



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

made under subsections 7(3) and (4) of the

*Remuneration Tribunal Act 1973*

## **Compilation No. 3**

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## About this compilation

### This compilation

This is a compilation of the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2019* that shows the text of the law as amended and in force on 12 November 2019 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Part 1—Preliminary

### 1 Name

This instrument is the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2019*.

### 3 When this instrument takes effect

This instrument takes effect at the start of 1 July 2019.

### 4 Authority

This instrument is made under subsections 7(3) and (4) of the *Remuneration Tribunal Act 1973*.

### 5 Determination supersedes previous determination

This instrument supersedes the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2018*.

### 7 Definitions

In this instrument:

**agency**, of an office holder, means:

- (a) the agency to which the office holder is attached; or
- (b) if the office holder is not attached to an agency—the portfolio Department.

**benefit** means:

- (a) any non-monetary benefit provided at the employing authority's expense to or for the benefit of an office holder as a personal benefit, including:
  - (i) a vehicle (see section 16); and
  - (ii) vehicle parking (see section 17); and
- (b) any other benefit received by way of remuneration packaging (see section 13).

**CSS** (short for Commonwealth Superannuation Scheme) has the same meaning as in the *Superannuation Act 1976*.

**DFRDB** (short for Defence Force Retirement and Death Benefits) means the scheme established by the *Defence Force Retirement and Death Benefits Act 1973*.

**employer superannuation contribution** for an office holder means:

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- (a) if the office holder is a member of the CSS, PSS, DFRDB or MSBS—the value attributed to the employer superannuation contribution under subsection 14(1), (2), (3) or (4); or
- (b) if the office holder is a member of the PSSAP—15.4% of ordinary time earnings (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*) for the office holder; or
- (c) if the office holder is a member of another superannuation fund—the amount worked out under subsection 14(6).

Note 1: An office holder's employer superannuation contribution is part of the office holder's total remuneration (see section 8).

Note 2: Superannuation contributions made as a result of remuneration packaging do not form part of an office holder's employer superannuation contribution (see section 13).

**employing authority**, in relation to an office holder, means an entity exercising a power or performing a function in relation to the office holder's employment or remuneration.

**fringe benefits tax** means fringe benefits tax (within the meaning of the *Fringe Benefits Tax Assessment Act 1986* as it applies of its own force or because of the *Fringe Benefits Tax (Application to the Commonwealth) Act 1986*).

**MSBS** (short for Military Superannuation and Benefits Scheme) has the same meaning as **Scheme** has in the *Military Superannuation and Benefits Act 1991*.

**office holder** means a person who holds an office in column 1 of Table 2A.

**office locality**, in relation to an office holder, means the geographic locality of the office holder's usual place of work on official business.

**official business**, in relation to an office holder, means business pertaining to or required by the duties of the office holder's office.

**official travel determination** means the *Remuneration Tribunal (Official Travel) Determination 2019* (or any determination that supersedes that determination).

**PSS** (short for Public Sector Superannuation Scheme) has the same meaning as **Public Sector Superannuation Scheme** has in the *Superannuation Act 1990*.

**PSSAP** (short for Public Sector Superannuation Accumulation Plan) has the same meaning as in the *Superannuation Act 2005*.

**superannuation salary**, for an office holder who is a member of the CSS, PSS, DFRDB or MSBS, is the amount worked out under section 15.

**Table 2A** means the table of total remuneration in section 10.

**Table 2B** means the table of special provisions for certain offices in section 11.

**Table 3A** means the table of superannuation salaries in subsection 15(1).

**Table 3B** means the table of superannuation salaries for specified office holders in subsection 15(2).

**Table 5A** means the table of accommodation assistance in subsection 19(6).

**Table 5B** means the table of reunion fares assistance in subsection 22(4).

**Table 6A** means the table of application and transitional provisions in section 23.

**total remuneration**: see section 8.

## **8 Meaning of *total remuneration***

- (1) For the purposes of this instrument, the ***total remuneration*** of an office holder is the amount, per year, in column 2 of Table 2A.
- (2) The total remuneration of an office holder represents the value, calculated at the total cost to the employing authority of the office holder (including fringe benefits tax), of the following in relation to the office holder:
  - (a) salary, allowances and lump sum payments;
  - (b) benefits;
  - (c) the employer superannuation contribution.
- (3) However, the total remuneration of an office holder does not include the following:
  - (a) the value of facilities provided as business support that are not required to be included in total remuneration under section 18;
  - (b) assistance paid in accordance with Part 5;
  - (c) reimbursement of expenses incurred on geographic relocation following appointment as an office holder, in accordance with agency policies and practices where approved by the employing authority;
  - (d) travel expenses and allowances under the official travel determination;
  - (e) payment in lieu of recreation leave in accordance with the *Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) Determination 2018* (or any determination that supersedes that determination);
  - (f) compensation for early loss of office in accordance with the *Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018* (or any determination that supersedes that determination).

