



Remuneration Tribunal

Remuneration of Public Offices

Part-time Offices

Report

October 2013

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EXECUTIVE SUMMARY

This Report provides detail on the Tribunal's review of the remuneration of part-time offices within its jurisdiction; sets out its preliminary conclusions and indicative decisions; and invites comment or further submissions from Ministers and employing bodies.

The review of part-time offices has been interesting and challenging for the Tribunal given the nature of this jurisdiction and the number of employing bodies involved. Part-time offices are diverse and the characteristics that distinguish them are more numerous than the things they have in common.

Generally, appointees to part-time office possess particular skills that would not otherwise be available to the Commonwealth – often for reasons of cost or because the insights and experience sought can only be provided by persons with, for example, extensive exposure to private sector business practice or to areas of endeavour to which the federal public sector has no continuing exposure.

The Tribunal acknowledges the significant contribution and passion that part-time office holders bring to their roles for the public good. Their efforts bring knowledge, experience and capability as well as engendering better governance, advice and decision making for the Commonwealth.

The Tribunal's objective is to have a remuneration structure that supports the ongoing effectiveness of these roles through the attraction of people of capacity and standing, and one that reflects better the levels of responsibility of the offices concerned.

At the same time there are other factors at play in structuring remuneration. This reality is reflected in the wide range of remuneration expectations amongst office holders themselves. Some offices have a definite philanthropic dimension with office holders having little expectation of any sort of income – instead, in many instances, contributing financial support to the respective entity. Other offices are more like any non-executive 'job' where office holders rely on them for fee income notwithstanding the additional element which is a desire to provide a public service. Reconciling these two ends of the spectrum is not easy; certainly the Tribunal would be loath to claim, even with its extensive review, that there is an obviously correct remuneration arrangement for every office.

In its preliminary thinking on scoping this review the Tribunal set out a number of principles. Several of these were of a more formulaic nature (such as whether to apply uniform minimum commitment bench marks, based on days, as a threshold issue in determining whether an annual or daily fee is appropriate) and have since been discounted as too unsophisticated and absolute. There is very little that is 'black and white' in the part-time office jurisdiction.

The Tribunal's Report outlines the nature and number of offices in its jurisdiction; its process of determining remuneration and the matters it takes into account; the processes followed in the review; the current remuneration arrangements; the Tribunal's conclusions; and the actions it proposes to take.

In summary, following a round of meetings with a variety of office holders and the experience of determining remuneration for a significant percentage of the

current offices within the jurisdiction over the past five years, the Tribunal found that:

- the wide variety of offices within the jurisdiction does not lend itself to one remuneration model or a discrete set of remuneration principles covering the whole jurisdiction;
- bodies with similar functions in some circumstances also operate in widely different ways;
- the provisions of the existing determination are neither easily understood nor consistently applied;
- the daily fee model applies complex criteria, differing provisions, and differing minimum payment methodologies depending on the nature of work undertaken;
- the current remuneration structure provides a multitude of rates and in a number of cases small delineations between rates;
- there is a variety of ratios between the remuneration of chairs and members both in the annual fee and daily fee regimes;
- there are differing views on whether to determine remuneration for audit and other committees within employing bodies;
- the “unspecified rates” determined by the Tribunal do not encourage employing bodies to develop submissions on the remuneration of some offices within the jurisdiction; and
- there is no routine review of the remuneration of all part-time offices.

Taking into account these findings the Tribunal is now at a point where it is able to suggest appropriate remuneration models and associated fee structures for its part-time offices (recognising relativities between offices and rationalising remuneration points) and to simplify some of the complexities associated with the current part-time office provisions.

The Tribunal has drafted a new determination using plain language and formatting on which it will consult with a number of key stakeholders over coming months. Once finalised, the determination will be supported by guidance on the Tribunal’s website.

The new determination will include a simplified daily payment methodology that rightfully recognises work performed both on meeting and non-meeting days and will be easier for bodies to administer.

The Tribunal is proposing a new remuneration structure and has placed part-time offices within that structure. Subject to submissions received in response to this Report and the Tribunal’s consideration of them, it is intended to make a final determination and implement the new structure from 1 March 2014.

Next steps

For offices remunerated with annual fees, the Tribunal considers that the fee ratio member:chair should be set at 50%. Where there is a requirement for a specific deputy chair fee, the appropriate chair:deputy chair fee ratio is considered to be 75%. While broadly maintaining in this Report the current ratios for existing annual fee offices, the Tribunal expects that any submissions for *new* bodies would adopt the "50%/75% principle" or provide the reasons for variations from it.

The Tribunal's position on remunerating members of audit and other committees is outlined in the Report. In summary, fees remain the same, with one rationalisation. The Tribunal has also rationalised its "unspecified rates" from several levels to one level with effect from 1 July 2014.

The Tribunal thanks ministers, agencies and employing bodies for their input to the review and will welcome continuing engagement.

The Tribunal invites comments or submissions on any matter related to the review but in particular:

- the placement of offices in the new remuneration structure;
- whether the assigned model fits the activities of the office; and
- whether the new daily payment methodology will be more straightforward for employing bodies to administer.

So that the Tribunal can consider submissions and make a final determination for implementation from 1 March 2014, the Tribunal requests that ministers, employing bodies and others wishing to comment on this Report do so by no later than **31 December 2013**. Submissions concerning offices currently remunerated by unspecified rates (requiring a fee to be set) should be submitted by **1 March 2014**.

BACKGROUND

Part-time offices within the Tribunal's jurisdiction

Remuneration for part-time offices has been determined by the Tribunal since it was established in 1974.

The *Remuneration Tribunal Act 1973* (RT Act) requires the Tribunal to determine remuneration for offices that meet the definition of "public office" in section 3(4) of the RT Act. There is a variety of offices that fall within the Tribunal's jurisdiction; and also, consequently, many offices that do not.

The two most common classes of part-time office for which the Tribunal determines remuneration are:

- offices established by a Commonwealth law (also known as statutory offices) and appointments made under a Commonwealth law, unless the relevant legislation provides otherwise; and
- offices added to the Tribunal's jurisdiction by a process commonly known as "referral-in". Referral-in occurs through the Minister responsible for the RT Act, currently the Minister Assisting the Prime Minister for the Public Service, writing to the Tribunal President specifying that the Tribunal must determine remuneration for that office. (This would usually occur as the result of a request to that Minister from the Minister with portfolio responsibility for the office. Only offices where the office holder is appointed by the Governor-General or a Minister of State are offices to which this process can apply.)

There are some other, less common, classes of part-time office, such as board members of companies owned by the Commonwealth.

Diversity of Part-time Offices

There is a wide variety of offices in the part-time office determination which operate in a wide variety of ways. Very few of the offices, if any, are part-time in the generally accepted sense – that is, where office holders work a specified number of hours per week. In fact, the offices are generally referred to as part-time simply because they are not full-time.

Some offices are those in review bodies such as tribunals. Those office holders, at times, work hours that are more akin to a full-time office holder, depending on the workload at the time. These office holders, and others, are often used on an on-call basis, and have to be able to set aside other responsibilities at short notice to fulfil their roles.

Other office holders are members of boards or advisory committees. These office holders can meet at set times throughout a year, and also make themselves available at other times to perform other business of the authority as it arises. Some advisory committees have heavy responsibilities at certain times – annual cycles, scientific or medical grant processes or when 'their' issues are in the public eye, for example – and lighter responsibilities at other times.

