



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement Number 133

Part-Time Holders of Public Office

Background

Section 10(1)(s) of the *Remuneration Tribunal Act 1995* provides for the Tribunal to inquire into, and determine, the remuneration and allowances to be paid, and other entitlements to be granted to:

- a person holding an office or appointment, or
- a class of offices or appointments,

specified in an instrument given to the Tribunal by the Chief Minister.

The Tribunal's last annual review was in October 2002 and the Tribunal issued Statement and Determination Number 109 dated 23 October 2002.

This review was advertised in the Public Notices of *The Canberra Times* on 13 and 16 August 2003 inviting interested persons and organisations to make submissions to the Tribunal. Chief Executives of ACT Government agencies were invited to make submissions in respect of part-time offices associated with their respective agencies. Chief Executives were also asked to invite the Chair of each board or committee within their portfolio to make a submission to the Tribunal. A new entity, the ACT Public Cemeteries Board, not previously referred to the Tribunal, was also considered as part of this review.

Submissions

The Tribunal considered submissions at hearings on 21 and 28 October 2003. Submissions were received from:

- Land Development Agency Board;
- ACT Planning and Land Council;
- Housing Review Committee;
- ACT Cultural Council;
- Australian International Hotel School; and
- Government Procurement Board.

A new entity referred to the Tribunal by the Chief Minister was the ACT Public Cemeteries Board.

Tribunal Consideration

Land Development Agency Board (LDA Board)

The LDA Board raised the issue of high workload in a submission to the Tribunal. The Tribunal noted that this matter was reflected in the initial determination for the LDA Board that came into effect on 1 July 2003. That determination provided additional remuneration to the LDA Board in the first 12 months to reflect the greater responsibilities associated with setting up the agency.

The Tribunal considered that insufficient time had passed since the LDA Board was established for it adequately to determine whether there was a case for increasing remuneration. The Tribunal also noted that the LDA Board receives the highest level of remuneration of any of the Boards for which the Tribunal sets remuneration.

The Tribunal determined that the existing rates were appropriate for the LDA Board.

Land Development Agency Board/ACT Planning and Land Council/Housing Review Committee

All three submissions raised the issue of the availability of salary packaging for members of Boards.

Salary packaging is an issue that encompasses a number of elements on which the Tribunal needs to be more informed. The Tribunal decided that a specific review should be undertaken by the Tribunal Secretariat before it considers whether and how salary packaging arrangements might be extended to part-time statutory offices.

ACT Cultural Council

It was submitted by the Council that the Chair and Deputy Chair are paid the same rates as other members of the Council and should receive more to differentiate their positions.

This is not the case as the Council is classified as Group 4, Level 3 with separate rates for the Chair and members.

In relation to Deputy Chair, the Tribunal did not consider that a separate remuneration rate was appropriate for a Deputy Chair. No other board or committee in the classification had separate remuneration for Deputy positions.

The Tribunal determined that the existing rates were appropriate for the Council.

Australian International Hotel School

It was submitted that remuneration for the Chairman and members be increased to recognise the additional responsibilities required of them.

In considering the submission and the relativity with other boards and committees, the Tribunal formed the view that there were insufficient grounds for granting an increase.

Government Procurement Board

It was submitted that the work and responsibilities of the Board members had increased significantly since the last review and there was material supporting this proposition provided to the Tribunal.

The Tribunal accepted that the work of the Board members had increased significantly since the last review and approved a revised rate of \$16,405 per annum for members (Group 2 Level 1).

General Increase in Remuneration

The Tribunal determined that there should be a general increase of 3.6% rounded upwards to the nearest \$5 for Part-Time Holders of Public Office covered by the determination with effect from 1 November 2003. This is based on the Wage Cost Index for the period June 2002 to June 2003.

New Board

ACT Public Cemeteries Board

The establishment of this new Board was referred to the Tribunal by the Chief Minister for determination of remuneration in accordance with the provisions of Section 10(1)(s) of the *Remuneration Tribunal Act 1995*.

Although the Board has some decision-making responsibilities, the Tribunal decided that it should be included in the category of Group 4, Level 3 – ‘Advisory/consultative bodies to Departments and advisory committees considering local matters’.

The Tribunal determined remuneration of \$310 per diem and \$260 per diem for the Chair and Members respectively, and the subsequent general increases of 3.6% determined from 1 November 2003.

ACT Remuneration Tribunal
December 2003



AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL

Determination Number 133

Part-Time Holders of Public Office

Pursuant to section 10(1)(s) and 13 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid, and other entitlements to be granted to persons holding certain offices in the Australian Capital Territory.

This Determination shall take effect from 1 November 2003.

Alan Kerr AM
Acting Chair

.....

December 2003

Roberta McRae OAM
Member

.....



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination Number 133

Part-Time Holders of Public Office

Pursuant to paragraph 10(1)(s) of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid to persons holding certain offices in the Australian Capital Territory.

The Tribunal has determined as follows:

1. Remuneration

- 1 A part-time holder of a public office or appointment shown in column 1 and 2 shall be entitled to the rate of fee specified in column 3 of the table in *Attachment 1*.

2. Conditions of Payment of Daily Fees

2.1 In this clause:-

(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 the period of preparation time involved is so unusual as to warrant recognition the chair person may determine that payment in accordance with the scheduled fee shall be payable for such periods as “business of the authority”.

- 2.2 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.

- 2.3 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 2.2; and
 - (e) preparation time shall only be included in accordance with 2.1.
- 2.4 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 2.2; and
 - (e) preparation time shall only be included in accordance with 2.1.
- 2.5 In addition to the fees payable under clause 1, a part-time holder of a public office in the Administrative Appeals Tribunal shall be paid:-
- (a) an annual retainer (no abatement for days worked) equivalent to ten days' fee; and
 - (b) a cancellation fee equivalent to 50% of one day's fee for cancellation of all work on a day with less than five working day's notice.

3. Revocation of Previous Determinations

- 3.1 Determinations Number 109, 115, 124, 126, 127, 128 and 131 are revoked.

4. Date of Effect

4.1 The date of effect of this Determination shall be 1 November 2003.

4.2 The Tribunal further determines that from 15 September 2003 to 30 October 2003 the remuneration for the ACT Public Cemeteries Board will be:

- \$310 per diem for the Chair; and
- \$260 per diem for the Members.
