



REMUNERATION
TRIBUNAL
ANNUAL REPORT
2022–23

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The document must be attributed as the *Remuneration Tribunal Annual Report 2022–23*.



REMUNERATION TRIBUNAL

9 October 2023

The Hon Patrick Gorman MP
Assistant 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 2022–23. The Report covers the activities of the Tribunal during the year ended 30 June 2023.

Section 12AA(2) of the *Remuneration Tribunal Act 1973* (Cth) 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 C Conde AO
PRESIDENT

Heather Zampatti
MEMBER

Stephen Conry AM
MEMBER

GPO Box 419 Canberra ACT 2601 | Phone 02 6202 3930
Website: www.remtribunal.gov.au

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President's overview

In the year to June 2023, the Remuneration Tribunal reviewed and determined remuneration arrangements for a range of senior public offices and, as detailed later in this overview, completed its review of the National Cultural Institutions Remuneration Relativities.

In considering remuneration for public offices, the Tribunal assesses the work value of an office. It strives to determine remuneration at levels that will attract and retain individuals of the calibre, and with the skills necessary to perform the particular role.

The Tribunal has regard to a range of economic considerations, historical and projected, and maintains awareness of remuneration trends in the private and public sectors generally, including by monitoring trends in Senior Executive Service remuneration in the Australian Public Service (APS).

Parliamentarians

During the reporting period the Tribunal considered and acted on various recommendations of the Independent Review of the *Parliamentary Business Resources Act 2017* (Cth) and the *Independent Parliamentary Expenses Authority Act 2017* (Cth) (the review). It inquired into and made recommendations to amend the definition of 'transport costs' in the Parliamentary Business Resource Regulations 2017 (the Regulations), to include road tolls and the administration of road tolls for hire vehicles and to amend travel provisions for accompanying infants and carers. The Tribunal continues to inquire into Recommendation 25 of the review in respect of support for parliamentarians with exceptional physical requirements. It wrote to all parliamentarians on 17 May 2023 seeking feedback on the adequacy of current arrangements. The Tribunal also recommended amendments to the Regulations with respect to family reunion travel.

The Tribunal completed its annual inquiry, reporting and determinative obligations on the remuneration and work expenses framework for parliamentarians. It implemented minor amendments to the definitions of offices for which an office holder's salary is determined, and agreed to provide additional flexibility regarding private-plated vehicles for members with large electorates. The Tribunal continues to monitor the operation of the framework and the need for any changes.

National cultural institutions

The Tribunal conducts reviews into the remuneration structures of specific groups within its jurisdiction. These reviews provide an opportunity to consider the most appropriate remuneration structures for each group, and to realign remuneration based on changes in work value.

During the reporting period the Tribunal completed a review of the remuneration relativities of the heads of the national cultural institutions. The principal purpose was to consider whether the remuneration relativities between the agency head offices of these institutions remained appropriate, and, if not, whether adjustments to any office was warranted.

The Tribunal concluded that the differences in remuneration of some offices were no longer supported by the differences in the respective work values of those offices. The Tribunal agreed to adjust the Total Remuneration Reference Rate of five of the eleven agency head offices to reflect the growth in the complexity and significance of the relevant institutions, as well as the increased capability requirements of these offices.

General reviews of remuneration

The *Remuneration Tribunal Act 1973* (Cth) 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.

With respect to its 2022 Review, the Tribunal issued principal determinations on 13 June 2022 and was obliged to make new determinations by 12 June 2023.

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

Conscious that key data, including the June data on the Consumer Price Index and the Wage Price Index would not be available by 12 June 2023, the Tribunal decided to defer until August 2023 finalising its 2023 Review.

In a statement published on 28 August 2023, the Tribunal advised its decision to increase remuneration by 4 per cent for public offices in its jurisdiction

Tribunal membership

The Tribunal operated with three members for the whole reporting period. On 19 June 2023 I was re-appointed as President of the Tribunal for a further six months.

I record my appreciation to Ms Heather Zampatti and Mr Stephen Conry for their invaluable contributions to the Tribunal's work.

