



## Australian Capital Territory Remuneration Tribunal

# Determination 13 of 2021

## Part-time Public Office Holders

made under the

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

## ACCOMPANYING STATEMENT

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### Background

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

### Considerations

In September 2020, the Tribunal decided to determine no adjustment to remuneration, allowances or entitlements for the position holders within its jurisdiction.

At its 2021 Autumn Sitting, the Tribunal determined a 1.8% increase to the remuneration of certain position holders within its jurisdiction, including Members of the Legislative Assembly, ACT Public Service Executives and other full-time statutory officer holders.

At the time, the Tribunal gave considerable weight to community standards and expectations, in particular in terms of the continuing uncertainty of circumstances faced in the Territory by the outbreak of the COVID-19 Delta variant across the country.

As part of the 2021 Autumn Sitting deliberations, the Tribunal acknowledged the Wage Price Index (WPI) and Consumer Price Index (CPI) in the 2020-21 ACT Budget released in February 2021 and subsequent data released by the Australian Bureau of Statistics. In addition, the Tribunal considered the statements from the Governor of the Reserve Bank of Australia concerning the importance of increasing wages to stimulate consumption and the outcome of the Annual Wage Review of the Fair Work Commission released in June 2021. The Tribunal was also aware that no adjustments in remuneration may create a lag, impact on maintaining existing relativities with other office holders and should be avoided wherever possible.

In September 2021, the Tribunal commenced its Spring Sitting. The Tribunal advertised its Spring Sitting on its website and in *The Canberra Times* on Saturday, 4 September 2021. The Tribunal also wrote to the relevant office holders requesting submissions.

At its meetings on 11 and 12 November 2021, the Tribunal met with the Chief Minister, ACT Treasury officials, and officials responsible for the Enterprise Agreement bargaining for ACT Public Sector non-executive employees.

In its deliberations, the Tribunal continued to give consideration to community standards and expectations. In particular, the Tribunal noted the economic uncertainty in the Territory, and the nation, caused by the spread of the COVID-19 Delta variant a few months ago.

The Tribunal noted the wage policies and recent remuneration determinations by its Commonwealth and State/Territory counterparts for comparable office holders being considered as part of the Spring Sitting.

The Tribunal noted the pay increases that applied to the ACT Public Sector non-executive workforce during 2020 and 2021 under Enterprise Agreements. The submission received from the Chief Minister advised that the majority of those Enterprise Agreements expired on 31 October 2021 and that, while negotiations had commenced early in 2021, these negotiations had been severely impacted by the second COVID-19 outbreak which placed increased demand on both unions and the public service. The Tribunal noted the Government's intention to finalise and ballot new Enterprise Agreements with no substantial changes with an expiry date of 31 October 2022. These 12-month Enterprise Agreements would provide two pay rises of 1.35 per cent from December 2021 and June 2022, providing a cumulative pay rise of 2.7 per cent.

In addition, the Tribunal considered the pay increases for the Part-time Public Office Holders in the context of the pay increases that were provided to executives in the ACT Public Service and other statutory office holders from the 2021 Autumn Sitting.

The Tribunal had regard to the 2021–22 ACT Budget, released in August 2021, which forecasted a WPI of 1.75 per cent and CPI of 1.75 per cent.<sup>1</sup>

The Australian Bureau of Statistics released the CPI for the 2021 September quarter on 27 October 2021, which included an increase of 0.8 per cent for the ACT during that quarter, with a 3.7 per cent increase over the year (June quarter 2020 to June quarter 2021).<sup>2</sup> The Tribunal noted that since making its decision as part of the 2021 Autumn Sitting, the national trimmed mean inflation rate increased to 2.1 per cent, from 1.6 per cent in the June 2021 quarter.<sup>3</sup>

The Australian Bureau of Statistics released the WPI for the 2021 September quarter on 17 November 2021, which included an increase of 1.0 per cent for the ACT during that quarter — the equal highest quarterly growth rate of all jurisdictions. Over the year, to the September 2021 Quarter, the WPI in the ACT increased by 2.1 per cent, which was marginally lower than the national average. There was a 2.0 per cent growth in the ACT public sector WPI over the year which was higher than the national average of 1.7 per cent,

