



## Remuneration Tribunal

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### **Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 4) 2025**

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1. The *Remuneration Tribunal Act 1973* (the Act) establishes the Remuneration Tribunal (the Tribunal) as an independent statutory authority responsible for reporting on and determining the remuneration, allowances and entitlements of key Commonwealth office holders. These include Judges of Federal Courts and most full-time and part-time holders of public offices, including Specified Statutory Offices. An additional function of the Tribunal is to determine a classification structure for Principal Executive Offices and the terms and conditions applicable to each classification within the structure.
2. Section 11 of the Act advises that in the performance of its functions the Tribunal:
  - may inform itself in such manner as it thinks fit;
  - may receive written or oral statements;
  - is not required to conduct any proceeding in a formal manner; and
  - is not bound by the rules of evidence.
3. The Tribunal normally receives submissions on remuneration from a portfolio minister, or a secretary, program manager or employing body (in respect of a Principal Executive Office) with responsibility for the relevant office(s). The Tribunal will normally seek the views of the relevant portfolio minister prior to determining remuneration for an office.
4. The Tribunal may reach a decision based on the information provided in the submission and other publicly available information such as portfolio budget statements, annual reports, corporate plans, legislation and media releases. On occasion it may wish to meet with relevant parties or seek further information from the relevant minister or person making the submission.
5. Amongst other relevant matters in deliberating on appropriate remuneration for an office the Tribunal informs itself on:
  - the main functions, responsibilities and accountabilities of the office;
  - the organisational structure, budget and workforce;
  - the requisite characteristics, skills or qualifications required of the office holder(s); and
  - the remuneration of similar, comparator, offices within its jurisdiction.

### **Consultation**

#### *Updated definitions*

6. There was no consultation on this matter. Consultation was considered unnecessary on these amendments, which update the definition of 'official travel determination' in the Tribunal's Judicial and Related Offices, Full-time and Part-

time Office Determinations, to refer to the new principal Remuneration Tribunal (Official Travel) Determination 2025.

*Justices of the High Court*

7. There was no consultation on this matter noting it is the Tribunal's practice to review each year, the travel and motor vehicle allowances applicable to office holders for which it determines remuneration. Remuneration Tribunal (Official Travel) Determination 2025 applies the majority of the Tribunal's decisions arising from its review. This determination implements a travel-related decision of the Tribunal peculiar to Justice of the High Court. The allowance for official travel to Canberra is a payment made in lieu of travelling allowances to Justices of the High Court who do not establish a place of residence in Canberra. The Tribunal has adjusted this amount consistent with the Canberra rate of travel specified in Taxation Determination TD2025/4: Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2025–26 income year?
8. Amongst other things, the Australian Taxation Office determination sets out the amounts that the Commission of Taxation considers are reasonable for the substantiation exception in Subdivision 900-B of the Income Tax Assessment Act 1997 for the 2025–26 income year in relation to claims made by employees for domestic travel expenses and overseas travel expenses. TD2025/4 is a public ruling for the purposes of the Taxation Administration Act 1953 and is available online at:  
<https://www.ato.gov.au/law/view/document?docid=TXD/TD20254/NAT/ATO/00001>

*Australian Naval Nuclear Power Safety Regulator, Director-General and Deputy Director-General*

9. On 4 July 2025, the Hon Pat Conroy MP, then acting Minister for Defence, wrote to the Tribunal seeking a determination of remuneration and travel tier for the new full-time offices of Director-General and Deputy Director-General of the Australian Naval Nuclear Power Safety Regulator. The accompanying submission provided information on the role and responsibilities of the offices, which are established by the *Australian Naval Nuclear Power Safety Regulator Act 2024*.

*Defence and Veterans' Services Commission, Commissioner*

10. On 9 July 2025, Mr Michael Manthorpe PSM, Interim Head of the Defence and Veterans' Services Commission wrote to the Tribunal seeking the determination of remuneration and travel tier for the new full-time office of Commissioner, Defence and Veterans' Services Commission. The accompanying submission provided information about the role and responsibilities of the office, which is established by the *Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Act 2025*.
11. On 14 July 2025, the Hon Matt Keogh MP, Minister for Veterans' Affairs, wrote to the Tribunal indicating his support for the submission made by Mr Manthorpe.

*Veterans' Review Board, Principal Member*

12. On 24 June 2025, the Veterans' Review Board advised the Tribunal's Secretariat of a drafting error in Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2025.

*Repatriation Commission, Deputy President*

13. There was no consultation on this matter. The amendment removes a personal superannuation salary for Ms Cathryn Pope whose appointment as the Deputy President of the Repatriation Commission concluded on 5 August 2025.

*Merit Protection Commissioner*

14. On 9 July 2025, Dr Rachel Bacon, Deputy Commissioner, Australian Public Service Commission, wrote to the Tribunal seeking a correction to the personal superannuation salary for Ms Jamie Lowe, the Merit Protection Commissioner.

