



Australian Capital Territory Remuneration Tribunal

Determination 5 of 2017

Part-time Public Office Holder – Medicinal Cannabis Medical Advisory Panel

made under the
Remuneration Tribunal Act 1995

ACCOMPANYING STATEMENT

Background

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

On 31 January 2017, the Chief Minister requested that the Tribunal determine the remuneration, allowances and other entitlements to be granted to the positions of Chair and Members of the Medicinal Cannabis Medical Advisory Panel (MCMAP).

Considerations

The Tribunal noted that the MCMAP is a non-statutory technical advisory body providing independent and expert advice to the ACT Medicines Advisory Committee about the use of cannabis for medical purposes by eligible patients in the ACT.

The Tribunal considered information from a number of sources as part of its inquiry, including:

- national economic indicators including the Wage Price Index, Labour Force data, Average Weekly Earnings and the Consumer Price Index;
- economic forecasting provided by ACT Treasury officials; and
- oral and written submissions received, including the Chief Minister's ACT Government Submission, and from officials representing the ACT Health Directorate.

Decision

The Tribunal determined remuneration of \$510 per diem for the position of Chair of MCMAP, and \$435 per diem for the position of Member of MCMAP, with commencement on the date of legal effect of MCMAP.

The entity will be included in the general Part-time public office holder determination at the Tribunal's 2017 Spring review.

March 2017



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1 Commencement

This instrument commences from the date of legal effect of MCMAP.

2 Remuneration

- 2.1 A Part-time Holder of a Public Office or Appointment shown in columns 1 and 2 shall be entitled to the fee specified in column 3 of Table 1.

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

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Remuneration
Medicinal Cannabis Medical Advisory Panel	chair (per diem) member (per diem)	\$510 \$435

3. Conditions of Payment of Daily Fees

3.1 In this section:

(a) a reference to an “authority” is a reference to a commission, board, committee, tribunal or other body or office, the member or members of which are entitled to be paid daily fees referred to in this Determination;

(b) a reference to “business of the authority” means any business of the authority conducted by a member of the authority with the approval of the authority, other than attendance at a formal meeting; and

(c) the daily fee for a formal meeting includes a component to cover normal preparation time, but where the chairperson of the authority considers it appropriate that a period of preparation time beyond this warrants recognition, then the chairperson may determine that payment in accordance with the scheduled fee shall be payable for such periods as “business of the authority”.

- 3.2 A Part-time Holder of a Public Office in an authority shall be paid a daily fee in respect of such period, not less than three hours, on any one day on which he or she

attends a formal meeting of an authority, and/or is engaged on business of the authority, subject to the following conditions:

- (a) the chairperson or nominated presiding officer, shall in each case certify whether the period of three hours has elapsed and in so certifying may have regard to reasonable travelling time incurred by an office holder; and
- (b) the maximum payment in respect of any one day shall be the appropriate daily fee.

3.3 A Part-time Holder of a Public Office may be paid in respect of formal meetings of less than three hours subject to the following conditions:

- (a) for formal meetings aggregating less than two hours, an amount equal to two-fifths of the daily fee;
- (b) for formal meetings, or formal meetings and business of the authority on the day of the meeting, of two hours or more, but less than three hours on any one day, an amount equal to three-fifths of the daily fee;
- (c) the maximum payment in respect of any one day shall be the appropriate daily fee;
- (d) eligibility for each payment shall be certified by the chairperson or nominated presiding officer and in so certifying the chairperson may have regard to reasonable travelling time in accordance with 3.2; and
- (e) preparation time shall only be included in accordance with 3.1.

3.4 A Part-time Holder of a Public Office may also be paid a daily fee in respect of aggregates of periods of business of the authority of less than three hours undertaken on behalf of the authority, subject to the following conditions:

- (a) individual periods of business must be on other than formal meeting days and each period must be for a minimum of one hour;
- (b) to attract payment of a daily fee, aggregated periods shall total at least five hours;
- (c) the maximum period in respect of any one day shall be the appropriate daily fee;
- (d) eligibility for each payment shall be certified by the chairperson, and in so certifying the chairperson may have regard to reasonable travelling time in accordance with 3.2; and
- (e) preparation time shall only be included in accordance with 3.1.