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<sup>1</sup> ACT Budget 2021-22, Chapter 1, Overview, Table 1.1.1 Economic Parameters, 2021-22 Budget, baseline forecasts, percentage change, p.12

<sup>2</sup> Australian Bureau of Statistics, Consumer Price Index (October 2021), <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release>

<sup>3</sup> The trimmed mean is designed to remove large, one-off price impacts. Australian Bureau of Statistics Media Release: CPI rose 0.8% in the September 2021 quarter (27 October 2021), <https://www.abs.gov.au/media-centre/media-releases/cpi-rose-08-september-2021-quarter>

for the first time since the September 2013 quarter. The ACT private sector WPI had a growth of 2.4 per cent, equal with the national average.<sup>4</sup>

### New referrals

The Tribunal received referrals from the Chief Minister to determine the remuneration, allowances and other entitlements for each of the following offices:

- Diversification and Sustainability Support Fund Advisory Board: Chair and Members;
- Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ+) Ministerial Advisory Council: Members only; and
- Our Booris Our Way Implementation Oversight Committee: Chair and Members.

In considering the remuneration, allowances and entitlements for these new referrals the Tribunal had discussions with officials from the Justice and Community Safety Directorate, the Chief Minister, Treasury and Economic Development Directorate and the Community Services Directorate respectively.

### Other matters

The Tribunal received correspondence in relation to the Aboriginal and Torres Strait Islander Elected Body (from the Community Services Directorate) and the Official Visitors (from the Justice and Community Safety Directorate). The Tribunal commenced its consideration of the correspondence relating to the Elected Body. However, the Community Services Directorate has notified the Tribunal that further advice is being sought from the Elected Body. As a result, the Tribunal has postponed further consideration of the remuneration of members of the Elected Body until that further advice is received.

The Tribunal considered correspondence from the Justice and Community Safety Directorate in relation to Official Visitors. The Tribunal considered it appropriate to provide advice to the Justice and Community Safety Directorate about this matter and determined that no amendments were needed to this determination as a result.

The Tribunal received additional information from the judicial members of the Sentence Administration Board as part of the further examination into the remuneration, allowances and other entitlements for judicial and related offices. (Information about the further examination is set out below.)

## **Decision**

### Diversification and Sustainability Support Fund Advisory Board

The Diversification and Sustainability Support Fund Advisory Board is a statutory body established under the Gaming Machine Act 2004. The purpose of the Board is to advise the Minister for Gaming on matters concerning the fund, and to make recommendations about payments to be made from the fund. The Tribunal decided that the Chair will be remunerated at \$570 per diem and Members at \$490 per diem.

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<sup>4</sup> Australian Bureau of Statistics, Wage Price Index (November 2021), <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/wage-price-index-australia/latest-release>; <https://www.abs.gov.au/media-centre/media-releases/wage-price-index-reverts-pre-pandemic-pattern> and [https://www.treasury.act.gov.au/data/assets/pdf\\_file/0006/399993/WPI.pdf](https://www.treasury.act.gov.au/data/assets/pdf_file/0006/399993/WPI.pdf)/ recache

### Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ+) Ministerial Advisory Council

The Territory's Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ+) Ministerial Council is a non-statutory body providing strategic advice to the ACT Government on issues affecting LGBTIQ+ Canberrans. The Chair of the Council already receives a per diem payment. The Tribunal decided that Members of the Council will be remunerated at \$490 per diem.

### Our Booris Our Way Implementation Oversight Committee

The Our Booris Our Way Implementation Oversight Committee is a non-statutory body established to monitor and guide the Government's implementation of the recommendations of the Our Booris Our Way review, into the over-representation of Aboriginal children and young people in the child protection system. Given the time limited nature and particular expertise required of members on this Committee, the Tribunal decided that the Chair of the Committee will be remunerated at \$840 per diem, and Members at \$740 per diem.

### Sentence Administration Board

At the 2019 Spring Sitting, the Tribunal determined that it would undertake a further examination of the remuneration, allowances and other entitlements for judicial and related offices. This examination would include consideration of the allowance payable to the Chief Justice and the remuneration payable to the Associate Judge, Magistrates (including the Chief Magistrate), and to various related offices (the ACT Civil and Administrative Tribunal, the Sentence Administration Board, and the Director of Public Prosecutions).

