



**AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL**

**REVIEW OF REMUNERATION, ALLOWANCES
AND OTHER ENTITLEMENTS FOR PART-TIME
PUBLIC OFFICE HOLDERS**

Final Report

March 2017

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Introduction

Section 13 of the *ACT Remuneration Tribunal Act 1995* requires the Tribunal to make determinations about part time public office holders (PTPOHs) on an annual basis. Prior to the establishment of the Tribunal in 1995, the Commonwealth Remuneration Tribunal determined remuneration for these positions.

The Tribunal last conducted a major review of remuneration, allowances and other entitlements for PTPOHs in 2006. It has been evident over the last several years that the classification system that has been used in the past is obsolete. This is because:

- There is a renewed focus on transparency and effective service delivery across the ACT Government.
- Work value for many entities has changed and, in most cases, grown since the inception of the entity.
- In the past, the economic impact of an entity has been the most significant focus. However, it is clear that public good cannot easily be defined purely in economic and non-economic terms and the importance of non-economic considerations must be given greater recognition.

The Tribunal issued a discussion paper in May 2016. It was circulated to all directorates and to all PTPOHs for review and comment.

This final report concludes the Tribunal's review and provides a new framework for assessing remuneration, allowances and other entitlements for the extremely important and valuable work of PTPOHs in the ACT.

Amended Determination 12/2016 is at **Attachment A**. It itemises the current remuneration, allowances and other entitlements for PTPOHs in the ACT.

Executive Summary

The key outcome of this review is that a simplified system of classifying entities will be introduced for the next routine review of all positions, to be implemented by 1 November 2017. The Tribunal will move away from a ten-category structure to a two-step process. Categories will be either decision making or advisory, with two levels under each category. There will continue to be a range of remuneration bands within each category to appropriately reflect the work value of PTPOHs.

The Tribunal has also decided to ensure that mixed rates – annual and per diem – should not be used within entities. Under the old system, the chairs of some entities receive an annual rate of remuneration, while deputies or members received a per diem rate. This has sometimes led to the anomalous situation of chairs receiving less than others on a particular entity.

Payment to ACT public servants, who serve as PTPOHs because of their skill and expertise, and not in an ex officio capacity, will be reviewed. The Tribunal is of the view that once a public servant is paid, a second payment from the public purse is not appropriate. It has decided to await implementation of this decision to enable further discussion with relevant stakeholders.

The Tribunal will continue with the conditions as specified in the relevant Determination (currently amended 12/2016) whereby chairs of entities can authorise payment for travel time.

Travel for PTPOHs appointed from interstate is covered in the existing determination to ensure that such appointees are not financially disadvantaged in accepting appointment as an ACT PTPOH.

There is already provision for chairs of entities to authorise payment for normal preparation time for meetings. No additional determination is required on this matter other than to remind chairs that they have this authority.

No additional remuneration for sub-committee work will be paid to PTPOHs at this time. The Tribunal is of the view that if a PTPOH is on an annual rate of remuneration, that rate encompasses any sub-committee work. PTPOHs who are on a per diem rate should be paid for the hours of work undertaken, including sub-committee work.

There are no financial implications as a result of this review. As each entity has been reclassified according to its existing category, the impact is cost neutral.

The Tribunal will use the outcome of this review for future routine reviews and requests. If there are unintended consequences, particularly as a result of reclassification of entities, the Tribunal will reconsider and make appropriate adjustments.

The Tribunal welcomes requests for review from PTPOHs or other stakeholders if work value or status under the new categorisation process has changed.

Review Process

The Review, which began in late 2015, has been conducted in three steps.

- From September 2015 until January 2016, the Tribunal consulted with PTPOHs and Directorates to gather information on the currency of boards and committees and PTPOHs attitudes to their remuneration and work value. This included a formal survey to ascertain the currency of entities, to understand the work value and to identify any significant remuneration shortcomings.
- A discussion paper was developed to seek further comment from PTPOHs, stakeholders and members of the public. In conjunction with the publication of the discussion paper, the Tribunal invited written submissions.
- A range of submissions was received, primarily from the ACT Government, but also latterly from some PTPOHs as a result of the routine annual review for 2016 (prior to finalisation of this larger review).

