



REMUNERATION TRIBUNAL

Determination 2010/10:

Remuneration and Allowances for Holders of Full-Time Public Office

As amended.

Made under sub-section 7(3) and 7(4) of the Remuneration Tribunal Act 1973

Consolidated as at 19 May 2011 and incorporates amending determinations up to and including 2011/06 – Remuneration and Allowances for Holders of Public Office

This Determination governs remuneration and allowances for the full-time Public Offices specified in Table 2A.

This Determination specifies the total value an Office Holder is to receive by way of salary and other benefits in respect of carrying out the functions and exercising the powers of his or her office. The salary and benefits provided for in this Determination must not be supplemented.

The Determination comprises:

- **Part 1** – General;
- **Part 2** – Remuneration and related matters;
- **Part 3** – Allowances;
- **Part 4** – Official travel;
- **Part 5** – Recreation leave; and
- **Part 6** – Compensation for early loss of office.

PART 1 – GENERAL

1.1 Authority: This Determination is issued pursuant to sub-sections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*.

1.2 Effective Date: This Determination takes effect on and from 1 August 2010.

1.3 Effect on Earlier Determinations: This Determination supersedes and revokes in full Determination 2009/18 (as amended) – *Remuneration and Allowances for Holders of Full-Time Public Office*.

1.4 Definitions: For the purposes of this Determination, the following definitions apply.

‘Agency’ means the agency to which the Office Holder is attached, or the portfolio department, if the office holder is not attached to an agency.

‘Base Salary’ means the applicable amounts specified in Column 2 of Table 2A of this Determination.

‘Benefits’ means all non-monetary benefits provided at the employer’s expense to or on behalf of an Office Holder as a personal benefit, including a vehicle (where provided – refer clause 2.8), the value attributed by the Remuneration Tribunal to the Superannuation Support (refer clause 2.7) and any other benefits received by way of remuneration packaging (refer clause 2.5).

‘Employer’ means the Commonwealth and includes any person authorised to exercise powers, perform acts, grant approvals or give directions for, or on behalf of, the Commonwealth.

‘Office Holder’ means the holder of an office listed in Column 1 of Table 2A of this Determination.

‘Superannuation Support’ means the amount ascertained in accordance with clause 2.7, representing the employer superannuation liability.

‘Total Remuneration’ is the amount shown in Column 3 of Table 2A plus any additional amount shown in Column 4. It represents the value, calculated at the total cost to the employer (including Fringe Benefits Tax), of:

- salary (including Base Salary), allowances or lump sum payments; and
- Benefits;

but does not include:

- facilities provided as business support as referred to in Part 2;
- allowances specified in Part 3;
- reimbursement of expenses incurred on geographic relocation following appointment as an Office Holder, in accordance with agency policies and practices where approved by the employer;
- travelling allowances and expenditure referred to in Part 4;
- any payment in lieu of recreation leave in accordance with Part 5; and
- any compensation for early loss of office in accordance with Part 6.

PART 2 –REMUNERATION AND RELATED MATTERS

2.1 Total Remuneration: Office Holders are eligible for the annual amounts of Base Salary and Total Remuneration (including any additional amount shown in Column 4), as set out in Table 2A below with effect from 1 August 2010, unless otherwise specified.