As a result of a reallocation of government resources and changed priorities, in response to the COVID-19 pandemic, the further examination was placed in abeyance in 2020. At its 2021 Autumn Sitting, the Tribunal decided to proceed with the further examination.

The Tribunal invited the judicial and related officers to provide any new or additional information to support the further examination, and considered the information provided. The Tribunal also considered the remuneration of judicial and related positions, in other Australian jurisdictions.

As part of the further examination, the Tribunal was provided a comprehensive briefing on the history of the Sentence Administration Board (SAB), and the decisions of previous Tribunals.

The Tribunal considered current and previous submissions from the SAB, and remuneration relativities for officeholders within the ACT and across other jurisdictions.

The Tribunal noted the significant increase in the volume of matters before the SAB, which appears to be due to increased court activity, increased breaches of parole, and the introduction of new victim legislation. The Tribunal acknowledges that the SAB is dealing with the practical end of the justice process which requires acute care and independence of decision-making to give effect to the decisions of courts. The SAB is an essential and integral part of the justice system, and is an active force in driving community safety across the ACT. The SAB plays an important role in reducing recidivism. The SAB currently relies on annual reporting by the Productivity Commission in its *Report on Government Services* (ROGS) to monitor how the SAB's work has contributed to higher level outcomes. The 2021 report

highlights the increasing use of community corrections as a sentencing option for recidivists in the ACT and the effectiveness of the community corrections system including the SAB's work is becoming more critical to the success of the justice system in reducing recidivism in the ACT.

From 2016, the SAB acquired the statutory function of supervising breaches and other aspects of Intensive Corrections Orders. The Tribunal was advised that supervising these orders is significantly more complicated and more time-consuming for the SAB. The Tribunal noted that the SAB's decisions are made largely within defined legislative parameters.

The Tribunal acknowledged that the recent legislative changes have affected the nature of the decisions the SAB needs to make, as well as the volume of those decisions. The Tribunal had particular regard to the nature and context of the work of the SAB – the need for it to be accurate in giving effect to Court decisions, the need to be especially mindful of community protection and safety, being fair to offenders/parolees and the time criticality of the work.

The Tribunal considered the potential for inequity between members of the SAB given that the judicial members (the Chair and Deputy Chairs) are remunerated on an annual basis and non-judicial members are remunerated on a per diem basis. It is difficult to compare annual remuneration and per diem remuneration. However, it is possible that a non-judicial member could receive more remuneration in a given year than a judicial member, depending on the number of SAB meetings attended by the non-judicial member. The Tribunal has decided to establish an appropriate annualised remuneration for the Chair and Deputy Chairs to avoid these issues, and to acknowledge the higher contribution and expertise that is required for those roles.

While agreeing that the remuneration for SAB judicial members should be increased, the Tribunal was not persuaded that there should be a fixed nexus between the Chair's remuneration and the daily rate of remuneration for the ACAT President/Magistrates, or between the Deputy Chairs' remuneration and that of ACAT full-time Presidential members.

Additionally the Tribunal's legislative obligation is to review the remuneration, allowances and other entitlements for members of the SAB (and other office holders) on an annual basis. If the Tribunal were to establish a fixed nexus it would still be required to consider the appropriateness of that nexus, annually. For example, the remuneration, allowances and entitlements of resident judges of the ACT Supreme Court are linked, by section 37U(2) of the *Supreme Court Act 1933*, to those of a Federal Court judge, from time to time.

The Tribunal continues to encourage the SAB to utilise secretariat resources for undertaking administrative functions in order to reduce the pressure on the Chair and other judicial members of the SAB. The Tribunal understands that the Justice and Community Safety Directorate has recently provided resourcing for additional secretariat support, including a dedicated SAB budget.

The Tribunal determined that the remuneration of the judicial members of the SAB will be adjusted as follows:

- Chair: \$99,960; and
- Deputy Chair: \$89,265.

#### Other Part-time Public Office Holders

All other part-time public office holders will receive a 2% increase, rounded up to the nearest \$5, effective from 1 November 2021.

The retrospective application of this Determination does not affect the rights of a person (other than the ACT Government) in a manner prejudicial to that person, nor does it impose any liability on such person.