## **9 Remuneration and benefits not to be supplemented**

The remuneration and benefits provided for in this instrument must not be supplemented.

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**Part 2—Remuneration****10 Total remuneration**

The following table (*Table 2A*) sets out, for the holder of each office in column 1:

- (a) the total remuneration, per year, of the office holder; and
- (b) the special provisions of this instrument that apply to the office holder (if any); and
- (c) the travel tier that applies to the office holder for the purposes of the official travel determination.

<b>Table 2A—Total remuneration</b>			
<b>Column 1 Office</b>	<b>Column 2 Total remuneration (per year)</b>	<b>Column 3 Special provisions</b>	<b>Column 4 Travel tier</b>
Chair, Australian Prudential Regulation Authority	\$886,750		1
Chairperson, Australian Competition and Consumer Commission	\$775,910	Table 2B, item 1	1
Chairperson, Australian Securities and Investments Commission	\$775,910		1
Solicitor-General	\$775,910	Table 2B, item 2	1
Australian Federal Police Commissioner	\$720,480		1
Australian Public Service Commissioner	\$720,480		1
Director-General, Office of National Intelligence	\$720,480		1
Deputy Chair, Australian Prudential Regulation Authority	\$709,390		1
Member, Australian Prudential Regulation Authority	\$665,070		1
Director-General of Security, Australian Security Intelligence Organisation	\$665,070		1
Director-General, Australian Signals Directorate	\$665,070		1
Australian Border Force Commissioner	\$642,890		1
Deputy Chairperson, Australian Securities and Investments Commission	\$620,730		1
Vice Chief of the Defence Force	\$609,640		1
Chair, Productivity Commission	\$609,640		1
Deputy Chairperson, Australian Competition and Consumer Commission	\$581,940	Table 2B, item 1	1



<b>Table 2A—Total remuneration</b>			
<b>Column 1</b> <b>Office</b>	<b>Column 2</b> <b>Total remuneration (per year)</b>	<b>Column 3</b> <b>Special provisions</b>	<b>Column 4</b> <b>Travel tier</b>
Chief of Navy	\$581,940		1
Chief of Army	\$581,940		1
Chief of Air Force	\$581,940		1
Vice President, Fair Work Commission	\$581,940		1
Chief Executive Officer, Austrade	\$554,220		1
Chair, Australian Communications and Media Authority	\$554,220		1
Member, Australian Competition and Consumer Commission	\$554,220	Table 2B, item 1	1
Chief Executive Officer, Australian Criminal Intelligence Commission	\$554,220		1
Chief Executive Officer, Australian Digital Health Agency	\$554,220		1
Australian Electoral Commissioner	\$554,220		1
Chair, Australian Energy Regulator	\$554,220		1
Member, Australian Securities and Investments Commission	\$554,220		1
Chair/Chief Executive Officer, Clean Energy Regulator	\$554,220		1
Chief Executive Officer, Digital Transformation Agency	\$554,220		1
Director of Public Prosecutions	\$554,220		1
Chief Executive Officer, National Disability Insurance Scheme Launch Transition Agency	\$554,220	Table 2B, item 21	2
Chief Executive Officer, National Indigenous Australians Agency	\$554,220		1
First Parliamentary Counsel	\$554,220		1
Chief Executive Officer, National Health and Medical Research Council	\$526,520		1
Chief Executive, Australian Financial Security Authority	\$498,810		2
Chief Executive Officer, Australian Transaction Reports and Analysis Centre	\$498,810		2
Director, Bureau of Meteorology	\$498,810		2
Chief Scientist	\$498,810		1
Data Standards Chair	\$498,810	Table 6A, item 1	1

Part 2 Remuneration

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<b>Table 2A—Total remuneration</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Office</b>	<b>Total remuneration (per year)</b>	<b>Special provisions</b>	<b>Travel tier</b>
Chief Executive Officer, National Housing Finance and Investment Corporation	\$498,810		2
Integrity Commissioner, Australian Commission for Law Enforcement Integrity	\$471,090		1
Examiner, Australian Criminal Intelligence Commission	\$471,090		1
Commonwealth Ombudsman	\$471,090		1
Deputy President, Fair Work Commission	\$471,090		1
Chief Executive Officer, Independent Hospital Pricing Authority	\$471,090		1
Information Commissioner	\$471,090		1
Inspector-General of Intelligence and Security	\$471,090		1
National Disability Insurance Scheme Quality and Safeguards Commissioner	\$471,090	Table 2B, item 4	2
Aged Care Quality and Safety Commissioner	\$443,390		2
Australian Building and Construction Commissioner	\$443,390		2
Chief Executive Officer, Australian Commission on Safety and Quality in Health Care	\$443,390		1
Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority	\$443,390	Table 2B, item 5	2
President, Australian Human Rights Commission	\$443,390	Table 2B, item 6	1
Chief Commissioner, Australian Transport Safety Bureau	\$443,390		1
Chief Executive Officer, Cancer Australia	\$443,390		2
Fair Work Ombudsman	\$443,390		1
Inspector-General of Taxation	\$443,390		1
Chief Executive, Murray-Darling Basin Authority	\$443,390		1
Chief Executive Officer, National Offshore Petroleum Safety and Environmental Management Authority	\$443,390		2
Chief Executive Officer, North Queensland Livestock Industry Recovery Agency	\$443,390	Table 2B, item 7	1
Parliamentary Budget Officer	\$443,390		2
Second Parliamentary Counsel	\$443,390		2
Deputy Chair, Productivity Commission	\$443,390		1
Chair, Australian Accounting Standards Board	\$415,680		1

