch is an experienced non-executive director of listed corporations and unlisted organisations. He is a former Chairman of Allens, having been a partner of that firm from 1988 to 2013. His roles at Allens include Chairman of Partners (2009 to 2012), Co-Head Mergers & Acquisitions (2004 to 2010), Executive Partner, Asian Offices (1999 to 2004), and Deputy Managing Partner (1993 to 1996), as well as 11 years' service on that firm's board. Mr Crouch advised on some of Australia's most significant mergers and acquisitions transactions during his partnership career.

Mr Crouch is a Fellow of the Australian Institute of Company Directors (AICD), a member of the AICD's Law Committee and a member of the Corporations Committee of the Law Council of Australia. Mr Crouch served as a director of Mission Australia from 1995 to 2016, including more than seven years as its chairman. He was a member of the Takeovers Panel from 2010 to 2015.

Ms Heather Zampatti

Appointed a Member on 23 March 2017 for five years, Ms Zampatti has more than 30 years' experience in investment advising and providing investors with professional portfolio management. Her expertise covers the full range of investment options, including advice on cash, fixed interest, stockbroking and financial investment policy and strategy.

Ms Zampatti works with foundations, institutions, not-for-profit organisations, individuals and superannuation funds to ensure their investments are aligned to their specific objectives and priorities. This combination of experience and expertise enables her to advise and manage investment portfolios for a range of organisations.

Ms Zampatti is a graduate of the University of Western Australia with a Bachelor of Science and Diploma of Education. She is a Certified Financial Planner, a Master of Stockbroking and a Fellow of the Australian Institute of Company Directors.

As Head of Wealth Management, Australia, at Bell Potter Securities, Ms Zampatti combines her strengths as an adviser with a leadership role to assist Bell Potter to achieve its goal of establishing itself as the nation's most respected provider of wealth management advice and service.

Ms Zampatti sits on the boards of Healthways, Osteoporosis Australia, the University Club of Western Australia and the ASIC Financial Services Consultative Committee. She is a former Chair of Lotterywest, a former Chair of the Princess Margaret Hospital Foundation and a former member

of the Takeovers Panel, the Western Australia Regional Council of Financial Services Institute of Australasia (FINSIA), Western Australian Ballet, the Australian Institute of Management (Western Australia), Chief Executive Women and the Financial Sector Advisory Council.

Ms Zampatti lectures for the Australian Stock Exchange and FINSIA and gives many public seminars.

3. THE WORK OF THE TRIBUNAL

During the reporting year, the Tribunal convened formally on eight occasions. It also convened several times in 2019 to meet with the employing bodies of PEOs. In addition, the Tribunal held meetings with a range of interested parties. The President, and individual Tribunal members, where appropriate, also consulted more widely on a variety of matters.

The Tribunal formalised its conclusions in 22 determinations. Appendix A lists all determinations and reports issued by the Tribunal in the reporting year.

3.1 Annual adjustment

Under sections 7(3) and 8(1) of the Remuneration Tribunal Act the Tribunal is required to make determinations in respect of remuneration for various offices in its jurisdiction at periods of not more than one year. The same obligation exists in Section 45(1) of the Parliamentary Business Resources Act for parliamentary offices.

In fulfilling these obligations, the Tribunal considers remuneration movements in the public sector and the private sector more generally, as well as the economic and fiscal environment. In respect of its obligation under the Remuneration Tribunal Act, the Tribunal must also have regard to the outcome of the annual wage reviews of the Fair Work Commission.

The Tribunal has continued its practice of taking a conservative approach to remuneration adjustments for offices in its jurisdiction. The Government's Workplace Bargaining Policy 2018 continues many elements of earlier policies and sets out the Government's wages policy for employees of the APS and non-APS government entities. Most Australian jurisdictions have imposed public sector employee wage restraint, with a zero-increase cap in Western Australian since 2016 at one extreme, to maximum increases of 2.5 per cent per annum in New South Wales and Victoria.

Following an increase of 2.4 per cent from 1 July 2013, the Tribunal awarded no future adjustments until 1 January 2016, when a 2 per cent increase was determined. Since 2017, the Tribunal has determined increases of 2 per cent each year.

The full text of the Tribunal's 6 June 2019 statement, containing its reasons for decisions, is available on its website at: <https://www.remtribunal.gov.au/2019-annual-review-statement>

3.2 Full-time public offices

The framework

Under the Remuneration Tribunal Act, the Tribunal is responsible for inquiring into and determining remuneration and recreation leave for full-time public offices. It is also responsible for inquiring into and determining other matters it considers are significantly related to remuneration (Section 7).

The Tribunal determines full-time office holders' remuneration as 'total remuneration'—a figure that covers cash salary, superannuation and other benefits. The significantly related matters determined for full-time office holders are principally travel provisions and some other allowances in specific cases.