December 2021



## Australian Capital Territory Remuneration Tribunal

### Part-time Public Office Holders

### Determination 13 of 2021

made under the

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

#### 1 Commencement

This instrument is taken to have commenced on 1 November 2021.

#### 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 or column 4 of Table 1.

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

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
ACT Region Catchment Management Coordination Group	Chair	\$570	-
	Member	\$490	-
ACT Natural Resource Management (NRM) Council	Chair	\$570	-
	Member	\$490	-
ACT Judicial Council	Legal Practitioner	\$800	
	Community Representative	\$800	
Aboriginal and Torres Strait Islander Elected Body	Chair	-	\$33,400
	Deputy Chair	-	\$26,730
	Member	-	\$17,735
Animal Welfare Advisory Committee	Chair	\$570	-
	Member	\$490	-
Architects Board	Chair	\$570	-
	Member	\$490	-
Board of Senior Secondary Studies	Chair	-	\$30,715
Brand Strategic Advisory Board	Chair	\$570	-
	Member	\$490	-

<b>COLUMN 1 Board, committee etc</b>	<b>COLUMN 2 Position</b>	<b>COLUMN 3 Base remuneration (Per Diem)</b>	<b>COLUMN 4 Base remuneration (Per Annum)</b>
Building Advisory Board	Chair Member	\$570 \$490	- -
Building and Construction Industry Training Fund Board	Chair Member	- \$490	\$20,505 -
Bush Fire Council	Chair Member	\$570 \$490	- -
Canberra Economic Recovery Advisory Group	Members	-	\$16,320
Canberra Institute of Technology Governing Board	Chair Deputy Chair Member	- - \$630	\$60,415 \$30,215 -
Canberra Region Medical Education Council	External representative members	\$490	-
Cemeteries and Crematoria Authority	Chair Member	\$605 \$525	- -
Children and Young People Death Review Committee	Chair Member	\$895 \$820	- -
Children and Youth Services Council	Chair Member	\$705 \$570	- -
Clinical Leadership Forum	Chair Member	\$570 \$490	- -
City Renewal Authority Board	Chair Deputy Chair Member	- - -	\$76,895 \$61,520 \$41,205
Climate Change Council	Chair Member	\$570 \$490	- -
Corrections Adjudicator	Corrections Adjudicator	\$570	-
Creative Council	Chair Deputy Chair Member	\$570 \$530 \$490	- - -
Cultural Facilities Corporation Board	Chair Deputy Chair Member	- - -	\$28,685 \$14,355 \$10,060
Defence Industry Advisory Board	Chair Defence Ambassador Defence Industry Sector Member	- - \$595	\$37,515 \$26,800 -
Disability Reference Group	Chair Member	\$570 \$490	- -
Diversification and Sustainability Support Fund Advisory Board	Chair Member	\$570 \$490	-
Electoral Commission	Chair Member	- -	\$35,425 \$22,215



<b>COLUMN 1 Board, committee etc</b>	<b>COLUMN 2 Position</b>	<b>COLUMN 3 Base remuneration (Per Diem)</b>	<b>COLUMN 4 Base remuneration (Per Annum)</b>
Electrical Advisory Board	Chair Member	\$570 \$490	- -
Gambling and Racing Commission Board	Chair Member	- -	\$54,595 \$26,485
Government Procurement Board	Chair Member	- -	\$34,810 \$27,170
Heritage Council	Chair Member	\$725 \$570	- -
Independent Advisor, Working with Vulnerable People	Independent Advisor	\$570	-
Independent Competition and Regulatory Commission	Senior Commissioner Commissioner	\$1,745 \$995	- -
Independent Reviewer, Government Agencies (Campaign Advertising)	Reviewer	\$895	-
Indigenous Education Consultative Body	Chair Member	\$570 \$490	- -
Inspector of Correctional Services*	Inspector	\$895	-
Insurance Authority Advisory Board	Member	-	\$25,620
Invasive Plants Advisory Group	External Members	\$490	-
Investment Advisory Board	Chair Member	- -	\$35,425 \$26,485
Legal Aid Commission	President Member	- \$490	\$21,360
Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Community Advisory Council	Chair Member	\$570 \$490	- -
Light Rail Project Board	Chair Member	- -	\$82,715 \$49,640
Long Service Leave Authority Board	Chair Deputy Chair Member	- - \$490	\$28,685 \$14,355 -
Major Projects Canberra Independent Advisory Boards	Chair Member	- -	\$82,715 \$49,640
Management Assessment Panel	Chair	\$570	-
Ministerial Advisory Council on Ageing	Chair	\$550	-