TABLE 2A – FULL-TIME OFFICE HOLDERS – TOTAL REMUNERATION AND OTHER BENEFITS

Column 1 Office	Column 2 Base Salary (per annum)	Column 3 Total Remuneration for office (per annum)	Column 4 Additional Amount of Total Remuneration (per annum)	Column 5 Refer Clause	Column 6 Travel Tier
Chair, Australian Prudential Regulation Authority (APRA)	\$451,460	\$646,710	Nil	2.6.1	Tier 1
Chairperson, Australian Securities and Investments Commission (ASIC)	\$390,620	\$568,110	Nil		Tier 1
Chairperson, Australian Competition and Consumer Commission (ACCC)	\$390,620	\$568,110	Nil		Tier 1
Solicitor-General	\$425,020	\$567,640	Nil		Tier 1
Deputy Chair, APRA	\$377,750	\$541,120	Nil		Tier 1
Member, APRA	\$359,320	\$514,750	Nil		Tier 1
Deputy Chairperson, ASIC	\$341,700	\$477,210	Nil		Tier 1
Chief Executive Officer, Australian Curriculum, Assessment and Reporting Authority (ACARA)	\$328,750	\$450,340	Nil		Tier 2
Commissioner, Australian Federal Police	\$328,730	\$450,310	Nil		Tier 1
Director of Public Prosecutions	\$341,510	\$448,750	Nil		Tier 1
Chief Executive Officer, Centrelink	\$324,720	\$444,820	Nil		Tier 1
Director-General of Security, Australian Security Intelligence Organisation	\$317,660	\$435,140	Nil		Tier 1
Chair, Australian Communications and Media Authority (ACMA)	\$289,620	\$413,730	\$24,360	2.2.1	Tier 1
Member, ASIC	\$282,630	\$411,890	Nil	2.2.9	Tier 1
Deputy President – Fair Work Australia	\$304,520	\$388,910	Nil	2.11	Tier 1
Director-General, Office of National Assessments	\$279,270	\$387,490	Nil		Tier 1
Chief Executive Officer, Australian Crime Commission	\$268,180	\$387,430	Nil		Tier 1
Inspector-General of Intelligence and Security	\$264,920	\$369,800	Nil		Tier 1
Commonwealth Ombudsman	\$264,920	\$369,800	Nil		Tier 1
Information Commissioner <i>Effective 1 November 2010 ref Det 2010/18</i>	\$269,960	\$369,800	Nil		Tier 1
Vice Chief of the Defence Force	\$260,040	\$369,780	Nil		Tier 1

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
Office	Base Salary (per annum)	Total Remuneration for office (per annum)	Additional Amount of Total Remuneration (per annum)	Refer Clause	Travel Tier
Examiner, Australian Crime Commission	\$260,040	\$369,780	Nil		Tier 1
Law Enforcement Integrity Commissioner	\$260,040	\$369,780	Nil		Tier 1
Chief of Navy	\$260,040	\$369,780	Nil		Tier 1
Chief of Army	\$260,040	\$369,780	Nil		Tier 1
Chief of Air Force	\$260,040	\$369,780	Nil		Tier 1
Deputy Chairperson, ACCC	\$273,980	\$369,280	Nil		Tier 1
Chief Commissioner, Australian Transport Safety Bureau Commission	\$260,040	\$353,840	Nil		Tier 1
Chief Scientist	\$258,310	\$353,840	Nil		Tier 1
Inspector-General of Taxation	\$247,160	\$353,470	Nil		Tier 1
President, Australian Human Rights Commission	\$247,160	\$353,470	Nil	2.2.2	Tier 1
Chair, Australian Energy Regulator	\$260,040	\$346,880	Nil		Tier 1
Chairperson, Productivity Commission	\$260,040	\$346,750	Nil		Tier 1
Chief Executive, Murray-Darling Basin Authority	\$253,100	\$346,690	Nil		Tier 2
Chief Executive Officer, Health Workforce Australia	\$250,780	\$343,530	\$31,230	2.2.12	Tier 2
Australian Building and Construction Commissioner <i>Effective 28 September 2010 ref Det 2010/17</i>	\$250,760	\$343,500	Nil		Tier 1
Coordinator-General for Remote Indigenous Services	\$250,480	\$343,120	Nil		Tier 1
Member, ACCC	\$260,350	\$340,870	Nil		Tier 1
Fair Work Ombudsman	\$248,140	\$339,900	Nil		Tier 1
CEO, National Offshore Petroleum Safety Authority	\$236,910	\$337,900	Nil		Tier 1
Chair, Tax Practitioners Board	\$242,650	\$332,400	Nil		Tier 1
General Manager, Fair Work Australia	\$238,740	\$327,040	Nil		Tier 1
Australian Electoral Commissioner	\$234,970	\$318,390	Nil	2.2.7	Tier 1
Deputy Chair, ACMA	\$240,710	\$317,670	Nil		Tier 1
Associate Director of Public Prosecutions	\$234,970	\$312,760	Nil		Tier 1
CEO, Australian Radiation Protection and Nuclear Safety Agency	\$209,200	\$312,640	Nil		Tier 1
CEO, Australian Pesticides and Veterinary Medicines Authority	\$227,280	\$311,350	Nil		Tier 2

