AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement 14 of 2008

Part-Time Holders of Public Office

Background

Section 10 of the *Remuneration Tribunal Act 1995* (the Act) provides for the Tribunal to inquire into and determine the remuneration, allowances and other entitlements 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.

The Tribunal's last annual review was in October 2007. The Tribunal issued Determination 22 of 2007 dated 28 November 2007.

The latest inquiry, which sought submissions from interested parties, was notified in the press on 9 August 2008.

Submissions

The Tribunal considered submissions at its meeting on 27 October 2008.

Tribunal Consideration

Cultural Facilities Corporation Board

The Tribunal considered whether a separate allowance for the position of the chair of the finance and compliance sub-committee should be determined. The Tribunal noted that this matter had been considered previously and that it had decided that there should not be a separate allowance.

General Increase in Remuneration

The Tribunal determined that there should be a general increase of 4.2% (rounded upwards to the nearest $5) for part-time holders of public office covered by the determination effective on and from 1 November 2008.

ACT Remuneration Tribunal
December 2008

AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination 14 of 2008

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 on and from 1 November 2008.

Alan Kerr AM
Chair

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Roberta McRae OAM
Member

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Jill Greenwell
Member

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11 December 2008

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AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination 14 of 2008

Part-Time Holders of Public Office

Pursuant to section 10 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal (the 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 up to 100% of the relevant remuneration shown in Column 3 of Attachment 1 being 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 Determination Number 22 of 2007, dated 28 November 2007 is revoked.

5. Date of Effect

5.1 The determination is effective on and from 1 November 2008.

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ACT REMUNERATION TRIBUNAL
PART-TIME HOLDERS OF PUBLIC OFFICE - REMUNERATION AND ENTITLEMENTS

Column 1 Board/Committee/Tribunal/Positions	Column 2 Position	Column 3 Remuneration	Column 4 Legislation
Annual rates unless otherwise specified			
Administrative Appeal Tribunal	Senior Member Member	$875 per diem $810 per diem	Administrative Appeals Tribunal Act 1989
Advisor to the Conservator	Advisor	$515 per diem	Non-statutory
Animal Welfare Advisory Committee	Chair Member	$405 per diem $340 per diem	Animal Welfare Act 1992
Architects Board (ACT)	Chair Member	$405 per diem $340 per diem	Architects Act 2004
Bill of Rights Consultative Committee	Chair Member	$465 per diem $340 per diem	Non-statutory
Board of Senior Secondary Studies	Chair	$15,490	Board of Senior Secondary Studies Act 1997
Building and Construction Industry Training Fund Board	Chair Member	$15,490 $340 per diem	Building and Construction Industry Training Levy Act 1999
Bush Fire Council	Chair Member	$405 per diem $340 per diem	Emergencies Act 2004
Children Services Council **Children and Youth Services Council***	Chair Chair*	$405 per diem $405 per diem	Children and Young People Act 1999 Children and Young People Act 2008* * From 27 February 2009
Chiropractors and Osteopaths Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Cleaning Industry Long Service Leave Board	Chair Member	$15,490 $340 per diem	Long Service Leave (Contract Cleaning Industry) Act 1999
Community Inclusion Board	Chair Member	$36,230 $12,710	Non-statutory
Construction Industry Long Service Leave Board	Chair Member	$15,490 $340 per diem	Long Service Leave (Building and Construction Industry) Act 1981
Consumer and Trader Tribunal	President Deputy President Presiding Member Member	$790 per diem $525 per diem $435 per diem $340 per diem	Consumer and Trader Act 2003
Credit Tribunal	Chair Member	$660 per diem $340 per diem	Consumer and Trader Act 2003
Cultural Council	Chair Member	$405 per diem $340 per diem	Non-statutory

