



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 4) 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, 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

Updated definitions and references

6. There was no consultation on this matter. Consultation was considered unnecessary on the amendments which update the definition of 'official travel determination' in the Tribunal's Judicial and Related Offices, Principal Executive, Specified Statutory, Full-time, and Part-time Office determinations, to refer to the new principal Remuneration Tribunal (Official Travel) Determination 2026.
7. Consultation was considered unnecessary on amendments which reflect changes to the *Superannuation Guarantee (Administration) Act 1992* in the Tribunal's Judicial and Related Offices, Principal Executive, Specified Statutory, Full-time and Part-time Office determinations.

Judicial officers

8. There was no consultation on these matters noting it is the Tribunal's practice to review the relevant travel and motor vehicle allowances applicable to office holders each year. Remuneration Tribunal (Official Travel) Determination 2026 implements most of the Tribunal's decisions arising from its review.
9. This determination implements a travel-related decision of the Tribunal particular to Justices 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 its standard methodology, based on the Canberra rate of travel allowance specified in Taxation Determination TD2026/4: Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2026–27 income year?
10. The determination also implements an adjustment to the maximum reimbursement for private vehicle running costs for certain judicial officers. The figure is adjusted by the movement in the transport component of the Consumer Price Index for the period March 2025 to March 2026.
11. Amongst other relevant matters, the Australian Taxation Office determination sets out the amounts that the Commissioner of Taxation considers are reasonable for the substantiation exception in Subdivision 900-B of the *Income Tax Assessment Act 1997* for the 2026–27 income year in relation to claims made by employees for domestic travel expenses and overseas travel expenses. TD2026/4 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/TD20264/NAT/ATO/0000>
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Australian Renewable Energy Agency (ARENA), Chief Executive Officer and Deputy Chair

12. On 17 June 2026, Mr Mike Kaiser, Secretary of the Department of Climate Change, Energy, the Environment and Water, wrote to the Tribunal seeking review of remuneration for the full-time office of Chief Executive Officer, ARENA and the

part-time office of Deputy Chair, ARENA. The accompanying submission provided updated information on the roles and responsibilities of the offices.

13. On 26 June 2026, the Hon Chris Bowen MP, Minister for Climate Change and Energy, wrote to the Tribunal providing his views on the submission.
14. With regard to the removal of the special provision for Ms Marianna O’Gorman, the former Deputy Chair, there was no consultation on this matter as Ms O’Gorman is no longer appointed to this office.

Northern Australia Infrastructure Facility, Chief Executive Officer

15. On 13 April 2026, the Hon Madeleine King MP, Minister for Northern Australia, wrote to the Tribunal seeking a review of remuneration for the full-time office of Chief Executive Officer, Northern Australia Infrastructure Facility. The accompanying submission provided updated information about the role and responsibilities of the office, including the impact of the proposed Northern Australia Infrastructure Facility Amendment Bill 2026.

Australian Tertiary Education Commission, Chief Commissioner

16. On 26 June 2026, the Hon Jason Clare MP, Minister for Education, wrote to the Tribunal seeking a determination of personal remuneration for Professor Barney Glover AO, the Chief Commissioner, Australian Tertiary Education Commission.

Murray-Darling Basin Authority, Chief Executive

17. On 23 June 2026, Senator the Hon Murray Watt, Minister for the Environment and Water, wrote to the Tribunal seeking a determination of reunion travel assistance for Mr Andrew McConville, Chief Executive of the Murray-Darling Basin Authority.

National Disability Insurance Agency, Member

18. There was no consultation on this matter. These amendments remove special provisions for Dr Denis Naphine AO, Member of the National Disability Insurance Agency Board, whose appointment has expired.

Emissions Reduction Assurance Committee, Chair

19. There was no consultation on this matter. This amendment removes the part-time daily fee determined for the office of Chair, Emissions Reduction Assurance Committee. The *Safeguard Mechanism (Crediting) Amendment Act 2023* provides that the Chair of the Emissions Reduction Assurance Committee holds office on a full-time basis only.

Restoration Contributions Advisory Committee, Chair and Member

20. On 22 June 2026, Senator the Hon Murray Watt, Minister for the Environment and Water, wrote to the Tribunal seeking the determination of remuneration and travel tier for the new part-time offices of Chair and Member of the Restoration Contributions Advisory Committee. The accompanying submission provided information on the role and responsibilities of the offices.