<b>Table 2A—Total remuneration</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Office</b>	<b>Total remuneration (per year)</b>	<b>Special provisions</b>	<b>Travel tier</b>
Deputy Chair, Australian Communications and Media Authority	\$415,680		1
Inspector-General Australian Defence Force	\$415,680		2
Member, Australian Energy Regulator	\$415,680		1
Chief Executive Officer, Australian Fisheries Management Authority	\$415,680		1
Chief Commissioner & Chief Executive Officer, Australian Skills Quality Authority	\$415,680		2
Chief Executive Officer, Comcare	\$415,680	Table 2B, item 8	2
General Manager, Fair Work Commission	\$415,680		1
Chief Executive Officer, Innovation and Science Australia	\$415,680	Table 2B, item 9	1
Chair, Pharmaceutical Benefits Advisory Committee	\$415,680		1
Chief Executive Officer, Safe Work Australia	\$415,680		2
Chair, Auditing and Assurance Standards Board	\$387,960		1
Director, Australian Institute of Criminology	\$387,960		1
Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority	\$387,960		2
Chief Executive Officer, Australian Radiation Protection and Nuclear Safety Agency	\$387,960		1
Chief Executive Officer, Australian Renewable Energy Agency	\$387,960		2
Director of Military Prosecutions	\$387,960		2
Associate Director of Public Prosecutions	\$387,960		1
Commissioner, Fair Work Commission	\$387,960		1
Freedom of Information Commissioner	\$387,960		2
Chief Executive Officer, Infrastructure and Project Financing Agency	\$387,960	Table 2B, item 10	1
Chief Executive Officer, Infrastructure Australia	\$387,960	Table 2B, item 11	1
Director-General, National Archives of Australia	\$387,960		2
General Manager, National Blood Authority	\$387,960		2
Chief Executive Officer, Northern Australia Infrastructure Facility	\$387,960	Table 2B, item 12	1
Privacy Commissioner	\$387,960		2

Part 2 Remuneration

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<b>Table 2A—Total remuneration</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Office</b>	<b>Total remuneration (per year)</b>	<b>Special provisions</b>	<b>Travel tier</b>
Commissioner, Productivity Commission	\$387,960		2
Director, Professional Services Review	\$387,960		1
Registered Organisations Commissioner	\$387,960		2
Member, Australian Communications and Media Authority	\$360,250		1
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$360,250		2
Age Discrimination Commissioner	\$360,250		2
Disability Discrimination Commissioner	\$360,250		2
Human Rights Commissioner	\$360,250		2
National Children's Commissioner	\$360,250		2
Race Discrimination Commissioner	\$360,250		2
Sex Discrimination Commissioner	\$360,250		2
Chief Executive Officer, Australian National Preventative Health Agency	\$360,250		2
Deputy Chief Commissioner, Australian Skills Quality Authority	\$360,250		2
Commissioner, Australian Skills Quality Authority	\$360,250		2
Australian Small Business and Family Enterprise Ombudsman	\$360,250		2
Chief Executive Officer, Australian Sports Anti-Doping Authority	\$360,250		2
Chief Executive Officer, Climate Change Authority	\$360,250		2
e-Safety Commissioner	\$360,250		2
Chief Executive Officer, Great Barrier Reef Marine Park Authority	\$360,250		2
Chief Executive Officer, Independent Parliamentary Expenses Authority	\$360,250		2
Chief Executive Officer, National Mental Health Commission	\$360,250		2
Director of National Parks	\$360,250		2
Chief Executive Officer, National Transport Commission	\$360,250		1
Official Secretary to the Governor-General	\$360,250		2
Director, Old Parliament House	\$360,250		2
Deputy President, Repatriation Commission	\$360,250		1