Submissions to the Review

The main themes raised as a result of the review were:

- recognition of the valuable contribution that PTPOHs make to the life of the ACT and need to remunerate sufficiently to attract skilled and experienced members;
- support for the continuation and enhancement of a transparent, equitable remuneration system based on work value assessment;
- the identification of “economic” or “non- economic” focus being better defined as whether an entity is advisory or decision making;
- any general increase in PTPOH remuneration being aligned with Public Service increases in recent years;
- concern over the low rates of ACT board membership among Aboriginal Torres Strait Islander Peoples, Culturally and Linguistically Diverse (CALD) people and People with Disability (PWD) as well as perceived low rates of remuneration for PTPOHs who have been engaged to offer diverse perspectives;
- the comparative levels of remuneration between boards with predominantly female membership and those whose work is focussed within traditionally male dominated fields;
- acknowledgement of the sometimes difficult structural difference between members and chairs being remunerated at per diem and salaried rates; and
- travel and parking entitlements, or lack thereof.

The Tribunal has considered each of these matters. Some issues, for example the composition of entities, are not the purview of the Tribunal and will be referred to the Chief Minister for information or any action.

Key Issues and Decisions

General Principles

The ACT Government relies on PTPOHs in supporting a robust and active government. Many PTPOHs see their appointment as a process of giving back to the community. When the Tribunal initiated this review, it noted that it was unlikely to alter remuneration for PTPOHs significantly. Rather, it accepted that the economic and financial outlook for the ACT and Australia was an important factor in considering appropriate remuneration. Additionally, the Tribunal accepted that it is a cultural norm in Australia for appointees to such positions to ‘give back’ at the end of their professional careers.

Having accepted these underlying principles, the Tribunal does not want to be unfair to appointees who may have a significant work value and workload when compared with others who might need to contribute just a couple of hours each month.

As with full time appointees, the Tribunal must ensure that the Government is able to attract and retain the best and brightest appointees who can make the most valuable contribution.

Remuneration is therefore an important factor.

A snapshot of PTPOHs shows the following:



213 PTPOHs were paid in 2016.



27 new PTPOHs were engaged in 2016.



Over 89% of entities listed on current determinations were active in 2016.



Average ‘per diem’ rate for PTPOHs in 2016 was \$578.



The average annual salary for a PTPOH in 2016 was \$30,894.

Jurisdictional Comparisons

Accordingly, the Tribunal has reviewed remuneration and other entitlements with similar entities in other States and Territories. As Table 1 shows, the ACT's PTPOHs receive the second lowest "per annum" salaries, but the highest "per diem" rates.

There has been an historical trend in the ACT to determine higher per diem rates compared to annual salaries. It is the Tribunal's view that this trend was unintentional, but understandable, given the many factors that contribute to per diem determinations such as complexity of work value, work load, attraction of suitable candidates, frequency of meetings, preparation time, and retention of appointees.

Table 1¹

	Highest Chair	Lowest Chair	Highest Member	Lowest Member
Cwlth	\$213,830pa	\$26,120pa	\$109,960pa	\$26,120pa
NSW	\$288 210 pa	\$342 pd	\$110 000 pa	\$220 pd
NT	\$82,363pa	\$304 pd	\$44,349 pa	\$228 pd
QLD	\$165,000pa	\$325 pd	\$70,000 pa	\$250 pd
ACT	\$75,355 pa	\$510 pd	\$45,185 pa	\$435 pd
VIC	\$133,788 pa	\$179 pd	\$58,615 pa	\$154 pd

Annualised or Daily Rates

"Per annum" remuneration is usually determined when there is a regular and consistent workload for an entity. Whereas, "per diem" rates are used when there is less of a workload and meetings are infrequent. Sometimes there has been a mixture of "per annum" and "per diem" rates. This has occasionally resulted in the anomaly of deputy chairs or members receiving a higher rate of pay than the remuneration for the chair.