<u>Column 1</u> Office	<u>Column 2</u> Base Salary (per annum)	<u>Column 3</u> Total Remuneration for office (per annum)	<u>Column 4</u> Additional Amount of Total Remuneration (per annum)	<u>Column 5</u> Refer Clause	<u>Column 6</u> Travel Tier
Chief Executive Officer, Safe Work Australia	\$227,010	\$310,950	Nil		Tier 2
Chief Executive Officer, Australian Organ and Tissue Donation and Transplantation Authority	\$227,320	\$310,950	Nil		Tier 2
Director of Military Prosecutions	\$248,240	\$309,600	Nil		Tier 2
Inspector-General of the Australian Defence Force	\$248,240	\$309,600	Nil		Tier 2
Commissioner, Fair Work Australia	\$233,750	\$307,420	Nil	2.11	Tier 1
Freedom of Information Commissioner <i>Effective 1 November 2010 ref Det 2010/18</i>	\$224,190	\$307,100	Nil	2.6.2	Tier 2
Privacy Commissioner <i>Effective 2 November 2010 ref Det 2010/18</i>	\$224,190	\$307,100	Nil	2.2.14	Tier 2
Chairperson, Commonwealth Grants Commission	\$234,970	\$305,980	Nil		Tier 1
Chief Executive Officer, Australian Fisheries Management Authority Commission	\$220,440	\$301,960	\$22,050	2.2.6	Tier 1
Director, Professional Services Review	\$209,200	\$297,740	Nil		Tier 1
CEO, National Transport Commission	\$209,200	\$296,990	Nil		Tier 1
Member, Australian Energy Regulator	\$223,300	\$292,380	Nil		Tier 1
Member, ACMA	\$223,300	\$292,380	Nil		Tier 1
Chairman, Pharmaceutical Benefits Advisory Committee	\$213,200	\$292,050	Nil		Tier 1
Registrar, Administrative Appeals Tribunal	\$212,280	\$290,780	Nil		Tier 1
Infrastructure Coordinator	\$210,650	\$288,550	Nil		Tier 1
Chief Executive Officer, Australian Sports Anti Doping Authority (ASADA)	\$208,520	\$285,630	\$70,900	2.2.13	Tier 2
Principal Member, Refugee Review Tribunal (RRT) <i>Effective 1 January 2011 ref Det 2010/21</i>	\$210,820	\$296,940	\$39,430	2.2.3	Tier 2
Principal Member, Migration Review Tribunal (MRT) <i>Effective 1 January 2011 ref Det 2010/21</i>	\$210,820	\$296,940	\$39,430	2.2.3	Tier 2
Executive Director, Australian Solar Institute <i>Effective 1 September 2010 ref Det 2010/15</i>	\$227,000	\$310,950	Nil		Tier 2
Official Secretary to the Governor-General	\$203,730	\$275,570	Nil		Tier 2

Column 1 Office	Column 2 Base Salary (per annum)	Column 3 Total Remuneration for office (per annum)	Column 4 Additional Amount of Total Remuneration (per annum)	Column 5 Refer Clause	Column 6 Travel Tier
Deputy Australian Building and Construction Commissioner <i>Effective 22 April 2011 ref Det 2011/04</i>	\$200,750	\$275,000	Nil		Tier 2
Aged Care Commissioner	\$197,180	\$270,100	Nil		Tier 2
Sex Discrimination Commissioner	\$187,800	\$267,840	Nil		Tier 2
Race Discrimination Commissioner	\$187,800	\$267,840	Nil		Tier 2
Human Rights Commissioner	\$187,800	\$267,840	Nil		Tier 2
Disability Discrimination Commissioner	\$187,800	\$267,840	Nil		Tier 2
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$187,800	\$267,840	Nil		Tier 2
Principal Member, Social Security Appeals Tribunal (SSAT) <i>Effective 1 January 2011 ref Det 2010/21</i>	\$203,200	\$278,340	Nil		Tier 2
Chief Executive, National Capital Authority	\$195,090	\$267,240	Nil		Tier 2
Administrator of the Northern Territory	\$209,200	\$263,870	Nil		Tier 1
Principal Member, Veterans' Review Board (VRB) <i>Effective 17 February 2011 ref Det 2011/01</i>	\$197,730	\$270,870	Nil	2.2.11	Tier 1
Gene Technology Regulator	\$196,470	\$258,390	Nil	2.2.10	Tier 2
Registrar of Aboriginal and Torres Strait Islander Corporations	\$187,860	\$257,340	Nil		Tier 2
General Manager, Aboriginal Hostels Limited (AHL) <i>Effective 15 April 2011 ref Det 2011/03</i>	\$186,150	\$255,000	Nil	2.2.15	Tier 2
Member, Tax Practitioners Board	\$183,950	\$251,980	Nil		Tier 2
Deputy Commonwealth Ombudsman	\$196,470	\$251,610	\$7,112	2.2.16	Tier 2
Director General, Australian Safeguards and Non-Proliferation Office	\$187,800	\$250,820	Nil		Tier 2
Chairperson, Indigenous Land Corporation	\$187,800	\$250,230	Nil		Tier 2
Chairperson, Superannuation Complaints Tribunal (SCT) <i>Effective 1 January 2011 ref Det 2010/21</i>	\$182,570	\$250,080	Nil		Tier 2
Administrator, Christmas and Cocos (Keeling) Islands	\$170,300	\$237,940	Nil		Tier 2
Deputy Principal Member, RRT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$172,890	\$243,220	\$19,700	2.2.5	Tier 2

