



REMUNERATION
TRIBUNAL
ANNUAL REPORT
2020–21

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The document must be attributed as the *Remuneration Tribunal Annual Report 2020–21*.



REMUNERATION TRIBUNAL

15 September 2021

The Hon Ben Morton MP
Assistant Minister to the Prime Minister and Cabinet
Assistant Minister to the Minister for the Public Service
Parliament House
CANBERRA ACT 2600

Dear Assistant Minister

We have pleasure in presenting to you the *Remuneration Tribunal's Annual Report for 2020–21*. The Report covers the activities of the Tribunal during the year ended 30 June 2021.

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

John Conde AO
PRESIDENT

Heather Zampatti
MEMBER

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PRESIDENT'S OVERVIEW

We continue to experience in 2021, like 2020, a challenging year for the health and economies of many countries. National vaccination rates are increasing, and the domestic economic recovery is underway and stronger than anticipated. However, the country is still in a pandemic, with various restrictions in some jurisdictions.

In the year to June 2021, the Remuneration Tribunal continued its work determining remuneration arrangements for a range of senior public offices, as well as fulfilling its advisory role for those offices outside its determinative jurisdiction.

In its determinations, the Tribunal is obliged to assess remuneration on the work value of an office. In doing so, the Tribunal seeks to fix remuneration at levels that will attract and retain individuals of the calibre and with the skills necessary to perform the office.

As reflected in its 2021 Remuneration Review decision, the Tribunal has regard to a range of economic considerations, historical and projected, when determining overarching adjustments for public offices. While the economic recovery from the COVID-19 pandemic is stronger than expected, we recognise the uncertainty that remains. The Tribunal continues to maintain 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).

Principal executive offices

In 2020, the Tribunal instituted an additional requirement for employing bodies to notify the Tribunal in writing of its principal executive office (PEO) terms and conditions by 1 December each year, for the preceding financial year. The Tribunal also amended its Guide to the PEO Structure to note employing bodies must report to their portfolio ministers at least annually on PEO remuneration, as required by the *Public Governance Performance and Accountability Act 2013* and Public Governance Performance and Accountability Rule 2014.

In early 2021, the Tribunal undertook a review of the information it holds on PEO remuneration, to satisfy itself that its records remain current and complete.

Parliamentarians

The Tribunal completed its inquiry, reporting and determinative obligations on the remuneration and work expenses framework for parliamentarians, set out in the *Parliamentary Business Resources Act 2017*.

The Tribunal continues to monitor the operation of the framework and the need for any changes, noting an independent review of that Act is imminent.

General reviews of remuneration

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

While work value and competitive, equitable remuneration are the Tribunal's primary considerations when determining remuneration, the Tribunal also considers the broader jobs market and the economy. For offices other than parliamentarians, the Tribunal is required to consider the Fair Work Commission annual wage reviews.

Over the last decade the Tribunal has determined modest remuneration increases, taking into account the environment of economic restraint, slower wage growth, and the Government's public sector workplace bargaining policies.