DECISION 1:

The Tribunal considers that, in order to ensure equity, mixed rates ("per annum" and "per diem") should be phased out.

¹ Western Australia, South Australia and Tasmania PTPOH remuneration is not reported in Table 1. WA's Remuneration Tribunal does not have responsibility for remuneration provided to Government Boards or Committees and part-time appointments are calculated on a pro rata basis in accordance with full time hours worked by the office holder (Secretariat correspondence, February 2016). South Australia's Boards and Committees Remuneration Data, published in an [annual report](#) by the SA Department of Premier and Cabinet, is not publicly available for 2015-16. Tasmania's Government Board and Committee Remuneration Framework is not publicly available.

It is the intention of the Tribunal to bring “per annum” rates into line with those paid to appointees elsewhere in the country. This will be done in a gradual process that is mindful of the work value of ACT PTPOHs.

Work Value and Workload

The issue of work value was addressed in detail in the Tribunal’s discussion paper issued in May 2016. While the Tribunal does consider workload as one of the indicators for level of remuneration for PTPOHs, the key driver is work value. Criteria for work value include but are not limited to the following:

- span of control, including relative autonomy;
- decision making or advisory role of an entity;
- professional and other qualifications required to be a PTPOH;
- risk management; and
- financial and other resource responsibilities.

The reason workload has also been considered is that these entities are supposed to be part time in nature. If entities are operating near a full time capacity, they should be compensated for that workload.

Categorisation

It has become increasingly difficult to link work value to the rather complex and cumbersome grouping that was devised for PTPOHs in 2006. There are currently five groupings, some of which have three sub groupings – leading to a possible ten categories within which entities can be classified.

Additionally, the Tribunal accepts that economic and non-economic impact is no longer a useful discussion point in assessing work value. Rather, and in line with some other jurisdictions, decision making and advisory are more useful categories. In considering such an approach, the Tribunal is aware that the Commonwealth Remuneration Tribunal has abolished a categorisation process – it does not believe that the variety of offices and entities lends itself to a single set of principles. On balance, the ACT is a small enough jurisdiction for a simple categorisation process to be introduced.

DECISION 2:

The Tribunal has resolved that there will be two major groups – decision making and advisory - with two remuneration bands for each group.

More detail on the categorisation descriptions is included later in this report.

Qualifications of PTPOHs

The need for specific qualifications of PTPOHs is identified as a work value issue that impacts upon remuneration. The Tribunal notes that if a specific qualification is required, the entity will generally be decision making in nature and therefore offer a higher rate of remuneration.

The Tribunal believes that the ability to represent community values and views is an important factor and sometimes the key determinant of appointment. The Tribunal therefore makes no specific decision about professional qualifications being a criterion that would attract a higher rate of remuneration.

Preparation Time

The issue of preparation time is often raised by entities during routine reviews. This is not an issue for those PTPOHs who are paid an annual remuneration rate. PTPOHs sometimes have a significant preparation time. The current determination (Amended Determination 12/2016) allows the daily fee to be paid, provided a minimum of three hours' work is involved in an entity's meeting or the business of the entity (clause 3.2). There are pro rata arrangements in place if the duration of the meeting is less than three hours. Clause 3.1 (c) includes allowance for preparation time, which must be approved by the chair of the entity.

While some PTPOHs can prepare for a meeting more rapidly than others, on balance the Tribunal does not believe that any further arrangements need to be made to allow for payment for preparation time for those who are paid a daily rate. The Tribunal will consider altering the wording of the determination to ensure normal preparation time (the time a PTPOH ordinarily takes to prepare for a meeting) is incorporated more appropriately.

