



## Remuneration Tribunal

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### **Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 5) 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);
  - the remuneration of similar, comparator, offices within its jurisdiction; and
  - any non-financial rewards associated with the office, including the status of holding the office.

### **Consultation**

#### *National Data Commissioner*

6. There was no consultation on this matter. This amendment removes a special provision which is no longer in force as the office holder has retired.

*Special Broadcasting Service (SBS) Board, Member*

7. There was no consultation on this matter. This amendment addresses an error in the previous amending determination.

*Australian Sports Commission, AIS Site Project Committee, Chair and Member*

8. On 18 July 2025, Ms Brooke De Landre, Chief of Staff to the Chief Executive Officer of the Australian Sports Commission (ASC), wrote to the Tribunal seeking a determination of fees for part-time members of the ASC appointed to the AIS Site Project Committee. The accompanying submission provided information on the role and responsibilities of the committee.
9. On 28 July 2025, the Hon Anika Wells MP, Minister for Sport, wrote to the Tribunal indicating she welcomed the Tribunal's consideration of the proposal.

*Climate Change Authority, Chair and Member*

10. On 19 August 2025, the Hon Chris Bowen MP, Minister for Climate Change and Energy, wrote to the Tribunal seeking a review of remuneration for the part-time offices of Chair and Member of the Climate Change Authority. The accompanying submission provided updated information on the roles and responsibilities of the offices.

*Official travel determination*

11. There was no consultation on this matter. This amendment provides clarifying information in relation to the class of air travel for office holders.

**Exemption from sunseting**

12. 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*.
13. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
14. 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**

15. 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:**

16. Section 1 specifies the name of the instrument as the Remuneration Tribunal Amendment Determination (No. 5) 2025.
17. Section 2 specifies the commencement date of the instrument as the day after the instrument is registered on the Federal Register of Legislation.

18. Section 3 specifies the authority for the instrument, sections 5(2A) and 7(3) and (4) of the Act.
19. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.
20. Schedule 1 sets out the amendments made to the instruments specified in Schedule 1.

#### **SCHEDULE 1—AMENDMENTS**

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

21. Item 1 removes the reference to the special provision for the National Data Commissioner in Table 2A.
22. Item 2 removes the special provision for Ms Gayle Milnes, the former National Data Commissioner from Table 2B.

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

23. Item 3 amends the item specifying the annual fee for the office of Member of the Special Broadcasting Service in Table 3A.
24. Item 4 inserts a reference to a special provision for the Australian Sports Commission in Table 3A.
25. Item 5 establishes new annual fees for the offices of Chair and Member of the Climate Change Authority in Table 3A.
26. Item 6 repeals the existing annual fees for the offices of Chair and Member of the Climate Change Authority in Table 3A.
27. Item 7 establishes remuneration for members of the Australian Sports Commission who are appointed as Chair or Member of the AIS Site Project Committee in Table 3B.

##### ***Remuneration Tribunal (Official Travel) Determination 2025***

28. Item 8 inserts punctuation before the text of section 11 to indicate the section now contains 2 subsections.
29. Item 9 inserts a clarifying subsection to section 11 to support office holders to correctly apply the provision.

**Authority:**

Sub-sections 5(2A), 7(3) and (4) *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. 5) 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 (Official Travel) Determination 2025

This instrument establishes remuneration for a subcommittee of an existing part-time body, increases the remuneration of 2 part-time offices, corrects an error in the published remuneration of one part-time office, removes an expired special provision for a former office holder, and inserts a clarifying provision in the Official Travel determination.

#### **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:

- removes the special provision (personal remuneration) for Ms Gayle Milnes, former National Data Commissioner, who has retired;
- corrects an error in the published remuneration of the part-time office of Member, Special Broadcasting Service Board;
- amends the annual fees of the part-time offices of Chair and Member of the Climate Change Authority;
- establishes annual fees for part-time members of the Australian Sports Commission who are appointed as Chair or Member of the AIS Site Project Committee; and
- inserts a clarifying provision in the Official Travel determination regarding class of air travel for office holders.

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**