<b>COLUMN 1 Board, committee etc</b>	<b>COLUMN 2 Position</b>	<b>COLUMN 3 Base remuneration (Per Diem)</b>	<b>COLUMN 4 Base remuneration (Per Annum)</b>
Medicines Advisory Committee	Chair Member	\$570 \$490	- -
Mental Health Advisory Council	Chair Member	\$570 \$490	- -
Ministerial Advisory Council on Women	Chair	\$550	-
Multicultural Advisory Council	Chair Deputy Chair	\$550 \$490	- -
Natural Resource Management Advisory Committee	Chair Member	\$570 \$490	- -
Official Visitor	Visitor	\$570	-
Our Booris Our Way Implementation Oversight Committee	Chair Member	\$840 \$740	- -
Plumbing Advisory Board	Chair Member	\$570 \$490	- -
Public Interest Monitor Panel	Member	\$1,180	-
Public Sector Standards Commissioner	Public Sector Standards Commissioner	-	\$174,145
Racing Appeals Tribunal	President Deputy President Member Assessor	\$895 \$820 \$540 \$540	- - - -
Radiation Council	Chair Member	\$570 \$490	- -
Scientific Committee	Chair Member	\$570 \$490	- -
Sentence Administration Board	Chair Deputy Chair Member	- - \$1,080	\$99,960 \$89,265 -
Suburban Land Agency Board	Chair Deputy Chair Member	- - -	\$76,895 \$61,520 \$41,205
Survey Practice Advisory Committee	Member	\$480	-
Teacher Quality Institute Board	Chair	-	\$20,505
Territory Records Advisory Council	Chair Member	\$725 \$570	- -
Tree Advisory Panel	Chair Member	\$570 \$490	- -
Veterans' Advisory Council	Chair	\$550	-
Veterinary Practitioners Board	President Member	\$570 \$490	- -

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Veterinary Practitioners Committee of Inquiry	Chair	\$895	-
	Member	\$805	-
Work Safety Council	Chair	-	\$20,505
Youth Advisory Council	Chair	\$570	-

\*The remuneration of the Inspector of Correctional Services cannot exceed \$205,749 per annum.

- 2.2 Public servants who serve as a Part-time Public Office Holder are not entitled to receive remuneration, allowances or entitlements provided in this Determination, unless in exceptional circumstances.
- 2.3 The Chief Minister, Treasury and Economic Development Directorate will determine these exceptional circumstances.

### 3. Conditions of Payment of Daily Fees (per diem)

#### 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 office holders 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 an office holder of the authority with the approval of the chairperson, the nominated presiding officer (if applicable) or the authorised secretariat, other than attendance at a formal meeting and official travel on a meeting day;
- (c) 'normal preparation time' means the time that an office holder of an authority ordinarily requires to prepare for a formal meeting of business of the authority. It can occur on either a day of a meeting/event/activity or on another day. Preparation time spent by an office holder that the chairperson, nominated presiding officer (if applicable) or the authorised secretariat considers is excessive to normal preparation time may be treated as 'business of the authority';
- (d) the daily fee for a formal meeting includes a component to cover normal preparation time. Where the chairperson, nominated presiding officer (if applicable) or the authorised secretariat of the authority considers it appropriate, that a period of preparation time beyond this warrants recognition, then the chairperson, nominated presiding officer (if applicable) or authorised secretariat may determine that payment in accordance with the scheduled daily fee shall be payable for such periods as 'business of the authority'; and

Example:

A formal committee meeting is scheduled which usually consists of two hours of meeting time. A committee member undertakes one hour of preparation time. The total time commitment is three hours, so the committee member would be eligible for the daily fee.

- (e) 'official travel time' is the reasonable period, certified by the chairperson, the nominated presiding officer (if applicable) or the authorised secretariat, 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.