<b>Table 2A—Total remuneration</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Office</b>	<b>Total remuneration (per year)</b>	<b>Special provisions</b>	<b>Travel tier</b>
Chief Executive Officer, Tertiary Education Quality and Standards Agency	\$360,250	Table 2B, item 13	2
Principal Member, Veterans' Review Board	\$360,250		1
Chief Executive Officer, Aboriginal Hostels Limited	\$332,550		2
Administrator of the Northern Territory	\$332,550		1
Commissioner, Australian Charities and Not-for-profits Commission	\$332,550		2
Deputy Electoral Commissioner	\$332,550		2
Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority	\$332,550		2
Deputy Commonwealth Ombudsman	\$332,550		2
Gene Technology Regulator	\$332,550		2
Chief Executive, National Capital Authority	\$332,550	Table 2B, item 14	2
Administrator of the National Health Funding Pool	\$332,550		2
Director, National Industrial Chemicals Notification and Assessment Scheme	\$332,550		2
National Rural Health Commissioner	\$332,550		2
Registrar of Aboriginal and Torres Strait Islander Corporations	\$304,830		2
Administrator, Christmas and Cocos (Keeling) Islands	\$304,830	Table 2B, item 15	2
Administrator of Norfolk Island	\$304,830		2
Aged Care Pricing Commissioner	\$304,830		2
Chief Executive Officer, Asbestos Safety and Eradication Agency	\$304,830		2
Deputy Australian Building and Construction Commissioner	\$304,830		2
Director General, Australian Safeguards and Non-Proliferation Office	\$304,830		2
Chief Executive Officer, National Faster Rail Agency	\$304,830	Table 6A, item 2	2
Deputy Chair, Pharmaceutical Benefits Advisory Committee	\$304,830		1
Commissioner, Repatriation Commission	\$304,830		2
Chairperson, Superannuation Complaints Tribunal	\$304,830		2
Administrator, Torres Strait Regional Authority	\$304,830		2

Part 2 Remuneration

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**Table 2A—Total remuneration**

<b>Column 1 Office</b>	<b>Column 2 Total remuneration (per year)</b>	<b>Column 3 Special provisions</b>	<b>Column 4 Travel tier</b>
Chairperson, Torres Strait Regional Authority	\$304,830		2
Australian Electoral Officer for New South Wales	\$277,120		2
Australian Electoral Officer for Victoria	\$277,120		2
Director of Workplace Gender Equality	\$277,120		2
Merit Protection Commissioner	\$277,120		2
Chief Executive Officer, National Health Funding Body	\$277,120		2
Director, Office of Australian War Graves	\$277,120		2
Executive Director of Township Leasing	\$277,120		2
Chief Executive Officer, Torres Strait Regional Authority	\$258,393		2
Australian Electoral Officer for Queensland	\$249,420	Table 2B, item 16	2
Director, Classification Board	\$249,420	Table 2B, item 17	2
Associate Commissioner, Productivity Commission	\$249,420		2
Student Identifiers Registrar	\$249,420		2
Deputy Chairperson, Superannuation Complaints Tribunal	\$249,420		2
Director, Tuition Protection Service	\$249,420	Table 2B, item 18	2
Senior Member, Veterans' Review Board	\$249,420		2
Administrative Appeals Tribunal (former member, Migration Review Tribunal (MRT))	\$221,700	Table 2B, item 19	2
Administrative Appeals Tribunal (former member, Refugee Review Tribunal (RRT))	\$221,700	Table 2B, item 19	2
Australian Electoral Officer for Western Australia	\$221,700		2
Chair (full-time), Central Land Council	\$221,700		2
Chair (full-time), Northern Land Council	\$221,700		2
Australian Electoral Officer for South Australia	\$215,930		2
Australian Electoral Officer for Northern Territory	\$202,930		2
Australian Electoral Officer for Tasmania	\$198,280		2
Chair (full-time), Anindilyakwa Land Council	\$193,990		2
Deputy Director, Classification Board	\$193,990	Table 2B, item 17	2

**Table 2A—Total remuneration**

<b>Column 1 Office</b>	<b>Column 2 Total remuneration (per year)</b>	<b>Column 3 Special provisions</b>	<b>Column 4 Travel tier</b>
Classifier, Classification Board	\$138,570	Table 2B, item 20	3

## 11 Special provisions for certain offices

The provisions in column 2 of the following table (*Table 2B*) apply to the holders of the offices in column 1.

**Table 2B—Special provisions for certain offices**

<b>Item</b>	<b>Column 1 Office</b>	<b>Column 2 Special provision</b>
1	Chairperson, Deputy Chairperson and Member of the Australian Competition and Consumer Commission (ACCC)	Despite the official travel determination, the ACCC may put in place arrangements for Members' travel to Canberra that are more cost effective than the travel entitlements they are otherwise entitled to under this determination.
2	Solicitor-General	While Dr Stephen Donaghue QC does not establish his principal place of residence in Canberra, he will be paid an annualised amount of \$34,500 per year instead of the travel allowance provided for by Division 2 of Part 4 of the official travel determination that would otherwise be payable for travel to Canberra.
4	National Disability Insurance Scheme Quality and Safeguards Commissioner	Total remuneration for Mr Graeme Head is \$541,010 per year for the initial term of his appointment, until 30 June 2021.
5	Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority	Total remuneration for Mr David de Carvalho is \$450,090 per year for the term of his appointment, until 3 March 2022.
6	President, Australian Human Rights Commission	Total remuneration for Emeritus Professor Rosalind Croucher is \$463,710 per year for the initial term of her appointment, until 29 July 2024.
7	Chief Executive Officer, North Queensland Livestock Industry Recovery Agency	The Hon Shane Stone will receive an additional fixed loading of \$100,000 per year for the term of his appointment, until 29 February 2024.
8	Chief Executive Officer, Comcare	Total remuneration for Ms Sue Weston is \$452,640 per year for the term of her appointment, until 7 April 2024.
9	Chief Executive Officer, Innovation and Science	Dr Charlie Day will receive an additional fixed loading of \$50,000 per year, until 25 November 2019.

