



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 6) 2025

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 Disability Insurance Agency, Chief Executive Officer

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 This amendment removes a special provision which is no longer in force as the office holder's appointment has concluded.

Australian Centre for Disease Control, Director-General

7. On 12 August 2025, the Hon Mark Butler MP, Minister for Health and Ageing wrote to the Tribunal seeking a determination of remuneration and travel tier for the new full-time office of Director-General, Australian Centre for Disease Control. The accompanying submission provided information on the role and responsibilities of the office.

Australian Electoral Commission (AEC), Deputy Electoral Commissioner and Australian Electoral Officer for the Northern Territory

8. On 21 October 2025, Senator the Hon Don Farrell, Special Minister of State, wrote to the Tribunal seeking a review of remuneration for the full-time offices of Deputy Electoral Commissioner and Australian Electoral Officer for the Northern Territory. The accompanying submission provided updated information on the contemporary roles and responsibilities of the offices.

Australian Naval Infrastructure (ANI) Pty Ltd, Chair and Member

9. On 19 August 2025, Mr Ron Finlay AM, Chair of the Board of ANI Pty Ltd, wrote to the Tribunal seeking a review of remuneration for the part-time offices of Chair and Member of the ANI Board. The accompanying submission provided updated information on the roles and responsibilities of the offices.

Special Broadcasting Service (SBS), Deputy Chair

10. On 12 May 2025, Mr George Savvides AO, then 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. On 15 October 2025, the acting Chair of the SBS Board, Ms Christine Zeitz, wrote to the Tribunal, providing a supplementary submission on the role and responsibilities of the office of Deputy Chair.

Retrospectivity

11. 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.
12. With respect to the offices of Chair and Member, Board of ANI Pty Ltd, the retrospective application of this provision does not disadvantage any person as it provides a greater entitlement than previously applied.

Exemption from sunseting

13. 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*.
14. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
15. 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

16. 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:

17. Section 1 specifies the name of the instrument as the Remuneration Tribunal Amendment Determination (No. 6) 2025.
18. Section 2 specifies the commencement date of the instrument as the day after the instrument is registered on the Federal Register of Legislation.
19. Section 3 specifies the authority for the instrument, subsections 7(3) and (4) of the Act.
20. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.
21. 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

22. Item 1 removes the reference to the special provision for the Chief Executive Officer, National Disability Insurance Agency in Table 2A.
23. Item 2 establishes total remuneration and travel tier for the office of Director-General, Australian Centre for Disease Control in Table 2A.
24. Item 3 increases total remuneration for the office of Deputy Electoral Commissioner in Table 2A.
25. Item 4 repeals the previous entry for the Deputy Electoral Commissioner in Table 2A.
26. Item 5 repeals the entry for the Australian Electoral Officer for Northern Territory in Table 2A.
27. Item 6 reduces the total remuneration for the office of Australian Electoral Officer for Northern Territory in Table 2A.
28. Item 7 removes the special provision for Ms Rebecca Falkingham, the former Chief Executive Officer, National Disability Insurance Agency from Table 2B.

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

29. Item 8 amends the definitions to include a reference to the application and transitional provisions.
30. Item 9 establishes increased annual fees for the offices of Chair and Member of ANI Pty Ltd in Table 3A.
31. Item 10 repeals the previous entry for the part-time offices of ANI Pty Ltd in Table 3A.
32. Item 11 establishes a reduced annual fee for the office of Deputy Chair, Special Broadcasting Service in Table 3A.

33. Item 12 amends the references to the special provisions for the Special Broadcasting Service in Table 3A.
34. Item 13 establishes a special provision for Ms Christine Zeitz, Deputy Chair, Special Broadcasting Service in Table 3B.
35. Item 14 sets application and transitional provisions for the item dealing with the offices of Chair and Member of ANI Pty Ltd in Table 8A.

Authority:

Subsections 7(3) and (4) of the *Remuneration Tribunal Act 1973*

Statement of Compatibility with Human Rights

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

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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

This instrument establishes remuneration for one full-time office, increases remuneration of one full-time office, reduces the remuneration of one full-time office, removes an expired special provision for a former office holder, increases the remuneration of 2 part-time offices, reduces the remuneration of one part-time office and establishes a grandfathering provision so that the incumbent of that office suffers no detriment.

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 office of Director-General, Australian Centre for Disease Control;
- Increases the remuneration for the full-time office of Deputy Electoral Commissioner, Australian Electoral Commission;
- Reduces the remuneration for the full-time office of Australian Electoral Office for Northern Territory, Australian Electoral Commission;
- Removes the special provision (personal remuneration) for Ms Rebecca Falkingham, former Chief Executive Officer, National Disability Insurance Agency, whose term has concluded;
- Increases the annual fees of the part-time offices of Chair and Member of Australian Naval Infrastructure Pty Ltd;
- Reduces the annual fee for the part-time office of Deputy Chair of the Special Broadcasting Service; and
- Establishes a special provision so that the incumbent Deputy Chair of the Special Broadcasting Service retains the existing annual fee for the term of their current appointment.

By establishing remuneration, allowances and entitlements based on an assessment of the current work value of the offices, 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.

The instrument reduces the remuneration determined for the office of the Australian Electoral Commissioner for Northern Territory. Subsection 7(3) of the *Remuneration Tribunal Act 1973* requires the Remuneration Tribunal to inquire into, and determine, the remuneration to be paid to the holders of public offices. The determination of reduced total remuneration is therefore authorised by law. The submission from the Special Minister of State of October 2025 sought reduced remuneration for the office and provided updated information on its contemporary role and responsibilities. As the office is currently vacant, the reduced remuneration will not impact any individual.

The instrument reduces the remuneration determined for the office of Deputy Chair of the Special Broadcasting Service. Subsection 7(3) of the *Remuneration Tribunal Act 1973* requires the Remuneration Tribunal to inquire into, and determine, the remuneration to be paid to the holders of public offices. The determination of a reduced annual fee is therefore authorised by law. In May 2025 the then Chair of the Special Broadcasting Service sought an increase in the annual fee for the office. The Tribunal did not consider the information in the submission provided was sufficient to make a determination on the office. A subsequent submission received in October 2025, provided updated information on the office’s contemporary role and responsibilities. The Tribunal agreed to determine a reduced fee for the office of Deputy Chair, albeit at a higher rate than Member. The Tribunal has implemented a grandfathering arrangement for the current occupant of the office, who will receive the previous annual fee for the term of their current appointment to the office.

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