This is a very brief description; the Tribunal's consideration of submissions, determination of remuneration and interactions with employing bodies throughout the review have served to highlight that each body has its own workflows and expectations of its part-time office holders.

The Part-time Office Determination

The Tribunal's current part-time office determination¹ (the Determination) at 1 July 2013 included the determined remuneration for 442 offices. The Commonwealth relies heavily on part-time office holders to undertake a very wide range of functions.

Many of these 'offices' have multiple occupants, so that the number of office holders covered by the Determination is greater than the number of offices. (The Tribunal generally determines remuneration in respect of an office rather than for any specific individual.)

The diversity of offices has given rise to diverse remuneration arrangements which are reflected in the Determination. As well as many different levels of fees (some with very small gradations), there are also different remuneration 'models'. These models are described later in this Report.

PROCESS

Objectives of the Review

The Tribunal's 2011 Annual Review Statement noted that:

"Remuneration needs to be at least of a level to allow the Commonwealth to attract people of capacity and standing – people who must undertake responsibilities with the high levels of professionalism and commitment that the Commonwealth expects but which, to an increasing extent, is taken for granted.... The Tribunal is giving careful consideration to means by which the remuneration of part-time offices might be restructured so that it better reflects the levels of responsibility of the offices concerned.

The Tribunal also considers that there is considerable scope to rationalise the present diverse and cumbersome remuneration structure (so as to establish fewer and more distinct levels)."

The President's Overview in the Tribunal's 2010-11 Annual Report further noted that:

In respect of part-time offices, particularly, the Tribunal is concerned to establish a detailed understanding of the current demands upon the holders of these offices. It may be the case, for example, that, in some instances, the present levels of annual fees are not consistent with the levels of commitment and responsibility demanded by the office; it may be that daily fee arrangements are inappropriate in other cases.

In conducting the review of part-time offices, the Tribunal's objective has been more than simply considering whether the current remuneration levels for part-time offices are appropriate. Rather the Tribunal has had a broader objective of assessing the suitability of current remuneration arrangements and their appropriateness to the diversity of offices. This of necessity involved a review of the Determination itself, together with the various remuneration models and consideration of how the Determination is applied by those who administer payments to office holders.

¹ Determination 2013/11: Remuneration and Allowances for Holders of Part-Time Public Office

One aspect of the review of part-time offices to which the Tribunal has paid particular attention has been to assess whether existing arrangements, including the more recently introduced remuneration 'models', remain useful and relevant as the federal public sector heads further into the 21st century.

In addition the Tribunal was keen to set in place principles and a framework to assist ministers and employing bodies in developing, reviewing and recommending appropriate rates and models of remuneration for offices covered in the part-time jurisdiction.

Most importantly the Tribunal wants to ensure that the remuneration determined is appropriate to attract and reward a diversity of office holders who bring experience and expertise, credibility, passion and commitment to these important roles.

Conduct of the Review

The Tribunal has been examining its part-time jurisdiction for a number of years. It commenced the current review in 2011. As with the review of full-time offices this has proven to be a complex and demanding process. There is an inherent difficulty for the Tribunal in setting standard levels of remuneration and standard rules for how remuneration should be calculated across such a broad range of offices.

In September 2011 the Tribunal sought and received information from portfolio Ministers, almost without exception, about the operation of the existing Determination in respect of their part-time offices as well as their views on a number of issues (such as the remuneration of sub-committees and the use of 'caps' for daily fee recipients). The Tribunal is most appreciative of the responses received as it understands that these involved a considerable resource commitment by the employing bodies and ministers.

The information received has proved extremely useful in adding to the Tribunal's understanding of part-time offices and the way in which the Determination is applied by employing bodies. It has also served to confirm anecdotal information about the complexities involved and highlighted some inconsistencies in application by administrators, particularly in relation to daily fee recipients.

It has not been possible, or feasible, for the Tribunal to meet with all part-time office holders. However the Tribunal has had the opportunity to meet with a number of office-holders chosen to represent a cross-section of bodies within the Determination. In the last six months alone the Tribunal has met with office holders from 23 bodies. The Tribunal thanks those individuals for their input and for making themselves available. These meetings were very useful. The Tribunal intends to continue to meet with a number of daily fee office holders prior to December 2013 and to commence a rolling review of offices as part of its continuing work program.

The Tribunal has also taken note of some of the remuneration arrangements for part-time office holders in international and interstate jurisdictions. These considerations have assisted the Tribunal in its approach to the proposed simplification of daily fee provisions outlined later in this Report.

Since the commencement of the review new part-time offices have continued to emerge and the Tribunal has continued to set remuneration for them. This has given the Tribunal the opportunity to consider alternative options for delivering remuneration against the background of the information garnered throughout the review process, and to consider whether remuneration arrangements in place in comparable bodies (such as they are) remain relevant.

The Tribunal's other normal business, in examining the remuneration of offices subject to legislative or other significant change, has also continued throughout the review.

In all, the activities of the Tribunal during the last five years have meant that some aspect of 50% of all employing bodies with part-time offices has been considered by the Tribunal. Just under half of these considerations related to the establishment of a new office.

DETERMINING REMUNERATION

The Tribunal's Process

The Tribunal's December Report on full-time offices² (the December Report) provided some information on how the Tribunal, in general terms, determines remuneration for an office. In this Report the Tribunal noted:

The Tribunal is required by its Act to "inquire into, and determine"³ the remuneration of office holders. The Act also says that in performing its functions "the Tribunal may inform itself in such manner as it thinks fit"⁴. The Act neither lists all of the factors that the Tribunal shall take into account nor limits those factors. Nor does it specify any particular process the Tribunal should observe.

The assessment of remuneration is not an exact science. While general agreement can be reached about where remuneration for an office should lie relative to that of some other offices, it is difficult to argue that there is a specifically 'right' remuneration figure for each and every office.

A range of considerations go into determining the appropriate level of remuneration for an office. The Tribunal derives considerable initial guidance about the attributes of an office from the Minister's submission to the Tribunal seeking a determination. This serves as a platform for broader research about the context in which the office is being established and the circumstances of its establishment. Often this will involve discussion with the employing body and consideration of other material such as Portfolio Budget Statements; enabling legislation (if applicable), including 2nd reading speeches and associated explanatory memorandum; along with Statements of Expectations (where relevant); and other relevant records.

² Remuneration of Public Offices, Full-time Offices Report, 17 December 2012 (the December Report)

³ RT Act, section 7(3)

⁴ RT Act, section 11(1)

As noted in the December report the Tribunal applies its experience to judging a number of factors before deciding an appropriate level of remuneration for an office. Some of the matters to which the Tribunal gives consideration include:

- the management responsibilities of the office (where relevant);
- the legislative responsibilities;
- the exposure and risk;
- the requisite skills of the office holder (and by inference where they would be likely to be employed if they were not in the office);
- whether filling the office is likely to have a deleterious effect on the office holder's later career path;
- the level of remuneration necessary to attract and retain an appropriately qualified and skilled candidate; and
- the level of remuneration that the Tribunal has set for other offices with similar levels of responsibility and accountability.