Part 2 Remuneration

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**Table 2B—Special provisions for certain offices**

Item	Column 1 Office	Column 2 Special provision
	Australia	
10	Chief Executive Officer, Infrastructure and Project Financing Agency	Ms Leilani Frew will receive an additional fixed loading of \$75,000 for the term of her appointment, until 9 December 2022.
11	Chief Executive Officer, Infrastructure Australia	Ms Romilly Madew will receive an additional fixed loading of \$75,000 per year, until 29 April 2022.
12	Chief Executive Officer, Northern Australia Infrastructure Facility	Total remuneration for the Chief Executive Officer is \$435,720 per year until 30 June 2021, during the financial assistance phase prescribed in section 8 of the <i>Northern Australia Infrastructure Facility Act 2016</i> .
13	Chief Executive Officer, Tertiary Education Quality and Standards Agency	Total remuneration for Mr Anthony McClaran is \$415,680 per year for the initial term of his appointment, until 9 October 2020.
14	Chief Executive, National Capital Authority	Ms Sally Barnes will receive an additional fixed loading of \$55,380 for the initial term of her appointment, until 10 February 2023.
15	Administrator, Christmas and Cocos (Keeling) Islands	Despite the official travel determination, the Administrator and any immediate family members normally resident with the Administrator on Christmas Island are entitled to 2 return economy class fares per year each between their home and work base.
16	Australian Electoral Officer for Queensland	Total remuneration for Mr Thomas Ryan is \$283,350 per year for the initial term of his appointment, until 2 September 2020.
17	Director, Classification Board and Deputy Director, Classification Board	On any occasion when the Deputy Director acts as Director, the Deputy Director is entitled to the remuneration and other conditions determined for the Director.
18	Director, Tuition Protection Service	Total remuneration for Mr Vipin Mahajan is \$277,210 per year.
19	Administrative Appeals Tribunal (AAT) (former member, MRT), and AAT (former member, RRT)	This instrument applies to a full-time office holder of the AAT who is a former member of the MRT or the RRT and is covered by item 5 of Schedule 9 to the <i>Tribunals Amalgamation Act 2015</i> (i.e. for the remaining balance of the former member's term of appointment that commenced before 1 July 2015).
20	Temporary Classifier	If a person is appointed to the Classification Board as a Temporary Classifier, a daily fee of \$576 is payable to the person, in lieu of other provisions in this Part. The conditions for payment of the daily fee are as set out in Part 4 of the <i>Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2019</i> . The following do not apply to the person:

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



**Table 2B—Special provisions for certain offices**

<b>Item</b>	<b>Column 1 Office</b>	<b>Column 2 Special provision</b>
		(a) Part 5 of this instrument; (b) the <i>Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) Determination 2018</i> (or any determination that supersedes that determination); (c) the <i>Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018</i> (or any determination that supersedes that determination).
21	Chief Executive Officer, National Disability Insurance Scheme Launch Transition Agency	Mr Martin Hoffman will receive an additional fixed loading of \$166,260 per year, for the term of his appointment, from 4 November 2019 until 3 November 2022.

## 12 Part-time work

- (1) If an office holder's employing authority has approved the office holder to perform the duties of the office on a part-time basis, the total remuneration for that office is to be paid on a pro rata basis in accordance with the proportion of full-time hours worked.
- (2) However, if the proposed hours are less than 60% of the full-time hours, prior agreement of the Tribunal is required for the level of remuneration.

## 13 Remuneration packaging

- (1) Subject to this Part, an office holder may elect to receive the benefit of the total remuneration, other than the employer superannuation contribution, as salary or a combination of salary and benefits if:
  - (a) the election is consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office; and
  - (b) providing the benefit would not result in a cost to the employing authority (including any fringe benefits tax) that would not be incurred if the office holder received the remuneration in the form of salary.
- (2) To avoid doubt, a superannuation contribution made as a result of an election by an office holder under subsection (1) does not form part of the employer superannuation contribution for the office holder.

## Part 3—Superannuation

### 14 Superannuation

#### *Commonwealth Superannuation Scheme*

- (1) For an office holder who is a member of the CSS:
  - (a) the office holder's annual rate of salary for the purposes of the CSS is the office holder's superannuation salary; and
  - (b) for the purposes of paragraph (a) of the definition of **employer superannuation contribution** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the **superannuation salary** for an office holder who is a member of the CSS, see section 15.