During the reporting period, the Tribunal received and considered submissions on remuneration, conditions and/or allowances for new and established offices.

Consistent with its annual review statement of 6 June 2019, the Tribunal increased remuneration for these offices by two per cent, effective from 1 July 2019. The Tribunal issued Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2019 to implement this decision.

As at 30 June 2019, there were 163 offices specified in the Tribunal's determination for holders of full-time offices. Fourteen other full-time offices were included in the determination during 2018–19. Five of these were established by legislation or by the establishment of executive agencies. One office was removed following its declaration as a PEO and other offices were removed following the expiry of transitional arrangements.

Nine offices had their PEO status revoked at the request of relevant ministers and were subsequently returned to the Tribunal's full-time determinative jurisdiction. Most revocations during 2018–19 were initiated as a result of the preliminary work of the Tribunal in its review of PEO arrangements. The changed arrangements for those offices were consistent with the Tribunal's previously stated position that statutory offices with no entitlement to performance pay should be returned to its determinative jurisdiction.

The Tribunal's Secretariat continues to provide assistance and quality assurance for documentation prepared by portfolio departments, supporting the return of offices to the Tribunal's determinative jurisdiction. Generally, this occurs when there is no specific reason for remuneration to continue being determined by a minister or other employing body. The gradual process of reviewing offices with no continuing requirement for the flexibility provided by the PEO arrangements has accelerated over the past year, prompted by the Tribunal's review of the designation.

Appendix B details the new full-time public offices for which the Tribunal determined remuneration in the year to 30 June 2019 and the offices removed from the determination.

Specified statutory offices

The Tribunal is also responsible for determining the remuneration of a group of full-time public offices referred to as ‘specified statutory offices’. As at 30 June 2019, those offices were the:

- Chief of the Defence Force
- Commissioner of Taxation
- Auditor-General for Australia
- Australian Statistician.

Consistent with its annual review statement of 6 June 2019, the Tribunal increased remuneration for these offices by two per cent, effective from 1 July 2019. It issued Remuneration Tribunal (Specified Statutory Offices Remuneration and Allowances) Determination 2019 to implement this decision.

3.3 Part-time public offices

The framework

Appointments to a wide range of public offices are made on a part-time basis. In addition to statutory offices, part-time offices include appointments made under a Commonwealth law. These offices are diverse and include the chairs and members of boards, councils, committees and administrative tribunals whose work might be regular or intermittent.

Several remuneration models are determined for part-time offices. The two main ones are an annual fee, compensating in one annual figure for work done by the office holder, and a daily fee, where remuneration is paid for each day or part-day worked. The other remuneration models are a combination of these two, with daily fees covering specific activities and an annual fee covering recurring or predictable elements of the office holder's workload.

In respect of part-time offices, the principal significantly related matter determined by the Tribunal is travel entitlements.

Consistent with its annual review statement of 6 June 2019, the Tribunal increased remuneration for part-time public offices by two per cent, effective from 1 July 2019.

As at 30 June 2019, the principal determination—Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2018—contained more than 250 entries for individual bodies. This determination was superseded by Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2019, effective from 1 July 2019.

During the reporting year, the Tribunal considered submissions on remuneration and/or conditions for a number of individual offices. Appendix B includes the details of the new part-time offices for which the Tribunal determined remuneration.

The Tribunal considered submissions seeking additional fees for certain sub-committees, other than audit committees, of two governing boards. It endorsed additional fees for the sub-committees of one of these governing boards, in light of specific factors unique to that entity. In the case of the second governing board, the Tribunal agreed that a better option, given the size of the board, was to increase member fees that encompassed the additional responsibilities of the various sub-committees. This decision highlighted the Tribunal's core principle that a Board Chair's fees should reflect, fully, the workload and responsibilities of that office.

3.4 Principal executive offices

The framework

The Remuneration Tribunal Act provides for the Tribunal to determine a classification structure for PEOs, under Section 5(2A), and to determine the terms and conditions applicable to each classification in the structure, under Section 7(3D).

The Minister responsible for the Tribunal has the power to make declarations concerning PEOs, having taken into account the advice of the Tribunal (Section 3A). The Minister may declare an office to be a PEO, the classification to which the PEO is assigned and the PEO's employing body (sections 3A and 3B). The Minister may also determine commencing remuneration for a PEO.

The employing body is responsible for determining the terms and conditions applying to a PEO. Any such determination must be consistent with the terms and conditions determined by the Tribunal for the classification of the office concerned (Section 12C) and the Tribunal's guidelines.