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

Figure 1: Tribunal annual adjustments 2011–2021

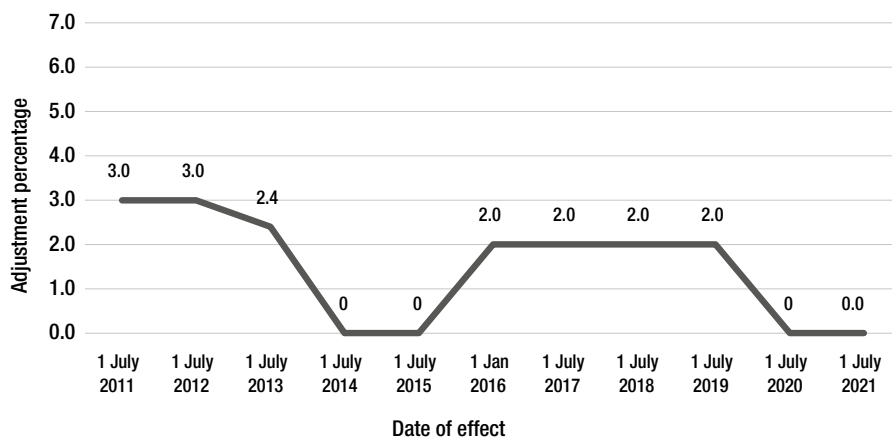
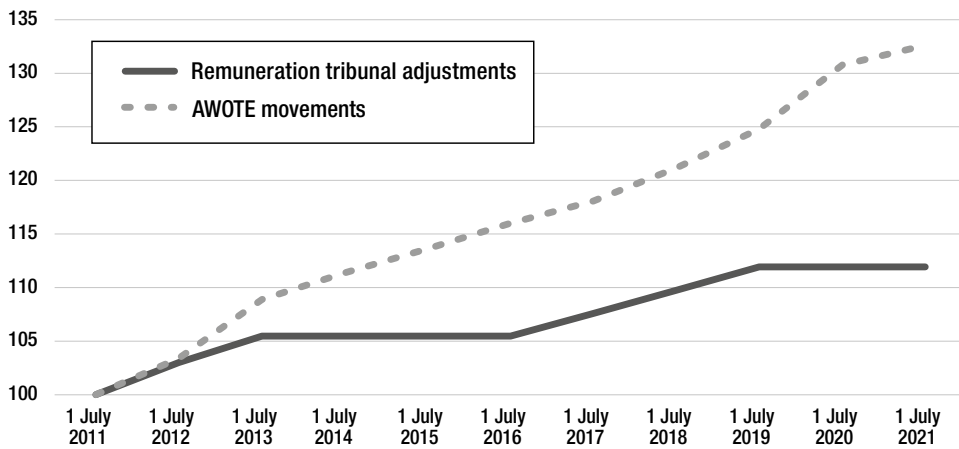


Figure 2: Cumulative AWOTE increases and Tribunal increases 2011–2021



Source: Remuneration Tribunal Secretariat using ABS average weekly earnings, Australia, May 2021.

The 2021 Remuneration Review was undertaken in a period of economic recovery and uncertainty following the contractions caused by the COVID-19 pandemic. The 2020 Fair Work Commission annual wage review decision was taken into consideration during the Tribunal's 2021 deliberations. The Fair Work Commission's 2021 annual wage review decision was not available.

On 10 June 2021, the Tribunal announced its decision to make no increases in remuneration for public offices in its jurisdiction from 1 July 2021, but that it would keep this matter under consideration.

In making this decision the Tribunal had regard to a range of economic considerations, historical and projected. The Tribunal noted the economic recovery from the COVID-19 pandemic was stronger than expected, but recognised that uncertainty remained. The Tribunal also had regard to the wages policies in states and territory public sectors, and noted the Government's Public Sector Workplace Relations Policy, released in November 2020, which limits annual wage increases in Commonwealth industrial instruments to those of the private sector Wage Price Index.

Tribunal membership

The Tribunal operated with two members for the full reporting year.

I am very grateful for the continued support and counsel provided by Ms Heather Zampatti, my fellow Tribunal member.

The Tribunal's Secretariat, led by Mr Martyn Hagan, consists of a small group that continues capably and effectively to support the Tribunal's work program. I record my gratitude to Mr Hagan for his leadership and to all Secretariat staff for their dependably sound work. It is appreciated greatly.

John C Conde AO

President

1. INTRODUCTION TO THE TRIBUNAL

The Remuneration Tribunal is an independent statutory authority established under the Remuneration Tribunal Act. 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 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.

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

- the attributes of the office
- remuneration of comparable offices
- considerations related to complexity and scope
- 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. Since November 2019, there has been a vacancy in Tribunal membership. Tribunal membership is managed by the Department of the Prime Minister and Cabinet.

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 Chairman of the Dexu Wholesale Property Fund and Deputy Chairman of Whitehaven Coal Limited. 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, Dexu Property Group (ASX listed entity DXS) 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, the Dermatology Research Foundation and Council of the Sydney Medical School Foundation.