Column 1 Office	Column 2 Base Salary (per annum)	Column 3 Total Remuneration for office (per annum)	Column 4 Additional Amount of Total Remuneration (per annum)	Column 5 Refer Clause	Column 6 Travel Tier
Deputy Principal Member, MRT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$172,890	\$243,220	\$19,700	2.2.5	Tier 2
Chairperson, Torres Strait Regional Authority	\$152,700	\$232,490	Nil		Tier 2
Administrator, Torres Strait Regional Authority	\$152,700	\$232,490	Nil		Tier 2
Senior Member, SSAT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$174,670	\$239,290	Nil		Tier 2
Executive Director of Township Leasing	\$167,760	\$229,840	Nil		Tier 2
Private Health Insurance Ombudsman	\$166,240	\$229,800	Nil		Tier 2
Director, Classification Board	\$162,810	\$223,020	Nil	2.9	Tier 2
Deputy Chairperson, SCT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$149,680	\$205,030	Nil		Tier 2
Senior Member, RRT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$141,880	\$205,030	Nil		Tier 2
Senior Member, MRT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$141,880	\$205,030	Nil		Tier 2
Deputy Director, Classification Board	\$139,970	\$191,730	Nil	2.9	Tier 2
Senior Member, VRB <i>Effective 1 January 2011 ref Det 2010/21</i>	\$136,410	\$196,920	Nil		Tier 2
Administrator, Norfolk Island	\$122,580	\$185,700	Nil		Tier 2
Chairman (full-time), Central Land Council	\$122,580	\$175,970	Nil		Tier 3
Member, RRT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$127,490	\$182,610	Nil	2.2.4	Tier 2
Member, MRT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$127,490	\$182,610	Nil		Tier 2
Assistant Senior Member, SSAT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$130,260	\$178,430	Nil		Tier 2
Chairman (full-time), Northern Land Council	\$122,580	\$165,910	Nil		Tier 2
Member, SSAT <i>Effective 1 January 2011 ref Det 2010/21</i>	\$119,640	\$163,870	Nil		Tier 3
Senior Classifier, Classification Board	\$122,580	\$141,510	Nil		Tier 2
Classifier, Classification Board	\$96,690	\$111,600	Nil	2.4	Tier 3

2.2 Additional Provisions: Where an additional annual amount is specified in Column 4 of Table 2A in relation to an Office Holder, payment will be subject to the provisions of the sub-clause shown in Column 5. The amount will be added to the figure in Column 3 to provide Total Remuneration for that Office Holder.

