



Australian Capital Territory Remuneration Tribunal

Determination 3 of 2024

Full-time Statutory Office-Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner

made under the
Remuneration Tribunal Act 1995, section 10 (Inquiries about holders of certain positions)

ACCOMPANYING STATEMENT

Background

Under section 10 of the *Remuneration Tribunal Act 1995* (the Act), the Remuneration Tribunal (the Tribunal) is required to inquire into, and determine, the remuneration, allowances and other entitlements for certain full-time public offices. Of those offices, this Determination covers the following:

- Auditor-General;
- Clerk of the Legislative Assembly; and
- Electoral Commissioner.

Other matters

The Tribunal received correspondence from the ACT Electoral Commissioner, and the Auditor General.

Considerations

In February 2024, the Tribunal commenced its Autumn Sitting to consider the remuneration, allowances and other entitlements of the following office-holders:

- Members of the Legislative Assembly (including the Chief Minister, Deputy Chief Minister, and other Ministers and Members of the Legislative Assembly holding particular offices);
- the Head of Service, Directors-General and ACT Public Service Executives; and
- Full-time Statutory Office-Holders, referred to in Section 10(1) of the *Remuneration Tribunal Act 1995*, including the Clerk of the Legislative Assembly, the Auditor-General and Electoral Commissioner.

The 2024 Autumn Sitting was advertised on the Remuneration Tribunal ACT website and in the Canberra Times on 16 December 2023. The Tribunal also wrote to the relevant office-holders inviting submissions.

At its meeting in February 2024, the Tribunal met with the Chief Minister, ACT Government Treasury officials and officials responsible for the Enterprise Agreement bargaining for ACT Public Sector non-executive employees. The Tribunal also met with a number of full-time public office-holders and departmental officials.

The ACT Government briefing summarised the status of the local economy post COVID-19 health and economic crises, and identified that its fiscal position, while recovering, was significantly affected by the supports required through the initial phases of the pandemic. The ACT Government also highlighted the deliberate policy of prioritising salary increases for the lowest paid public service employees, in response to the current cost of living crisis.

The briefing provided to the Tribunal by ACT Treasury confirmed that the prospects for the ACT economy remain positive, despite revenue and growth easing in 2023-24 in response to cost of living pressures and higher interest rates. ACT Treasury reported that while the economy has slowed, the ACT economy continues to grow at a faster rate than the Australian economy as a whole. Treasury officials confirmed that the Territory labour market experienced protracted tightness, contributing to solid growth in private sector wages. The Tribunal noted the advice that wages growth in the ACT was the second lowest across Australia through the year to December 2023.¹

The Australian Bureau of Statistics released the Consumer Price Index for the December Quarter on 31 January 2024, which included an increase of 0.4 per cent for the ACT during the December quarter, with a 3.7 per cent increase over the year (December 2022 to December 2023).² The national trimmed mean inflation was 4.1 per cent over the year.³

While the Tribunal recognised the rise in cost of living has been high, the Tribunal also noted that CPI growth is slowing and the increase to remuneration provided in this determination reflects this.

In its deliberations, the Tribunal continued to give considerable weight to community standards and expectations with reference to wage growth nationally and locally, and the Territory's tight job market. The Tribunal considered the importance of the Territory providing competitive remuneration, allowances, and other entitlements so that it can continue to attract and retain high calibre individuals to deliver quality services to the ACT community. In this context, the Tribunal noted the wage policies and remuneration determinations by its Commonwealth and State/Territory counterparts.

In making this determination, the Tribunal considered the ACT Government's current Enterprise Agreement bargaining context and recognised that the current Government pay offer provides emphasis on raising wages for lower paid employees. The Tribunal had regard to the 2023–24 ACT Budget Review, released in February 2024 by ACT Treasury, which

¹ Australian Bureau of Statistics Release 21 February 2024 [Wage Price Index, Australia, December 2023 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release)

² ACT Treasury, 31 January 2024, CPI – December Quarter 2023 https://www.treasury.act.gov.au/_data/assets/pdf_file/0009/399978/CPI.pdf_recache

³ Australian Bureau of Statistics Release 31 January 2024 <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release>

detailed a stabilising economy in 2022–23, including 4 per cent in WPI and 5.7 per cent in CPI.⁴ The Tribunal also had reference to the personal income tax cuts that have been legislated to commence on 1 July 2024⁵ and noted that they will provide additional cost of living relief for wage and salary earners and, notwithstanding the recent amendments to these personal income tax cuts, will still provide material relief to individuals earning over \$180,000.