It may be useful for relevant directorates to remind the chairs of such entities that preparation time is a fair claim and should be authorised for those PTPOHs who spend an inordinate time in preparation.

Travel Time

A number of PTPOHs have suggested that they should be compensated for travel time.

Clause 3.3 (d) of Amended Determination 12/2016 includes allowance for an entity's chair to approve reasonable travelling time. The Tribunal does not see the need for any further addition to its determinations on this matter. Rather, relevant directorates may need to remind chairs that travel time should be considered as a legitimate claim.

If PTPOHs are appointed from interstate, it may be necessary to make a specific determination, as was necessary for the Senior Commissioner for the Independent Competition and Regulatory Commissioner (Determination 6/2016). However, the Tribunal is of the view that the travel arrangements specified in Clauses 5, 6, 7, 8 and 9 of Amended Determination 12/2016 adequately address travel costs if an appointee's residence is interstate.

The Tribunal acknowledges improvements in technology, particularly in relation to communication systems, so that PTPOHs may well live further away from an entity's head office. It will continue to monitor this issue. The Tribunal urges relevant directorates to investigate use of technology for meetings to minimise travel time, but recognises this is an area outside of its responsibility.

The Tribunal will consider altering the wording of the relevant determination to be more precise about official travel time. For example, the Commonwealth's description is particularly helpful, viz:

Official travel time is the reasonable period, certified by a chair, that an office holder spends travelling on official business away from the metropolitan area of the capital city or the environs of the town in which the office holder lives.²

Parking

Similarly, a number of PTPOHs have requested inclusion of reimbursement for car parking in the relevant Tribunal determination.

However, the Tribunal is not persuaded that an additional rate should be included for car parking.

Entities are encouraged to consider holding meetings at venues where parking is available and inexpensive, but this is not in the purview of the Tribunal's responsibilities.

² Commonwealth Remuneration Tribunal (2016), **Remuneration Tribunal Determination 2016/18**, p. 2.

Public Servants as PTPOHs

The Tribunal understands that there are some public servants who are paid per annum or per diem for serving as PTPOHs. Where their role is ex officio, no payment is made. However, where they are appointed because of personal skills or attributes, the Tribunal understands that they may be paid.

This is a thorny issue, especially if there is an expectation that an appointee will need to take annual leave to attend entity meetings as a PTPOH.

The Tribunal holds the view that if the taxpayer has already paid an appointee's salary, then no further payment should be made, irrespective of personal skills or attributes.

Similarly, the Commonwealth Remuneration Tribunal has a rule³ that prevents Commonwealth or Territory employees from receiving any remuneration in respect of a public office. The Tribunal is aware of a number of Commonwealth entities that specifically exclude payment to State public servants if they are serving on Commonwealth entities.

If an ACT public servant is appointed as a PTPOH, it is the Tribunal's view that the ACT government would wish to support that employee in discharging full time duties as well as the additional role.

If a public servant from, say, NSW or the Commonwealth, were to be appointed to an ACT entity, it is the Tribunal's view that a similar arrangement would prevail, viz., no additional payment from the taxpayer.

DECISION 3:

The Tribunal foreshadows specifically excluding payment to ACT public servants for work on part time entities. It will pursue this matter with stakeholders and Directorates before issuing a formal determination for implementation in November 2017.

Payment for Sub Committee Work

From time to time the issue of additional payment for sub-committee work is raised and, to date, the Tribunal has rejected such requests. This is only relevant for those on an annual remuneration rate, as those who receive a daily fee will be paid for the hours they work, on a daily basis.

³ Commonwealth Remuneration Tribunal, <http://www.remtribunal.gov.au/frequently-asked-questions?query=&collection=remuneration-tribunal&profile=faq&f.Refine+by+Office%7CB=Part+time>

The Tribunal has not been convinced that sub-committee work of any entity has been a significant imposition on PTPOHs.