The Tribunal has established a total remuneration reference rate for each PEO as the basis on which an employing body may exercise discretion in determining remuneration. Reference rates are generally adjusted annually to reflect the outcome of the Tribunal's annual review. Most employing bodies have a discretionary range, from 10 per cent below to 5 per cent above the reference rate, although the reference rate must not be exceeded in the first 12 months of a new appointee's term without the prior approval of the Tribunal. PEOs generally also have access to performance pay of up to 15 per cent for bands A to C and up to 20 per cent for bands D and E, although in a number of cases performance pay has been absorbed into fixed remuneration, particularly in circumstances in which a minister is the employing body.

A full list of PEOs is available on the Tribunal's website at: <http://www.remtribunal.gov.au/offices/principal-executive-offices/list-of-peo>.

Consistent with the Tribunal's statement of 6 June 2019, the remuneration ranges of the PEO classification structure were increased by two per cent, effective from 1 July 2019. The Tribunal issued Principal Executive Office—Classification Structure and Terms and Conditions—Determination 2019 to implement this decision.

During 2018–19, the Tribunal considered submissions relating to PEOs, generally dealing with reviews of remuneration and/or conditions or changes to governance arrangements. In three cases offices were reclassified by the Minister following a review of remuneration by the Tribunal. These cases were:

- Managing Director, Special Broadcasting Service was reclassified to Band E
- Chief Executive Officer, Australian Rail Track Corporation was reclassified to Band E
- Chief Executive Officer, Australian Maritime Safety Authority was reclassified to Band D.

As at 30 June 2019, there were 44 PEOs. One new office was declared by the Minister as a PEO

during 2018–19:

- Chief Executive Officer, Regional Investment Corporation.

The PEO designation was established in 1988 to provide for remuneration and employment conditions for the chief executives of government business enterprises, to be determined by the boards of those businesses. Expansion of the use of the designation since then followed legislative change that increased the Tribunal's role in advising on remuneration decisions by employing bodies.

The changes allowed the Minister responsible for the Tribunal to extend the application of the designation to statutory offices where it was considered that some employer discretion in setting remuneration would assist with the attraction, retention and performance of office holders.

Since 2007, the number of PEOs has gradually reduced, as the move away from performance pay arrangements has allowed some statutory offices to be returned to the Tribunal's full-time determinative jurisdiction. During 2018–19, the Minister responsible for the Tribunal revoked the PEO status of these nine offices:

- Chair Great Barrier Reef Marine Park Authority
- Director of National Parks
- Chief Executive Officer, Cancer Australia
- First Parliamentary Counsel
- Second Parliamentary Counsel
- Deputy President, Repatriation Commission
- Commissioner, Repatriation Commission
- Director, Office of Australian War Graves
- Associate Commissioner, Productivity Commission

During 2018–19, the Tribunal continued its work on reviewing PEO arrangements. The review commenced in 2017–18, aiming to examine whether PEO arrangements continue to meet the government's policy requirements for the classification structure, employing body operational requirements and contemporary remuneration practice.

The Tribunal focused its initial efforts on returning to its full-time determinative jurisdiction those offices without access to performance pay, or where the employing body role did not rest with a governing board. This has resulted in nine offices reverting to the full-time jurisdiction, consistent with the establishing legislation for those offices. Work is progressing towards the revocation of other PEOs during 2019–20.

The Tribunal also commenced a more detailed consideration of the arrangements, focusing on offices where the flexibilities provided by the PEO structure are important to the employment relationships between PEOs and their employing bodies.

The Tribunal received correspondence from some ministers providing views on aspects of the

arrangements for offices within their portfolio and on the PEO arrangements more generally. The Tribunal also met with 17 employing bodies during the first half of 2019, to discuss the utility of the existing PEO arrangements and identify opportunities for improvements. It also discussed issues around recruitment and retention, and options identified by employing bodies to ensure men and women of capacity could be attracted to these important roles.

The Tribunal expects to complete this review during 2019–20, examining the classification structure and placement of offices within it, and finalising its consideration of associated terms and conditions.

3.5 Secretaries

The framework

Under Division 4 of the Remuneration Tribunal Act, the Tribunal is responsible for setting the classification structure, specifying pay points for the classification structure and assigning each office of departmental secretary to a classification. The Tribunal fixes the amount of remuneration that is to be paid to the Secretary of the Department of the Prime Minister and Cabinet and the Secretary of the Department of the Treasury.

Secretaries of departments other than the departments of the Prime Minister and Cabinet and the Treasury are assigned to pay points by a separate instrument made by the Secretary of Prime Minister and Cabinet under Subsection 14(3) of the Remuneration Tribunal Act.

In assigning the pay point, the Secretary of Prime Minister and Cabinet must consult with the President of the Tribunal and the Australian Public Service Commissioner.