The Tribunal's Secretariat, led by Mr Martyn Hagan, comprises a small group that continues capably and effectively to support the Tribunal's work program. I record my gratitude to Mr Hagan and everyone in the Secretariat staff for their loyalty, dedication and efforts.

Finally, since I will leave office in December, I record my deep appreciation for the great honour it has been to serve for over twenty five years as President of the Tribunal and to the many Prime Ministers, Leaders of the Opposition, Special Ministers of State and Shadow Special Ministers of State, Ministers who from time to time have had specific responsibilities for the Public Service and many of the most senior office-holders in the Judiciary, the various regulatory agencies, and the Public Service, with whom I have had the pleasure of working. I acknowledge with gratitude all Tribunal Members, current and past, with whom I have worked and the Tribunal Secretaries and officers in the Secretariat without whose support, research and insights none of our work would be possible.

Australia is well served by its system of government and it has been most humbling to have experienced it at such close range over such a long period of time. It is a great honour indeed and I shall appreciate always the many opportunities and involvements that I have been afforded.

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. Tribunal membership is managed by the Department of the Prime Minister and Cabinet.

Current members are:

Mr John C Conde AO, President

Reappointed on 19 June 2023 as Member and President for a further six months from 25 June 2023, Mr Conde was appointed originally as a member of the Remuneration Tribunal on 18 June 1998. He has held the office of President since June 2008. Mr Conde is Chairman of the McGrath Foundation and Chairman of Cooper Energy Limited. He is also Chairman of the Dexu Wholesale Property Fund. 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, Deputy Chairman of Whitehaven Coal Limited, CoChair 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 the Dermatology Research Foundation at the

University of Sydney and member of the Sydney Children's Hospital Network Board and the Council of the Sydney University Medical School Foundation.

In January 1994, Mr Conde was appointed an Officer of the Order of Australia for service to business and commerce, particularly in the field of electricity generation and supply to the community.

Ms Heather Zampatti

Reappointed as a Member on 31 March 2022 for five years, Ms Zampatti was originally appointed to the Remuneration Tribunal on 23 March 2017. Ms Zampatti has over 30 years' experience in investment advising and providing investors with professional portfolio management. Her expertise covers the full range of investment options including advice on cash, fixed interest, stockbroking and financial investment policy and strategy.

Ms Zampatti 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 Evion Group, Theatre 180, Healthy Bones Australia, the University Club of Western Australia, ASIC Financial Services Consultative Committee and the Western Australian Cricket Foundation, and is a member of the Edith Cowen University Resources Committee. 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, Tura New Music, and the Financial Sector Advisory Council.

Mr Stephen Conry AM

Appointed as a Member on 14 October 2021 for five years, Mr Conry is the Chairman of private investment company Langdon Capital, a Board Member of the Charter Hall Group, and a Board Member of Redkite. He is the former Chief Executive Officer of JLL (formerly Jones Lang LaSalle), Australia's largest commercial property services firm, retiring from the business in 2022 after a 40-year career. Mr Conry was a director of the firm for 33 years, including 22 years as an International Director and over 13 years as Chief Executive Officer for Australia and New Zealand.

Mr Conry has served on various business and community boards and committees in Australia, including the Property Council of Australia where he was National President 2019–21. He is a Fellow of the Australian Property Institute, a Fellow of the Royal Institution of Chartered Surveyors and a Fellow of the Australian Institute of Company Directors. In June 2019, Mr Conry was appointed a Member of the Order of Australia for his service to the commercial property sector and the community.

3. The work of the Tribunal

During the reporting year, the Tribunal convened formally on nine occasions. In addition, it held meetings with a range of interested parties and considered a number of matters out of session.

The Tribunal formalised its decisions in 19 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.

Most Australian jurisdictions have policies providing for public sector employee wage restraint. The Tribunal considered the Government's Public Sector Workplace Relations Policy 2023, which outlines the Government's plan for APS-wide bargaining. It also considered the Government's Public Sector Interim Workplace Arrangements 2022 which provide a one-off pay increase of 3 per cent per annum to all employees for all pay increases due between 1 September 2022 and 31 August 2023.