- 2.2.1 ACMA, Chair:** Mr Christopher Chapman will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1.
- 2.2.2 HREOC President:** the Hon Catherine Branson will receive \$201,080 base salary and \$275,440 Total Remuneration while she occupies the office shown in Column 1.
- 2.2.3 Migration Review Tribunal and Refugee Review Tribunal, Principal Member:** A dual appointee as Principal Member of the Migration Review Tribunal and Refugee Review Tribunal is entitled to Tier 1 travel and will receive an additional loading as shown in Column 4 of Table 2A. This loading is included in superannuation salary.
- 2.2.4 Refugee Review Tribunal:** Where a person held an appointment as a Full-time Member of the Refugee Review Tribunal on 17 April 2004, that person will be eligible for a personal loading of \$5,300 per annum while continuing to hold an appointment (including re-appointment) as a Member. The loading does not count towards superannuation salary.
- 2.2.5 Refugee Review Tribunal and Migration Review Tribunal:** An office holder who holds dual appointments as Deputy Principal Member of the RRT and of the MRT will be entitled to the remuneration determined for one of those offices, including the additional Total Remuneration figure in Column 4. Of the Column 4 figure, \$14,400 will count towards salary for superannuation.
- 2.2.6 Australian Fisheries Management Authority Commission:** Mr Glenn Hurry will receive a personal loading as shown in Column 4 of Table 2A while he occupies the office shown in Column 1. The loading does not count towards superannuation salary.
- 2.2.7 Australian Electoral Commissioner:** Mr Ed Killesteyn will receive \$248,730 base salary and \$353,590 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.8 Deleted**
- 2.2.9 ASIC:** Dr Peter Boxall AO will receive \$392,100 base salary and \$490,110 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.10 Gene Technology Regulator:** Dr Joe Smith will receive \$215,960 base salary and \$284,150 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.11 Principal Member, Veterans' Review Board:** Mr Doug Humphreys will receive \$203,910 base salary while he occupies the office shown in Column 1, with effect from 22 March 2010.
- 2.2.12 Health Workforce Australia, Chief Executive Officer:** Mr Mark Cormack will receive a personal loading as shown in Column 4 of Table 2A from 1 August 2010 to 26 January 2014.
- 2.2.13 Australian Sports Anti Doping Authority, Chief Executive Officer:** Ms Aurora Andruska will receive a personal loading as shown in Column 4 of Table 2A from 10 May 2011 until 9 May 2012.
- 2.2.14 Privacy Commissioner:** Mr Timothy Pilgrim will receive \$234,970 base salary, \$339,870 Total Remuneration with Tier 1 Travel while he occupies the office in Column 1 until 1 November 2010 inclusive.

- 2.2.15 Aboriginal Hostels Limited (AHL), General Manager:** Mr Roger Barson will receive \$197,179 base salary and \$254,545 Total Remuneration while he occupies the office shown in Column 1.
- 2.2.16 Deputy Commonwealth Ombudsman:** Ms Alison Larkins will receive a personal loading as shown in Column 4 of Table 2A from 10 March 2011 until 16 April 2011, and then with effect from 17 April 2011, base salary (salary for superannuation purposes) of \$203,342 and Total Remuneration of \$258,722.
- 2.3 Part-time work:** Where approval is given by the employer for an Office Holder to perform the duties of an Office on a part-time basis, the Base Salary and Total Remuneration contained in Table 2A will be payable on a pro-rata basis in accordance with the proportion of full-time hours worked. Where proposed hours are less than 60 per cent of the full-time rate, prior agreement of the Remuneration Tribunal is required to the remuneration level.
- 2.4 Temporary Classifier:** Where a person is appointed to the Classification Board as a Temporary Classifier, a daily fee of \$459 is payable from 1 August 2010, in lieu of other provisions in this Part. The provisions of Part 3 (Allowances), Part 5 (Recreation leave) and Part 6 (Compensation for early loss of office) do not apply.
- 2.5 Remuneration packaging:** Subject to this Part, an Office Holder may elect to receive the value of remuneration as salary or as a combination of salary and Benefits. The Office Holder must take at least 50 per cent of Superannuation Salary as salary, except where agency policies and procedures on salary packaging allow otherwise. Any election must be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office. Any election must not result in a cost to the employer (including in relation to any fringe benefits taxation) additional to the cost which would be incurred if Benefits able to be taken as salary were taken as salary.
- 2.6 Superannuation Salary:** Regardless of anything else in this Determination, salary for superannuation purposes will be the Base Salary plus any additional amount shown in Column 4 of Table 2A where the relevant sub-clause specifies that the loading is included as superannuation salary. This will be:
- the Office Holder's annual rate of salary for the purposes of the Superannuation (CSS) Regulations, (and therefore the superannuation salary for the purposes of the *Superannuation Act 1976* and the *Superannuation Act 1990*); or
 - in the case of the holders of the offices of Vice-Chief of the Defence Force, Chief of Navy, Chief of Air Force, Chief of Army and Director of Military Prosecutions, that officer holder's annual rate of salary for the purposes of the *Defence Force Retirement and Death Benefits Act 1973*, the Defence Force Retirement and Death Benefits (Annual Rate of Pay) Regulations, the *Military Superannuation and Benefits Scheme Act 1991* and the Rules of the Military Superannuation and Benefits Scheme.
- 2.6.1 APRA:** Notwithstanding the above provisions, the salary for superannuation purposes of Dr John Laker will be \$518,330 from 1 August 2010, while he occupies the office of Chair, Australian Prudential Regulation Authority.
- 2.6.2 Freedom of Information Commissioner:** Notwithstanding the above provisions, the salary for superannuation purposes of Dr James Popple will be \$227,896 from 1 November 2010, while he occupies the office of Freedom of Information Commissioner.

