



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement Number 205

Part-Time Holders of Public Office

Background

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

The Tribunal's last annual review was in September 2005 and the Tribunal issued Statement and Determination Number 190 dated 8 December 2005.

This latest inquiry, which sought submissions from interested parties, was notified in the press on 5 August 2006. A submission was received from the Government. The Tribunal met on 5 October 2006 to consider the submissions.

Submissions

The Tribunal considered the following submissions at the meeting on 5 October 2006:

- Administrative Appeals Tribunal;
- Cultural Facilities Corporation Board;
- Government Procurement Board;
- Land Development Agency Board;
- Liquor Licensing Board; and
- Sentence Administration Board.

The Tribunal also considered the referral of the new Legal Profession Disciplinary Tribunal (see separate Determination).

Tribunal Consideration

General Increase in Remuneration

The Tribunal determined that there should be a general increase of 3.0% (rounded upwards to the nearest \$5) for Part-Time Holders of Public Office covered by the Determination, effective from 1 November 2006 to reflect economic factors. This is based on existing economic factors.

Submissions

Administrative Appeals Tribunal

The submission from the Senior Member sought that comparable rates with the Commonwealth be maintained and that the maximum amount that can be salary packaged be increase.

Based upon the general 3.0% increase, members of the Tribunal are comparably remunerated with Commonwealth members, however there would remain a significant difference for the Senior Members, given the significant remuneration increase granted to the Senior Members of the Commonwealth Tribunal in 2005.

The Tribunal decided to invite submissions from the Administrative Appeals Tribunal and the Department of Justice and Community Safety addressing the difference in the roles and responsibilities for Senior Members and Members. Once the information is received, the Tribunal will consider remuneration levels.

In relation to salary packaging, the Tribunal noted that the existing arrangements for part-time holders of public office are the same as those that apply generally for ACT Public Service staff, and that consideration is currently being given to increasing the percentage of remuneration that can be salary packaged. The Tribunal decided to defer any decision to increase the percentage for the Administrative Appeals Tribunal until any decision is made for the ACTPS.

Cultural Facilities Corporation Board

The Corporation submitted that it should be dealt with as an organisation that has to earn a substantial proportion of its income in the marketplace, and therefore the Tribunal should set remuneration and allowances at the same level as it would for another organisation with a mix of private and public revenue.

As a review of classification levels for all boards and committees has commenced, the Tribunal decided that any decision on this issue should be deferred until the outcome of the full review is complete.

Government Procurement Board

The Tribunal noted the submission by the Chair seeking a remuneration increase in line with the general price/wage trend increases.

Land Development Agency Board

The Tribunal noted that the Chair of the Board requested that any increase in remuneration should be limited to movements in the past year to average salary levels in the community.

Liquor Licensing Board

The Tribunal noted the request from the Chair of the Board that remuneration should be increased to reflect the majority of work relates to the conduct of inquires that are similar to those conducted by some professional health boards, and that the Chair is required to be a legal practitioner of not less than five years standing, identical to the President of the Administrative Appeals Tribunal.

The Tribunal considered that the board's classification may need to be addressed in light of the changed work requirements, which would affect remuneration. However, before this decision is taken, the Tribunal decided that the Department of Justice and Community Safety should be requested to provide confirmation of the information provided in the submission.

At this stage, the Tribunal decided to limit any remuneration increase to any general increase for all entities.

Sentence Administration Board

The Tribunal noted that submissions by the Chair and the Chief Executive, Department of Justice and Safety that there had been significant changes to the functions and powers of the Board and that meetings have increased in frequency, and that a changed remuneration structure was sought.

The Tribunal decided that the Department of Justice and Community Safety should be requested to provide clarification of the information provided in the submissions.

At this stage, the Tribunal decided to limit any remuneration increase to the general increase for all entities.

ACT Remuneration Tribunal
November 2006



**AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL**

Determination Number 205

Part-Time Holders of Public Office

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

This Determination shall take effect from 1 November 2006.

Alan Kerr AM
Chair

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November 2006

Roberta McRae OAM
Member

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Jill Greenwell
Member

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AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination Number 205

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

The Tribunal has determined as follows:

1. Remuneration

1.1 A part-time holder of a public office or appointment shown in columns 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. Salary Packaging

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

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

- 3.3 The scheme is to be based on the ACT Public Service Salary Packaging Policy and Procedures issued by the Commissioner for Public Administration, with no more than 75% of the relevant remuneration shown in Column 3 of Attachment 1 to be taken as benefits and related costs such as fringe benefits tax.
- 3.4 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.
- 3.5 The salary for superannuation purposes of each person holding a Part-time Public Office is unaffected by participation in the salary packaging scheme.