Ms Heather Zampatti

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

Ms Zampatti is a graduate of the University of Western Australia with a Bachelor of Science and Diploma of Education. She also holds an honorary Doctorate of Commerce from Edith Cowan University, and is a Certified Financial Planner, a Master of Stockbroking, and a Fellow of the Australian Institute of Company Directors.

Ms Zampatti sits on the boards of Theatre 180, Osteoporosis Australia, the University Club of Western Australia, ASIC Financial Services Consultative Committee and Tura New Music. She is a former Chair of Lotterywest, a former Chair of the Princess Margaret Hospital Foundation and a former member of Healthways, 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 seven occasions. In addition, it held meetings with a range of interested parties and considered some matters out of session. The President and member, where appropriate, also consulted more widely on various matters.

The Tribunal formalised its decisions in 12 determinations. Appendix A lists the determinations and reports issued by the Tribunal in the reporting year.

3.1. Annual adjustment

In accordance with sections 7(3) and 8(1) of the Remuneration Tribunal Act, the Tribunal is required to report on, and make determinations about, remuneration for the offices in its jurisdiction at intervals 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 and private sectors, as well as the general economic and fiscal environment. The Tribunal must also have regard to the outcome of the annual wage reviews of the Fair Work Commission.

The Tribunal considered the Government's Public Sector Workplace Relations Policy 2020, which sets out the Government's wages policy for employees of the Australian Public Service and non-APS government entities. The current policy links maximum annual adjustments in new Commonwealth public sector workplace arrangements with the private sector Wage Price Index annual percentage change for the immediately preceding June quarter.

Most Australian jurisdictions have policies providing for public sector employee wage restraint, with general increases capped at between 1.5 per cent and 2.7 per cent.

In June 2021, the Tribunal decided to make no increases in remuneration for public offices in its jurisdiction from 1 July 2021. This follows a decision not to increase remuneration in 2020. This is consistent with the Tribunal's generally moderate approach to remuneration for the senior offices for which it is responsible.

In making this decision, the Tribunal had regard to a range of economic considerations, historical and projected. It noted that the economic recovery from COVID-19 is stronger than expected but recognised the uncertainty that remains. The Tribunal will continue to monitor economic conditions and wages growth.

The full text of the Tribunal's 10 June 2021 statement, containing its reasons for decision, is at www.remtribunal.gov.au/document-library-search/2021-remuneration-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.

Most full-time offices are statutory offices.

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

Consistent with its remuneration review statement of 10 June 2021, the Tribunal decided to make no increases in remuneration for public offices in its jurisdiction from 1 July 2021. The Tribunal issued Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2021 to implement this decision.

As at 30 June 2021, there were 174 offices specified in the Tribunal's principal determination for holders of full-time offices. Seven additional full-time offices were included in the determination during 2020–21. Four of these were established by legislation or by the establishment of executive agencies. Two were offices that had their PEO status revoked at the request of relevant ministers and subsequently returned to the Tribunal's full-time determinative jurisdiction. One was referred into the Tribunal's jurisdiction before being established by statute.

Appendix B details the new full-time public offices for which the Tribunal determined remuneration in the year to 30 June 2021 and the offices removed from the determination.

Specified statutory offices

The Tribunal is responsible for determining the remuneration of four full-time public offices referred to as 'specified statutory offices'. As at 30 June 2021, these were the:

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

Consistent with its remuneration review statement of 10 June 2021, the Tribunal decided to make no increases in remuneration for these offices from 1 July 2021. It issued Remuneration Tribunal (Specified Statutory Offices Remuneration and Allowances) Determination 2021 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 may be regular or intermittent.

Several remuneration models are determined for part-time offices. The two main models 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 models, with daily fees covering specific activities and an annual fee covering recurring or predictable elements of the office holder's workload.

A related matter determined by the Tribunal for part-time offices is travel entitlements.

Consistent with its remuneration review statement of 10 June 2021, the Tribunal decided to make no increases in remuneration for public offices in its jurisdiction from 1 July 2021.