In its deliberations, the Tribunal must consider the outcome of the annual wage reviews of the Fair Work Commission. It also considers economic conditions more generally, including published data on movements in both private and public sector remuneration, and other data, including the Consumer Price Index and Wage Price Index.

The Tribunal issued its last principal determinations on 13 June 2022 resulting from its 2022 review, and was obliged to make new determinations by 12 June 2023. While the Tribunal is conscious of meeting its legislative obligations, it did not have available for consideration certain key economic data by 12 June 2023 and consequently, the Tribunal decided on 8 June 2023 to defer any adjustment in remuneration for offices within its jurisdiction. The Tribunal issued new principal determinations reflecting this.

At that time, the Tribunal decided to meet again in August 2023 to consider further data, and to inquire into and determine whether an adjustment in remuneration was appropriate.

The full text of the Tribunal's 8 June 2023 statement, containing its reasons for decision, is at <https://www.remtribunal.gov.au/document-library-search/2023-remuneration-review-statement-deferral>

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 allowances for new and established full-time offices.

Consistent with its remuneration review statement of 8 June 2023, the Tribunal decided to defer any adjustment in remuneration for offices within its jurisdiction. The Tribunal issued Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination (No. 1) 2023 to implement this decision.

As at 30 June 2023, there were 178 offices remunerated under the Tribunal's principal determination for holders of full-time offices. Eleven additional full-time offices were included in the determination during 2022–23. Nine of these were established by legislation. One was a former part-time office whose enabling legislation was amended to permit it to be filled on a full-time basis, and one office was referred into the Tribunal's jurisdiction.

Appendix B details the new full-time public offices for which the Tribunal determined remuneration in the year to 30 June 2023 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 2023, these were the:

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

Consistent with its remuneration review statement of 8 June 2023, the Tribunal decided not to increase remuneration for these offices from 10 June 2023. The Tribunal issued Remuneration Tribunal (Specified Statutory Offices–Remuneration and Allowances) Determination (No. 1) 2023 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 8 June 2023, the Tribunal decided to defer any adjustment in remuneration for offices within its jurisdiction. As at 30 June 2023, the principal determination – Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination (No. 1) 2023 – included part-time offices relating to 209 principal bodies.

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.

In late 2021, the Tribunal became aware of a technical anomaly that may have resulted in several offices not falling automatically into its jurisdiction despite their establishing legislation requiring the Tribunal to determine remuneration. The Tribunal consulted with the Office of Parliamentary Counsel and the Australian Government Solicitor on this matter. Legal certainty was provided on 29 September 2022 when the Minister for the Public Service wrote to the Tribunal clarifying that the provisions of the Remuneration Tribunal Act should apply to these offices.

3.4 Principal Executive Offices

The framework

The Remuneration Tribunal Act provides for the Tribunal to determine a classification structure for Principal Executive Offices (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% below to 5% 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% for bands A to C and up to 20% 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:

<https://www.remtribunal.gov.au/document-library-search/list-principal-executive-offices-2>

Consistent with its remuneration review statement of 8 June 2023, the Tribunal decided to defer any adjustment in remuneration for offices within its jurisdiction. The Tribunal issued Remuneration Tribunal (Principal Executive Offices—Classification Structure and Terms and Conditions) Determination (No. 1) 2023 to implement this decision.

During 2022–23, the Tribunal considered submissions relating to PEOs, generally dealing with reviews of remuneration and conditions or changes to governance arrangements. During the reporting period, the offices of Managing Director and Chief Executive Officer, Snowy Hydro Limited, and Chief Executive Officer, NBN Co, were declared PEOs.

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 8 June 2023, the Tribunal decided to defer any adjustment in remuneration for offices within its jurisdiction. The Tribunal issued Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions) Determination (No. 1) 2023 to implement this decision.

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* (Cth)), 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 Federal Circuit and Family 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 nonjudicial 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 and Family Court of Australia (Division 2).

Consistent with its remuneration review statement of 8 June 2023, the Tribunal decided to defer any adjustment in remuneration for offices within its jurisdiction. The Tribunal issued Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination (No. 1) 2023 to implement this decision.