The Tribunal considered the national and the local contexts, in particular the anticipated movements in wages locally and nationally and the advice that the current economic circumstances in the Territory are stable. It therefore decided that an increase to remuneration of 3 per cent is a measured response given the current circumstances.

Submission from the ACT Electoral Commissioner

The Tribunal received a submission from the ACT Electoral Commissioner.

The Tribunal discussed the work value, workload, complexities, and relativities of the position with the ACT Electoral Commissioner. The Tribunal had regard to the challenging nature of maintaining the integrity of an electronic voting system, and the evolving threats to that integrity. The Tribunal considered the local and global risk of increasing threat to electoral integrity. The Tribunal also considered the factors outlined in the submission from the ACT Electoral Commissioner in relation to an increase in responsibilities.

Having regard to all of these circumstances, the Tribunal determined that there is a compelling argument to increase the remuneration of the Electoral Commissioner. The Tribunal decided that an increase of base salary to \$275,000 is a measured response to the current responsibilities and expectations of the role.

Decision

The Tribunal determines to provide an increase of 3 per cent to the base remuneration of officeholders covered by this Determination. The increase will commence on 1 July 2024.

The Tribunal determines to provide an increase to the base remuneration to \$275,000 of the ACT Electoral Commissioner.

24 April 2024

⁴ [ACT Budget 2023-2024 Budget Review](#), page 9.

⁵ <https://treasury.gov.au/tax-cuts>



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1 Commencement

1.1 The instrument is taken to have commenced on 1 July 2024.

2 Application

2.1 This Determination applies to the following offices:

- the Auditor-General;
- the Clerk of the Legislative Assembly; and
- the Electoral Commissioner.

3 Remuneration

3.1 The offices outlined below shall be entitled to the following remuneration per annum:

TABLE 3.1

Column 1 Office	Column 2 Base Remuneration	Column 3 ⁶ Total Remuneration
Auditor-General	\$349,695	\$382,195

⁶ Provides for additional remuneration associated with the previous provision of executive vehicles, commensurate with that payable to ACTPS senior executives under section 51 of the *Public Sector Management Standards 2016*.

Clerk of the Legislative Assembly	\$267,824	\$299,824
Electoral Commissioner	\$275,000	\$307,000

- 3.2 Where a person appointed to an office listed above has an employer-provided vehicle, column 2 of Table 3.1 is the total remuneration payable.
- 3.3 A person appointed to an office listed above must not receive the remuneration mentioned above if the person is paid a higher remuneration for that office from another source.
- 3.4 If a person appointed to an office listed above is also appointed to another office under ACT legislation, the person must only receive remuneration for the office that has the highest remuneration.

4 Salary packaging

- 4.1 A person appointed to an office listed in clause 2.1 of this Determination may elect to take the remuneration outlined in clause 3, as:
- a) salary; or
 - b) a combination of salary and other benefits (a **salary package**).
- 4.2 Salary packaging must be consistent with:
- a) taxation laws and guidelines issued by the Australian Taxation Office; and
 - b) any salary packaging policy and/or procedures issued for the ACT Public Service, with up to 100% of the remuneration able to be taken as benefits and related costs such as fringe benefits tax.
- 4.3 Salary packaging must be administered without additional cost to the employer and any fringe benefits tax associated with the provision of a benefit must be included in the salary package.
- 4.4 Salary for superannuation purposes is not affected by salary packaging.

5 Vehicle

- 5.1 If a person appointed to an office listed above has an employer-provided vehicle, the conditions are consistent with Part 13 – Transitional Public Sector Management Amendment Standards 2021 (No 1) of the *Public Sector Management Standards 2016*.

6 Employer provided benefits

- 6.1 A person appointed to an office listed in clause 2.1 of this Determination is entitled to either the employer provided benefits mentioned below or the relevant cash payment in lieu of the benefit mentioned below.
- 6.2 An employer-provided benefit, or cash payment in lieu of an employer-provided benefit, is in addition to the remuneration specified in clause 3.1 of this determination, and does not affect salary for superannuation purposes.

6.3 For the avoidance of doubt, the value of an allowance or entitlement set out in this Determination is fixed and cannot be transferred to any other component of the total remuneration package.

7 Vehicle parking space

7.1 A person appointed to an office listed above is entitled to a parking space or an allowance in lieu of a parking space, consistent with that provided to executives in section 52A of the *Public Sector Management Standards 2016*.

8 Employer's superannuation contribution

8.1 A person appointed to an office listed in clause 2.1 of this Determination is only eligible for the employer's superannuation contribution if their superannuation entitlements are not provided elsewhere.