The Tribunal must, from time-to-time, inquire into and determine the terms and conditions (other than remuneration) that are to apply to the office of departmental secretary.

Consistent with the Tribunal's statement of 6 June 2019, the remuneration of departmental secretaries was increased by two per cent, effective from 1 July 2019. The Tribunal issued Remuneration Tribunal (Departmental Secretaries Classification Structure and Terms and Conditions) Determination 2019 to implement this decision.

This determination made changes to the previous Secretaries' Principal Determination 2018 following amendments made to the Administrative Arrangements Order by the Governor-General on 29 May 2019. The changes related solely to the names of portfolio departments.

3.6 Judicial and related offices

The framework

The Remuneration Tribunal Act empowers the Tribunal to determine remuneration and associated entitlements for the federal judiciary, administrative tribunals and related offices in those organisations.

The extent of the Tribunal's power varies between offices. Depending on the type of office, remuneration may be expressed as base (annual) salary or as 'total remuneration'. Associated entitlements may include the value attributed to the Commonwealth's superannuation contributions or superannuation support (although the Tribunal has no role in relation to the Judges' Pensions Act 1968), travel allowance, Commonwealth and private vehicle costs, recreation leave, separation benefits, lump-sum payments, other benefits received by way of remuneration packaging, and minimum annual fees for some part-time office holders.

The judiciary

The Tribunal determines base (annual) salary and related benefits for: the chief justices and justices of the High Court of Australia, the Federal Court of Australia and the Family Court of Australia; the chief judge and other judges of the Federal Circuit Court of Australia; and judges who sit as presidents of administrative tribunals (see below).

In determining remuneration for judges, the Tribunal is mindful of Section 72(iii) of its Constitution, which prohibits diminution of a judge's remuneration while the judge remains in office.

Administrative tribunals and other bodies

The Tribunal determines remuneration and related benefits for non-judicial presidents, deputy presidents and members of bodies such as the Administrative Appeals Tribunal, Australian Competition Tribunal, Australian Law Reform Commission, Copyright Tribunal and National Native Title Tribunal.

Other related offices

The Tribunal determines remuneration and related benefits for a range of non-judicial positions in the Commonwealth courts, including the chief executives of each court.

Recreation leave

The Tribunal also determines recreation leave for the related offices and for judges of the Federal Circuit Court.

Consistent with the Tribunal's statement of 6 June 2019, the remuneration of these offices was increased by two per cent, effective from 1 July 2019. The Tribunal issued Remuneration Tribunal (Judicial and Related offices—Remuneration and Allowances) Determination 2019 to implement this decision.

The Tribunal reviewed the amount of the travelling allowance determined for judges of the High Court of Australia who do not reside in Canberra, to ensure it reflected current demands for sitting times in Canberra.

The Tribunal also finalised outstanding issues from the Judicial Review of 2016, and the subsequent streamlining of the determination, removing from the determination non-standard superannuation salaries for two offices of the National Native Title Tribunal that are no longer in use.

The Judicial Remuneration Coordination Group

The annual meeting of the Judicial Remuneration Coordination Group was scheduled to be held in May 2019 but it was postponed due to the caretaker period preceding the Federal election. Representatives from state and territory remuneration tribunals usually attend these meetings to discuss matters of common interest relating to the remuneration of the judiciary in all jurisdictions. The next meeting is expected to be held in May 2020.

3.7 Parliamentarians

The framework

Base salary for parliamentarians

The Tribunal is responsible for determining the base salary of parliamentarians. Consistent with its responsibilities in relation to most other offices, the Tribunal is required to make new determinations in respect of base salary at periods of no more than 12 months (Section 45(1) of the Parliamentary Business Resources Act). Unlike many other Tribunal determinations, those in relation to parliamentarians are not disallowable by the Parliament. The Tribunal has, however, responsibility for explaining in writing its decisions in relation to parliamentarians. These reasons for determination are published on the Tribunal's website.

Additional salary for ministers and parliamentary office holders

Ministers of state (including the Prime Minister) and parliamentary office holders receive a parliamentary base salary plus an additional amount of salary known as 'office holder's salary'.

Under the Constitution, the salaries of ministers are a matter for decision by executive government rather than the Tribunal. The Parliamentary Business Resources Act requires, however, that the Tribunal report annually to the government on these salaries.

The Tribunal determines office holder's salary for more than 50 non-ministerial parliamentary office holders, such as the Leader and Deputy Leader of the Opposition, presiding officers, whips, shadow ministers, and chairs and deputy chairs of parliamentary committees.

Other allowances and work-expenses provisions

The Tribunal determines a various allowances and related provisions for federal parliamentarians (including ministers), such as travel allowance rates, electorate allowance, private-plated vehicles, and Internet and telephone services at private residences, along with allowances and expenses for former members, such as post-retirement travel.