Column 1 Board/Committee/Tribunal/Positions	Column 2 Position	Column 3 Remuneration	Column 4 Legislation
Cultural Facilities Corporation Board	Chair Deputy Chair Member	$21,675 $10,840 $7,590	Cultural Facilities Corporation Act 1997
Dental Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Dental Technicians and Dental Prosthetists Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Disability Advisory Council	Chair Member	$405 per diem $340 per diem	Non-statutory
Electoral Commission (ACT)	Chair Member	$26,770 $16,785	Electoral Act 1992
Electrical Advisory Board	Chair Member	$405 per diem $340 per diem	Construction Occupations (Licensing) Act 2004
Environment Protection and Technical Advisory Committee	Chair Member	$405 per diem $340 per diem	Non-statutory
Essential Services Consumer Council	Chair Deputy Chair Presiding Member Member	$525 per diem $405 per diem $370 per diem $340 per diem	Utilities Act 2000
Flora and Fauna Committee	Chair Member	$405 per diem $340 per diem	Nature Conservation Act 1980
Gambling and Racing Commission Board (ACT)	Chair Member	$41,275 $20,010	Gambling and Racing Control Act 1999
Government Procurement Board (ACT)	Chair Member	$25,810 $20,535	Government Procurement Act 2001
Government School Education Council	Chair	$15,490	Education Act 2004
Heritage Council	Chair Member	$405 per diem $340 per diem	Heritage Act 2004
Housing Review Committee	Chair Member	$525 per diem $405 per diem	Non-statutory
Independent Competition and Regulatory Commission	Snr Commissioner Asst Commissioner	$1,305 per diem $735 per diem	Independent Competition and Regulatory Commission Act 1997
Indigenous Education Consultative Body	Chair Members	$405 per diem $340 per diem	Commonwealth Legislation
Insurance Authority Advisory Board (ACT)	Member	$19,360	Insurance Authority Act 2005
Interim Namadgi Advisory Board	Joint Chair Member	$405 per diem $340 per diem	Non-statutory

Column 1 Board/Committee/Tribunal/Positions	Column 2 Position	Column 3 Remuneration	Column 4 Legislation
Investment Advisory Board	Chair Member	$26,770 $20,010	Non-statutory
Land Development Agency Board	Chair Deputy Chair Member	$62,555 $50,045 $37,535	Planning and Development Act 2007
Legal Aid Commission *for appointees after 2/12/99* *for appointees after 2/12/99*	Current President Current Member *President* *Member*	$28,550 $14,325 *$16,140* *$340 per diem*	Legal Aid Act 1977
Legal Profession Disciplinary Tribunal	Chair Deputy Chair Member	$660 per diem $630 per diem $590 per diem	Legal Profession Act 2006
Liquor Licensing Board	Chair Member	$525 per diem $405 per diem	Liquor Act 1975
Management Assessment Panel	Chair	$405 per diem	Non-statutory
Medical Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
National Exhibition Centre Trust	Chair Deputy Chair Member	$20,010 $11,010 $6,785	Exhibition Park Corporation Act 1976
Nominal Defendant	Nominal Defendant	$27,905	Road Transport (General) Act 1999
Non-Government School Education Council	Chair	$15,490	Education Act 2004
Nursing and Midwifery Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Pharmacy Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Occupational Health and Safety Council	Chair	$15,490	Occupational Health and Safety Act 1989
Official Visitor (Remand Centres)	Visitor	$405 per diem	Crimes (Sentence Administration) Act 2005
Optometrists Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Physiotherapists Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Plumbing Advisory Board	Chair Member	$405 per diem $340 per diem	Construction Occupations (Licensing) Act 2004
Podiatrists Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004

Column 1 Board/Committee/Tribunal/Positions	Column 2 Position	Column 3 Remuneration	Column 4 Legislation
Psychologists Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Public Cemeteries Board	Chair Member	$405 per diem $340 per diem	Cemeteries and Crematoria Act 2003
Public Interest Monitor Panel	Member	$875 per diem	Terrorism (Extraordinary Temporary Powers) Act 2006
Racing Appeals Tribunal	President Deputy President Member Assessor	$660 per diem $600 per diem $340 per diem $245 per diem	Racing Act 1999
Radiation Council	Chair Member	$405 per diem $340 per diem	Radiation Protection Act 2006
Residential Tenancies Tribunal	Non-Presidential Member	$660 per diem	Residential Tenancies Act 1997
Skills Commission (ACT)	Chair Member	$405 per diem $340 per diem	Non-statutory
Sport and Recreation Council	Chair Member	$405 per diem $340 per diem	Non-statutory
Survey Practice Advisory Committee	Member	$340 per diem	Surveyors Act 2007
Tidbinbilla/Birrigai Board of Management	Member	$340 per diem	Non-statuory
Treatment Assessment Panel	Chair Member	$405 per diem $340 per diem	Drugs of Dependence Act 1989
Tree Advisory Panel	Chair Member	$405 per diem $340 per diem	Tree Protection Act 2005
Urban Design Advisory Committee	Chair Member	$405 per diem $340 per diem	Non-statutory
University of Canberra Council	Member	$340 per diem	University of Canberra Act 1989
Veterinary Surgeons Board (inquiry conducted by)	Chair Member	$660 per diem $600 per diem	Health Professionals Act 2004
Youth Advisory Council	Chair	$405 per diem	Non-statutory