These matters also have relevance for part-time public offices and the Tribunal has found them to be a useful starting point. However there are additional considerations that the Tribunal has refined during the passage of the review process which have particular relevance to part-time offices. During its consideration of offices, and in its discussions with office-holders, the Tribunal has paid particular attention to matters, such as:

- the level of independence of the body;
- the degree to which the body is accountable and publicly visible;
- the level of its responsibility;
- the level of authority or influence;
- specific skill requirements (for example, technical including medical specialist knowledge) and whether or not the involvement precludes alternative/existing private sector fee-earning activities;
- the commitment required; and
- where the office holder is part of a board or committee – whether there is an even distribution of workload, responsibilities or expectations.

One element, which the Tribunal has noted on numerous occasions, relates to the professional or community status attached to these roles, together with the accepted concept of civic duty/public good.

Meeting with many office-holders as part of its review, the Tribunal has been impressed anew; the public sector is indeed fortunate in the calibre of its part-time office holders. In most cases it is clear that remuneration is not the driving factor in anyone's decision to accept appointment. Office holders are also very cognisant of the financial restraints under which these public bodies operate.

One of the conundrums the Tribunal has had to confront is how rightfully to recognise and reward commitment across the jurisdiction given the two ends of the spectrum: those who effectively work purely as a public service, and would do so pro bono, and those for whom the income received is an important consideration.

Other principles considered by the Tribunal of a more formulaic nature (such as whether to apply uniform minimum commitment bench marks, based on days, as a threshold issue in determining whether an annual or daily fee is appropriate) have since been discounted as too unsophisticated and absolute; there is very little that is 'black and white' in the part-time office jurisdiction.

Remuneration Adjustments

Once the remuneration for an office has been struck remuneration is generally adjusted as a result of the Tribunal's annual review of office-holders within its jurisdiction. This review considers 'macro' issues such as economic conditions and wages movement, which apply to the environment in which all public offices operate. While the annual review is not simply a CPI increase (amongst other things, it also takes into account the natural evolution of offices over time), it is not so extensive as to involve an individual review of each office.

Other circumstances where the office might be reviewed are where the Tribunal becomes aware of:

- changes to relevant legislative provisions affecting the body;
- changes to requisite characteristics, skills or qualifications required of the office holder;
- significant changes to the main functions, responsibilities or accountability structures of the office; or
- significant organisational change.

Such factors can come to the Tribunal's attention through submissions from Ministers, through its Secretariat's regular monitoring processes, or from office-holders themselves.

The Tribunal is conscious that this 'point-in-time', case-by-case approach to remuneration setting is not optimal. The Tribunal, while conscious of the finite resources available to it and employing bodies, is considering options which might involve annual or biannual reporting by employing bodies of relevant conditions (such as individual office holder meeting commitments and out-of-session work performed in a year) that might serve to highlight any divergence in an office from the Tribunal's understanding of that office.

Another option is for the Tribunal to adopt a more measured approach to the regular review of each body within the jurisdiction, irrespective of whether this review has been sought by the employing body or minister. Again any reviews would need to be undertaken with regard to the limited capacity of the Tribunal's resources, meaning that reviews would be spaced over a number of years.

REMUNERATION MODELS

As indicated earlier in this report, each part-time office is unique. However, by considering common functions or responsibilities, some offices within the Tribunal's jurisdiction can be broadly categorised. For example, some office holders are members of governance boards; quasi-judicial or regulatory bodies; or advisory bodies. This categorisation can assist in identifying comparable bodies and decisions about appropriate fee relativities between those offices.

It may be the case that there is a capacity for further sub-categorisation within these categories. In this regard the Tribunal noted practices in other jurisdictions. Some states and territories categorise bodies along similar lines and then break them down further based on issues such as the size of the assets under management or the criticality of the advisory functions⁵. The Canadian proposal (recommended by a body providing advice in the area broadly equivalent to the Tribunal) to group some offices into four broad categories based on the type of corporation, size, complexity of operation, strategic importance to the country, and the degree of knowledge and specialized skills required has been of particular interest⁶.

However any attempt to categorise every office within the Commonwealth into broad categories, in the Tribunal's view, seems somewhat arbitrary and would be likely to do an injustice to some office holders if it were to be the principal basis for setting remuneration. In many cases office holders undertake functions that cross these categories; in others the role of the office holder defies simple categorisation. Nonetheless the Tribunal does, to some extent, categorise bodies when considering a particular office and identifying comparable bodies/offices.

The Tribunal has also considered whether, where categorisation is possible, particular remuneration models may suit particular categories of offices. The Tribunal's preference remains an annual fee and this is often the starting point in setting fees. However the Tribunal is also aware that annual fees are not always appropriate and may not meet the particular operational requirements of the body.

Annual Fees

Annual fees are straightforward for both employing bodies and office holders to understand (and administer). They provide certainty of income to the office holder and for the budgeting employer.

Annual fees enable the Tribunal to provide an appropriate 'loading' for the responsibilities of the office and any associated sensitivities and standing of the office holders, which do not necessarily correlate to the time commitment involved. While not impossible, this is more difficult in a daily fee regime.

⁵ See for example the Northern Territory's [Listing of NT Government Statutory bodies by classification](#) as at 15 May 2013, published by the [Department of Chief Minister](#)

⁶ See the reports of the Advisory Committee on Senior Level Retention and Compensation on the [Treasury Board of Canada Secretariat website](#).

Annual fees, however, apply a 'one-size fits all' approach to an office which does not necessarily reflect the requirements of the employing body. For example, in some cases, the commitment required of different members of a committee is quantifiably different and yet all members receive the same uniform remuneration as the annual fee is set for the office (and not individually for each member).

Workloads may also vary from year to year. An annual fee is not necessarily 'wrong' in this context – rather it pays the person an average fee over time which correlates to the total work performed over an extended period. This means that when the Tribunal reviews an annual fee it is important that it looks at workload and responsibilities/functions over time, rather than short-term workload, responsibilities and functions.

In terms of categorisation the Tribunal notes that annual fees appear to suit governance boards where office holders have a regular pattern of work/commitment and where the responsibilities and functions are well known (for example as set out in legislation or Statements of Requirement).

Daily Fees

The Tribunal has favoured daily fees where the commitment is expected to be ad hoc and irregular, in some cases where the work is predictable but relatively infrequent or where it is associated with case work and hence is variable dependent on that case load.

Daily fees have also been used where a new body has been established and it has been difficult to predict the likely workload and responsibilities on its commencement. (Generally the Tribunal would review these remuneration arrangements after twelve months to determine the appropriate ongoing remuneration arrangements.)

As the daily fee remunerates office holders for the actual workload involved, it does differentiate between office holders, unlike the annual fee. This is particularly useful for some bodies - for example, some specialist technical advisory committees that have multiple office holders who may be called upon to varying degrees depending on their speciality and the nature of the enquiry before them. Daily fees in these circumstances can recompense appropriately the differing commitment of office holders.

However, daily fees do have a higher administrative burden, including the need to pay by exception and to calculate and determine when, and how much, to pay an office holder - for example, by taking into account the duration of a meeting, travel time, preparation time and out-of-session work. Feedback received about the current provisions is that they are seen as complex (in particular in relation to the differing minimum payment provisions together with the accumulation or aggregation of hours on part-days) and can be confusing and time consuming to administer. Payment of fees is also reliant on a 'claim' being submitted, either by the office holder or on their behalf, and requires the authorisation of the chair.