Matters outside the Tribunal's determinative powers

The Tribunal does not determine all remuneration and related matters available for members of Parliament. It reports on and makes recommendations to the Special Minister of State in relation to a range of work expense and domestic travel-related provisions (for example, travel on scheduled domestic flights and car transport).

Matters relating to the provision of support for members of parliament that are outside the Tribunal's jurisdiction are decided by the Australian Government through the Special Minister of State or the Parliament. At 30 June 2018, these Acts were relevant in this regard:

- *Parliamentary Business Resources Act 2017*
 - *Parliamentary Contributory Superannuation Act 1948* (although the Tribunal determines what constitutes ‘parliamentary allowance’ for the purposes of this Act)
 - *Parliamentary Superannuation Act 2004*
 - *Ministers of State Act 1952*
 - *Members of Parliament (Staff) Act 1984*
-

Parliamentary base salary

Consistent with the Tribunal’s annual review statement of 6 June 2019, the Tribunal increased the base salary for a parliamentarian to \$211,250 effective from 1 July 2019. The Tribunal issued Remuneration Tribunal (Members of Parliament) Determination 2019 to implement this decision.

Additional salary for ministers and parliamentary office holders

Under Section 44(1) of the Parliamentary Business Resources Act, the Tribunal is required to report annually to the Minister responsible for the Tribunal on ‘the question of whether any alterations are desirable in the Ministerial salaries that are payable out of public money of the Commonwealth’.

In 1999, the Tribunal adopted the practice in its reports of expressing ministerial salaries as a percentage of the parliamentary base salary.

The Tribunal issued *Report on Ministerial Salaries—Salary Additional to the Parliamentary Base Salary* on 31 July 2018, recommending no change to existing percentages.

Office holder’s salary determined by the Tribunal is also expressed as a percentage of the parliamentary base salary. During the reporting year, the Tribunal determined office holders salaries at the rate of 25 per cent of base salary for the office of Manager of Opposition Business in the Senate. It did so in response to a request from the Special Minister of State to consider whether this office warranted additional remuneration.

Travel allowances

Travel allowance rates for parliamentarians were reviewed and adjusted in line with the Tribunal’s general review of travel allowances in August 2018.

During 2018, the Tribunal consulted the Special Minister of State on the continuing utility of the Canberra Daily Allowance, paid to Canberra-based members of parliament travelling in Canberra on parliamentary business, noting its declining support and use over preceding years. The Tribunal subsequently recommended its abolition to the Government in December 2018.

The Tribunal formally abolished the allowance following the removal of the enabling provisions from the Parliamentary Business Resources Regulations 2017 in February 2019.

Inquiries and reports

Consistent with its obligations under Section 35 of the Parliamentary Business Resources Act, the Tribunal completed its annual inquiry into domestic travel expenses and travel allowance provisions

included in the Parliamentary Business Resources Regulations and reported its conclusions to the Special Minister of State in December 2018.

At that time, the Tribunal considered there was insufficient data (including usage patterns) under the new expenses framework to support any material change to travel expense and allowance provisions, other than Canberra Daily Allowance.

Other matters considered by the Tribunal during the financial year, at the request of the Special Minister of State, included the use of:

- private aircraft by parliamentarians
- private plated vehicles in Canberra by office holders.

3.8 Official travel

The framework

Under the Remuneration Tribunal Act, the Tribunal is responsible for setting travel allowances for office holders in its jurisdiction. Since 1 January 2018, the Tribunal's power to determine travel allowances for parliamentarians has been contained in the Parliamentary Business Resources Act.

The general provisions for non-parliamentary offices, including judicial offices, are set out in a single determination. The various remuneration determinations specify the travel tier applicable to an office and may also contain specific travel-related provisions for an office or group of offices.

The general provisions for parliamentarians are provided separately in the Tribunal's members of parliament determination with other travel-related provisions set out in the Parliamentary Business Resources Regulations.

The Tribunal determined revised travel allowance rates for office holders effective from 26 August 2018. The Tribunal issued Remuneration Tribunal (Official Travel) Determination 2018 and Remuneration Tribunal (2018/08 Members of Parliament) Amendment Determination 2018 to implement this decision.

The Tribunal reviews these allowances every 12 months. In keeping with normal Tribunal practice, the travel allowance rates in the Tribunal's travel determinations are based on the Australian Taxation Office's reasonable travel and overtime meal allowance expense amounts, updated each financial year.

The motor vehicle allowance rate also increased in line with the Australian Taxation Office's car expenses cents per kilometre rate for 2017–18.