It is not closing the door on this issue. Rather, evidence is required that sub-committee work is adding significantly to the work value and, concomitantly, workload of PTPOHs.

Categorisation of Entities

As mentioned at decision 2 above, the major change as a result of this Review is to simplify the categorisation of entities to reflect whether they are decision making or advisory in nature.

The tribunal has reclassified existing entities to reflect the following features:

Table 2: Categorisation of Entities

DECISION MAKING	ADVISORY
<p>Level 1: remuneration band \$50,000-\$80,000 pa or \$600-\$2,000 per diem</p> <p>These entities are created by enabling legislation. They have decision-making functions with a broad scope of influence. Chair/Members are required to have the highest level⁴ of specialist experience and qualifications or a diverse perspective to perform the role. These entities often have responsibility for large revenue streams. There is an extremely high to medium level of risk of harm to people, property and assets if the right decisions are not made by this entity.</p>	<p>Level 1: remuneration band \$30,000-\$80,000 pa or \$450-\$1,000 per diem.</p> <p>These entities have advisory functions relating to systemic societal, fiscal or environmental matters or large scale projects⁵. Chair/ members are required to have significant specialist experience⁶/ qualifications or a diverse perspective⁷ to perform the role. There is a high to medium⁸ level of risk of damage to people, communities, the environment or assets if the chair/ members do not have the requisite skills or experience to provide good quality advice.</p>
<p>Level 2: remuneration band \$15,000-\$49,999 pa or \$400-599 per diem</p> <p>Entities are created by enabling legislation. They have decision-making functions with a limited scope of influence. Members are required to have related experience/qualifications or a diverse perspective to perform the role. There is a medium to low level of risk of harm to people, property and assets if the right decisions are not made by this entity.</p>	<p>Level 2: remuneration band \$16,000-\$29,999 pa or \$400-\$449 per diem.</p> <p>These entities have advisory functions relating to topical or specific societal, fiscal or environmental matters. Chair/ members are required to have specialist experience/ qualifications or a diverse perspective to perform the role. There is a medium to low level of risk of damage to people, communities, the environment or assets if the chair/ members do not have the requisite skills or experience to provide good quality advice⁹</p>

⁴ As appropriate to that field of expertise

⁵ Projects with a designated funding provision of over \$2m

⁶ Defined as a combination of the length of time and level of expertise in a certain field

⁷ Through experience in connection with communities including Aboriginal Torres Strait Islander; disability; faith, cultural and linguistic diversity, gender, sexual orientation, age and carers status.

⁸ As defined by a risk matrix

⁹ Factually accurate, providing sound interpretation and relevance.

The bands itemised in **Table 2** reflect the remuneration for chairs of entities. Lower rates are usual for deputy chairs and members and often a percentage of the Chair's rate will be determined.

As specified in the categorisation descriptors, there are a range of remuneration scales within each category and level. Payment within these levels has been described in broad salary ranges and connotes the sphere of influence¹⁰ or level of risk associated with the role.

The remuneration bands specified in table 2 are based on current remuneration for existing entities. The Tribunal will work towards normalising the quantum relationship between annual and per diem rates, advisory and decision making functions and continue to monitor and review the pay banding in light of interstate comparisons. The Tribunal will also monitor the adequacy of the particular bands identified.

The revised methodology specifies Chair pay banding only. This is in acknowledgement of the flexibility that is needed to pay deputy chairs and members according to their responsibilities relative to the Chair, which can vary significantly from entity to entity.

A key principle behind this new pay banding is that members' total pay should not exceed the Chair's remuneration and for this reason the Tribunal will be phasing out 'mixed' payment mechanisms within the same entity for all new referrals from 1 April 2017 – see Decision 1 above.

The Tribunal has reclassified each entity under the new categorisation system and this is included at **Attachment B**. It is intended that the Tribunal will use this system when undertaking the routine annual review of entities in Spring 2017.