Another challenge for some bodies in the management of the daily fee model is the treatment of preparation time for a meeting. The Determination provides that ordinary preparation time is not separately remunerated but rather is included as a component in the daily meeting fee. This in part explains why a

full daily fee is paid for a three hour meeting – it is understood that the work involved is greater than the time just spent at the meeting.

However for some bodies the usual preparation time for a meeting is greater than the actual duration of a meeting. For example, the pre-reading required for many bodies will involve multiple volumes for a relatively short meeting. This can mean that office holders commit considerable time to preparation and research for a meeting without, arguably, commensurate or appropriate compensation. (The Determination gives a chair the authority to approve additional fees where meeting preparation time is 'so unusual as to warrant recognition'.)

In addition it is apparent, from information provided by employing bodies, that in some cases the Tribunal's daily fees may be used to remunerate office holders doing a variety of work that may not have been considered by the Tribunal before determining remuneration – for example, where they are undertaking work of an administrative nature for the employing body, rather than the higher level work in their official capacity as an office holder on which the Tribunal based the fee.

Alternate Remuneration Models

During 2012, the Tribunal implemented two additional remuneration models that offer an alternative to the daily fee and annual fee models.

These have been implemented with the aim of providing a model that, in some situations, better suits both the business of the employing body and the office holders. The Tribunal is confident that, where suitable, these models will enable office holders to be appropriately remunerated for their commitment and responsibilities.

Base Annual Fee and Daily Meeting Fee

This model provides for an annual fee that recognises all of the business of the authority, including short meetings, committee work and all representational work. It also enables the Tribunal to consider separately to what degree the annual fee should incorporate a component that recognises other elements such as the autonomy, responsibilities, availability and expertise of the office holder.

The daily meeting fee then recompenses for any meetings of the body which exceed five hours duration.

While this model, in the longer term, is likely to be the least utilised by the Tribunal, it is useful for offices where the commitment is difficult to quantify. The model remains administratively simple as there is no capacity for payment of part-day fees or for aggregation of hours.

It particularly suits bodies where office holders may, in the course of the other roles they hold, have cause to represent their office (where this would not cause a conflict of interest). This may be the case in some of the health and environmental promotion roles within the Tribunal's jurisdiction where prominent high standing office holders are seen to represent their office, even where they are not directly performing the functions of those offices.

It also enables the Tribunal to consider appropriate remuneration for offices where there is a requirement for the office holder to be ready to respond frequently at short (and unpredictable) notice for perhaps only short durations.

Annual Meeting Fee and Additional Daily Fee

This model provides for an annual meeting fee to cover all formal meetings, regardless of their duration, including all preparation and travel associated with those meetings. Like the previous model it enables the Tribunal to include in the annual fee a component that recognises other elements such as the autonomy, responsibilities and expertise of the office holder.

The model provides for an additional daily fee for other 'business of the authority'. The additional daily fee is payable after five hours of work, or for aggregated periods of five hours or more (with a minimum period of aggregation of one hour).

This model will suit many advisory bodies with regular meeting commitments as it enables appropriate recognition of preparation time, even where this is extensive, in the annual fee. It is administratively simple as the majority of the work of the body is remunerated by an annual fee, however there is still capacity to recognise additional out-of-session work, such as workshops and field trips that are of an ad hoc nature or may not involve all office holders.

This model may also suit new offices (such as members of a governance board) as an alternative to daily fees during the establishment phase of an entity where there is likely to be an initial heavier out-of-session commitment and some variability in this commitment between office holders, but where the number of formal meetings is relatively predictable.

Caps

The Tribunal in setting daily fees, in combination with annual fees, is still cognisant of its role in ensuring that overall remuneration is appropriate, within acceptable community standards, and retains the element that recognises the inherent nature of public service. For this reason, dependent on the circumstances, the Tribunal will from time to time put in place an annual cap on the remuneration that may be paid through these models for an individual office.

REVIEW OUTCOMES

Simplified Determination

It has become increasingly clear to the Tribunal that the provisions of the existing Determination are neither easily understood nor consistently applied. The daily fee arrangements in particular, with the different provisions that apply on a meeting day and non-meeting day, have been found to be confusing for both employing bodies to administer and for office holders to understand.

In addition the structure and language of the Determination is considered to be unnecessarily complex.

The Tribunal has redrafted the Determination using simpler language and formatting and will provide further guidance on its application on the Tribunal website. The Tribunal's Secretariat will be consulting with selected employing bodies/portfolio agencies to 'test' the useability of the redrafted Determination prior to its finalisation.

Simplified Daily fee Model

Some of the complexities associated with the Determination are not simply a product of its structure and language; some relate to the provisions themselves. Again this is obvious in the daily fee provisions. While a day's work was always intended to be remunerated by a day's pay (and no more), the existing provisions apply complex criteria and differing minimum payment provisions depending on the particular circumstances of the work undertaken. This has the potential to lead to confusion concerning the actual entitlements and inconsistent application of the fee provisions.

The Tribunal recognises that the existing fee provisions can also result in some anomalous outcomes due to the differing provisions for meeting and non-meeting days. The existing provisions could also serve to undervalue the work performed on meeting days relative to non-meeting days.

In simplifying the provisions the Tribunal has removed some of the inconsistencies and potential inequities between the fees payable for meeting and non-meeting days. In addition 'business of the authority' will be similarly valued regardless of whether it is performed on a full or part day.

Table A sets out the proposed new arrangements⁷.

Table A – Proposed New Daily Fee Payment Provisions

Calculation of fees on a <u>meeting day</u>		
Total time	Daily fee payable	Total time includes
Three hours or more	One daily fee	<ul style="list-style-type: none"> Time spent attending formal meeting Time spent on authority business on a meeting day Official travel time
Less than three hours	3/5 daily fee	
Calculation of fees on a <u>non-meeting day</u> ⁸		
Total time	Daily fee payable	Total time includes
For each separate period of at least one hour	1/5 daily fee for each hour <ul style="list-style-type: none"> The maximum that is payable in respect of any one day is one daily fee (i.e. 5 x 1/5) For administrative ease - the minimum claim for payment that may be made at any one time is five hours 	<ul style="list-style-type: none"> Time spent on authority business on a non-meeting day Official travel time Any time spent by the Member preparing for a formal meeting that the Chair considers is excessive to normal preparation time

⁷ Note that it is not proposed to introduce these arrangements for a small number of bodies that have specific part-day daily fee provisions that are not based on either a three or five hour aggregation model, e.g. the Migration Review Tribunal/Refugee Review Tribunal and the Torres Strait Regional Authority.

⁸ These are similar to arrangements applying to the Northern Territory public offices.

The key changes are:

- Meeting day fee –
 - removal of the 2/5 minimum payment for less than two hours commitment; and
 - specific inclusion of official travel time in the calculation of 'total time' on the meeting day.
- Non-meeting day -
 - removal of three hour minimum in a single period for payment of full daily fee; and
 - simplification of aggregation of hours with each hour eligible for payment (up to five hours on any one day).

The Tribunal does not intend to alter the current provision in relation to preparation for formal meetings. The daily fee for a meeting day will continue to include a component to cover normal preparation time. The chair of the body will continue to have authority to determine that the period of preparation time involved is so unusual as to warrant recognition as business of the authority.

