



Australian Capital Territory Remuneration Tribunal

## Amended Determination 12 of 2016

### Part-time Public Office Holders

made under the  
Remuneration Tribunal Act 1995

## SUPPLEMENTARY ACCOMPANYING STATEMENT

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#### Background

Section 10 of the *Remuneration Tribunal Act 1995* (the Act) provides for the Remuneration Tribunal (the Tribunal) to inquire into and determine the remuneration, allowances and other entitlements to be paid to a person holding a position or appointment mentioned in schedule 1 of the Act, or specified in an instrument given to the Tribunal by the Chief Minister.

#### Amendments to Determination 12 of 2016 (commenced 1 November 2016)

##### Abolished entities

During the course of The Tribunal's major *Review of Remuneration, Allowances and other Entitlements for Part-time Public Office Holders in the Australian Capital Territory* it was advised that the following entities had been abolished:

- Cultural Council;
- Children and Young People Official Visitor;
- Disability Advisory Council;
- Exhibition Park Corporation Board;
- Housing Review Committee;
- Industry Panel;
- Local Hospital Network Council;
- Management Assessment Panel;
- Namadgi Advisory Board;
- Public Art Panel;
- Skills Commission;
- Sport and Recreation Council;
- Treatment Assessment Panel; and
- Urban Design Advisory Committee.

Entities not previously included in Determination 12 of 2016

The following entities were omitted from the Determination which was an administrative oversight:

- ACT Disability Expert Panel;
- ACT Region Catchment Management Coordination Group;
- Brand Strategic Advisory Board; and
- Veterinary Surgeons' Board.

These four entities will be attributed the 2.5% general remuneration increase as per Determination 12 of 2016, which commenced on 1 November 2016.

Amended Determination 12 of 2016

Determination 12 of 2016 has been amended to remove abolished entities and reinstate the four entities itemised above.

March 2017



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## ACCOMPANYING STATEMENT

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### Background

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### Previous determination: Determination 12 of 2015 (commenced 1 November 2015)

The Tribunal determined that there will be a general increase of 2.5% (rounded up to the nearest \$5).

### Considerations for the 2016 review

The Tribunal's 2016 review for Part-time Public Office Holders was advertised in August 2016. Letters were sent to ACT government directorates notifying of the review.

Meetings of the Tribunal were held during November 2016 and this determination sets out the Tribunal's decision following the review.

In considering remuneration and entitlements for Part-time Public Office Holders, the Tribunal noted that remuneration for such Office is not intended to replace other employment or salary for Office holders.

### Submissions received

The following submissions were received for the review:

- The Chair, Sentence Administration Board;
- Ms Yvette Berry MLA;
- The Chair, CIT Board;
- The former Chair, Public Cemetery Authority
- The President, Racing Appeals Tribunal.

### Referrals received

The Tribunal also received referrals from the Chief Minister for the following Part-time Public Offices, and noted the Chief Minister had made an interim determination on the offices:

- Children and Youth Services Council; and
- Public Transport Steering Committee.

### Other correspondence received

The Tribunal also noted correspondence from the Director-General, Environment and Planning Directorate dated 8 September 2016 notifying the following Part-time Public Offices are no longer in operation:

- Advisor to the Conservator;
- The Environment Protection and Technical Advisory Committee.

The Director-General, EPD also notified that the Flora and Fauna Committee has been replaced with the Scientific Committee.

### Interim Determination - Determination 6 of 2016 - Part-time Public Office Holders – Independent Competition and Regulatory Commission

The Tribunal noted the interim determination which clarifies travel entitlements for the Senior Commissioner between his home office in Melbourne to the Canberra Office (and return) for the effective accomplishment of official business. The Tribunal confirmed with the incumbent that the arrangement is operating in line with the Tribunal's principle that an office holder should not be out of pocket to exercise their function.

### Other items to note

The Tribunal was mindful of the current economic and financial considerations facing the ACT and as outlined by the Chief Minister in his government submission. ACT Treasury provided a comprehensive briefing to the Tribunal on the prevailing economic circumstances for 2016 and forecasts for the coming years.

### **Decision**

The Tribunal determined that there will be a general increase of 2.5% (rounded up to the nearest \$5) for Part-time Public Office Holders.

The Tribunal adjusted the remuneration for the following Part-time Public Offices:

- CIT Board;
- Non judicial members, Sentence Administration Board;
- Assessor, Racing Appeals Tribunal;

The following Part-time Public Offices have been included to this determination:

- Children and Youth Services Council; and
- Public Transport Steering Committee.