As at 30 June 2021, the principal determination—Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2020—included offices for 237 bodies. This determination was superseded by Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2021, effective from 1 July 2021.

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

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 remuneration 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:

www.remtribunal.gov.au/document-library-search/list-principal-executive-offices

Consistent with the Tribunal's statement of 10 June 2021, the Tribunal decided to make no increases to the remuneration ranges of the PEO classification structure from 1 July 2021. The Tribunal issued Remuneration Tribunal (Principal Executive Offices—Classification Structure and Terms and Conditions) Determination 2021 to implement this decision.

During 2020–21, the Tribunal considered submissions relating to PEOs, generally dealing with reviews of remuneration and conditions or changes to governance arrangements.

Since 2007, the number of PEOs has gradually reduced, reflecting the move away from performance pay arrangements. This has allowed some offices to be returned to the Tribunal's full-time determinative jurisdiction. During 2020–21, the Minister responsible for the Tribunal revoked the PEO status of these two offices:

- Chief Executive Officer, Australian Research Council
- Chief Executive Officer, Food Standards Australia New Zealand.

As at 30 June 2021, there were 41 PEOs.

The PEO framework requires employing bodies to notify the Tribunal in writing of a PEO's terms and conditions on an office-holder's commencement, when remuneration varies, and at other times as may reasonably be required by the Tribunal.

In 2020, the Tribunal instituted an additional requirement for employing bodies to notify it in writing of a PEO's terms and conditions by 1 December each year for the preceding financial year. The Tribunal also amended its Guide to the PEO Structure to note that employing bodies must report to their portfolio ministers at least annually on PEO remuneration, as required by the Public Governance Performance and Accountability Act and Public Governance Performance and Accountability Rule 2014.

The new reporting requirement provides the Tribunal with an additional opportunity to ensure the information it holds about PEOs is complete and current, and that irregularities can be brought to the attention of employing bodies.

In early 2021, the Tribunal reviewed the information provided as part of the new reporting requirement and is satisfied its records were up-to-date.

3.5 Departmental 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 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 the Department of the Prime Minister and Cabinet under subsection 14(3) of the Remuneration Tribunal Act.

In assigning the pay point, the Secretary of the Department of the 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 its remuneration review statement of 10 June 2021, the Tribunal decided to make no increases in remuneration for departmental secretaries from 1 July 2021. The Tribunal issued Remuneration Tribunal (Departmental Secretaries–Classification Structure and Terms and Conditions) Determination 2021 to implement this decision.

In the first half of 2021, the Tribunal began preparing for a high-level review of departmental secretaries and associated offices to occur in the second half of the year.

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 the Australian Constitution, which prohibits the 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, National Native Title Tribunal, and for offices in the military justice system.

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

Consistent with its remuneration review statement of 10 June 2021, the Tribunal decided to make no increases in remuneration for these offices from 1 July 2021. The Tribunal issued Remuneration Tribunal (Judicial and Related offices—Remuneration and Allowances) Determination 2021 to implement this decision.

In August 2020, the Tribunal considered a request for temporary amendments to the recreation leave provisions for Federal Circuit Court Judges, to enable them to carry over up to two weeks of unused recreation leave (which would otherwise be forfeited) to be used in the 2021 or 2022 calendar years. This request resulted from the impact of COVID-19, wherein Judges' recreation leave planned for 2020 was largely cancelled to prioritise the needs of litigants. Considering the challenges resulting from the pandemic, the Tribunal agreed to the request and the relevant determination was amended.

The Judicial Remuneration Coordination Group

The Judicial Remuneration Coordination Group met in May 2021. Representatives from state and territory remuneration tribunals attended to discuss matters of common interest. This was the first time the group met since 2018. The Federal election and the pandemic precluded the group from meeting in 2019 and 2020, respectively. The group intends to meet again in May 2022.