Of necessity the simplification and rationalisation of daily fees will mean a change in the remuneration outcome for some office holders particularly where this currently involves a heavy commitment based on part days. It is recommended that employing bodies and office holders consider carefully the new provisions which the Tribunal intends to put in place from **1 March 2014**.

New Remuneration Structure

Over the past three years the Tribunal has completed reviews of remuneration for Secretaries of Departments, Specified Statutory Offices, Economic Regulatory Agencies and full-time office holders. In all cases the Tribunal has set in place a more ordered remuneration structure that rewards office holders appropriately.

In respect of part-time offices, the Tribunal has developed an indicative remuneration structure and placed offices within that structure. The Tribunal expects to implement this new structure with effect from **1 March 2014**. The structure provides a variety of outcomes in respect of increases for individual offices and goes some way to addressing the multitude of rates and small delineations between rates that exist in the current structure. In total there are currently in the order of 150 specific rates. In the daily rates there are differences as small as \$1 per day. Within the annual rates differences are similarly proportionally small (some \$40 difference in some cases).

The indicative structure at **Schedule 1** has the following features:

- an initial gradation of \$7,500 for chairs on annual fees (increased by 2.4% for the 1 July 2013 annual review adjustment) up to the remuneration level of \$110,808;
- remuneration for chairs above this level to be considered on a case-by-case basis (noting that this cohort represents an important but relatively small part of the Tribunal's determinative processes);
- for chair daily fees, an initial gradation of \$100 from \$500 to \$900 per day and then of \$150 up to \$1500 per day (increased by 2.4% for the 1 July 2013 annual review adjustment); and

- maintenance to a close degree of the current ratio between the chair and member remuneration for individual employing bodies;
- offices have been placed in the band immediately above their current remuneration except in cases where the Tribunal, following the receipt of current information on changes to functions/responsibilities, has determined a different rate.

In setting the appropriate level for chairs the Tribunal carefully considered its understanding of the differing chair roles within its jurisdiction. It took the view that the appropriate comparisons between bodies should be based on the responsibilities of the chair.

In relation to setting the appropriate fee level for members, the Tribunal took the view that the most important relationship (in setting members' remuneration) is not that which exists between members of differing employing bodies, but rather the relationship between the chair of an individual body and that of its members.

For offices remunerated with annual fees, the Tribunal considers that the fee ratio member:chair should be set at 50%. Having said this, the Tribunal appreciates that given the diversity of bodies within its jurisdiction that such a formula may not readily apply to all bodies. While to a degree the new structure preserves the current ratios, the Tribunal would expect in the future to commence consideration of the remuneration for new part-time offices on the presumption that a 50% member:chair fee ratio is appropriate. Where a minister or employing body considers that this would not be the case for a particular body, the submission seeking a remuneration determination should substantiate the reasons for this position.

In relation to daily fee recipients the difference in fee levels between chairs and members within bodies is not as great given additional chair commitment is recognised through the payment for time expended (and therefore additional fees). Nonetheless a chair does have additional responsibilities that need to be acknowledged in the fee structure. Any new submission would be expected to align chair and member remuneration with current bands within the proposed remuneration structure.

For deputy chair roles the Tribunal has not always set additional or separate fees to that of members. This has been particularly the case where the role takes on additional functions from that of a member only when the chair is in absentia. There are however, deputy chair roles with particular legislative functions or significant ongoing responsibilities, for example as chair of sub-committee/s or with carriage of strategic or risk management aspects of the body.

Where there is a separate deputy chair annual fee set, the Tribunal considers an appropriate chair:deputy chair ratio to be 75%. For daily fee recipients the Tribunal expects that fee will be struck at a point midway between the chair and member rate.

Where there is no part-time chair, member rates have been struck using a similar approach to that used for categorising chairs (with the exception that daily fee bands commence at a minimum of \$450 per day, rather than \$500 per day).

Audit and Other Committees

One of the matters for which the Tribunal receives submissions concerns additional remuneration for membership of board sub-committees. As part of the review the Tribunal sought the views of portfolio ministers on additional fees for sub-committee work. In a letter dated 15 September 2011 the Tribunal President noted that:

"The Tribunal has approved the payment of audit committee fees in a number of situations for two reasons – one, to reward the extra effort involved in audit committee work and, two, to encourage the formation of audit committees. As governance improvements occur, the second reason is less relevant. There is also an emerging view that the fee for an office should be fixed so as to cover all work associated with the entity and that separate fees for committees should be abolished. It would then be up to the Chair to allocate responsibilities (including committee membership) so as to spread evenly the work of the entity."

Responses (and office holder discussions) indicate that there is support for continuation of committee fees for audit committee membership, but that these should not be 'automatically' and uniformly applied by the Tribunal; rather they should only be instigated if requested by the relevant minister/employing body. The Tribunal remains of the view that, generally, additional fees for board sub-committees other than audit and risk committees (where specific detailed oversight and supervision is required) remain unwarranted.

In this regard the Tribunal notes that board members are equally liable (singly and collectively) for the governance and performance of an entity regardless of any membership of a board sub-committee/s; sub-committees are simply one way that boards may choose to allocate workload whilst undertaking board functions. Fees are already struck having regard to these board functions.

It should be noted that where there is a deputy chair rate struck, it is the Tribunal's view that additional fees associated with committee membership (e.g. audit committee) would not be paid to those offices. Where employing bodies have a differing view a submission may be made to the Tribunal for consideration.

There is currently a very small number of sub-committees separately remunerated because of features unique to their respective boards. Where a chair believes that the commitment and responsibilities associated with a sub-committee warrant additional remuneration a case should be made to the Tribunal. Any such submission would need to comment specifically on why the Tribunal should not consider its functions part of the board's usual functions.

There are currently six audit committee fee rates for chairs (and four member rates); for reasons outlined earlier in this Report concerning the fine differences between existing fees, the Tribunal intends to rationalise these to three, from **1 July 2014**, as follows:

Rate	Chair	Member
1	\$20,700pa	\$10,360pa
2	\$15,060pa	\$7,527pa
3	\$9,111pa	\$4,515pa

Unspecified Rates

The Tribunal's primary purpose in determining "unspecified rates"⁹ is to provide employing bodies with an interim rate to apply to new offices pending the Tribunal's consideration of a submission on an appropriate individual rate for that office. The unspecified rate provides payment authority during the period needed for a minister to make a submission, and for the Tribunal's subsequent consideration of that submission. They may also be used where the body has a short and finite existence.

The Determination currently provides three categories of 'unspecified rates' with ministers determining the appropriate rate for a particular 'office' from these three options. The Tribunal's view is that to comply more effectively with its determinative powers under the RT Act the Determination should only contain one unspecified rate. Accordingly the Tribunal intends to determine only one unspecified rate with effect from **1 July 2014**.

The new rate is likely to be at the lower end of the existing rates to encourage early submission on remuneration for new offices. The 1 July 2014 date of effect allows employing bodies and ministers sufficient time to seek specified rates for existing offices where the higher rates are currently utilised.

Regular Review

Earlier in this Report there was discussion about the ways in which the Tribunal could instigate consideration of individual offices outside of the initial determination of remuneration and the more general reviews of jurisdictions.