The following Part-time Public Offices have been removed from this determination as they have been abolished or replaced:

- Advisor to the Conservator;
- The Environment Protection and Technical Advisory Committee; and
- Flora and Fauna Committee.

### Review of Remuneration, Allowances and other Entitlements for Part-time Public Office Holders in the Australian Capital Territory

The Tribunal continues to consider relevant matters resulting from submissions received following the release of its discussion paper in May 2016: *Review of Remuneration, Allowances and Other Entitlements for Part-time Public Office Holders in the ACT Government*. The Tribunal intends to release a Final Report on the review in early 2017.



Australian Capital Territory Remuneration Tribunal

## Part-time Public Office Holders

### Amended Determination 12 of 2016

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#### 1 Commencement

This instrument commences on 1 November 2016.

#### 2 Remuneration

- 2.1 A Part-time Holder of a Public Office or Appointment shown in columns 1 and 2 shall be entitled to the fee specified in column 3 of Table 1.

Table 1: Remuneration rates for Part-time Holders of Public Office

	<b>COLUMN 1</b> Board, committee etc	<b>COLUMN 2</b> Position	<b>COLUMN 3</b> Remuneration
<b>A</b>	ACT Disability Expert Panel	Chair (per diem)	\$510
		Member (per diem)	\$435
	ACT Region Catchment Management Coordination Group	Chair (per diem)	\$510
		Member (per diem)	\$435
	Aboriginal and Torres Strait Islander Elected Body	Chair (per annum)	\$23,970
		Deputy Chair (per annum)	\$19,180
		Member (per annum)	\$14,385
Animal Welfare Advisory Committee	Chair (per diem)	\$510	
	Member (per diem)	\$435	
Architects Board	Chair (per diem)	\$510	
	Member (per diem)	\$435	
Asbestos Advisory Board	Chair (per diem)	\$510	
	Member (per diem)	\$430	
<b>B</b>	Board of Senior Secondary Studies	Chair (per annum)	\$18,655
	Brand Strategic Advisory Board	Chair (per diem)	\$510
		Member (per diem)	\$435
Building Advisory Board	Chair (per diem)	\$510	
	Member (per diem)	\$435	

	Building and Construction Industry Training Fund Board	Chair (per annum) Member (per diem)	\$18,655 \$435
	Bush Fire Council	Chair (per diem) Member (per diem)	\$510 \$435
<b>C</b>	Canberra and Young People Death Review Committee	Chair (per diem) Member (per diem)	\$805 \$740
	Canberra Institute of Technology Governing Board	Chair (per annum) Deputy Chair (per annum) Member (per diem)	\$55,000 \$27,500 \$570
	Capital Metro Project Board	Chair (per annum) Member (per annum)	\$75,295 \$45,185
	Children and Youth Services Council	Chair (per diem) Member (per diem)	\$650 \$510
	Climate Change Council	Chair (per diem) Member (per diem)	\$510 \$435
	Cultural Facilities Corporation Board	Chair (per annum) Deputy chair (per annum) Member (per annum)	\$26,105 \$13,060 \$9,150
<b>E</b>	Electoral Commission	Chair (per annum) Member (per annum)	\$32,240 \$20,215
	Electrical Advisory Board	Chair (per diem) Member (per diem)	\$510 \$435
<b>G</b>	Gambling and Racing Commission Board	Chair (per annum) Member (per annum)	\$49,690 \$24,105
	Government Procurement Board	Chair (per annum) Member (per annum)	\$31,680 \$24,730
<b>H</b>	Heritage Council	Chair (per diem)	\$650
		Member (per diem)	\$510
<b>I</b>	Independent Competition and Regulatory Commission	Snr Commissioner (per diem)	\$1,580
		Commissioner (per diem)	\$900
	Independent Reviewer	Reviewer (per diem)	\$805
	Indigenous Education Consultative Body	Chair (per diem)	\$510
		Member (per diem)	\$435
Insurance Authority Advisory Board	Member (per annum)	\$23,315	
Investment Advisory Board	Chair (per annum)	\$32,240	
	Member (per annum)	\$24,105	
<b>J, K, L</b>	Land Development Agency Board	Chair (per annum)	\$75,295
		Deputy Chair (per annum)	\$60,250
		Member (per annum)	\$45,185
	Legal Aid Commission	President (per annum) Member (per diem)	\$19,435 \$435
Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Community Advisory Council	Chair (per diem)	\$510	
Long Service Leave Authority Board	Chair (per annum)	\$26,105	