As noted in **Table 1**, ACT PTPOHs who are remunerated on a per annum basis receive the second lowest rate of remuneration across Australia. It is the Tribunal's intention to review these rates, together with work value, to ensure that the ACT is not disadvantaged in attracting and retaining good quality PTPOHs because of their lower remuneration.

¹⁰ The opportunity for exercising the powers of functions of a role; a PTPOHs capacity for action in the role.

Other Issues

A number of other issues have arisen as a result of this review, some of which fall within the Tribunal's responsibilities.

Out of Session Determinations

While the Tribunal schedules two major meetings a year, it meets out of session if the Chief Minister requires determinations on new entities or offices. The Tribunal is always willing to ensure that no appointee is disadvantaged and continues to commit to responding in a timely way to such requests.

Sometimes, directorates have required clarification of a determination or specific decisions relating to a particular appointee. Again, the Tribunal will schedule additional meetings for such requests if they cannot await the next routine review.

Currency of Entities

This review highlighted gaps in the Tribunal's knowledge about some entities that had been abolished or reorganised. The Tribunal urges each Directorate to review the annual determination concerning PTPOHs and to liaise with the Tribunal secretariat to ensure that the entities listed are current.

Payment Processes

A significant number of PTPOHs complained about the onerous processes of claiming payment, particularly for those who are remunerated on a per diem basis. They often stockpile timesheets because of this process.

For those PTPOHs who are remunerated on a per annum basis and who salary sacrifice a component of this remuneration, the process is even more cumbersome.

This is not the responsibility of the Tribunal but it does have concerns that administrative processes impose a heavy burden on PTPOHs. The Tribunal assumes that PTPOHs will be paid accurately, on time and without too much impost on the time already contributed. The Tribunal is cognisant that such appointees are giving back and not being paid at a rate that they would attract if employed in a full time capacity. The Tribunal also recognises the importance of complying with taxation and other regulatory frameworks.

The Tribunal is aware of the Boards and Committees Handbook prepared by the Policy and Cabinet division within Chief Minister, Treasury and Economic Directorate and which is also available on the Shared Services Website¹¹. The Tribunal understands that there is a later edition of this Handbook, but does not know whether it is available or circulated to PTPOHs.

It is the Tribunal's intention to refer this matter to the Chief Minister to ascertain whether simplified remuneration processes can be implemented for PTPOHs.

Composition of Entities

The Tribunal notes that its purview remains solely to assign remuneration based on the work value of an entity or role including factors such as decision-making, related risk exposure and the competitiveness of the labour market. The composition of boards and committees and the appointment of individual PTPOHs fall outside of the Tribunal's purview.

The Tribunal undertook gender participation research for the May 2016 discussion paper in order to understand whether remuneration decisions impacted gender balance on ACT boards and committees¹².

The Tribunal liaised with the Strategic Policy and Cabinet division of Chief Minister, Treasury and Economic Development Directorate (CMTEDD). The division has undertaken extensive research into the gender participation of all ACT Boards and Committees. Their research has revealed much the same trends as that of PTPOHs alone; namely, broadly balanced gender representation but with a small number of entities not well balanced.

These predominantly male or female dominated entities fall into traditionally gendered work spheres. This raises a concern that traditionally male dominated professions are privileged over more socially focused entities; thereby disadvantaging women.

The Tribunal suggests that complex sociological factors are influencing what can be seen through gender participation data. It can be broadly observed that women are still lagging behind men in graduating from university courses such as IT, engineering and architecture¹³. Indeed; it is only in the

¹¹ <http://www.jobs.act.gov.au/about-the-actps/starting-with-the-actps/committee-commencement>

¹² De-identified pay data was used to analyse the gender balance for PTPOHs who serve on boards and committees which are covered by a Tribunal determination. In the line with the scope of this Review, data relating to Full-time holders of public office and officials who are not covered by a Tribunal determination was not considered.