These travel expense rates for certain judicial offices were also increased from 26 August 2018:

- Canberra Allowance—paid in lieu of travel allowance to certain justices of the High Court—was increased to \$34,400 in line with increase in the travel allowance rate for Canberra. This allowance was subsequently increased to \$37,410 from 22 October 2018, following a review of the methodology for calculating the allowance.
- The annual private vehicle running costs reimbursement cap for judges was increased to \$11,165, in line with movements in the transport component of the Consumer Price Index between 2017 and 2018.

3.9 Geographic relocation

The framework

Under the Remuneration Tribunal Act, the Tribunal may determine or report on any matter it considers to be significantly related to remuneration.

The Tribunal has issued Relocation Guidelines that may be applied in circumstances where a person is offered a full-time appointment in a geographic locality that differs from their principal place of residence.

These guidelines may also be taken into account when the Tribunal considers relocation assistance for PEOs. They do not apply to the office of departmental secretary or to judicial offices.

The Tribunal's general expectation is that, when a person is appointed to an office and their principal place of residence is in a different geographic locality, the person will relocate their principal place of residence to the new locality. When this occurs, reasonable relocation costs may be approved by the employer or employing body, consistent with the relevant agency's policy and practice.

In exceptional circumstances, however, and when it is in the interest of the agency, the Tribunal will consider providing accommodation and reunion travel assistance for a person who does not relocate their principal place of residence. During the reporting year, the Tribunal considered and approved assistance for appointees to these full-time offices:

- Chief Executive Officer, Cancer Australia
- Solicitor General
- Commissioner, Productivity Commission
- Disability Discrimination Commissioner, Australian Human Rights Commission
- Race Discrimination Commissioner, Australian Human Rights Commission
- Commissioner, Australian Skills Quality Authority.

Geographic relocation assistance is provided for actual costs incurred by office holders up to specified limits.

The Tribunal revised and reissued the Relocation Guidelines in October 2018.

3.10 Recreation leave for holders of relevant offices

The framework

Under the Remuneration Tribunal Act, the Tribunal is responsible for determining the recreation leave entitlements for holders of relevant full-time offices, including specified statutory offices, PEOs and non-judicial offices.

Relevant offices are those relating to where there is a specific Commonwealth law (usually the Act establishing the office) that provides that the office holder has such recreation leave entitlements as determined by the Tribunal.

Recreation leave entitlements for holders of full-time office and specified statutory offices are included in a separate determination that does not apply to judges, departmental secretaries, PEOs, parliamentarians or holders of part-time office.

The Tribunal determines recreation leave for judges of the Federal Circuit Court of Australia and related offices in its Judicial and Related Offices Determination. Recreation leave arrangements for secretaries are included in the Secretaries Determination.

Recreation leave arrangements for PEOs are included in the Principal Executive Offices Determination.

The recreation leave entitlement determined by the Tribunal is set out in Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) Determination 2018.

Recreation leave entitlements for PEOs are separately specified in Principal Executive Office—Classification Structure and Terms and Conditions—Determination 2019, which provides that PEOs are entitled to be paid annual leave of four weeks per year of full-time service.

Recreation leave arrangements for judges of the Federal Circuit Court are separately specified in Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2019.

The Tribunal did not vary Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) Determination 2018, or any provisions relating to recreation leave for other offices, during the reporting period.

3.11 Compensation for loss of office

The framework

Under the Remuneration Tribunal Act, the Tribunal is responsible for determining the compensation entitlements of holders of relevant full-time offices, including specified statutory offices and non-judicial offices, where an appointment is terminated prematurely in a range of circumstances.

The compensation entitlements determined by the Tribunal do not apply to judges, parliamentarians or holders of part-time office.

The determinations covering PEOs and secretaries have their own specific loss of office provisions.

The compensation arrangements for public offices holders whose appointments are terminated prematurely are included in Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018.

Provisions for compensation for loss of office for secretaries are included in Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions) Determination 2019.

No changes were made to these arrangements during 2018–19.

3.12 Advisory functions

The framework

The Remuneration Tribunal Act requires the Tribunal to provide advice to the presiding officers of each House of Parliament before the presiding officers determine the terms and conditions, including remuneration and allowances, of a number of offices created in the *Parliamentary Service Act 1999*.

The Tribunal also provides advice on remuneration in limited other circumstances, such as where legislation requires a minister or board to seek the Tribunal's advice.

During 2018–19, in accordance with the requirements of the Parliamentary Services Act, the Tribunal provided advice to the presiding officers in relation to the terms and conditions of the Parliamentary Librarian and the heads of the parliamentary departments.

The Tribunal also provided advice on remuneration matters to a small number of employing bodies.