The Tribunal is planning a rolling review of individual part-time offices, separate from its annual review of remuneration for public office holders. The initial focus will be on those offices that have not been considered by the Tribunal in the last five years. As well as considering whether the remuneration level remains appropriate, the Tribunal will consider whether the existing remuneration model best suits that office.

Given the diversity and number of offices and the limited resources available to the Tribunal this review is expected to take some time.

Invitation for Input

The Tribunal again thanks Ministers, agencies and employing bodies for their input to the review to date and welcomes continuing engagement on this matter. It has not been possible to meet with every office holder or employing body during the review period. Accordingly, in placing offices within the proposed rationalised fee structure, the Tribunal has drawn on its prior experience, published material and ultimately, its judgement. It may be that employing bodies or ministers have a different view about the appropriateness of this placement in relation to their own offices.

The Tribunal is also aware that employing bodies and ministers have not yet had the opportunity to provide input on the impact on their offices of the proposed changes to the calculation of daily fees and unspecified office rates.

⁹ Clause 2.3 of the Determination provides: "An office-holder in respect of whom a fee has not otherwise been specified in this Determination shall be paid a daily fee as set out in Table 2A below". The table provides three categories of payment for both a Chair and Member.

Finally the Tribunal is conscious that in reading this report there may be a number of employing bodies or ministers who feel that an alternative fee model would suit their office holders better.

For all these reasons the Tribunal invites submissions from employing bodies/ministers in relation to their own offices. Specific part-time review submission guidance is provided at **Schedule 2** to this report.

The Tribunal also seeks and will continue to give consideration to submissions about matters raised in this review more generally.

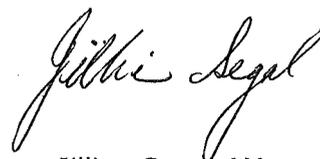
Where an employing body or minister would like the Tribunal to consider a submission prior to intended date of effect of the outcomes of this report (1 March 2014 for all but the new single unspecified rate) submissions should be received by the Tribunal by no later than 31 December 2013. Submissions concerning offices currently remunerated by unspecified rates (requiring a fee to be set) should be submitted by 1 March 2014.



John C Conde AO
PRESIDENT



John B Prescott AC
MEMBER



Jillian Segal AM
MEMBER

Schedule 1 – Indicative Remuneration Structure

Annual Fees

Table 1: Proposed Chair and Deputy Chair Annual Fees (1 March 2014)

Chair	Deputy	Office/Authority
\$209,630	\$168,770	NBN Co Limited
\$198,310		Future Fund
\$178,940	\$99,860	Australia Post
\$164,600	\$81,250	Australian Broadcasting Corporation
\$153,600		ASC Pty Ltd
\$130,070		Commonwealth Superannuation Corporation
\$128,530		Medibank Private Ltd
\$110,080	\$88,070	Moorebank Intermodal Terminal
	\$82,560	Airservices Australia Australian Maritime Safety Authority Civil Aviation Safety Authority Board (CASA)
		Australian Rail Track Corporation Board of Taxation Commonwealth Scientific and Industrial Research Organisation Defence Housing Australia Murray-Darling Basin Authority National Disability Insurance Scheme Launch Transition Agency
\$102,400	\$76,800	Australian Curriculum Assessment and Reporting Authority Special Broadcasting Service
		Clean Energy Finance Corporation Foreign Investment Review Board National Health and Medical Research Council (NHMRC)
\$94,720	\$71,040	Australian Institute for Teaching and School Leadership Ltd Tourism Australia
		Australian Workforce and Productivity Agency Innovation Australia Board National Precincts Board
\$87,040	\$65,280	Australian Sports Commission
		General Practice Education and Training Limited Private Health Insurance Administration Council Safety, Rehabilitation and Compensation Commission Telecommunications Universal Service Management Agency
\$79,360		Food Standards Australia New Zealand International Air Services Commission Medical Services Advisory Committee NHMRC – Research Committee
\$71,680	\$53,760	Australian Nuclear Science and Technology Organisation Board Export Finance and Insurance Corporation Indigenous Business Australia Indigenous Land Corporation
		Aboriginal Hostels Limited Australian Commission on Safety and Quality in Health Care Australian Electoral Commission Australian Fisheries Management Authority Commission Australian Hearing Services Australian Heritage Council Grains Research and Development Corporation Independent Hospital Pricing Authority (IHPA) National Competition Council Outback Stores Pty Ltd – Chair/Director

Table 1: Proposed Chair and Deputy Chair Annual Fees continued

Chair	Deputy	Office/Authority
\$64,000		Cancer Australia Advisory Council Health Workforce Australia National Offshore Petroleum Safety Authority Board NHMRC – All other Principal Committees NHMRC – Australian Health Ethics Committee
\$56,320	\$42,240	Australia Council Screen Australia
		Aged Care Standards and Accreditation Agency Albury-Wodonga Development Corporation Fisheries Research and Development Corporation Frontline Defence Services (AAFCANS) Grape and Wine Research and Development Corporation National Capital Authority National Rural Advisory Council Rural Industries Research and Development Corporation Safe Work Australia Wine Australia Corporation
\$48,640	\$36,480	National Gallery of Australia Council National Health Performance Authority
		Australian Institute of Marine Science Council Australian Technical Advisory Group on Immunisation Australian War Memorial Council Cotton Research and Development Corporation Council for the Australian Film Television and Radio School Radiation Health and Safety Advisory Council Sugar Research and Development Corporation Sydney Harbour Federation Trust
\$40,960	\$30,720	National Library of Australia Council
		Australian National Maritime Museum Council Fishing Industry Policy Council National Museum of Australia Council National Portrait Gallery of Australia
\$33,280	\$24,960	Australia Business Arts Foundation
		Australian Pesticides & Veterinary Medicines Authority – Advisory Board Australian Sports Drug Medical Advisory Committee Australian Statistics Advisory Council Classification Review Board Defence Reserves Support Council National Executive Defence Strategic Reform Advisory Board Public Lending Right Committee
\$25,600		Australia Council, Boards Australian Institute of Health and Welfare
\$17,920		Advisory Panel on the Marketing in Australia of Infant Formula Innovation Australia Committee
	\$36,610	Australian Sports Anti-Doping Authority

Table 2: Proposed Member Annual Fees (1 March 2014)