¹³ Nick Parr, Associate Professor of Demography at Macquarie University in August 2015. <http://www.theaustralian.com.au/higher-education/gender-gap-widens-as-women-graduates-outpace-the-men/news-story/654602edef0f1d3ee230fa82cc58a798>

last thirty years that the numbers of women in “professional or associate professional” roles has steadily risen¹⁴ to the level we see today (approximately one third of the Australian workforce).

The Tribunal is committed to equal remuneration and is confident that differences exist only in relation to whether an entity is decision making or advisory.

The Tribunal recognises and supports the view that diversity of experience, skill and perspectives are vital to ACT boards and committees in reaching good quality outcomes for Canberra.

The Tribunal recognises the predicament of low-income earners, or people who have limited support for their PTPOH role from their employer, in that they may need more financial incentive to participate than those in a more economically secure situation.

Diverse perspectives, however, can be sought through measures outside of the Tribunal’s purview: for example, the composition of boards and committees can be mandated through an entity’s enabling legislation.

The Tribunal welcomes the ACT Government’s commitment of 50 per cent female representation on boards and committees and its plans to launch a Diversity Register. The process by which new appointments are consulted on by the Office for Women and Office of Aboriginal and Torres Strait Islander Affairs is similarly encouraging.

¹⁴ *Trends in Women’s Employment* Australian Bureau of Statics
http://www.abs.gov.au/ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/858badad39afb98dc_a2571b000153d73!OpenDocument

Next Steps

The Tribunal will use the findings of this review to underpin its next routine annual review of remuneration for PTPOHs in Spring 2017.

It urges PTPOHs, directorates and other interested stakeholders to consider its findings, especially the new classification system, and to advise the Tribunal of any unintended consequences.

The Tribunal will advise the Chief Minister of issues and concerns raised during this review that are not within the responsibilities of the Tribunal. These issues include matters around the composition of entities, pay arrangements, and use of technology to minimise need for travel and car parking.

A further investigation will be undertaken concerning the appointment of public servants as PTPOHs with a view to finalising the matter at the Spring 2017 review.

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ACT Remuneration Tribunal, Canberra

March 2017



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

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



Australian Capital Territory Remuneration Tribunal

Determination 12 of 2016

Part-time Public Office Holders

made under the
Remuneration Tribunal Act 1995

ACCOMPANYING STATEMENT

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.

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.

ACT Remuneration Tribunal
December 2016



Australian Capital Territory Remuneration Tribunal

Part-time Public Office Holders

Determination 12 of 2016

made under the
Remuneration Tribunal Act 1995

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

	COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Remuneration
A	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	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
C	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
E	Electoral Commission	Chair (per annum) Member (per annum)	\$32,240 \$20,215
	Electrical Advisory Board	Chair (per diem) Member (per diem)	\$510 \$435
G	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
H	Heritage Council	Chair (per diem) Member (per diem)	\$650 \$510
I	Independent Competition and Regulatory Commission	Snr Commissioner (per diem) Commissioner (per diem)	\$1,580 \$900
	Independent Reviewer	Reviewer (per diem)	\$805
	Indigenous Education Consultative Body	Chair (per diem) Member (per diem)	\$510 \$435
	Insurance Authority Advisory Board	Member (per annum)	\$23,315
	Investment Advisory Board	Chair (per annum) Member (per annum)	\$32,240 \$24,105
J, K, L	Land Development Agency Board	Chair (per annum) Deputy Chair (per annum) Member (per annum)	\$75,295 \$60,250 \$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) Deputy Chair (per annum) Member (per diem)	\$26,105 \$13,060 \$435
M	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
O	Official Visitor	Visitor (per diem)	\$510
P	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
Q,R	Racing Appeals Tribunal	President (per diem) Deputy President (per diem) Member (per diem) Assessor (per diem)	\$805 \$740 \$435 \$435
	Radiation Council	Chair (per diem) Member (per diem)	\$510 \$435
S	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
T	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
U	University of Canberra Council	Member (per annum)	\$5,305
V	Veterinary Surgeons' Board	Chair (per diem) Member (per diem)	\$510 \$435
	Veterinary Surgeons' Board of Inquiry	Chair (per diem) Member (per diem)	\$805 \$725
W	Work Safety Council	Chair (per annum)	\$18,655
X,Y, Z	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