4. Salary Packaging

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

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

4.3 The scheme is to be based on any salary packaging policy and procedures issued for the ACT Public Service, with up to 100% of the relevant remuneration shown in Column 3 of Table 1 being taken as benefits and related costs such as fringe benefits tax.

4.4 The scheme shall be operated and administered so that there will be no additional cost to the ACT Government. In particular, any fringe benefits tax associated with the provision of a benefit is to be included in the salary package.

4.5 The salary for superannuation purposes of each person holding a Part-time Public Office is unaffected by participation in the salary packaging scheme.

5. Travel

5.1 If an office holder is required to travel for official purposes, the employer must pay the cost of travel, accommodation, meals and incidental expenses.

5.2 The office holder may then travel by one or more of the following:

- a) commercially provided road or rail transport;
- b) commercially provided flights;
- c) private motor vehicle.

5.3 Commercially provided travel should be selected on the basis of:

- a) what is most convenient to the relevant office holder; and
- b) seeking the most reasonable costs.

5.4 If the office holder travels on commercially provided road or rail transport the employer will pay the fares for that travel.

5.5 If the office holder travels on commercially provided flights the employer will pay the fares to the following standard:

- a) for domestic flights less than 4 hours — economy class;
- b) for domestic flights of 4 hours or more — business class;
- c) for international flights — business class.

5.6 If the office holder is approved to travel by private motor vehicle the employer will pay the owner of the vehicle an allowance calculated in accordance with the Motor Vehicle Allowance set out in the relevant Enterprise Agreement.

6. Accommodation

6.1 If a relevant office holder must stay overnight while on official travel, the employer will pay the commercial accommodation to the following standard:

- a) for domestic accommodation — 4.5 stars;
- b) for international accommodation — 4.5 stars.

6.2 The employer will pay for a relevant office holder to stay in commercial accommodation above the 4.5 star standard if:

- a) the cost is reasonable; and
- b) to do so would better enable business objectives to be met.

Examples where business objectives may be better met:

- to allow the office holder to stay in the commercial accommodation where a meeting, conference or seminar they are attending is being held
- to allow the office holder who is traveling with a Minister to stay in the same commercial accommodation as that Minister if the Minister is entitled to a higher standard of accommodation

7. Meals

7.1 If the office holder is absent from Canberra for more than ten hours while on official travel, the employer will reimburse actual, reasonable expenses for meals.

8. Incidental expenses

8.1 The employer will be reimburse reasonable expenses directly related to official travel, including:

- a) taxi or bus fares to or from an airport; and
- b) taxi and public transport costs at a temporary location; and
- c) airport taxes or charges.

9. Definitions

domestic travel means official travel to a destination within Australia.

employer means the Australian Capital Territory and includes any person authorised to act on behalf of the Australian Capital Territory.

international travel means official travel to a destination outside Australia.

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

relevant Enterprise Agreement means the Enterprise Agreement that covers staff in the area of the ACTPS that administers the travelling allowance for the relevant office holder.

office holder means a person appointed to one of the offices mentioned in Table 1.

10. Revocation of previous Determination

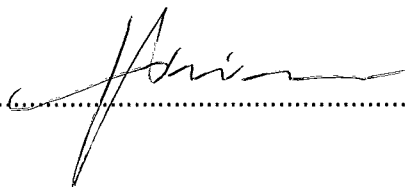
Determination 6 of 2017 commences on the date of legal effect of the MCMAP.

Anne Cahill Lambert AM
Chair



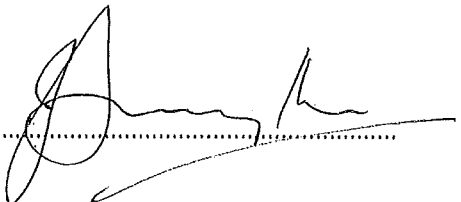
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Dr Colin Adrian
Member



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James Smythe, PSM
Member



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March 2017