Member	Office/Authority
\$104,860	NBN Co Limited
\$103,210	Commonwealth Grants Commission
\$99,180	Future Fund
\$89,500	Australia Post
\$71,680	ASC Pty Ltd
\$64,320	Medibank Australia
\$54,180	Australian Broadcasting Corporation
\$71,680	Reserve Bank of Australia
\$66,050	Murray-Darling Basin Authority
\$56,320	Commissioner, Australian Transport Safety Bureau Commission Payments System Board
\$55,040	Airservices Australia Australian Maritime Safety Authority Australian Rail Track Corporation Board of Taxation Civil Aviation Safety Authority Board (CASA) Commonwealth Scientific and Industrial Research Organisation (CSIRO) Defence Housing Australia Moorebank Intermodal Terminal National Disability Insurance Scheme Launch Transition Agency Payment Systems Board
\$52,230	Private Health Insurance Administration Council
\$51,200	Clean Energy Finance Corporation Foreign Investment Review Board
\$47,360	Tourism Australia
\$43,520	Australian Sports Commission
\$42,630	Innovation Australia Board National Precincts Board
\$40,960	Pharmaceutical Benefits Advisory Committee Special Broadcasting Service
\$39,680	Food Standards Australia New Zealand
\$39,430	National Competition Council
\$39,170	General Practice Education and Training Limited Safety Rehabilitation and Compensation Commission Telecommunications Universal Service Management Authority
\$37,890	Australian Workforce and Productivity Agency
\$35,840	Aboriginal Hostels Limited Australian Fisheries Management Authority Commission Grains Research and Development Corporation Indigenous Business Australia Indigenous Land Corporation Outback Stores Pty Ltd – Chair/Director
\$33,800	Fisheries Research and Development Corporation Grape and Wine Research and Development Corporation Rural Industries Research and Development Corporation Wine Australia Corporation
\$33,280	Australian Sports Anti-Doping Authority
\$32,260	Australian Hearing Services Australian Heritage Council – Associate Member and Member Australian Nuclear Science and Technology Organisation Board (ANSTO) Export Finance and Insurance Corporation
\$32,000	Cancer Australia Advisory Council National Offshore Petroleum Safety and Environmental Management Authority Board
\$30,980	Aged Care Standards and Accreditation Agency National Rural Advisory Council Screen Australia

Table 2: Proposed Member Annual Fees continued

Member	Office/Authority
\$28,290	Defence Reserves Support Council (DRSC) - National Executive
\$28,160	Albury-Wodonga Development Corporation Frontline Defence Services (AAFCANS)
\$25,600	Great Barrier Reef Marine Park Authority National Health and Medical Research Council (NHMRC)
\$24,320	Australian Institute of Marine Science Council Australian War Memorial Council Cotton Research and Development Corporation Council for the Australian Film Television and Radio School National Gallery of Australia Council National Health Performance Authority Sugar Research and Development Corporation Sydney Harbour Federation Trust
\$23,660	Australian Commission on Safety and Quality in Health Care Independent Hospital Pricing Authority (IHPA)
\$23,300	Australian Sports Drug Medical Advisory Committee Defence Strategic Reform Advisory Board
\$22,530	National Capital Authority
\$20,480	Australian National Maritime Museum Council National Library of Australia Council National Museum of Australia Council National Portrait Gallery of Australia
\$18,590	Australia Council
\$16,640	Australia Business Arts Foundation
\$10,760	Innovation Australia Committee

Daily Fees

Table 3: Proposed Chair and Deputy Chair Daily Fees (1 March 2014)

Chair	Deputy	Office/Authority
\$1,383	\$1,245	Companies Auditors and Liquidators Disciplinary Board Professional Services Review – Committees Professional Services Review – Determining Authority
\$1,229		Australian Government Reconstruction Inspectorate Australian Renewable Energy Agency (ARENA) Co-operative Research Centres Committee Education Investment Fund Advisory Board Health and Hospitals Fund Advisory Board Higher Education Standards Panel (HESP) Infrastructure Australia Regional Development Australia Fund Advisory Panel Specialist Medical Review Council - Convenor*
	\$990	Seafarers Safety, Rehabilitation and Compensation Authority
	\$807	National Film and Sound Archive
\$1,076		Administrative Review Council Family Law Council Gene Technology Technical Advisory Committee Gene Technology Ethics and Community Consultative Committee Innovation Australia Committee - Non Board Member National Disability Insurance Scheme Launch Transition Agency-Advisory Council National Mental Health Commission National Transport Commission Official Establishments Trust Oil Stewardship Advisory Council Patent and Trade Marks Attorneys Disciplinary Tribunal Pharmaceutical Benefits Pricing Authority Professional Committees (Schedule B of the PTOH determination) Professional Standards Board for Patent and Trade Marks Attorneys Repatriation Medical Authority* Tasmanian Freight Equalisation Scheme Review Authority Threatened Species Scientific Committee Tuition Protection Service (TPS) Advisory Board
	\$830	Australian National Council on Drugs Australian River Co. Ltd
\$922		Asbestos Safety and Eradication Agency Australian Astronomical Observatory Advisory Committee (AAOAC) Australian Community Pharmacy Authority Australian National Preventive Health Agency (ANPHA) Advisory Council Australian Organ and Tissue Donation and Transplantation Authority Advisory Council Biological Diversity Advisory Committee Commission for International Agricultural Research Co-operative Research Centres Appraisal Panels Corporations and Markets Advisory Committee (Convener) Defence Science and Technology Organisation Advisory Board Disability Standards Review Panel Disciplinary Appeal Committees under PE(CT) Regulations 1999 Fisheries Research and Development Corporation Selection Committees Fuel Standards Consultative Committee Indigenous Advisory Committee Land Sector Carbon and Biodiversity Board National Blood Authority National Housing Supply Council Regional Telecommunications Independent Review Committee Research and Development Corporations Selection Committees Wine Australia Corporation Selection Committee

Table 3: Proposed Chair and Deputy Chair Daily Fees continued

Chair	Deputy	Office/Authority
\$820		Australian Strategic Policy Institute Geographical Indications Committee
\$717		ABC Advisory Council Anti-Doping Rule Violation Panel Australian Institute of Aboriginal and Torres Strait Islander Studies Defence Industry Study Course Editorial Advisory Board Management Advisory Committees, Australian Fisheries Management Authority National Archives of Australia Advisory Council National Customs Brokers Licensing Advisory Committee Religious Advisory Committee to the Services Statutory Fishing Rights Allocation Review Panel Committees of Research and Development Corps
\$615		Aboriginals Benefit Account Advisory Committee (ABAAC) APS Reconsideration Advisory Committee Australian Sports Anti-Doping Authority (ASADA) – Advisory Group CSIRO – Advisory Committees Defence Force Case Assessment Panel Land Sector Carbon and Biodiversity Board - Committees Military Superannuation and Benefits Scheme Reconsideration Committee
\$512		Defence Families of Australia DRSC - State/Territory Chairs Ministerial Advisory Committee on Blood Borne Viruses and Sexually Transmissible Infections
no daily fee	\$898	Classification Review Board
no daily fee	\$624	Torres Strait Regional Authority (TSRA)
no fee		Australian Bravery Decorations Council Council for the Order of Australia Military Rehabilitation and Compensation Commission

* existing annual retainers remain

Table 4: Proposed Member Daily Fees (1 March 2014)