- (f) The Tribunal considers that preparation time and travel time are legitimate claims.

Work periods consisting of not less than three hours (formal meetings and 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, nominated presiding officer (if applicable) or the authorised secretariat, shall in each case certify whether the period of three hours has elapsed and in so certifying may have regard to reasonable preparation time and travelling time incurred by an office holder; and
- (b) the maximum payment in respect of any one day shall be the appropriate daily fee.

Example:

A formal one hour committee meeting is scheduled. The matter to be discussed at the meeting is complex. A committee member undertakes three hours of preparation time. The total time commitment is four hours, so the committee member would be eligible for the daily fee.

Work periods consisting of less than three hours (formal meetings and business of the authority)

- 3.3 A Part-time Holder of a Public Office may be paid in respect of less than three hours for formal meetings and/or on business of the authority, 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 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, nominated presiding officer (if applicable) or the authorised secretariat, and in so certifying the chairperson, presiding officer (if applicable) or the authorised secretariat may have regard to reasonable travelling time; and
- (e) preparation time shall only be included in accordance with 3.1.

Examples:

A formal one hour committee meeting is scheduled. No preparation time was required. The reasonable travelling time was 30 minutes. The total time commitment is one hour and 30 minutes. The committee member would be eligible for two-fifths of the daily fee.

A two hour committee event is scheduled and classified as 'business of the authority'. No preparation time was required. The reasonable travelling time was 30 minutes. The total time commitment is two hours and 30 minutes. The committee member would be eligible for three-fifths of the daily fee.

Work aggregate periods consisting of less than three hours (business of the authority)

- 3.4 A Part-time Holder of a Public Office may also be paid a daily fee in respect of aggregate periods associated with business of the authority which is 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, nominated presiding officer (if applicable) or the authorised secretariat, and in so certifying the chairperson, nominated presiding officer (if applicable) or the authorised secretariat may have regard to reasonable travelling time incurred by an office holder; and
  - (e) preparation time shall only be included in accordance with 3.1.

Examples:

A committee member attends a one hour committee event over four days which is not a formal meeting day. The event is classified as 'business of the authority'. No preparation time was required. The reasonable travelling time for each day was 30 minutes. The total time commitment is six hours. The committee member would be eligible for the daily fee.

A committee member attends a one hour committee event over three days which is not a formal meeting day. The event is classified as 'business of the authority'. No preparation time was required. The reasonable travelling time for each day was 30 minutes. The total time commitment for the events is four hours and 30 minutes. The committee member would not be eligible for the daily fee. If the member had another 30 minutes, they would be eligible for the daily fee.

Cancellation fee

- 3.5 A cancellation fee is payable equivalent to 50% of one day's fee for cancellation of all work on a day with less than five working days' notice.

**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 their personal needs and preferences.
- 4.2 Salary packaging must be consistent with taxation laws and guidelines issued by the Australian Taxation Office.
- 4.3 Any salary packaging policy and/or 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 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.
- 4.5 Salary for superannuation purposes of each person holding a Part-time Public Office is not affected by salary packaging.

**5. Employer's superannuation contribution**

- 5.1 A person, appointed to an office listed in clause 2 of this Determination, is only eligible for the employer's superannuation contribution if their superannuation entitlements are not provided elsewhere.

5.2 For a person, appointed to an office listed in clause 2 of this Determination, who is a member of the Commonwealth Superannuation Scheme (CSS) or Public Sector Superannuation (PSS) Scheme:

- a) the person's annual rate of remuneration for the purposes of the scheme is the base remuneration as provided in clause 2 of this Determination; and
- b) the value attributed to the employer's superannuation contribution is taken to be a notional 16% of the person's base remuneration.

5.3 For a person, appointed to an office listed in clause 2 of this Determination, who is not currently a member of the CSS or PSS but was a member of the PSS Accumulation Plan (PSSap) until it closed to the Territory on 30 June 2006, and has maintained continuous employment with the Territory:

- a) the value of the employer's superannuation contribution is a notional 16% of the base remuneration as provided in clause 2 of this Determination; and
- b) the employer will contribute that amount to an agreed superannuation fund nominated by the person appointed to an office in clause 2 of this Determination.