#### *Public Sector Superannuation Scheme*

- (2) For an office holder who is a member of the PSS:
  - (a) the office holder's basic salary for the purposes of the PSS is the office holder's superannuation salary; and
  - (b) the amount of the office holder's recognised allowances for the purposes of the PSS is nil; and
  - (c) for the purposes of paragraph (a) of the definition of **employer superannuation contribution** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the **superannuation salary** for an office holder who is a member of the PSS, see section 15.

#### *Defence Force Retirement and Death Benefits*

- (3) For an office holder who is a member of the DFRDB:
  - (a) the office holder's annual rate of salary for the purposes of the DFRDB is the office holder's superannuation salary; and
  - (b) for the purposes of paragraph (a) of the definition of **employer superannuation contribution** in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the **superannuation salary** for an office holder who is a member of the DFRDB, see section 15.

#### *Military Superannuation and Benefits Scheme*

- (4) For an office holder who is a member of the MSBS:

- (a) the office holder's annual rate of salary for the purposes of the MSBS is the office holder's superannuation salary; and
- (b) for the purposes of paragraph (a) of the definition of *employer superannuation contribution* in section 7, the value attributed to the employer superannuation contribution for the office holder is an amount equal to 15.4% of the office holder's superannuation salary.

Note: For the *superannuation salary* for an office holder who is a member of the MSBS, see section 15.

*Public Sector Superannuation Accumulation Plan*

- (5) For an office holder who is a member of PSSAP, the office holder's superannuation salary for the purposes of the *Superannuation (PSSAP) Trust Deed* is the office holder's ordinary time earnings (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*).

*Other superannuation funds*

- (6) For an office holder who is a member of any other superannuation fund, the employer superannuation contribution is the minimum contribution that would, under section 23 of the *Superannuation Guarantee (Administration) Act 1992*, reduce the charge percentage for that office holder to nil.

*No cash in lieu*

- (7) The value attributed to the employer superannuation contribution under this section 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.

## 15 Superannuation salary for the purposes of CSS, PSS, DFRDB and MSBS

- (1) Subject to subsection (2), the *superannuation salary* for an office holder who is a member of the CSS, PSS, DFRDB or MSBS is worked out in accordance with the following table (*Table 3A*).

**Table 3A—Superannuation salary—general**

Item	If the office holder's total remuneration is ...	the office holder's superannuation salary is ...
1	\$443,390 or more	70% of the office holder's total remuneration (rounded up to the nearest \$10).
2	less than \$443,390	73% of the office holder's total remuneration (rounded up to the nearest \$10).

- (2) If an office or an office holder is specified in column 1 of the following table (*Table 3B*), the amount in column 2 is the superannuation salary for a holder of that office, or for that office holder.

Part 3 Superannuation

Section 15

**Table 3B—Superannuation salary for specified office holders**

<b>Item</b>	<b>Column 1 Office or office holder</b>	<b>Column 2 Superannuation salary</b>
1	Mr Duncan Lewis, Director-General of Security, Australian Security Intelligence Organisation	\$525,110
2	Mr Nick Warner, Director-General, Office of National Intelligence	\$521,610
3	Mr Michael Burgess, Director-General of Security, Australian Security Intelligence Organisation	\$473,760
4	Ms Sue Weston, Chief Executive Officer, Comcare	\$392,240
5	Ms Sandra Parker, Fair Work Ombudsman	\$368,660
6	Mr Michael Manthorpe, Commonwealth Ombudsman	\$357,220
7	Mr Phillip Glyde, Chief Executive Officer, Murray-Darling Basin Authority	\$356,240
8	Deputy President, Fair Work Commission	\$343,900
9	Mr David de Carvalho, Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority	\$315,070
10	Dr James Findlay, Director of National Parks	\$303,440
11	Mr David Fricker, Director-General, National Archives of Australia	\$299,080
12	Director of Military Prosecutions	\$287,100
13	Mr Brad Archer, Chief Executive Officer, Climate Change Authority	\$269,080
14	Ms Justine Ross, Chief Executive Officer, Asbestos Safety and Eradication Agency	\$227,240
15	Mr Vipin Mahajan, Director, Tuition Protection Service	\$205,140
16	Deputy Director, Classification Board	\$166,840
17	Classifier, Classification Board	\$119,180

## **Part 4—Vehicles and business support**

### **16 Vehicles**

- (1) If an office holder:
  - (a) accepts an offer of a vehicle owned or leased by the office holder’s agency for private use; or
  - (b) has access to a vehicle owned or leased by the office holder’s agency for private use;the actual cost of the vehicle to the agency (including fringe benefits tax), less a reasonable amount (if any) reflecting business usage patterns, is taken to be a benefit.
- (2) For the purposes of subsection (1):
  - (a) if the annual business kilometres are less than 5,000—the business usage amount is to be based on the “cents per kilometre” method; or
  - (b) if the annual business kilometres are 5,000 or more:
    - (i) any business usage amount is to be assessed on log book records for at least a 12 week representative period; and
    - (ii) the percentage of business use to total kilometres travelled per year is to be applied to the total cost of the vehicle.