*Cancer Australia, Chief Executive Officer*

15. There was no consultation on this matter. These amendments remove special provisions for Professor Dorothy Keefe, Chief Executive Officer, Cancer Australia which expired on 2 July 2025.

*Special Broadcasting Service (SBS) Board, Chair, Deputy Chair, Member and Audit Committee Chair and Member*

16. On 12 May 2025, Mr George Savvides AO, Chair of the SBS Board, wrote to the Tribunal seeking a review of remuneration for the part-time offices of Chair, Deputy Chair and Member of the SBS Board and the establishment of audit committee fees for the part-time offices of Chair and Member of the SBS audit committee. The accompanying submission provided updated information on the role and responsibilities of the offices.

*Australian Renewable Energy Agency (ARENA) Board, Deputy Chair*

17. On 16 June 2025, Mr Justin Punch, Chair of the ARENA Board, wrote to the Tribunal seeking rectification of an anomaly where the Deputy Chair of the Board, who also sits on ARENA's audit committee, receives less remuneration than Members of the Board who participate in that committee.

*Sydney Airport Demand Management Compliance Committee, Chair and Member*

18. On 2 July 2025, the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, wrote to the Tribunal seeking a determination of remuneration and travel tier for the new part-time offices of Chair and Member of the Sydney Airport Demand Management Compliance Committee. The accompanying submission provided information on the role and responsibilities of the offices. The offices are established by the *Sydney Airport Demand Management Amendment Act 2024*.

**Retrospectivity**

19. Any retrospective application of this determination is in accordance with subsection 12(2) of the *Legislation Act 2003* as it does not affect the rights of a

person (other than the Commonwealth or an authority of the Commonwealth) to that person's disadvantage, nor does it impose any liability on such a person.

20. With respect to the office of Principal Member of the Veterans' Review Board, the retrospective application of this provision does not disadvantage any person as it corrects an administrative error and provides a greater entitlement than previously applied.
21. With respect to the office of Deputy Chair, ARENA Board, the retrospective application of this provision does not disadvantage any person as it provides a greater entitlement than previously applied.

### **Exemption from sunseting**

22. Under section 12, item 56 of the Legislation (Exemptions and Other Matters) Regulation 2015, an instrument required to be laid before the Parliament under subsection 7(7) of the Act is exempt from the provisions of paragraph 54(2)(b) of the *Legislation Act 2003*.
23. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
24. As the Remuneration Tribunal makes new principal determinations annually, this instrument's exemption from sunseting will not have any practical effect. As such, the exemption from sunseting will not have a practical impact on parliamentary oversight of the relevant measures.

### **The power to repeal, rescind and revoke, amend and vary**

25. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

### **Details of the determination are as follows:**

26. Section 1 specifies the name of the instrument as the Remuneration Tribunal Amendment Determination (No. 4) 2025.
27. Section 2 specifies the commencement date of the instrument, including specifying the different commencement provisions for each Part of Schedule 1.
28. Section 3 specifies the authority for the instrument, sections 7(3), (3AA), (4) and (4B) of the Act.
29. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.
30. Schedule 1 sets out the amendments made to the instruments specified in Schedule 1.

## **SCHEDULE 1—AMENDMENTS**

### **Part 1 – References to the official travel determination**

#### ***Remuneration Tribunal (Judicial and Related Offices - Remuneration and Allowances) Determination 2025***

31. Item 1 amends the definition of official travel determination in section 7 so that it refers to the 2025 determination.

#### ***Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2025***

32. Item 2 amends the definition of official travel determination in section 7 so that it refers to the 2025 determination.

#### ***Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2025***

33. Item 3 amends the definition of official travel determination in section 8 so that it refers to the 2025 determination.

### **Part 2 – Amendments commencing 7 September 2025**

#### ***Remuneration Tribunal (Judicial and Related Offices - Remuneration and Allowances) Determination 2025***

34. Item 4 increases the value of the allowance in lieu of travelling allowance to Canberra in subsection 39(1).

### **Part 3 – Amendments commencing the day after registration**

#### ***Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2025***

35. Item 5 amends the definitions to include a reference to the application and transitional provisions.
36. Item 6 establishes remuneration and travel tier for the new office of Director-General, Australian Naval Nuclear Power Safety Regulator in Table 2A.
37. Item 7 establishes remuneration and travel tier for the new office of Commissioner, Defence and Veterans' Services Commission in Table 2A.
38. Item 8 amends the remuneration for the office of Principal Member, Veterans' Review Board in Table 2A.
39. Item 9 inserts a reference to the application and transitional provision in Table 6A to the item for the office of Principal Member, Veterans' Review Board in Table 2A.
40. Item 10 establishes remuneration and travel tier for the new office of Deputy Director-General, Australian Naval Nuclear Power Safety Regulator in Table 2A.
41. Item 11 removes the personal superannuation salary for Ms Cathryn Pope, Deputy President, Repatriation Commission from Table 3B.
42. Item 12 amends the personal superannuation salary for Ms Jamie Lowe, Merit Protection Commissioner in Table 3B.