- 2.7 Employer Superannuation Support:** Total Remuneration will be taken to include the Superannuation Support provided by the employer in respect of an Office Holder, which has the value ascertained under sub-clause 2.7.1 or the amount of contributions under sub-clause 2.7.2. Contributions made on a salary sacrifice basis do not form part of Superannuation Support; these are covered by clause 2.5 (Remuneration packaging).
- 2.7.1 Defined Benefits Schemes:** In the case of an Office Holder who may be eligible for defined benefits under a Commonwealth superannuation scheme, the value of Superannuation Support will be taken to be 15.4 per cent of Base Salary.
- 2.7.2 Other Schemes:** In the case of an Office Holder not covered by sub-clause 2.7.1, the value of Superannuation Support will be the contributions actually paid, or liable to be paid, by the employer in respect of the Office Holder to a superannuation scheme.
- 2.7.3 No cash in lieu:** The value attributable by virtue of this clause to Superannuation Support is referable to a non-salary component of Total Remuneration and may not be the subject of an election to take an equivalent amount of salary instead.
- 2.8 Vehicles:** Where an Office Holder accepts an offer of an agency owned or leased vehicle for private use, the office holder's Total Remuneration will be reduced by the actual cost of the vehicle to the agency plus parking and fringe benefits taxation, less a reasonable amount (if any) reflecting business usage patterns. Where an Office Holder has access to an agency owned or leased vehicle for private use, the Office Holder will be considered to have accepted an offer of a vehicle for the purposes of this provision. Any business usage amount is to be assessed on log book records for at least a 12 week representative period. Where the annual business kilometres are less than 5,000 it will be based on the 'cents per kilometre' method. Where business kilometres are 5,000 kilometres or more, the percentage of business use to total kilometres travelled per annum will be applied to the total cost of the vehicle.
- 2.9 Classification Board:** On any occasion when the Deputy Director acts as Director, he or she will be entitled to the remuneration and other conditions determined for the Director.
- 2.10 Business Support:** Where an Office Holder is provided with communications, information technology and other office facilities necessary for the efficient conduct of his or her office, incidental private use of those facilities by the office holder does not necessitate the value of the facilities being included in Total Remuneration.
- 2.11 Fair Work Australia:** Where an appointee as Deputy President or Commissioner of Fair Work Australia is a Judge, the comparative salary for the purposes of s.637(6) of the *Fair Work Act 2009* is the amount in Column 2.

PART 3 – ALLOWANCES

3.1 Accommodation Allowance: The Office Holders listed in Column 1 of Table 3A will be eligible to receive an accommodation allowance (subject to expenditure) as shown in Column 3 of Table 3A whilst they occupy the office shown in Column 2. This amount is to assist the Office Holder in meeting settling-in and commercial rental accommodation costs (including one-off utility connection costs) in the office location:

- (a) while they also continue to have a property other than in the office location, as their principal place of residence; and
- (b) it will not be paid for such periods that they live in premises owned by them at the office location.

An Office Holder will not be eligible to access travel allowance entitlements in the home locality or the office locality whilst they remain eligible to receive the accommodation allowance. However, where in terms of the ongoing arrangement it would clearly be more cost effective for the agency to provide travel allowance entitlements in the office locality, the agency should decide at the earliest practical opportunity to pay travel allowance rather than the accommodation allowance.