### **17 Vehicle parking**

If an office holder accepts an offer of a car park at Commonwealth expense, the actual cost (including fringe benefits tax) of the car park to the agency is taken to be a benefit.

### **18 Business support**

If an office holder is provided with communications, information technology or other office facilities necessary for the efficient conduct of the office holder’s office, incidental private use of those facilities does not require the value of the facilities to be included in total remuneration.

## Part 5—Travel and accommodation assistance

### 19 Accommodation assistance

- (1) An office holder in column 1 of Table 5A is eligible to be reimbursed for qualifying accommodation costs while the office holder:
  - (a) occupies the office in column 2; and
  - (b) has a principal place of residence in a locality (the **PPR locality**) other than the office locality.

#### *Commercial accommodation*

- (2) For the purposes of subsection (1), if the office holder is in commercial accommodation in the office locality, the following are **qualifying accommodation costs** up to the amount (per year) in column 3 of Table 5A:
  - (a) the costs of the commercial accommodation;
  - (b) settling-in costs (including one-off utility connection costs);
  - (c) if the commercial accommodation does not include cooking facilities—the cost of meals.

#### *Private, non-commercial accommodation*

- (3) For the purposes of subsection (1), if the office holder is in private, non-commercial accommodation (such as the home of a family member or friend) in the office locality, the costs of the private, non-commercial accommodation are **qualifying accommodation costs** up to one third of the amount (per year) in column 3 of Table 5A.

#### *Exclusions*

- (4) Assistance is not payable under this section while the office holder lives in premises owned by the office holder in the office locality.
- (5) An office holder is not eligible to access travel allowance entitlements under the official travel determination in the PPR locality or the office locality while the office holder remains eligible to receive assistance under this section.

#### *Amounts of accommodation assistance*

- (6) Amounts of accommodation assistance are set out in the following table (**Table 5A**).

**Table 5A—Accommodation assistance**

<b>Item</b>	<b>Column 1 Office holder</b>	<b>Column 2 Office</b>	<b>Column 3 Assistance (per year)</b>
1	Ms June Oscar	Aboriginal and Torres Strait Islander Social Justice Commissioner	\$40,000
2	Ms Kate Jenkins	Sex Discrimination Commissioner, Australian Human Rights Commission	\$40,000
3	Mr Chin Tan	Race Discrimination Commissioner, Australian Human Rights Commission (until 7 October 2023)	\$40,000
4	Mr Ben Gauntlett	Disability Discrimination Commissioner, Australian Human Rights Commission	\$40,000
5	Professor Dorothy Keefe	Chief Executive Officer, Cancer Australia (until 2 July 2022)	\$40,000
5A	Ms Libby Lyons	Director of Workplace Gender Equality	\$40,000
6	Mr Michael Griffin	Integrity Commissioner, Australian Commission for Law Enforcement Integrity	\$34,500
7	Dr Irene Ioannakis	Commissioner, Australian Skills Quality Authority (until 10 September 2022)	\$34,500
8	Dr Charlie Day	Chief Executive Officer, Innovation and Science Australia	\$34,500
9	Dr Alan Finkel	Chief Scientist	\$34,500
10	The Hon Margaret Stone	Inspector-General of Intelligence and Security	\$34,500
11	Mr Mark Bielecki	Registered Organisations Commissioner	\$34,500
13	Dr Chris Parker	Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority (until 31 December 2019)	\$32,000
14	Mr Richard Spencer	Commissioner, Productivity Commission (until 26 October 2021)	\$22,000

## 20 Accommodation assistance—special provisions

### *Member of the Classification Board*

- (1) Subject to individual qualification for this allowance, to be decided by the employing authority in accordance with agency guidelines, a member of the Classification Board who has, or had, to relocate to Sydney to take up the appointment is to be paid an accommodation allowance of \$13,500 per year. This allowance does not represent salary for superannuation.

Section 21

*Defence chiefs*

- (2) The employing authority 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.

**21 Accommodation in official residence**

If an office requires the office holder to reside in an official residence, the office holder’s total remuneration does not include the value of accommodation in the residence or the running costs of the residence.

**22 Reunion travel assistance**

- (1) An office holder in column 1 of Table 5B may receive travel costs of up to the amount (per year) in column 3 for travel back to the locality of the office holder’s principal place of residence (the **PPR locality**) for the purpose of family reunion, while the office holder occupies the office in column 2.
- (2) If the office holder certifies that the workload and responsibilities of the office prevent the office holder from travelling to the PPR locality for reunion purposes, the costs of reunion travel by the office holder’s partner, or a child or children of the office holder or of the office holder’s partner, who resides at the office holder’s principal place of residence, can be funded. Funding paid in accordance with this subsection counts towards the limit in subsection (1).
- (3) Travel by a person other than the office holder funded in accordance with subsection (2) must be at economy class, and only for direct travel between the PPR locality and the office locality.
- (4) Amounts of reunion travel assistance are set out in the following table (**Table 5B**).