The Judicial Remuneration Coordination Group

The Judicial Remuneration Coordination Group met in May 2023. Representatives from state and territory remuneration tribunals attended to discuss matters of common interest. It noted the establishment of a community of practice for the secretariats of these tribunals.

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 most other Tribunal determinations, those concerning parliamentarians are not disallowable by the Parliament. The Tribunal is required to explain 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, allowances for private-plated vehicles and allowances for Internet and telephone services at private residences. The Tribunal also determines allowances and expenses for former members, such as for 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 the following 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 8 June 2023, the Tribunal decided to defer any adjustment in remuneration for offices within its jurisdiction. The Tribunal issued Remuneration Tribunal (Members of Parliament) Determination (No. 1) 2023 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 2022, the Tribunal completed its inquiry before the composition of the 47th Parliament was finalised. At that time, it reported to the Minister for the Public Service that no alterations were desirable in the ministerial salaries that are payable out of public money of the Commonwealth.

The Parliamentary Business Resources (Office Holder) Determination 2017 (PBR determination) includes the position of ‘Party Whip (however described) of a party for a House of the Parliament, where that party has at least 5 members in the relevant House’. The PBR determination does not set an upper limit of party members for this office, unlike the Tribunal’s Members of Parliament determination which formerly set the upper limit at 10 in reference to the office holder’s salary. In August 2022, the Tribunal decided to remove the upper limit of members on Whips of a minority party in its Determination. The decision was made taking into account the growth in the number of members of minority parties, and for consistency with the manner in which the offices are described in the PBR determination.

Expenses for senators and members

In November 2022, the Tribunal amended the private-plated vehicle provisions of the principal determination. The Tribunal had regard to the situation faced by members servicing large electorates and considered it reasonable to enable senators for the Northern Territory or a member of the House of Representatives for an electoral division the area of which is 300,000km² or more, to request up to two additional private-plated, four-wheel-drive vehicles, noting the cost of these would be funded from within existing provisions. Prior to this amendment, eligible members or senators could request on additional private-plated, four-wheel-drive vehicle. In coming to this conclusion, the Tribunal had regard to the limitations of the current provisions.

Travel allowances

In August 2022, the Tribunal inquired into and determined changes to travel allowances for parliamentarians in line with the Tribunal’s general review of travel allowances. This followed two years without adjustments in response to the challenges of the COVID-19 pandemic. The Tribunal issued Remuneration Tribunal (Members of Parliament) Amendment determination (No. 2) 2022 to implement this decision.

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 August 2022.

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 determined revised travel allowance rates for office holders effective 28 August 2022. This followed two years without adjustments in response to the challenges of the COVID-19 pandemic. The Tribunal issued Remuneration Tribunal (Official Travel) Determination 2022 and Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 2) 2022 to implement this decision. In keeping with normal Tribunal practice, the travel allowance rates in its travel determinations are based on the Australian Taxation Office's reasonable travel and overtime meal allowance expense amounts. The motor vehicle allowance rate was increased in line with the Australian Taxation Office's car expenses cents per kilometre rate for 2022–23.

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 Commonwealth, 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 the Chief Executive Officer of Aboriginal Hostels Limited.

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 relating to 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 Division 2 of the Federal Circuit and Family 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 (No. 1) 2023, 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 Division 2 of the Federal Circuit and Family Court of Australia are separately specified in Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination (No. 1) 2023. The temporary measure implemented in 2020 which enabled Division 2 judges to carry over two weeks of unused recreation leave expired at the end of 2022 and was removed from the determination. The remaining measure expires at the end of the 2023 calendar year.

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 (No. 1) 2023.

No changes were made to these arrangements during 2022–23.

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* (Cth).

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 2022–23, the Tribunal was not called upon to provide advice to the presiding officers or any of the offices specified in the *Parliamentary Service Act*.

The Tribunal provided advice on the remuneration matters for the Director-General of the Australian Secret Intelligence Service.