		Deputy Chair (per annum) Member (per diem)	\$13,060 \$435
<b>M</b>	Ministerial Advisory Council on Ageing	Chair (per diem)	\$490
	Medicines Advisory Committee	Chair (per diem) Member (per diem)	\$510 \$435
	Ministerial Advisory Council on Women	Chair (per diem)	\$490
	Muslim Advisory Council / Multicultural Advisory Council	Chair (per diem)	\$490
<b>O</b>	Official Visitor	Visitor (per diem)	\$510
<b>P</b>	Plumbing Advisory Board	Chair (per diem) Member (per diem)	\$510 \$435
	Public Cemeteries Board	Chair (per diem) Member (per diem)	\$510 \$435
	Public Interest Monitor Panel	Member (per diem)	\$1,065
	Public Transport Steering Board	Chair (per annum) Member (per annum)	\$45,000 \$26,000
<b>Q,R</b>	Racing Appeals Tribunal	President (per diem)	\$805
		Deputy President (per diem)	\$740
Member (per diem)		\$435	
Assessor (per diem)		\$435	
	Radiation Council	Chair (per diem) Member (per diem)	\$510 \$435
<b>S</b>	Scientific Committee	Chair (per diem) Member (per diem)	\$510 \$435
	Screen Investment Fund Committee	Chair (per diem) Member (per diem)	\$510 \$435
	Schools Education Advisory Committee on Digital Citizenship	Chair (per diem)	\$510
	Sentence Administration Board	Chair (per annum) Deputy Chair (per annum) Member (per diem)	\$75,355 \$60,250 \$975
	Survey Practice Advisory Committee	Member (per diem)	\$435
<b>T</b>	Teacher Quality Institute Board	Chair (per annum)	\$18,655
	Tidbinbilla/Birrigai Board of Management	Member (per diem)	\$435
	Tree Advisory Panel	Chair (per diem) Member (per diem)	\$510 \$435
<b>U</b>	University of Canberra Council	Member (per annum)	\$5,305
<b>V</b>	Veterinary Surgeons' Board	Chair (per diem) Member (per diem)	\$510 \$435
	Veterinary Surgeons' Board of Inquiry	Chair (per diem) Member (per diem)	\$805 \$725
<b>W</b>	Work Safety Council	Chair (per annum)	\$18,655
<b>X,Y, Z</b>	Youth Advisory Council	Chair (per diem)	\$510

### **3. Conditions of Payment of Daily Fees**

#### **3.1 In this section:**

(a) a reference to an "authority" is a reference to a commission, board, committee, tribunal or other body or office, the member or members of which are entitled to be paid daily fees referred to in this Determination;

(b) a reference to "business of the authority" means any business of the authority conducted by a member of the authority with the approval of the authority, other than attendance at a formal meeting; and

(c) the daily fee for a formal meeting includes a component to cover normal preparation time, but where the chairperson of the authority considers it appropriate that a period of preparation time beyond this warrants recognition, then the chairperson may determine that payment in accordance with the scheduled fee shall be payable for such periods as "business of the authority".

#### **3.2 A Part-time Holder of a Public Office in an authority shall be paid a daily fee in respect of such period, not less than three hours, on any one day on which he or she attends a formal meeting of an authority, and/or is engaged on business of the authority, subject to the following conditions:**

(a) the chairperson or nominated presiding officer, shall in each case certify whether the period of three hours has elapsed and in so certifying may have regard to reasonable travelling time incurred by an office holder; and

(b) the maximum payment in respect of any one day shall be the appropriate daily fee.

#### **3.3 A Part-time Holder of a Public Office may be paid in respect of formal meetings of less than three hours subject to the following conditions:**

(a) for formal meetings aggregating less than two hours, an amount equal to two-fifths of the daily fee;

(b) for formal meetings, or formal meetings and business of the authority on the day of the meeting, of two hours or more, but less than three hours on any one day, an amount equal to three-fifths of the daily fee;

(c) the maximum payment in respect of any one day shall be the appropriate daily fee;

(d) eligibility for each payment shall be certified by the chairperson or nominated presiding officer and in so certifying the chairperson may have regard to reasonable travelling time in accordance with 3.2; and

(e) preparation time shall only be included in accordance with 3.1.