Retrospectivity

21. 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.
22. With respect to the provision for Professor Barney Glover AO, Chief Commissioner, Australian Tertiary Education Commission, the retrospective application of this provision does not disadvantage any person as it provides a greater entitlement than previously applied.
23. With respect to the provisions associated with the *Superannuation Guarantee (Administration) Act 1992*, the retrospective application of these provisions does not disadvantage any person as they reflect amendments to the applicable superannuation legislation as and when those amendments took effect.

Exemption from sunseting

24. 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*.
25. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
26. 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.

Power to repeal, rescind, revoke, amend and vary

27. 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:

28. Section 1 specifies the name of the instrument as the Remuneration Tribunal Amendment Determination (No. 4) 2026.
29. Section 2 specifies the commencement date of the instrument, including specifying the different commencement provisions for each Part of Schedule 1.
30. Section 3 specifies the authority for the instrument, sections 5(2A), 7(3), (3AA), (4) and (4B) of the Act.
31. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.

32. Schedule 1 sets out the amendments made to the instruments specified in that Schedule.

SCHEDULE 1—AMENDMENTS

Part 1 – General amendments

Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2026

33. Item 1 amends the definitions to include a reference to the application and transitional provisions.
34. Item 2 increases the value of the maximum reimbursement for private vehicle running costs for certain judicial officers, in paragraphs 12(1)(b), (2)(b) and (3)(b) of the determination.
35. Item 3 amends the superannuation provisions at subsection 24(6) of the determination to update a reference to the *Superannuation Guarantee (Administration) Act 1992* so that it remains consistent with recent amendments to that Act. The amendment does not alter the existing superannuation entitlements of Full-time office holders specified in Part 3 of the determination.
36. Item 4 increases the value of the allowance in lieu of travelling allowance to Canberra in subsection 39(1).
37. Item 5 sets application and transitional provisions for the items dealing with reimbursement for private vehicle running costs, the allowance in lieu of travelling allowance, and superannuation.

Remuneration Tribunal (Principal Executive Offices – Classification Structure and Terms and Conditions) Determination 2026

38. Item 6 amends the definitions to include a reference to the application and transitional provisions.
39. Item 7 amends the superannuation provisions at subsection 21(6) of the determination to update a reference to the *Superannuation Guarantee (Administration) Act 1992* so that it remains consistent with recent amendments to that Act. The amendment does not alter the existing superannuation entitlements of Principal Executive Offices.
40. Item 8 sets application and transitional provisions for the item dealing with superannuation.

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2026

41. Item 9 amends the definitions to include a reference to the application and transitional provisions.
42. Item 10 sets updated remuneration for the office of Chief Executive Officer, ARENA in Table 2A.
43. Item 11 removes the previous entry for remuneration for the office of Chief Executive Officer, ARENA from Table 2A.

44. Item 12 sets updated remuneration for the office of Chief Executive Officer, Northern Australia Infrastructure Facility in Table 2A.
45. Item 13 inserts a reference to the special provision for the office of Chief Commissioner, Australian Tertiary Education Commission in Table 2A.
46. Item 14 removes the remuneration entry and associated reference to a special provision for the office of Chief Executive Officer, Northern Australia Infrastructure Facility from Table 2A.
47. Item 15 removes the special provision for the Chief Executive Officer, Northern Australia Infrastructure Facility from Table 2B and replaces it with a special provision for Professor Barney Glover, Chief Commissioner, Australian Tertiary Education Commission.
48. Item 16 amends the superannuation provisions at subsection 14(7) of the determination to update a reference to the *Superannuation Guarantee (Administration) Act 1992* so that it remains consistent with recent amendments to that Act. The amendment does not alter the existing superannuation entitlements of Full-time Public Offices.
49. Item 17 establishes a special provision for Mr Andrew McConville, Chief Executive of the Murray-Darling Basin Authority, in Table 5B.
50. Item 18 sets application and transitional provisions for the item dealing with superannuation.

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2026

51. Item 19 amends the definitions to include a reference to the application and transitional provisions.
52. Items 20, 21 and 22 update the superannuation provisions in section 11 of the determination to update a reference to the *Superannuation Guarantee (Administration) Act 1992* so that it remains consistent with recent amendments to that Act. The amendment does not alter the existing superannuation entitlements of Part-time Public Offices.
53. Item 23 amends the references in Table 3A to special provisions for the National Disability Insurance Agency in Table 3B.
54. Item 24 amends the annual fee for the office of Deputy Chair, ARENA in Table 3A.
55. Item 25 removes the special provisions for the National Disability Insurance Agency from Table 3B.
56. Item 26 removes the special provision for Ms Marianna O’Gorman, Deputy Chair of ARENA in Table 3B, replacing it with a special provision to apply to anyone holding the office of Deputy Chair, ARENA.
57. Item 27 removes the daily fee for the office of Chair of the Emissions Reduction Assurance Committee from Table 4A.
58. Item 28 establishes a daily fee and travel tier for the offices of Chair and Member of the Restoration Contributions Advisory Committee in Table 4A.