4. Revocation of Previous Determinations

- 4.1 Determinations Number 190 and 191 are revoked.

5. Disbanded Entities

- 5.1 The following entities included in Attachment 1 to Determination 191 not be included in this Determination and are removed from Determination 178 (the travel Determination), as the relevant legislation has been repealed or advice has been received that the entities are no longer operative:

- Planning and Land Council;
- ACTION Authority Board;
- Australian Capital Tourism Corporation Board;
- Australian International Hotel School;
- Stadiums Authority Board;
- Canberra Partnership Board;
- Transport Reform Advisory Committee;
- Health Promotion Board.

6. Date of Effect

- 6.1 The Determination will be effective from 1 November 2006.

ACT REMUNERATION TRIBUNAL CLASSIFICATION GUIDELINES AND REMUNERATION

A part-time holder of public office or appointment shown in column 1 and 2 of the following table shall be entitled to the per annum remuneration specified in column 3 unless specifically identified as a per diem rate.

Group 1 - Governing Bodies and other Statutory Authorities - Level 1

Level 1 - Boards, statutory authorities and Corporations with turnover or budget or operating surplus more than \$10 million AND/OR significant commercial/industry operations AND/OR high impact on the development/promotion of the Territory.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Land Development Agency Board	Chair	\$57,720
	Deputy Chair	\$46,175
	Member	\$34,630
ACT Gambling and Racing Commission Board	Chair	\$38,085
	Member	\$18,460
Cultural Facilities Corporation Board	Chair	\$18,460
	Deputy Chair	\$9,830
	Member	\$6,255

Group 1 - Governing Bodies and other Statutory Authorities - Level 2

Level 2 - Boards, statutory authorities and Corporations with turnover or budget or operating surplus less than \$10 million AND/OR significant commercial/industry operations AND/OR high impact on the development/promotion of the Territory.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
National Exhibition Centre Trust	Chair	\$18,460
	Deputy Chair	\$10,155
	Member	\$6,255

Group 2 - Industry and other Key Advisory Bodies - Level 1

Level 1 - Significant advisory boards and other bodies advising Government on key strategic matters AND/OR operating significant Government programs.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Community Inclusion Board	Chair	\$33,425
	Member	\$11,725
Legal Aid Commission <i>for appointees after 2/12/99</i>	Current President	\$26,340
	Current Member	\$13,215
	<i>President</i>	\$14,885
	<i>Member</i>	\$310 per diem
Finance and Investment Board	Chair	\$24,700
	Member	\$18,460
ACT Electoral Commission	Chair	\$24,700
	Member	\$15,485
ACT Government Procurement Board	Chair	\$23,810
	Member	\$18,945
ACT Insurance Authority Advisory Board	Member	\$17,860
ACT Forests' Board of Advisors	Chairman	\$15,485

Group 2 - Industry and other Key Advisory Bodies - Level 2

Level 2 - Other advisory boards and bodies advising Government on matters of Territory wide significance AND/OR operating Government programs.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Board of Senior Secondary Studies	Chair Member	\$14,290
Building & Construction Industry Training Fund Board	Chair Member	\$14,290 \$310 per diem
Construction Industry Long Service Leave Board	Chair Member	\$14,290 \$310 per diem
Cleaning Industry Long Service Leave Board	Chair Member	\$14,290 \$310 per diem
Government School Education Council	Chair	\$14,290
Non-Government School Education Council	Chair	\$14,290
Occupational Health and Safety Council	Chair	\$14,290

Group 3 - Quasi/Judicial Tribunals, Boards of Inquiry and Management - Level 1

Level 1 - Most senior bodies/tribunals providing independent decisions affecting large groups.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Independent Competition and Regulatory Commission	Snr Commissioner	\$1200 per diem
	Asst Commissioner	\$675 per diem
Administrative Appeals Tribunal	Senior Member	\$800 per diem
	Member	\$745 per diem