5.4 For a person, appointed to an office listed in clause 2 of this Determination, who is a member of any other superannuation fund, the employer's superannuation contribution is to be made at a rate equivalent to the Employer Superannuation Guarantee Charge Percentage as provided by the *Superannuation Guarantee (Administration) Act 1992*.

Note: at the commencement of this Determination, the Employer Superannuation Guarantee Charge Percentage is 10% and increases to 10.5% on 1 July 2022.

5.5 The employer provides an additional employer superannuation contribution. The additional employer superannuation contribution is the same rate provided under clause D7 in one of the following:

- (a) the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021* while it is in force; or
- (b) the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021-2022* on its commencement.

5.6 In respect of a person appointed to an office listed in clause 2 of this Determination, who is not a CSS or PSS members:

- for each pay period the person contributes 3% or more of their base remuneration to their nominated superannuation fund in the form of employee contributions (either in pre or post tax dollars), the Territory will contribute an additional 1% employer superannuation contribution pro-rata per pay above the entitlement in clause 5.5, based on the person's gross fortnightly OTE (or other methods where prescribed by the nominated superannuation fund rules).

5.7 If the legislated minimum Superannuation Guarantee rate mentioned in clause 5.4 of this Determination is increased, it will be absorbed by the additional employer contribution provided in clause 5.5, but will not affect the entitlement in clause 5.6.

5.8 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 of this Determination.

## 6. Travel arrangements

### 6.1 In this clause:

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

**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 that this Determination applies to, who is travelling away from their home base for official purposes.

- 6.2 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 Determinations<sup>5</sup> 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.
- 6.3 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.
- 6.4 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.
- 6.5 The traveller may travel by one or more of the following:
- a) commercially provided road or rail transport;
  - b) commercially provided flights;
  - c) private motor vehicle.
- 6.6 Commercially provided travel should be selected on the basis of:
- a) what is most convenient to the relevant person; and
  - b) seeking the most reasonable costs.
- 6.7 If a traveller travels on commercially provided road or rail transport the employer will pay the fares for that travel.
- 6.8 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.

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<sup>5</sup> Australian Taxation Office – Taxation Determination 2021/6 Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2021-22 income year?

- 6.9 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.
- 6.10 If a traveller 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 one of the following:
- a) the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021* while it is in force; or
  - b) the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021-2022* on its commencement.

## **8. Accommodation**

- 8.1 It is standard practice that where an executive traveller 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.
- 8.2 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 the office holder who is traveling with a Minister to stay in the same commercial accommodation as the Minister, if the Minister is entitled to a higher standard of accommodation.

## **9. Meals**

- 9.1 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.

## **10. Incidental expenses**

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

## **11. Frequent Flyer points**

- 11.1 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.



## 12. Definitions

**agreed superannuation fund** means a fund complying with the requirements of:

- the *Income Tax Assessment Act 1936* (Cth); and
- the *Superannuation Industry (Supervision) Act 1993* (Cth).

**CSS** means the Commonwealth Superannuation Scheme.

**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.

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

**PSS** means the Public Sector Superannuation Scheme.

**PSSap** means the PSS Accumulation Plan.

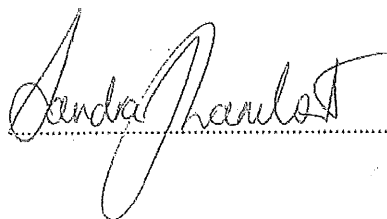
**reasonable expenses** means legitimate work-related expenses incurred while conducting official business efficiently and effectively.

**traveller** means a person, listed under clause 2 of this Determination, who is travelling away from their home base for official purposes.

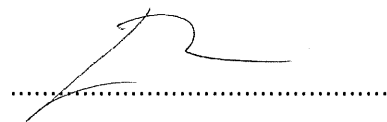
## 13. Revocation of previous Determinations

Determination 13 of 2020 and 14 of 2020 is revoked.

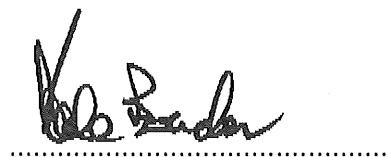
Ms Sandra Lambert AM  
Chair



Dr James Popple  
Member



Mr Dale Boucher PSM  
Member



December 2021