3.7 Parliamentarians

The framework

Base salary for parliamentarians

The Tribunal is responsible for determining the base salary of parliamentarians. It is required to make new determinations about parliamentary base salaries at periods of no more than 12 months (section 45(1) of the Parliamentary Business Resources Act). Unlike many other Tribunal determinations, those concerning parliamentarians are not disallowable by the Parliament. The Tribunal has, however, responsibility for explaining in writing its decisions in relation to parliamentarians. These reasons are published on the Tribunal's website: www.remtribunal.gov.au/offices/parliamentary-offices

Additional salary for ministers and parliamentary office holders

Ministers of state (including the Prime Minister) and parliamentary office holders receive a parliamentary base salary and 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 the Tribunal to report annually to the Government on these salaries.

The Tribunal determines the salaries 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 various allowances and related provisions for federal parliamentarians (including ministers), such as travel allowance rates, electorate allowance, private-plated vehicles, 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 about 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 Government through the Special Minister of State or by Parliament, under this legislation:

- *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 its remuneration review statement of 10 June 2021, the Tribunal decided to make no increase to the base salary for parliamentarians from 1 July 2021. The Tribunal issued Remuneration Tribunal (Members of Parliament) Determination 2021 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.

In July 2020, the Tribunal reported to the Assistant Minister for the Public Service that no alterations were desirable in the ministerial salaries that are payment out of public money of the Commonwealth. The Tribunal subsequently issued the *Report on Ministerial Salaries—Salary Additional to Parliamentary Base Salary* on 29 July 2020, recommending no change to existing percentages.

Travel allowances

In August 2020, the Tribunal inquired into and determined no change to travel allowances for parliamentarians in line with the Tribunal’s general review of travel allowances. Conscious that the Australian economy was facing unprecedented challenges because of COVID-19, the Tribunal decided not to make any adjustments to its rates for travel and motor vehicle allowance.

Inquiries and reports

In accordance 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 2017 and reported its conclusions to the Special Minister of State in June 2021.

At that time, the Tribunal did not consider a need for any change to travel expense and allowance provisions.

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 2017.

The Tribunal reviews travel and motor vehicle allowances annually. Conscious that the Australian economy was facing unprecedented challenges because of COVID-19, in August 2020 the Tribunal decided not to make any adjustments to its rates for travel and motor vehicle allowance.

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 that 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:

- Administrator, Christmas and Cocos (Keeling) Islands
- Administrator, Norfolk Island
- Chairperson, Australian Securities and Investments Commission
- Chief Executive Officer, Aboriginal Hostels Limited
- Chief Executive Officer, Northern Australia Infrastructure Facility
- Executive Director, Australian Industrial Chemicals Introduction Scheme
- Inspector General, Intelligence and Security
- Sex Discrimination Commissioner, Australian Human Rights Commission.

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

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 where there is a specific Commonwealth law (usually the Act establishing the office) that provides 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 and PEOs are included in the relevant determinations.

The recreation leave entitlement determined by the Tribunal is set out in Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) Determination 2018. The Tribunal did not vary this determination during the reporting period.

Recreation leave entitlements for PEOs are separately specified in Remuneration Tribunal (Principal Executive Offices—Classification Structure and Terms and Conditions) Determination 2021, which provides that PEOs are entitled to be paid annual leave of four weeks per year of full-time service. This entitlement was not varied in the reporting period.

Recreation leave arrangements for judges of the Federal Circuit Court are separately specified in Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2021. The relevant provision was amended in 2020 to enable judges of the Federal Circuit Court to carry over two weeks of unused recreation leave (which would otherwise be forfeited) to be used in the 2021 or 2022 calendar years. This request resulted from the impact of COVID-19, wherein judges' recreation leave planned for 2020 was largely cancelled to prioritise the needs of litigants.

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 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 2021.

No changes were made to these arrangements during 2020–21.

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 2020–21, in accordance with the requirements of the Parliamentary Service Act, the Tribunal provided advice to the presiding officers about the terms and conditions of the Secretary of the Department of Parliamentary Services.

The Tribunal also provided advice on remuneration matters for the Executive Director of the Sydney Harbour Federation Trust.

4. FINANCIAL MATTERS

The Tribunal is supported by a Secretariat staffed by employees of the Australian Public Service Commission (APSC). 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

Nil.