Where the commercial accommodation does not include cooking facilities, the cost of meals may form part of the payment, within the accommodation cap set for an Office Holder.

TABLE 3A – ACCOMMODATION ALLOWANCES

<u>Column 1</u> Office Holder	<u>Column 2</u> Office	<u>Column 3</u> Allowance (pa)	<u>Column 4</u> Refer Clause
Mr D O'Brien	Principal Member, MRT/RRT	\$32,780	
Mr M Gooda	Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission	\$32,780	
Mr R Freeman	Chief Executive, Murray-Darling Basin Authority	\$28,500	
Mr M Cormack	Chief Executive Officer, Health Workforce Australia	\$28,500	
Mr P Watson	Executive Director of Township Leasing	\$20,800	
Mr M Twidell	Executive Director, Australian Solar Institute	\$20,000	

3.1.1 Classification Board: Subject to individual qualification for this allowance, to be decided by the employer in accordance with agency guidelines, Members who have, or had, to relocate to Sydney to take up their appointment will be paid an accommodation allowance of \$13,500 per annum. The allowance does not represent salary for superannuation.

3.1.2 Defence Chiefs: The employer may approve housing assistance in accordance with agency policy and practices for the Vice-Chief of the Defence Force, the Chief of Navy, the Chief of Air Force, the Chief of Army and the Director of Military Prosecutions.

3.1.3 Official residence: Where residing in an official residence is a requirement of an office, total remuneration does not include the value of accommodation in the official residence, or the running costs of the premises.

3.1.4 Non-commercial accommodation: Where an office holder listed in Column 1 of Table 3A elects to be accommodated in private, non-commercial accommodation, such as the home of a family member or friend, a rate of one third of the accommodation allowance in Column 3 of Table 3A is payable in lieu of the amount specified in Column 3.

3.2 Reunion Travel: The Office Holders shown in Column 1 of Table 3B may receive travel costs of up to the amount shown in Column 3 from their employer for travel back to their principal place of residence for the purposes of family reunion while they continue to occupy the office shown in Column 2. Where the agency decides, as provided in Clause 3.1 of this Determination, to pay an office holder travel allowance instead of accommodation allowance, any reunion travel allowance in Table 3B for that office holder will cease to apply at the same time.

TABLE 3B – REUNION TRAVEL

<u>Column 1</u> Office Holder	<u>Column 2</u> Office	<u>Column 3</u> Allowance (pa)
Mr M Twidell	Executive Director, Australian Solar Institute	\$4,650
Mr D O'Brien	Principal Member, Migration Review Tribunal and Refugee Review Tribunal	\$9,950
Mr M Gooda	Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission	\$10,200
Mr R Freeman	Chief Executive, Murray-Darling Basin Authority	\$20,930
Mr M Cormack	Chief Executive Officer, Health Workforce Australia	\$21,220

PART 4 – OFFICIAL TRAVEL

General Travel Provisions

4.1 The provisions of Determination 2004/03 (as amended) – *Official Travel by Office Holders* – apply to offices covered by this Determination, subject to any exclusions or limitations in this Determination. In establishing entitlements, the Travel Tier identified in this Determination for an office will apply under Determination 2004/03.

4.1.1 ACCC: 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.

4.1.2 Administrator, Christmas and Cocos (Keeling) Islands: For the period of his appointment, Mr Brian Lacy and any immediate family members normally resident with him on Christmas Island shall be entitled to two return economy class fares per annum each between his home and work base.

PART 5 – RECREATION LEAVE

- 5.1 Recreation Leave entitlements:** The provisions of Determination 2007/09 (as amended) – *Recreation Leave for Full-Time Holders of Relevant Offices* apply to full-time¹ Offices listed in Column 1 of Table 2A in this Determination to the extent specified in that Determination.
- 5.1.1 Human Rights and Equal Opportunity Commission.** For the period of her appointment as President, the Hon Catherine Branson is entitled to two weeks recreation leave per annum, additional to any entitlement in Clause 5.1.
- 5.1.2 Administrator, Christmas and Cocos (Keeling) Islands:** For the period of his appointment, Mr Brian Lacy is entitled to seven days recreation leave per annum, additional to any entitlement in Clause 5.1.

