



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 3) 2026

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. 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

Defence and Veterans' Service Commission, Commissioner

6. There was no consultation on this matter. On 1 June 2026, the *Defence and Veterans' Service Commissioner Act 2026* commenced, establishing the Defence and Veterans' Service Commission which replaced the Defence and Veterans' Services Commission. On

the same day, the *Defence and Veterans' Service Commissioner (Consequential and Transitional Provisions) Act 2026* repealed Part VIIE of the *Defence Act 1903* which established the Defence and Veterans' Services Commission.

Australian Tertiary Education Commission, Chief Commissioner, First Nations Commissioner, Commissioner

7. On 7 April 2026, the Hon Jason Clare MP, Minister for Education, wrote to the Tribunal seeking the determination of remuneration and travel tier for the new offices of Chief Commissioner, First Nations Commission and Commissioner of the Australian Tertiary Education Commission. The accompanying submission provided information on the roles and responsibilities of the offices.

Australian National Preventative Health Agency, Chief Executive Officer

8. There was no consultation on this matter. On 1 January 2026, the Australian National Preventative Health Agency was abolished by the repeal of the *Australian National Preventive Health Agency Act 2010*.

Northern Australia Infrastructure Facility, Chief Executive Officer

9. On 13 April 2026, the Hon Madeleine King MP, Minister for Northern Australia, wrote to the Tribunal seeking a review of remuneration for the office of Chief Executive Officer, Northern Australia Infrastructure Facility. The accompanying submission provided information on the contemporary role and responsibilities of the office and planned extension of the agency's investment decision-making period.

Tuition Protection Service, Director

10. There was no consultation on this matter. The instrument removes a special provision for the previous office holder as the office holder's appointment has concluded.

Workplace Gender Equality Agency, Chief Executive Officer

11. There was no consultation on this matter. The instrument removes 2 special provisions for the previous office holder as the office holder's appointment has concluded.

Australian Centre for Disease Control Advisory Council, Member

12. On 8 April 2026, the Hon Mark Butler MP, Minister for Health and Ageing, wrote to the Tribunal seeking the determination of remuneration and travel tier for the new office of Member, Australian Centre for Disease Control Advisory Council. The accompanying submission provided information on the role and responsibilities of the office.

Higher Education Standards Panel, Chair and Member

13. There was no consultation on this matter. On 29 April 2026, the Higher Education Standards Panel was abolished by the *Universities Accord (Australian Tertiary Education Commission) (Consequential and Transitional Provisions) Act 2026*.

Retrospectivity

14. 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.

15. With respect to the offices of the Australian Tertiary Education Commission, any retrospective application of this provision does not disadvantage any person as it

establishes an entitlement to remuneration in advance of individuals being appointed to these offices, as requested by the Department of Education.

Exemption from sunseting

16. 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*.
17. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
18. 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

19. 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:

20. Section 1 specifies the name of the instrument as the Remuneration Tribunal Amendment Determination (No. 3) 2026.
21. Section 2 specifies the commencement date of the instrument as the day after the instrument is registered on the Federal Register of Legislation.
22. Section 3 specifies the authority for the instrument, sections and 7(3) and (4) of the Act.
23. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.
24. 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

25. Item 1 amends the title of the Defence and Veterans' Service Commission in Table 2A.
26. Item 2 establishes total remuneration and travel tier for the new full-time office of Chief Commissioner, Australian Tertiary Education Commission, in Table 2A.
27. Item 3 removes the entry for the Chief Executive Officer, Australian National Preventative Health Agency, from Table 2A.
28. Item 4 establishes total remuneration and travel tier for the new full-time office of First Nations Commissioner, Australian Tertiary Education Commission, in Table 2A.
29. Item 5 extends the duration of the special provision for the Chief Executive Officer, Northern Australia Infrastructure Facility, in Table 2B.
30. Item 6 removes the personal superannuation provision for Ms Melinda Hatton, former Director, Tuition Protection Service, from Table 3B.

31. Items 7 and 8 remove special provisions for the Hon Mary Wooldridge, former Chief Executive Officer, Workplace Gender Equality Agency, from Tables 5A and 5B.
32. Item 9 sets application and transitional provisions for items 2 and 4.

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

33. Item 10 establishes an annual fee and travel tier for the part-time office of Commissioner, Australian Tertiary Education Commission, in Table 3A.
34. Item 11 removes the entry for the part-time offices of the Higher Education Support Panel from Table 4A.
35. Item 12 establishes a daily fee and travel tier for the part-time office of Member, Australian Centre for Disease Control Advisory Council, in Table 4A.
36. Item 13 sets application and transitional provisions for item 10.

Authority:

Sub-sections 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

Remuneration Tribunal Amendment Determination (No. 3) 2026

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 the remuneration of 2 full-time offices and 2 part-time offices, removes 3 expired special provisions for 2 former office holders, extends a temporary special provision for one office, amends the title of one office and removes the entries for 2 abolished entities.

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 Chief Commissioner and First Nations Commissioner, Australian Tertiary Education Commission;
- Establishes an annual fee and travel tier for the part-time office of Commissioner, Australian Tertiary Education Commission;
- Establishes a daily fee and travel tier for the part-time office of Member, Australian Centre for Disease Control Advisory Council;
- Extends a temporary special provision (increased remuneration) determined for the office of Chief Executive Officer, Northern Australia Infrastructure Facility;
- Removes a special provision (personal superannuation salary) determined for Ms Melinda Hatton, former Director, Tuition Protection Service, whose term has concluded;
- Removes the special provisions (temporary reunion travel and accommodation assistance) determined for the Hon Mary Wooldridge, former Chief Executive Officer, Workplace Gender Equality Agency, whose term has concluded;
- Amends the title of the Defence and Veterans’ Service Commission to reflect its changed name;
- Removes the entry for the Chief Executive Officer, Australian National Preventative Health Agency, which has been abolished; and

- Removes the entry for the Chair and Member, Higher Education Standards Panel, which has been abolished.

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.

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