4. FINANCIAL MATTERS

The Tribunal is supported by a Secretariat staffed by employees of the Australian Public Service Commission. Appendix C provides contact details for the Secretariat. The Tribunal's financial requirements are met through the Commission's Program 1.1. There is no separate form of accounts applicable to the Tribunal.

5. CONSULTANCIES

On behalf of the Secretariat, the Australian Public Service Commission has an ongoing contract with Morris Walker Pty Ltd for the provision of media advisory and specialist public relations services to the Tribunal. The current contract runs until 24 November 2019.

6. LEGISLATIVE REQUIREMENTS

6.1 Work health and safety

The Tribunal's Secretariat is located in the Australian Public Service Commission's premises and is subject to the Commission's policies and practices in relation to work health and safety. Information about the Commission's policies is available in its annual report.

6.2 Advertising and market research

The Tribunal did not engage in any paid advertising or market research activities during the reporting year.

6.3 *Environment Protection and Biodiversity Conservation Act 1999*

The Tribunal Secretariat is subject to the policies and practices of the Australian Public Service Commission in relation to the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*. Information about the Commission's policies is available in its annual report.

6.4 *Freedom of Information Act 1982*

For the purposes of freedom of information, the Remuneration Tribunal is a separate agency. Agencies subject to the Freedom of Information Act 1982 are required to publish information to the public as part of the Information Publication Scheme. This requirement, which is in Part II of the Act, has replaced the former requirement to publish a Section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the Information Publication Scheme requirements. The Tribunal's plan is available at: www.remtribunal.gov.au/foi

6.5 *Legislation Act 2003*

Most Tribunal determinations are legislative instruments for the purposes of the *Legislation Act 2003*. The exception is determinations relating to secretaries of departments, which are notifiable

instruments for the purposes of the Act.

Tribunal determinations are registered on the Federal Register of Legislation. The Legislation Act requires the Office of Parliamentary Counsel to table a copy of each determination that is a legislative instrument in each House of Parliament within six sitting days of registration.

Section 7(8) of the Remuneration Tribunal Act, which provides that either House may pass a resolution disapproving a determination within 15 sitting days after the determination has been tabled, applies to all legislative instruments made by the Tribunal other than those made in relation to parliamentarians. Determinations made in relation to parliamentarians—that is, determinations made under the Parliamentary Business Resources Act, Part 6, subsections 44(1), (2) and (3)—are legislative instruments, but the disallowance provisions in the Legislation Act do not apply to them.

No Tribunal determinations were disallowed during the reporting period.

APPENDIX A—DETERMINATIONS AND REPORTS FOR 2018–19

During the reporting year, the Tribunal issued these reports, determinations and statements.

Principal Executive Office—Classification Structure and Terms and Conditions—Determination 2019*

Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions)—Determination 2019*

Remuneration Tribunal (Specified Statutory Offices—Remuneration and Allowances) Determination 2019*

Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2019*

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2019*

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2019*

Statement: Remuneration Tribunal (Members of Parliament) Determination 2019—Reasons for Determination

Remuneration Tribunal (Members of Parliament) Determination 2019*

Statement: 2019 Annual Review

Remuneration Tribunal Amendment Determination (No. 3) 2019

Remuneration Tribunal Amendment Determination (No. 2) 2019

Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 1) 2019—Reasons for Determination

Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 1) 2019

Remuneration Tribunal Amendment Determination (No. 1) 2019

Statement: Parliamentary Remuneration and Expenses

Remuneration Tribunal Amendment Determination (No. 4) 2018

Statement: Remuneration Tribunal (Members of Parliament) Determination 2018—Reasons for Determination

Remuneration Tribunal (Members of Parliament) Determination 2018*

Remuneration Tribunal Amendment Determination (No. 3) 2018

Remuneration Tribunal Amendment Determination (No. 2) 2018

Statement: Remuneration Tribunal (2018/09 Members of Parliament) Amendment Determination 2018—Reasons for Determination

Remuneration Tribunal (2018/09 Members of Parliament) Amendment Determination 2018

Remuneration Tribunal Amendment Determination (No. 1) 2018

Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions) Amendment (Official Travel) Determination 2018

Remuneration Tribunal Amendment (Official Travel) Determination 2018

Statement: Remuneration Tribunal (2018/08 Members of Parliament) Amendment Determination 2018—Reasons for Determination

Remuneration Tribunal (2018/08 Members of Parliament) Amendment Determination 2018

Remuneration Tribunal (Official Travel) Determination 2018*

Statement: Travel and Motor Vehicle Allowance Rates for Public Office Holders and Parliamentarians

Statement: Report on Ministerial Salaries—Salary Additional to the Parliamentary Base Salary

Report Number 1 of 2018: Report on Ministerial Salaries—Salary Additional to the Parliamentary Base Salary

Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Amendment Determination 2018

* These documents are principal determinations.