¹ Note that the Remuneration Tribunal may only determine recreation leave in respect of full-time office holders – refer s7(3AA) of RT Act. Leave (if any) for Part-time Office Holders is determined by the relevant Minister or the Governor-General.

PART 6 – COMPENSATION FOR EARLY LOSS OF OFFICE

- 6.1** Compensation for early loss of office for an Office Holder will be in accordance with the provisions of *Determination 2007/07: Compensation for Loss of Office for Holders of Public Office*.
- 6.2** Where an Office Holder serves the full term of appointment, no entitlement to payment under this part arises.

Notes to Remuneration Tribunal Determination 2010/10: Remuneration and Allowances for Holders of Full-Time Public Office

This determination as shown in this compilation is amended as indicated in the tables below. Under the Legislative Instruments Act 2003, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
Determination 2010/10 – Remuneration and Allowances for Holders of Full-Time Public Office	24/08/2010 F2010L02358	1/08/2010	-
Determination 2010/15 – Remuneration and Allowances for Holders of Public Office	16/09/2010 F2010L02488	CI 1.1, 1.4 – 17/09/2010 CI 1.2, 1.3 – 1/09/2010	-
Determination 2010/17 – Remuneration and Allowances for Holders of Public Office	12/10/2010 F2010L02691	CI 1.1, 1.3 – 13/10/2010 CI 1.2 – 28/09/2010	-
Determination 2010/18 – Remuneration and Allowances for Holders of Public Office	28/10/2010 F2010L02865	CI 1.1, 1.4, 1.6, 1.7 – 29/10/2010 CI 1.2, 1.3 – 1/11/2010 CI 1.5 – 2/11/2010	-
Determination 2010/20 – Remuneration and Allowances for Holders of Public Office	22/11/2010 F2010L03035	CI 1.1, 1.2, 1.3 – 23/11/2010	-
Determination 2010/21 – Remuneration and Allowances for Holders of Public Office, Judicial and Related Offices, and Members of Parliament – Entitlements	22/12/2010 F2010L03355	CI 1.1, 1.19 – 23/12/2010 CI 1.2 to 1.18 – 1/01/2011	-
Determination 2011/01 – Remuneration and Allowances for Holders of Public Office	16/02/2011 F2011L00267	CI 1.1, 1.2, 1.3 – 17/02/2011	-
Determination 2011/02 – Remuneration and Allowances for Holders of Public Office and Members of Parliament	1/04/2011 F2011L00554	CI 1.1, 1.2, 1.3 – 2/04/2011	-
Determination 2011/03 – Remuneration and Allowances for Holders of Public Office	11/04/2011 F2011L00595	CI 1.1, 1.3, 1.4, 1.5, 1.6 – 12/04/2011 CI 1.2 – 15/04/2011	-
Determination 2011/04 – Remuneration and Allowances for Holders of Public Office	21/04/2011 F2011L00625	CI 1.1, 1.2, 1.3, 1.4 – 22/04/2011	-
Determination 2011/06 – Remuneration and Allowances for Holders of Public Office	19/05/2011 F2011L00814	CI 1.1, 1.2, 1.3 – 20/05/2011	-

Notes to Remuneration Tribunal Determination 2010/10:
Remuneration and Allowances for Holders of Full-Time Public Office

Table of Amendments

ad. = added or inserted	am. = amended	rs. = repealed and substituted	rep. = repealed
Provision affected	How affected		
Part 2			
Table 2A	am 2010/15, am 2010/17, am 2010/18, am 2010/20, am 2010/21, am 2011/01, am 2011/02, am 2011/03, am 2011/04, am 2011/06		
Clause 2.2.5	am 2010/21		
Clause 2.2.8	rep 2011/02		
Clause 2.6.2	ad 2010/20		
Clause 2.2.11	rep 2010/15, ad 2011/01		
Clause 2.2.13	am 2011/06		
Clause 2.2.14	am 2010/18		
Clause 2.2.15	ad 2011/03		
Clause 2.2.16	ad 2011/03		
Part 4			
Clause 4.1.2	ad 2011/04		
Part 5			
Clause 5.1.2	ad 2011/04		