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 (Cth)*

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 (Cth)*

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 (Cth)*

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 2022–23

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

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination (No. 1) 2023*

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination (No. 1) 2023*

Remuneration Tribunal (Specified Statutory Offices—Remuneration and Allowances) Determination (No. 1) 2023*

Remuneration Tribunal (Principal Executive Offices—Classification Structure and Terms and Conditions) Determination (No. 1) 2023*

Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination (No. 1) 2023*

Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions) Determination (No. 1) 2023*

Remuneration Tribunal (Members of Parliament) Determination (No. 1) 2023*

Remuneration Tribunal (Official Travel) Determination 2022

Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 2) 2022

Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 3) 2022

Remuneration Tribunal Amendment Determination (No. 7) 2022

Remuneration Tribunal Amendment Determination (No. 8) 2022

Remuneration Tribunal Amendment Determination (No. 9) 2022

Remuneration Tribunal Amendment Determination (No. 10) 2022

Remuneration Tribunal Amendment Determination (No. 11) 2022

Remuneration Tribunal Amendment Determination (No. 12) 2022

Remuneration Tribunal Amendment Determination (No. 1) 2023

Remuneration Tribunal Amendment Determination (No. 2) 2023

Remuneration Tribunal Amendment Determination (No. 3) 2023

Report: Report on Ministerial Salaries Salary Additional to the Parliamentary Base Salary – July 2022

Statement: Report on Ministerial Salaries – Salary Additional to the Parliamentary Base Salary – July 2022

Statement: 2022 Travel and Motor Vehicle Allowance Rates for Public Office Holders and Parliamentarians

Statement: Remuneration Tribunal (Members of Parliament) Determination (No. 1) 2023 – Reasons for Determination

Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 2)
2022 – Reasons for Determination

Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 3)
2022 – Reasons for Determination

Statement: 2023 Remuneration Review

Statement: 2023 Parliamentary Remuneration and Expenses

Review of National Cultural Institutions Remuneration Relativities Report

*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 2022–23

Full-time offices

New

- Director-General, Australian Submarine Agency
- Commissioner, Domestic, Family and Sexual Violence Commission
- Chief Executive Officer, High Speed Rail Authority
- Independent National Security Legislation Monitor
- Inspector-General of Water Compliance
- Jobs and Skills Australia Director
- Commissioner, Deputy Commissioner, Chief Executive Officer, and Inspector, National Anti-Corruption Commission
- Coordinator-General, National Emergency Management Agency

Removed from the determination

- Administrative Appeals Tribunal former member, Migration Review Tribunal, Refugee Review Tribunal
- Aged Care Pricing Commissioner
- Australian Building and Construction Commission, Commissioner and Deputy Commissioner
- National Recovery and Resilience Agency, Coordinator-General
- National Skills Commissioner
- Registered Organisations Commissioner

Part-time offices

New

- Member, Financial Services and Credit Panel
- Chair and Member, High Speed Rail Authority
- Inspector, National Anti-Corruption Commission
- National Emergency Medal Committee
- Chair and Member, National Reconstruction Fund Corporation
- Chair and Member, Northern Territory Aboriginal Investment Corporation, Investment Committee, Audit and Risk Committee, Grants Committee

Renamed

- Chair, Deputy Chair and Member, Creative Partnerships Australia (formerly Australian Business Arts Foundation)
- Defence Family Advocate, Defence Families of Australia (formerly the National Convener, Defence Families of Australia)
- Chair and Member, National Intermodal Corporation Limited (formerly the Moorebank Intermodal Company Limited)

Removed from the determination

- Chair and Member, Aboriginal Benefit Account Advisory Committee

- Administrative Appeals Tribunal former member, Migration Review Tribunal, Refugee Review Tribunal
- Member, AIATSIS Research Advisory Committee
- Health and Hospitals Fund Advisory Board

Principal Executive Offices

New

- Managing Director and Chief Executive Officer, Snowy Hydro Limited
- Chief Executive Officer, NBN Co

Renamed

- Chief Executive Officer, National Intermodal Corporation Limited (formerly the Moorebank Intermodal Company Limited)

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
GPO Box 419
Canberra ACT 2601
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