Daily fee	Office/Authority
\$1,383	Examiner, Australian Crime Commission
\$1,245	Professional Services Review – Committees Professional Services Review – Determining Authority
\$1,178	Australian Energy Regulator
\$1,107	Companies Auditors and Liquidators Disciplinary Board
\$1,024	Australian Competition and Consumer Commission Australian Communications and Media Authority Australian Curriculum Assessment and Reporting Authority Australian Institute for Teaching and School Leadership Ltd Fair Work Commission Expert Panel Member Innovation Australia Committee - non board member Prime Minister’s Science, Engineering and Innovation Council Social Security Appeals Tribunal Senior Member Tax Practitioners Board – Member
\$984	Australian Government Reconstruction Inspectorate Australian Renewable Energy Agency Co-operative Research Centres Committee Education Investment Fund Advisory Board Health and Hospitals Fund Advisory Board Higher Education Standards Panel Infrastructure Australia Regional Development Australia Fund Advisory Panel Specialist Medical Review Council -councillor*
\$969	National Transport Commission Repatriation Medical Authority*
\$871	Anti-Doping Research Program Panel Classification Review Board Comcover Advisory Council Defence Force Advocate Defence Force Remuneration Tribunal Migration Review Tribunal Pharmaceutical Benefits Remuneration Tribunal Productivity Commission Refugee Review Tribunal Social Security Appeals Tribunal Member Superannuation Complaints Tribunal
\$861	Administrative Review Council Family Law Council
\$830	Corporations and Markets Advisory Committee Land Sector Carbon and Biodiversity Board
\$820	Veterans’ Review Board (Senior Member)
\$807	Gene Technology Ethics and Community Consultative Committee Gene Technology Technical Advisory Committee National Disability Insurance Scheme Launch Transition Agency –Advisory Council National Film and Sound Archive National Mental Health Commission (Commissioner) Official Establishments Trust Oil Stewardship Advisory Council Pharmaceutical Benefits Pricing Authority Professional Committees (listed in Schedule B of PTOH determination) Professional Standards Board for Patent and Trade Marks Attorneys

Table 4: Proposed Member Daily Fees continued

Daily fee	Office/Authority
\$768	Australian National Maritime Museum Committee (non-board member) Australian Pesticides and Veterinary Medicines Authority – Advisory Board Australian Technical Advisory Group on Immunisation Health Workforce Australia Medical Services Advisory Committee Tax Practitioner Board Committee Member
\$738	Australian Community Pharmacy Authority Australian National Council on Drugs Australian Organ and Tissue Donation and Transplantation Authority Council Australian River Co. Ltd Co-operative Research Centres Appraisal Panels Defence Science and Technology Organisation Advisory Board Geographical Indications Committee Regional Telecommunications Independent Review Committee Veterans’ Review Board (Member)
\$718	Threatened Species Scientific Committee
\$717	Religious Advisory Committee to the Services
\$692	Commission for International Agricultural Research National Blood Authority
\$666	Australian Institute of Health and Welfare National Rural Advisory Council – Specialist Committees
\$656	Australian Strategic Policy Institute
\$646	ABC Advisory Council Anti-Doping Rule Violation Panel Australian Institute of Aboriginal and Torres Strait Islander Studies Committees of Research and Development Corps National Archives of Australia Advisory Council National Customs Brokers Licensing Advisory Committee Statutory Fishing Rights Allocation Review Panel
\$615	Asbestos Safety and Eradication Agency Australian Astronomical Observatory Advisory Committee Australian National Preventive Health Agency Advisory Council Biological Diversity Advisory Committee Fuel Standards Consultative Committee Indigenous Advisory Committee
\$554	APS Reconsideration Advisory Committee Defence Force Case Assessment Panel Military Superannuation and Benefits Scheme Reconsideration Committee
\$538	Management Advisory Committees, Australian Fisheries Management Authority Tuition Protection Service Advisory Board
\$462	Aboriginals Benefit Account Advisory Committee Australian Institute of Aboriginal and Torres Strait Islander Studies Research Advisory Committee Australian Sports Anti-Doping Authority – Advisory Group CSIRO – Advisory Committees Disability Standards Review Panel Land Sector Carbon and Biodiversity Board - Committees Medical Training Review Panel Torres Strait Regional Authority
\$384	Ministerial Advisory Committee on Blood Borne Viruses and Sexually Transmissible Infections
No fee	Australian Bravery Decorations Council Central Trades Committee Council for the Order of Australia Local Trades Committee Military Rehabilitation and Compensation Commission

* existing annual retainers remain

Alternative Remuneration Models

Table 5: - Proposed Annual (Base or Annual Meeting Fee) and Associated Daily Fees

Chair		Member		Office/Authority
Annual \$	Daily \$	Annual \$	Daily \$	
56,320	1,076	28,160	861	Climate Change Authority
		39,424	807	IESC on Coal Seam Gas and Large Coal Mining Development
	922	28,160	614	National Water Commission
40,960	1,076	20,480	807	Prostheses List Advisory Committee
	615			Road Safety Remuneration Tribunal (RSRT)
33,280	922	13,312	615	Australian Charities and Not-for-profits Commission Advisory Board
		33,280	1,050	Clean Energy Regulator
25,600	1,076	12,800	969	Australian Reinsurance Pool Corporation
		5,120	1,076	Takeovers Panel
	922			Independent Assessor - Special Building Industry Powers
13,312	922			Woomera Prohibited Area Advisory Board (WPAAB)

Table 6: Aboriginal Land Councils

Chair		Deputy	Member			Aboriginal Land Councils
Annual \$	Daily \$	Annual \$	Management Committee (annual) \$	Executive business \$	General Council business \$	
	717			466	287	Northern Land Council Central Land Council
56,320		33,793	33,793			Tiwi Land Council
	615		All business of Council:		308	Anindilyakwa Land Council

Schedule 2 – Guidance on Submissions

Submissions on the Tribunal's Report on the review of part-time public offices (the October Report) are invited prior to the finalisation of the report's outcomes. **Submissions should be sent by 31 December 2013** to:

The President
Remuneration Tribunal
P.O. Box 281
Civic Square ACT 2608

When should a submission be provided

The Tribunal recommends that ministers/employing bodies consider the impact of the proposed changes on their individual part-time offices. Ministers/employing bodies should use the submission period where it is felt that:

- there are pertinent matters for particular offices that the Tribunal has not taken into account in the review,
- an outcome of the review is likely to have significant adverse impacts for an office/s; and/or
- an alternative remuneration model would best suit their offices.

Where a Minister/employing body is currently utilising the Tribunal's unspecified rates and seeks a specific Tribunal determination of remuneration for an office, the Tribunal's standard submission guidelines (available on the Tribunal's website) apply. Submissions for this purpose can be provided as late as 1 March 2014.

Content of Submission

Where a different outcome is sought, the submission should set out the consequences for the particular office of the proposed review outcome, with a case made for a recommended alternative option. There should be sufficient detail for the Tribunal to form an understanding of the current roles and responsibilities of the office, and the commitment required from the office holder. Regard should be had to the section of the October Report concerning the matters the Tribunal considers in setting remuneration.

Depending on its purpose, a submission might include the following detail:

- Details of the main functions, responsibilities or accountability structures of the office
- Details of the current workload and/or working arrangements of office holders including the frequency, type and quantum of work (e.g. formal meetings, out-of-session work including preparation for meetings, research, report writing, consultation/stakeholder engagement, hearings, committee work etc.)
 - in the case of boards and committees - details about the terms of reference, membership, numbers of meetings and sub-committee structures, including distribution of work amongst office holders
 - for daily fee recipients, details of the fees paid in the preceding 12 months
- Information about exposure and risk
 - What are the public profile or representational aspects of the office; are decisions published; is there potential for abuse or notoriety?
- Information about the magnitude and complexity of the office
 - Does it have a role/implications across Australia, within a sector etc. Is it focussed on a specialist area; is it operationally or strategically focussed?
 - Information about the requisite characteristics, skills or qualifications required of the office holder
- A comment on the suitability of the current remuneration model
- Comparisons with the remuneration of other, similar Commonwealth sector positions and a recommendation about the appropriate level of remuneration
- Contact details should further information or discussion be required.