Group 3 - Quasi/Judicial Tribunals, Boards of Inquiry and Management - Level 2

Level 2 - Bodies/Tribunals determining matters of importance to individuals or small groups.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Consumer and Trader Tribunal	President	\$725 per diem
	Deputy President	\$480 per diem
	Presiding Member	\$395 per diem
	Member	\$310 per diem
Sentence Administration Board	Chair	\$605 per diem
	Deputy Chair	\$575 per diem
	Member	\$550 per diem
Racing Appeals Tribunal	President	\$605 per diem
	Deputy President	\$550 per diem
	Member	\$310 per diem
	Assessor	\$225 per diem
Credit Tribunal	Chair	\$605 per diem
	Member	\$310 per diem
Residential Tenancies Tribunal	Non-Presidential	\$550 per diem
	Member	\$310 per diem
Essential Services Consumer Council	Chair	\$480 per diem
	Deputy Chair	\$370 per diem
	Presiding Member	\$340 per diem
	Member	\$310 per diem

Group 4 - Management Boards and Advisory Committees - Level 1

Level 1 - Scientific, professional and legal bodies requiring members to be experts in their field, disciplinary boards or boards of appeal.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Inquiry conducted by the Chiropractors and Osteopaths Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Dental Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Dental Technicians & Dental Prosthetists Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Medical Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the ACT Nurses and Midwifery Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Optometrists Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Pharmacy Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Physiotherapists Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Podiatrists Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Psychologists Board	Chair	\$605 per diem
	Member	\$550 per diem
Inquiry conducted by the Veterinary Surgeons Board	Chair	\$605 per diem
	Member	\$550 per diem
Legal Profession Disciplinary Tribunal	Chair	\$605 per diem
	Deputy Chair	\$575 per diem
	Member	\$340 per diem
Housing Review Committee	Chair	\$480 per diem
	Member	\$370 per diem

Group 4 - Management Boards and Advisory Committees - Level 2

Level 2 - Bodies responsible for reviewing qualification, regulatory or licensing matters and professional, technical, trade or non-professional groups or for providing advice to agencies or Government.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Liquor Licensing Board	Chair	\$370 per diem
	Member	\$310 per diem
Plumbers, Drainers and Gasfitters Board	Chair	\$370 per diem
	Member	\$310 per diem
Electrical Licensing Board	Chair	\$370 per diem
	Member	\$310 per diem
ACT Architects Board	Chair	\$370 per diem
	Member	\$310 per diem
Surveyors Board of the ACT	Member	\$310 per diem

Group 4 - Management Boards and Advisory Committees - Level 3

Level 3 - Advisory/consultative bodies to Departments and advisory committees considering local matters.

Board/Committee/Tribunal	Office	Remuneration
Column 1	Column 2	Column 3
Animal Welfare Advisory Committee	Chair	\$370 per diem
	Member	\$310 per diem
Bill of Rights Consultative Committee	Chair	\$425 per diem
	Member	\$310 per diem
Bush Fire Council	Chair	\$370 per diem
	Member	\$310 per diem
Children's Services Council	Chair	\$370 per diem
Cultural Council	Chair	\$370 per diem
	Member	\$310 per diem
Disability Advisory Council	Chair	\$370 per diem
	Member	\$310 per diem
Environment Protection and Technical Advisory Committee	Chair	\$370 per diem
	Member	\$310 per diem
Flora and Fauna Committee	Chair	\$370 per diem
	Member	\$310 per diem
Heritage Council	Chair	\$370 per diem
	Member	\$310 per diem
Indigenous Education Consultative Body	Chair	\$370 per diem
	Member	\$310 per diem
Interim Namadgi Advisory Board	Joint Chair	\$370 per diem
	Member	\$310 per diem
Public Cemeteries Board	Chair	\$370 per diem
	Member	\$310 per diem
Radiation Council	Chair	\$370 per diem
	Member	\$310 per diem
Sport and Recreation Council	Chair	\$370 per diem
	Member	\$310 per diem
Treatment Assessment Panel (Drugs of Dependence Act)	Chair	\$370 per diem
	Member	\$310 per diem
Urban Design Advisory Committee	Chair	\$370 per diem
	Member	\$310 per diem
Ministerial Youth Council	Chair	\$370 per diem
Management Assessment Panel	Chair	\$370 per diem

Group 5 - Individual Offices

Part-time offices i.e. not boards, committees or tribunals

Office		Remuneration
Column 1	Column 2	Column 3
Commissioner for the Environment	Commissioner	\$52,830
Advisor to the Conservator	Advisor	\$470 per diem
Nominal Defendant	Nominal Defendant	\$25,750
Official Visitor (Quamby)	Visitor	\$370 per diem
Official Visitor (Remand Centres)	Visitor	\$370 per diem