59. Item 29 sets application and transitional provisions for the items dealing with superannuation.

Remuneration Tribunal (Specified Statutory Offices – Remuneration and Allowances) Determination 2026

60. Item 30 amends the definitions to include a reference to the application and transitional provisions.

61. Item 31 updates the superannuation provisions at subsection 12(6) of the determination to update a reference to the *Superannuation Guarantee (Administration) Act 1992* so that it remains consistent with recent amendments to that Act. The amendment does not alter the existing superannuation entitlements of Specified Statutory Offices.

62. Item 32 sets application and transitional provisions for the item dealing with superannuation.

Part 2 – Amendments relating to the official travel determination

Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2026

63. Item 33 amends the definition of official travel determination in section 7 of the determination so that it refers to the 2026 official travel determination.

Remuneration Tribunal (Principal Executive Offices – Classification Structure and Terms and Conditions) Determination 2026

64. Item 34 amends the definition of official travel determination in section 8 of the determination so that it refers to the 2026 official travel determination.

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2026

65. Item 35 amends the definition of official travel determination in section 7 of the determination so that it refers to the 2026 official travel determination.

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2026

66. Item 36 amends the definition of official travel determination in section 8 of the determination so that it refers to the 2026 official travel determination.

Remuneration Tribunal (Specified Statutory Offices – Remuneration and Allowances) Determination 2026

67. Item 37 amends the definition of official travel determination in section 7 of the determination so that it refers to the 2026 official travel determination.

Authority:

Subsections 5(2A), 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) 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 2026
- Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2026
- Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2026
- Remuneration Tribunal (Principal Executive Offices – Classification Structure and Terms and Conditions) Determination 2026
- Remuneration Tribunal (Specified Statutory Offices – Remuneration and Allowances) Determination 2026

This instrument updates the superannuation provisions in the principal determinations to reflect amendments to the primary superannuation legislation. It increases the maximum amount able to be reimbursed to certain judicial officers for private vehicle running costs and increases the rate of an allowance paid in lieu of travelling allowance to Canberra for Justices of the High Court. The instrument increases the remuneration of two full-time offices, removes an obsolete special provision for one full-time office, establishes personal remuneration for the holder of one full-time office, and establishes a temporary special provision for one office holder. It removes the expired special provisions for 2 part-time office holders, increases the annual fee of one part-time office, establishes a special provision for one part-time office, removes an obsolete daily fee for one office which is no longer able to be filled on a part-time basis, and establishes daily fees and travel tier for 2 part-time offices. The instrument updates the definitions in the principal determinations to reflect the making of a new 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:

- Amends relevant superannuation provisions in each principal determination to reflect changes to the primary superannuation legislation;
- Increases the remuneration for the full-time office of Chief Executive Officer, ARENA;
- Increases the remuneration for the full-time office of Chief Executive Officer, Northern Australia Infrastructure Facility;
- Removes the special provision for the Chief Executive Officer, Northern Australia Infrastructure Facility which is now obsolete;
- Establishes a temporary special provision (personal remuneration) for Professor Barney Glover, Chief Commissioner, Australian Tertiary Education Commission;
- Establishes a special provision (temporary reunion travel assistance) for Mr Andrew McConville, Chief Executive of the Murray-Darling Basin Authority;
- Amends the annual fee for the part-time office of Deputy Chair of the ARENA Board;
- Removes the special provisions for Dr Denis Napthine, former Member of the National Disability Insurance Agency Board;
- Removes the special provision for Ms Marianna O’Gorman, the former Deputy Chair of the ARENA Board;
- Establishes a special provision for the Deputy Chair of the ARENA Board if they are also appointed to ARENA’s audit committee;
- Removes the daily fee for the Chair of the Emissions Reduction Assurance Committee, which can no longer be filled on a part-time basis;
- Establishes remuneration and travel tier for the part-time offices of Chair and Member of the Restoration Contributions Advisory Committee;
- Increases the maximum amount able to be reimbursed to certain judicial officers for private vehicle running costs; 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