<b>Table 5B—Reunion travel assistance</b>			
<b>Item</b>	<b>Column 1 Office holder</b>	<b>Column 2 Office</b>	<b>Column 3 Assistance (per year)</b>
1	Ms Natasha Griggs	Administrator of Christmas and Cocos (Keeling) Islands	\$41,840
2	Mr Eric Hutchinson	Administrator of Norfolk Island	\$41,400
3	Dr Irene Ioannakis	Commissioner, Australian Skills Quality Authority (until 10 September 2022)	\$30,240
3A	Ms Libby Lyons	Director of Workplace Gender Equality	\$28,212
4	Ms June Oscar	Aboriginal and Torres Strait Islander Social Justice Commissioner	\$27,000



## Section 22

**Table 5B—Reunion travel assistance**

<b>Item</b>	<b>Column 1 Office holder</b>	<b>Column 2 Office</b>	<b>Column 3 Assistance (per year)</b>
5	Mr Ben Gauntlett	Disability Discrimination Commissioner, Australian Human Rights Commission	\$25,920
7	Professor Dorothy Keefe	Chief Executive Officer, Cancer Australia (until 2 July 2022)	\$22,200
8	Dr Stephen Donoghue QC	Solicitor-General	\$20,880
9	Dr Charlie Day	Chief Executive Officer, Innovation and Science Australia	\$18,500
10	Ms Kate Jenkins	Sex Discrimination Commissioner, Australian Human Rights Commission	\$18,500
11	Mr Chin Tan	Race Discrimination Commissioner, Australian Human Rights Commission (until 7 October 2023)	\$18,500
12	Mr Mark Bielecki	Registered Organisations Commissioner	\$16,824
13	The Hon Margaret Stone	Inspector-General of Intelligence and Security	\$14,376
14	Mr Michael Griffin	Integrity Commissioner, Australian Commission for Law Enforcement Integrity	\$13,896
15	Mr Tim Kelsey	Chief Executive Officer, Australian Digital Health Agency	\$10,000

## Part 6—Application and transitional provisions

### 23 Application and transitional provisions—general

The following table (*Table 6A*) sets out application and transitional provisions for the provisions in column 1.

<b>Table 6A—Application and transitional provisions</b>		
<b>Item</b>	<b>Column 1 Provision</b>	<b>Column 2 Application and transitional provisions</b>
1	Table 2A, item dealing with Data Standards Chair	This item applies on and after 14 August 2019 (see the <i>Remuneration Tribunal Amendment Determination (No. 4) 2019</i> ).
2	Table 2A, item dealing with Chief Executive Officer, National Faster Rail Agency	This item applies on and after 1 July 2019 (see the <i>Remuneration Tribunal Amendment Determination (No. 4) 2019</i> ).
3	Table 3B, item 3	The amendment of this item made by the <i>Remuneration Tribunal Amendment Determination (No. 5) 2019</i> applies on and after 15 September 2019.
4	The following items: (a) Table 2A, items dealing with Director of Workplace Gender Equality and Chief Executive Officer, Torres Strait Regional Authority; (b) Table 5A, item 5A; (c) Table 5B, item 3A	These items apply on and after 21 October 2019 (see the <i>Remuneration Tribunal Amendment Determination (No. 6) 2019</i> ).

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2019	21 June 2019 (F2019L00857)	1 July 2019 (s 2(1) item 1)	
Remuneration Tribunal Amendment Determination (No. 4) 2019	26 Aug 2019 (F2019L01094)	Sch 1 (items 6–10): 27 Aug 2019 (s 2(1) item 3)	—
Remuneration Tribunal Amendment Determination (No. 5) 2019	16 Sept 2019 (F2019L01201)	Sch 1 (items 2–5): 17 Sept 2019 (s 2(1) item 1)	—
Remuneration Tribunal Amendment Determination (No. 6) 2019	11 Nov 2019 (F2019L01435)	Sch 1 (items 1–9): 12 Nov 2019 (s 2(1) item 1)	—

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 2 .....	rep LA s 48D
s 6 .....	rep LA s 48C
s 7 .....	am F2019L01094
<b>Part 2</b>	
s 10 .....	am F2019L01094; F2019L01201; F2019L01435
s 11 .....	am F2019L01201; F2019L01435
<b>Part 3</b>	
s 15 .....	am F2019L01201
<b>Part 5</b>	
s 19 .....	am F2019L01435
s 22 .....	am F2019L01435
<b>Part 6</b>	
Part 6 .....	ad F2019L01094
s 23 .....	ad F2019L01094
	am F2019L01201; F2019L01435
Schedule 1 .....	rep LA s 48C

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