#### **3.4 A Part-time Holder of a Public Office may also be paid a daily fee in respect of aggregates of periods of business of the authority of less than three hours undertaken on behalf of the authority, subject to the following conditions:**

(a) individual periods of business must be on other than formal meeting days and each period must be for a minimum of one hour;

(b) to attract payment of a daily fee, aggregated periods shall total at least five hours;

(c) the maximum period in respect of any one day shall be the appropriate daily fee;



(d) eligibility for each payment shall be certified by the chairperson, and in so certifying the chairperson may have regard to reasonable travelling time in accordance with 3.2; and

(e) preparation time shall only be included in accordance with 3.1.

#### **4. Salary Packaging**

4.1 Subject to the following conditions, a person holding an office mentioned in Table 1 of this Determination may elect to take remuneration shown in Column 3 of Table 1 as salary or take a combination of salary and other benefits best suited to his or her personal needs and preferences.

4.2 The scheme is to be consistent with taxation laws and guidelines applicable to salary packaging schemes, issued by the Australian Taxation Office.

4.3 The scheme is to be based on any salary packaging policy and procedures issued for the ACT Public Service, with up to 100% of the relevant remuneration shown in Column 3 of Table 1 being taken as benefits and related costs such as fringe benefits tax.

4.4 The scheme shall be operated and administered so that there will be no additional cost to the ACT Government. In particular, any fringe benefits tax associated with the provision of a benefit is to be included in the salary package.

4.5 The salary for superannuation purposes of each person holding a Part-time Public Office is unaffected by participation in the salary packaging scheme.

#### **5. Travel**

5.1 If an office holder is required to travel for official purposes, the employer must pay the cost of travel, accommodation, meals and incidental expenses.

5.2 The office holder may then travel by one or more of the following:

- a) commercially provided road or rail transport;
- b) commercially provided flights;
- c) private motor vehicle.

5.3 Commercially provided travel should be selected on the basis of:

- a) what is most convenient to the relevant office holder; and
- b) seeking the most reasonable costs.

5.4 If the office holder travels on commercially provided road or rail transport the employer will pay the fares for that travel.

5.5 If the office holder travels on commercially provided flights the employer will pay the fares to the following standard:

- a) for domestic flights less than 4 hours — economy class;
- b) for domestic flights of 4 hours or more — business class;
- c) for international flights — business class.

5.6 If the office holder is approved to travel by private motor vehicle the employer will pay the owner of the vehicle an allowance calculated in accordance with the Motor Vehicle Allowance set out in the relevant Enterprise Agreement.

#### **6. Accommodation**

6.1 If a relevant office holder must stay overnight while on official travel, the employer will pay the commercial accommodation to the following standard:

- a) for domestic accommodation — 4.5 stars;
- b) for international accommodation — 4.5 stars.

6.2 The employer will pay for a relevant office holder to stay in commercial accommodation above the 4.5 star standard if:

- a) the cost is reasonable; and
- b) to do so would better enable business objectives to be met.

Examples where business objectives may be better met:

- to allow the office holder to stay in the commercial accommodation where a meeting, conference or seminar they are attending is being held
- to allow the office holder who is traveling with a Minister to stay in the same commercial accommodation as that Minister if the Minister is entitled to a higher standard of accommodation

## 7. Meals

7.1 If the office holder is absent from Canberra for more than ten hours while on official travel, the employer will reimburse actual, reasonable expenses for meals.

## 8. Incidental expenses

8.1 The employer will be reimburse reasonable expenses directly related to official travel, including:

- a) taxi or bus fares to or from an airport; and
- b) taxi and public transport costs at a temporary location; and
- c) airport taxes or charges.

## 9. Definitions

***domestic travel*** means official travel to a destination within Australia.

***employer*** means the Australian Capital Territory and includes any person authorised to act on behalf of the Australian Capital Territory.

***international travel*** means official travel to a destination outside Australia.

***reasonable expenses*** means legitimate work-related expenses incurred while conducting official business efficiently and effectively.

***relevant Enterprise Agreement*** means the Enterprise Agreement that covers staff in the area of the ACTPS that administers the travelling allowance for the relevant office holder.

***office holder*** means a person appointed to one of the offices mentioned in Table 1.

**10. Revocation of previous Determination**

Determination 12 of 2015 is revoked. Determination 12 of 2016 is amended.

Anne Cahill Lambert AM  
Chair



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Dr Colin Adrian  
Member



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James Smythe, PSM  
Member



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March 2017