DECISION MAKING	ADVISORY
<p>Level 1: remuneration band \$50,000-\$80,000 per annum or \$600-\$2,000 per diem</p> <p>Canberra Institute of Technology Governing Board (\$55,000 pa) Children and Young People Death Review Committee (\$805 pd) Children and Youth Services Council (\$650 pd) Heritage Council (\$650 pd) Independent Competition and Regulatory Commission (\$1,580 pd) Independent Reviewer (\$805 pd) Land Development Agency Board (\$75,295 pa) Public Interest Monitor Panel (\$1,065, pd member only) Racing Appeals Tribunal (\$805 pd) Sentence Administration Board (\$75,355 pa) Veterinary Surgeons Board of Inquiry (\$805 pd)</p>	<p>Level 1: remuneration band \$30,000-\$80,000 per annum or \$450-\$1,000 per diem.</p> <p>ACT Disability Expert Panel (\$495pd) Asbestos Advisory Board (\$510 pd) Brand Strategic Advisory Board (\$495pd) Building Advisory Board(\$510 pd) Bush Fire Council (\$510 pd) Capital Metro Project Board (\$75,295 pa) Children and Young People Official Visitor (\$32,460 pa) Disability Advisory Council (\$510 pd) Electrical Advisory Board (\$510 pd) Indigenous Education Consultative Body (\$510 pd) Investment Advisory Board (32,240 pa) Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGB TIQ) Community Advisory Council (\$510 pd) Medicines Advisory Committee (\$510 pd) Ministerial Advisory Council on Ageing (\$490 pd) Ministerial Advisory Council on Women (\$490 pd) Muslim Advisory Council/Multicultural Advisory Council (\$490 pd) Plumbing Advisory Board (Plumber's Drainers and Gasfitters) (\$510 pd) Public Transport Steering Board (\$45,000 pa) Scientific Committee (\$510 pd) Screen Investment Fund Committee (\$510 pd) Schools Education Advisory Committee on Digital Citizenship (\$510 pd) Youth Advisory Council (\$510 pd)</p>
<p>Level 2: remuneration band \$15,000-\$49,999 per annum or \$400-599 per diem</p> <p>ACT Region Catchment Management Coordination Group (\$495 pd) Aboriginal and Torres Strait Islander Elected Body (\$23,970 pa)</p>	<p>Level 2: remuneration band \$16,000-\$29,999 per annum or \$400-\$449 per diem.</p> <p>Survey Practice Advisory Committee (Member only, \$435 pd) Tidbinbilla/Birrigai Board of Management (Member only, \$435 pd)</p>

<p>Animal Welfare Advisory Committee (\$510 pd) Architects Board (\$510 pd) Board of Senior Secondary Studies (\$18,655 pa) Building and Construction Industry Training Fund Board (\$18,655 pa) Climate Change Council (\$510 pd) Cultural Facilities Corporation Board (\$26,105 pa) Electoral Commission (\$32,240 pa) Exhibition Park Corporation Board (\$23,080 pa) Gambling and Racing Commission Board (\$49,690 pa) Government Procurement Board (\$31,680 pa) Insurance Authority Advisory Board (member only, \$23,315 pa) Legal Aid Commission (\$19,435 pa) Long Service Leave Authority Board (\$26,105 pa) Official Visitor (\$510 pd) Public Cemeteries Board (\$510 pd) Radiation Council (\$510 pd) Teacher Quality Institute Board (\$18,655 pa) Tree Advisory Panel (\$510 pd) Work Safety Council (\$18,655 pa) University of Canberra Council (member only, \$5,305pa) Veterinary Surgeon's Board (\$495pd)</p>	
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