6. LEGISLATIVE REQUIREMENTS

6.1 Work health and safety

The Tribunal's Secretariat is located in the APSC's premises and is subject to the Commission's policies and practices on work health and safety. Information about the APSC's policies is 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 APSC on the requirements of the Environment Protection and Biodiversity Conservation Act. Information about the Commission's policies is 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 are required to publish information to the public as part of the Information Publication Scheme. This requirement (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 on its website: www.remtribunal.gov.au/freedom-information

6.5 *Legislation Act 2003*

Most Tribunal determinations are legislative instruments for the purposes of the Legislation Act. The exception is determinations relating to departmental secretaries, which are notifiable instruments for the purposes of the Legislation Act. Notifiable instruments are not subject to Parliamentary disallowance and do not automatically sunset 10 years after commencement.

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.

Subsection 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 2020–21

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

Statement: 2021 Remuneration Review Statement

Statement: 2021 Parliamentary Remuneration and Expenses Statement

Statement: 2020 Travel Allowance Review

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2021*

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2021*

Remuneration Tribunal (Specified Statutory Offices—Remuneration and Allowances) Determination 2021*

Remuneration Tribunal (Principal Executive Offices—Classification Structure and Terms and Conditions) Determination 2021*

Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination 2021*

Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions) Determination 2021*

Remuneration Tribunal (Members of Parliament) Determination 2021*

Remuneration Tribunal Amendment Determination (No. 1) 2021

Remuneration Tribunal Amendment Determination (No. 2) 2021

Remuneration Tribunal Amendment Determination (No. 5) 2020

Remuneration Tribunal Amendment Determination (No. 6) 2020

Remuneration Tribunal Amendment Determination (No. 7) 2020

Report 1 of 2020: Report on Ministerial Salaries—Salary Additional to the Parliamentary Base Salary—July 2020.

*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: www.legislation.gov.au

APPENDIX B—VARIATIONS TO BODIES AND OFFICES DETERMINED IN 2020–21

Full-time offices

New

- Director-General, Office of the Special Investigator
- National Skills Commissioner
- Chief Executive Officer, Australian Radioactive Waste Agency
- Chief Executive Officer, Australian Skills Quality Authority
- Chief Executive Officer, Sport Integrity Australia

Former principal executive offices

- Chief Executive Officer, Australian Research Council
- Chief Executive Officer, Food Standards Australia New Zealand

Renamed

- Executive Director, Australian Industrial Chemicals Introduction Scheme (was Director, National Industrial Chemicals Notification and Assessment Scheme)
- Coordinator-General, National Recovery and Resilience Agency (was Coordinator-General, National Drought and North Queensland Flood Response and Recovery Agency)

Removed from the determination

- Chief Executive Officer, Innovation and Science Australia
- Chief Commissioner and Chief Executive Officer, Australian Skills Quality Authority
- Deputy Chief Commissioner, Australian Skills Quality Authority
- Commissioner, Australian Skills Quality Authority
- Chief Executive Officer, Infrastructure and Project Financing Agency

Part-time offices

New

- Independent Reviewer, Food and Grocery Code of Conduct
- Deputy Chair, Australian Medical Research Advisory Body
- National Soils Advocate
- Chair and Member, National Vocational Education and Training Regulator Advisory Council
- Chair and Member, Sport Integrity Australia Advisory Council

Renamed

Nil

Removed from the determination

- Anti-doping Rule Violation Panel

Principal executive offices

New

Nil

Renamed

Nil

Removed from the principal executive office structure

- Chief Executive Officer, Australian Research Council
- Chief Executive Officer, Food Standards Australia New Zealand

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 Martyn Hagan.

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

Secretary

Remuneration Tribunal Secretariat

PO Box 281

Civic Square ACT 2608

Email: enquiry@remtribunal.gov.au

Telephone: 02 6202 3930

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

Media inquiries should be directed to:

Secretary

Remuneration Tribunal Secretariat

Email: enquiry@remtribunal.gov.au