Copies of these documents can be obtained from the:

- Tribunal's website: www.remtribunal.gov.au
- Tabling Office of the Senate or the House of Representatives
- Federal Register of Legislation website: <http://www.legislation.gov.au/>

APPENDIX B—VARIATIONS TO BODIES AND OFFICES DETERMINED IN 2018–19

Full-time offices

New offices

- Director-General, Australian Signals Directorate
- Chief Executive Officer, National Housing Finance and Investment Corporation
- Chief Executive Officer, North Queensland Livestock Industry Recovery Agency
- Aged Care Quality and Safety Commissioner
- National Disability Insurance Scheme Quality and Safeguards Commissioner

Former principal executive offices

- Chief Executive Officer, Cancer Australia
- Director of National Parks
- Chair/Chief Executive Officer, Great Barrier Reef Marine Park Authority
- First and Second Parliamentary Counsel
- Deputy President and Commissioner, Repatriation Commission
- Director, Office of Australian War Graves
- Associate Commissioner, Productivity Commission

Renamed

- Examiner, Australian Criminal Intelligence Commission (was Australian Crime Commission)
- Chief Executive Officer, Australian Criminal Intelligence Commission (was Australian Crime Commission)

Removed from the determination

- Chief Executive Officer, Regional Investment Corporation (declared a PEO, with effect from 17 December 2018)
- Chief Executive Officer, Australian Aged Care Quality Agency
- Administrative Appeals Tribunal (former Deputy Principal Member Migration Review Tribunal)
- Administrative Appeals Tribunal (former Deputy Principal Member Refugee Review Tribunal)
- Administrative Appeals Tribunal (former Deputy Principal Member Social Security Appeals Tribunal)
- Administrative Appeals Tribunal (former Senior Member Migration Review Tribunal)

- Administrative Appeals Tribunal (former Senior Member Refugee Review Tribunal)
- Administrative Appeals Tribunal (former Senior Member Social Security Appeals Tribunal)
- Chair and Member, Tax Practitioners Board (offices now remunerated solely under part-time office determination)

Part-time offices

New

- Chair, Tax Practitioners Board (previously remunerated under full-time office determination)
- Chair, Great Barrier Reef Marine Park Authority
- Chair and Member, Regional and Small Publishers Jobs and Innovation Fund Advisory Committee
- Chair and Member, National Housing Finance and Investment Corporation
- Chair and Member, Financial Reporting Council
- Deputy Chair, Australian Institute of Health and Welfare
- Chair and Member, Aged Care Quality and Safety Advisory Council
- Chair and Member, Snowy Hydro Limited

Renamed

- Chair and Member, National Science and Technology Council (was Commonwealth Science Council)
- Examiner, Australian Criminal Intelligence Commission (was Australian Crime Commission)
- Chair and Member Indigenous Land and Sea Corporation (was Indigenous Land Corporation)
- Pharmaceutical Services Federal Committee of Inquiry (was Pharmaceutical Services Committee of Inquiry)

Removed from the determination

- Australian Astronomical Observatory Advisory Committee
- Chair and Member, Aged Care Quality Advisory Council
- Chair and Member, Australian National Preventive Health Agency Advisory Council
- Administrative Appeals Tribunal (former Senior Member Social Security Appeals Tribunal)
- Administrative Appeals Tribunal (former Member Social Security Appeals Tribunal)

Principal executive offices

New

- Chief Executive Officer, Regional Investment Corporation (previously a full-time office)

Renamed

- Chief Executive Officer, Australian Institute of Health and Welfare (was Director, Australian Institute of Health and Welfare)
- Indigenous Land and Sea Corporation (was Indigenous Land Corporation)

Removed from the principal executive office structure

These offices had their status as a PEO revoked and were returned to the Tribunal's full-time office determinative jurisdiction:

- Chief Executive Officer, Cancer Australia
- Chair/Chief Executive Officer, Great Barrier Reef Marine Park Authority
- Director of National Parks
- First and Second Parliamentary Counsel
- Deputy President and Commissioner, Repatriation Commission
- Director, Office of Australian War Graves
- Associate Commissioner, Productivity Commission.

APPENDIX C—SECRETARIAT

The Tribunal is supported by a Secretariat staffed by employees of the Australian Public Service Commission. The Secretary to the Tribunal is Mr Patrick Palmer.

The Secretariat can be contacted in writing or by telephone, fax or email:

Secretary

Remuneration Tribunal Secretariat PO Box 281

Civic Square ACT 2608

Telephone: 02 6202 3930

Fax: 02 6204 2736

Email: enquiry@remtribunal.gov.au

This annual report is available on the Tribunal's website, at: www.remtribunal.gov.au

Media inquiries should be directed to:

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