8.2 Superannuation entitlements for a person appointed to an office listed above are consistent with clause D7 in the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021-2022* or its replacement.

8.3 The value of the employer's superannuation contribution must not be paid in cash to a person appointed to an office listed in clause 2.1 of this Determination.

9 Relocation allowance

9.1 In this clause, **ACT** means the Australian Capital Territory and its surrounding district, including Queanbeyan.

9.2 Relocation allowance is provided to assist an individual with the costs to relocate from their home location to the ACT in order to take up the appointment as a statutory office-holder.

9.3 The person appointed to an office listed in clause 2.1 may be reimbursed an amount of up to \$55,000, for receipted, reasonable costs of the following:

- a) packing personal effects and furniture belonging to the person and their family;
- b) necessary storage of personal effects and furniture;
- c) removal costs and associated insurance of personal effects and furniture;
- d) unpacking of personal effects and furniture;
- e) costs of travel, accommodation and meals between the former location and the ACT;
- f) temporary accommodation costs at the former location and in the ACT up to a maximum aggregate period of six months, or, in exceptional circumstances, nine months with the approval of the ACT Remuneration Tribunal (Tribunal);
- g) costs of disconnection and reconnection of utilities;
- h) cost of stamp duty and legal and professional services associated with the sale of the residence at the former location and/or the purchase of a residence or lease on a block of land in the ACT;
- i) subject to the specific approval of the Tribunal, any other reasonable expenses necessarily incurred in relocating to the ACT.

- 9.4 The Tribunal may decide to reimburse a higher amount of allowance if the Tribunal agrees—
- a) there are unusual or exceptional circumstances; and
 - b) the unusual or exceptional circumstances were unforeseen or unable to be dealt with without exceeding \$55,000.
- 9.5 If a person appointed to an office in listed clause 2.1 thinks that unusual and exceptional circumstances exist, they may ask the Tribunal to consider the matter and determine whether the maximum relocation allowance can be exceeded. A request must be in writing and must include—
- a) details of the unusual or exceptional circumstances; and
 - b) details of the relocation; and
 - c) expenses incurred by the executive; and
 - d) the expected total relocation expenses of the executive; and
 - e) the level of assistance the executive considers should be provided; and
 - f) any other relevant information.
- 9.6 If the person appointed to an office listed in clause 2.1 terminates their employment with the Territory within twelve months of the date of their engagement, the person may be required to repay the following amount:
- a) If the person terminates employment within six months from the date of their appointment—100% of the amount reimbursed under section 9.3 and section 9.4;
 - b) If the person terminates employment more than six months and less than twelve months from the date of their appointment—50% of the amount reimbursed under section 9.3 and section 9.4.

Note: Relocation allowance does not apply to any expenses incurred at the conclusion of employment with the Territory.

10 Other entitlements

- 10.1 For the avoidance of doubt, under section 115 of the *Public Sector Management Standards 2016*, the following provisions of the *Public Sector Management Standards 2006 (repealed)* continue to apply in relation to a person appointed to an office in clause 2.1 of this Determination:
- a) part 3.6 (recognition of prior service on appointment or engagement);
 - b) part 4.1 (continuity of service);
 - c) part 5.5 (payment in lieu of entitlements on cessation of employment or death);
 - d) part 9.4 (statutory office-holder financial entitlements); and
 - e) part 9.6 (executive employee and statutory office-holder leave and other entitlements).
- 10.2 Leave entitlements, salary sacrifice arrangements and vacation childcare subsidy are provided to executives under Division 5.6 of the *Public Sector Management Standards 2016*, as amended from time to time.

11 Travelling arrangements

11.1 In this clause:

home base means the town or city in which the traveller's principal place of residence is located.

domestic travel means official travel to a destination within Australia.

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.

traveller means a person, appointed to an office listed in clause 2.1 of this Determination, who is travelling away from their normal place of work for official purposes.

- 11.2 If a traveller is required to travel for official purposes, the employer must pay the cost of the transport and accommodation expenses outlined below. The reasonable amounts set out in the relevant Australian Taxation Office Determination⁷ relating to meal and incidental expenses will be paid to the traveller as a reimbursement. These expenses are not to be paid to the traveller where their home base is within the ACT or surrounding districts and the travel for official purposes is within the ACT or surrounding districts.
- 11.3 All reasonable expenses incurred by a traveller can be reimbursed. It is the intention of these travel arrangements that no traveller who travels for official purposes should be out of pocket, however they must be reasonable expenses.

