



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2016/07

Official Travel by Office Holders

1. The Remuneration Tribunal has inquired into and determined the remuneration and significantly related matters for office holders, as it is empowered to do by the *Remuneration Tribunal Act 1973*.
2. In making this Determination the Tribunal has informed itself through consultation in accordance with established practice. The Tribunal has taken particular note of the Australian Taxation Office's Determination TD 2016/13: *Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2016-17 income year?*
3. This Determination includes substantively similar provisions to the previous Principal Determination (as amended). There have been minor changes to some allowance rates in Schedule A to the Determination.

PART 1 - GENERAL

4. Clauses 1.1 to 1.3 of Part 1 specify the authority for, and the date of effect of, the Determination and notes that it supersedes and revokes the previous Principal Determination *2015/11 - Official Travel by Office Holders* (as amended).
5. Clause 1.4 notes that the travel tier relevant to individual office holders is determined in the Determinations that set out remuneration for those office holders. It also sets out the interaction between the provisions of this Determination and other Determinations that may contain specific provisions for an office or group of offices. In such a case, the specific provision in another Determination will apply to the extent of any inconsistency.
6. Clause 1.5 outlines the offices to which the Determination applies.
7. Clause 1.6 sets out the definitions of certain words and phrases used in the Determination.
8. Clause 1.7 sets out the general principles that apply to travel on official business, including a requirement for office holders to consider any travel-related administrative guidelines put in place by their agency.

PART 2 - TRAVEL ON OFFICIAL BUSINESS

9. Clauses 2.1 to 2.4 of Part 2 set out provisions relating to class of travel, including travel by the office holder when accompanying a person travelling at a higher class of travel or when accompanied by a spouse/partner.
10. Clause 2.5 encourages office holders to use their agency's travel-related preferred provider arrangements where these exist.
11. Clause 2.6 provides that frequent flyer points accrued at the Commonwealth's expense should not be used for private purposes.

PART 3 – TRAVEL EXPENSES

12. Part 3 sets out general conditions applying to the payment of travelling expenses, with Clauses 3.5 to 3.9 focusing particularly on domestic travel and Clauses 3.10 to 3.11 on overseas travel.
13. Clauses 3.5 to 3.9 refer to Schedule A of the Determination, which sets out the new travelling allowance rates payable for travel to various Australian cities, towns and other centres, for each of the three travel tiers, with effect on and from 28 August 2016.

PART 4 – OFFICIAL TRAVEL BY MOTOR VEHICLE

14. Part 4 provides that an office holder may choose to hire a vehicle or to use his or her own vehicle for the purposes of travel on official business where it is demonstrably in the interest of the Commonwealth to do so. In these cases, the Commonwealth will meet the cost of the rental vehicle or pay the per kilometre rate of motor vehicle allowance set out in Table 4A of the Determination.
15. The rates specified are unchanged from those contained in Part 4 of the previous amended Determination.

Authority: Subsections 5(2A), 7(3) and 7(4) of the Remuneration Tribunal Act 1973

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Remuneration Tribunal Determination 2016/07

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

This Legislative Instrument, or Determination, supersedes and revokes the previous Principal Determination 2015/11 - *Official Travel by Office Holders* (as amended).

Its major purpose is to update the travelling allowance amounts for offices within the Remuneration Tribunal's jurisdiction, including judicial offices. In doing this, it closely reflects the amounts determined by the Australian Taxation Office as reasonable travel expense amounts in Taxation Determination TD 2016/13: *Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2016-17 income year?*

The Determination includes substantively similar provisions to the previous Principal Determination, as amended.

The instrument maintains the principle of just and favourable conditions of work.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Remuneration Tribunal