- 43. Item 13 removes the special provision for Professor Dorothy Keefe, Chief Executive Officer, Cancer Australia from Table 5A.
- 44. Item 14 removes the special provision for Professor Dorothy Keefe, Chief Executive Officer, Cancer Australia from Table 5B.
- 45. Item 15 sets application and transitional provisions for the item dealing with the office of Principal Member, Veterans' Review Board in Table 6A.

***Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2025***

- 46. Item 16 establishes an amended entry of annual fees, travel tier and a special provision for the part-time offices of Chair, Deputy Chair and Member of the Special Broadcasting Service in Table 3A.
- 47. Item 17 repeals the previous entry for the part-time offices of the Special Broadcasting Service in Table 3A.
- 48. Item 18 updates the reference to special provisions in column 5 of the item for the Australian Renewable Energy Regulator in Table 3A.
- 49. Item 19 establishes a special provision for Ms Marianna O'Gorman, Deputy Chair of the Australian Renewable Energy Agency in Table 3B.
- 50. Item 20 establishes daily fees and a travel tier for the offices of Chair and Member of the Sydney Airport Demand Management Compliance Committee in Table 4A.

**Authority:**

Sub-sections 7(3), (3AA), (4) and (4B) *Remuneration Tribunal Act 1973*

## **Statement of Compatibility with Human Rights**

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

### **Remuneration Tribunal Amendment Determination (No. 4) 2025**

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

#### **Overview of the Instrument**

This instrument amends the principal determinations:

- Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2025
- Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2025
- Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2025

This instrument establishes remuneration and travel tier for 3 new full-time offices and the part-time offices of a new body, corrects the remuneration of one full-time office and one part-time office, increases the remuneration of 2 part-time offices, establishes audit committee fees for one body, removes expired temporary special provisions for 2 office holders, sets a personal superannuation salary for one office holder, establishes a special provision for one office holder, and increases the rate of an allowance paid in lieu of travelling allowance to Canberra for Justices of the High Court.

#### **Human rights implications**

This instrument engages the right to work in Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the right to the enjoyment of just and favourable conditions of work, primarily contained in Article 7 of ICESCR.

##### ***Right to work and to just and favourable conditions of work***

Article 6 of the ICESCR recognises ‘... *the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts* ...’ The right to just and favourable conditions of work include, but is not limited to, ensuring ‘*fair wages and equal remuneration for work of equal value without distinction of any kind*’, and ‘*a decent living for themselves and their families*’ (Article 7(1)(a)).

Consistent with Articles 6 and 7 of the ICESCR, this instrument ensures that individuals appointed to the public offices subject to the determination are fairly remunerated in respect of the work they undertake as public office holders. Specifically, the instrument:

- establishes remuneration and travel tier for the full-time offices of the Director-General and Deputy Director-General, Australian Naval Nuclear Power Safety Regulator;
- establishes remuneration and travel tier for the full-time office of Defence and Veterans’ Services Commissioner;
- corrects an error in the published remuneration of the office of Principal Member, Veterans’ Review Board;

- removes the special provisions (temporary accommodation and reunion travel assistance) determined for Professor Dorothy Keefe, Chief Executive Officer of Cancer Australia which have expired;
- removes the personal superannuation salary for Ms Cathryn Pope, former Deputy President, Repatriation Commission, reflecting the expiry of her term of office;
- amends the personal superannuation salary for Ms Jamie Lowe, Merit Protection Commissioner;
- amends the annual fees for the part-time offices of Chair and Member of the Special Broadcasting Service Board;
- establishes audit committee fees for the part-time offices of Chair and Member of the Special Broadcasting Service Board audit committee;
- establishes a special provision for Ms Marianna O’Gorman, Deputy Chair of the Australian Renewable Energy Agency Board for her membership of the Board’s audit committee;
- establishes remuneration and travel tier for the part-time offices of Chair and Member of the Sydney Airport Demand Management Compliance Committee; and
- increases the rate of an allowance paid in lieu of travelling allowance to Canberra for Justices of the High Court.

By establishing remuneration, allowances and entitlements based on an assessment of the current work value of the office, the instrument directly promotes the principle of ensuring *‘fair wages and equal remuneration for work of equal value’* per Article 7(1)(a) of the ICESCR and more broadly contributes to *‘... the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts ...’* per Article 6 of the ICESCR.

## **Conclusion**

This instrument is compatible with human rights because it enhances and promotes the protection of human rights, and in particular, the right to work and to just and favourable conditions of work through maintaining the principle of fair, and current, remuneration for work performed.

## **The Remuneration Tribunal**