12 Travel

- 12.1 All official travel is to be appropriately authorised prior to travel and must not be authorised by the traveller under any circumstances. This includes all official travel paid for privately or by the Territory.
- 12.2 A traveller may travel by one or more of the following:
- commercially provided road or rail transport;
 - commercially provided flights;
 - private motor vehicle.
- 12.3 Commercially provided travel should be selected on the basis of—
- what is most convenient to the person; and
 - seeking the most reasonable costs.
- 12.4 If a traveller travels on commercially provided road or rail transport the employer will pay the fares for that travel.
- 12.5 A traveller must use the Territory's travel manager, which has been procured through a competitive process, as a preferred provider of travel and related services. The travel manager has been instructed to book all travel at the lowest logical fare.

⁷ [Australian Taxation Office – Taxation Determination 2022/10 Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2022-23 income year?](#)

- 12.6 If a traveller 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.
- 12.7 If a traveller has approval 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 *ACT Public Service Administrative and Related Classifications Enterprise Agreement 2021-2022*, or its replacement.

13 Accommodation

- 13.1 It is standard practice that where an executive traveller must stay overnight while on official travel, the employer will pay for commercial accommodation to the following standard:
- a) for domestic accommodation—4.5 stars;
 - b) for international accommodation—4.5 stars.
- 13.2 The employer will pay for a traveller to stay in commercial accommodation above the 4.5 star standard and the amounts set out in the relevant Australian Taxation Office Determinations, 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 a traveller to stay in the commercial accommodation where a meeting, conference, or seminar they are attending is being held.
- to allow a traveller who is traveling with the Speaker or a Minister to stay in the same commercial accommodation as that Speaker/Minister if they are entitled to a higher standard of accommodation.

14 Meals

- 14.1 If a traveller is absent from their home base for more than ten hours while on official travel, the employer will reimburse actual, reasonable expenses for meals up to the amounts set out in the relevant Australian Taxation Office Determinations.

15 Incidental expenses

- 15.1 The employer will reimburse all reasonable and legitimate expenses directly related to official travel up to the amounts set out in the relevant Australian Taxation Office Determinations, including—
- a) taxi, ridesharing service (such as uber) or bus fares to or from an airport; and
 - b) taxi, ridesharing service (such as uber) and public transport costs at a temporary location; and
 - c) airport taxes or charges.

16 Frequent Flyer Program

- 16.1 Frequent flyer points cannot be accrued or used by a traveller as a result of travel and accommodation paid for by the employer for official travel.

17 Incidental travel in conjunction with official travel

- 17.1 Authorised travellers wishing to take personal leave during, or at the conclusion of official travel should obtain the appropriate prior approval consistent with the agreed travel arrangements.
- 17.2 Travellers may combine incidental personal travel with official travel, provided there is no additional cost to the Territory. Expenses incurred during leave are at the traveller's own cost. If the period of such incidental travel is greater than 40% of the period of official travel, a pro rata contribution must be made to the overall cost of the travel.
- 17.3 If insurance has been obtained for official travel at official expense, such insurance must not cover the traveller for the duration of the personal leave.

18 Travel insurance

- 18.1 Travel insurance decisions should be based on risk management principles and include factors such as the nature and destination of the trip.
- 18.2 International travel will normally require travel insurance.
- 18.3 If necessary, the cost of travel insurance will be met as a reasonable work-related expense by the Territory.
- 18.4 All legitimate and reasonable work-related claims will be covered by the Territory.

19 Definitions

- 19.1 In this Determination:

Public Benevolent Institution means a charity whose main purpose is to relieve poverty, sickness, suffering or disability.

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.

fringe benefits tax means the tax assessed under the *Fringe Benefits Tax Assessment Act 1986*.

home base means the town or city in which the traveller's principal place of residence is located.

Senior Executive Service (SES) Member means a member of the service in the senior executive service under the *Public Sector Management Act 1994*. A person, appointed to an office listed in clause 2.1 of this Determination, has a number of the same entitlements as an SES Member.

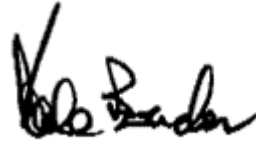
20 Revocation of previous Determination

- 20.1 Determination 4 of 2023 is revoked.

Ms Sandra Lambert AM
Chair

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Mr Dale Boucher PSM
Member

A handwritten signature in black ink, appearing to read 'Dale Boucher', written in a cursive style.

Mr Michael Manthorpe PSM FIPAA
Member

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24 April 2024