



Australian Capital Territory Remuneration Tribunal

Determination 5 of 2023

Full-Time Statutory Office Holders

made under the

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

ACCOMPANYING STATEMENT

Background

Under section 10 of the *Remuneration Tribunal Act 1995* (the Act), the Remuneration Tribunal (the Tribunal) is required to inquire into, and determine, the salary, allowances and other entitlements for certain full-time public office holders. This Determination covers the following office holders:

- Assistant Executive Officer, Legal Aid Commission (ACT);
- Chief Executive Officer, Canberra Institute of Technology;
- Chief Executive Officer, Legal Aid Commission (ACT);
- Commissioner for Sustainability and the Environment;
- Discrimination, Health Services and Disability and Community Services Commissioner;
- President and Human Rights Commissioner;
- Public Advocate and Children and Young People Commissioner;
- Victims of Crime Commissioner;
- Work Health and Safety Commissioner; and
- Aboriginal and Torres Strait Islander Children and Young People Commissioner.

Considerations

In May 2023, the Tribunal commenced its Autumn Sitting to consider the remuneration, allowances and other entitlements of the following office-holders:

- Members of the Legislative Assembly (including the Chief Minister, Deputy Chief Minister, and other Ministers and Members of the Legislative Assembly holding particular offices);
- the Head of Service, Directors-General and ACT Public Service Executives; and

- Full-time Statutory Office-Holders, referred to in Section 10(1) of the *Remuneration Tribunal Act 1995*, including the Clerk of the Legislative Assembly, the Auditor-General and Electoral Commissioner.

The Tribunal advertised its Autumn Sitting on its website and in the Canberra Times on 18 March 2023. The Tribunal also wrote to the relevant office-holders inviting submissions.

At its meeting in May 2023, the Tribunal met with the Chief Minister, ACT Government Treasury officials and officials responsible for the Enterprise Agreement bargaining for ACT Public Sector non-executive employees. The Tribunal also met with a number of full-time public office-holders and departmental officials.

The briefings provided to the Tribunal by ACT Treasury officials outlined the resilient nature of the Territory's economy. ACT Treasury reported that the Territory continues to experience a tight labour market and wages growth, with wage growth particularly notable in the private sector. ACT Treasury noted that there are more job vacancies than unemployed people in the Territory's labour market.

On 2 June 2023 the Fair Work Commission announced a 5.75% increase in all award rates, with an effective 8.6% increase to the minimum wage.¹

The Australian Bureau of Statistics released the Consumer Price Index for the March Quarter on 26 April 2023, which included an increase of 1.4 per cent for the ACT during the March quarter, with a 6.2 per cent increase over the year (March 2022 to March 2023).² The national trimmed mean inflation was 6.6 per cent over the year.³

While the Tribunal noted that cost of living increases have been high, the Tribunal also noted that CPI growth is slowing and the increase to remuneration provided in this determination reflects this.

In its deliberations, the Tribunal continued to give considerable weight to community standards and expectations with particular reference to wage growth nationally and locally, and the Territory's tight job market. The Tribunal considered the importance of the Territory providing competitive and equitable remuneration, allowances and other entitlements so that it can continue to attract and retain high calibre individuals to deliver quality services to the ACT community. In this context, the Tribunal noted the wage policies and remuneration determinations by its Commonwealth and State/Territory counterparts. The Tribunal also continues to be cognisant of the future compounding effect of not providing increases in remuneration.

In making this determination, the Tribunal took account of the ACT Government's current Enterprise Agreement bargaining context and noted that the current Government pay offer provides emphasis on raising wages for lower paid employees. The Tribunal had regard to

¹ [Fair Work Commission Decision 2 June 2023](#)

² ACT Treasury, 26 April 2023, CPI – March Quarter 2023
https://www.treasury.act.gov.au/data/assets/pdf_file/0009/399978/CPI.pdf recache

³ Australian Bureau of Statistics Release 26 April 2023 <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release>

the 2022–23 ACT Budget Review, released in February 2023 by the Chief Minister, which predicted growth in 2023–24 of 3.75 per cent in WPI and 3.5 per cent in CPI.⁴

The Tribunal considered the national and the local contexts, in particular the anticipated movements in wages locally and nationally and the advice that the current economic circumstances in the Territory are robust. It therefore decided that an increase to remuneration of 3.5 per cent is a measured response given the current circumstances.

Decision

The Tribunal determined to provide an increase of 3.5 per cent to the base remuneration of office-holders covered by this Determination. The increase will commence on 1 July 2023.

16 June 2023

⁴ [ACT Budget 2022-2023 Budget Review, Chapter 2 Economic Outlook](#), page 15.



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1 Commencement

1.1 The instrument is taken to have commenced on 1 July 2023.

2 Remuneration

2.1 A person appointed to an office listed in column 1 of the table below is entitled to the following remuneration per annum:

TABLE 2.1

Column 1 Office	Column 2 Base Remuneration	Column 3 ⁵ Total Remuneration
Assistant Executive Officer (DCEO), Legal Aid Commission (ACT)	\$247,122	\$279,122
Chief Executive Officer, Canberra Institute of Technology	\$340,561	\$373,061
Chief Executive Officer, Legal Aid Commission (ACT)	\$319,628	\$352,128
Commissioner for Sustainability and the Environment	\$267,120	\$299,120
Discrimination, Health Services and Disability and Community Services Commissioner, ACT Human Rights Commission	\$247,122	\$279,122

⁵ Provides for additional remuneration associated with the previous provision of executive vehicles, commensurate with that payable to ACTPS senior executives under section 51 of the *Public Sector Management Standards 2016*.

President and Human Rights Commissioner, ACT Human Rights Commission	\$319,628	\$352,128
Public Advocate and Children and Young People Commissioner, ACT Human Rights Commission	\$247,122	\$279,122
Victims of Crime Commissioner, ACT Human Rights Commission	\$247,122	\$279,122
Work Health and Safety Commissioner	\$287,205	\$319,205
Aboriginal and Torres Strait Islander Children and Young People Commissioner	\$247,122	\$279,122

- 2.2 Where a person appointed to an office listed above has an employer-provided vehicle, column 2 of Table 2.1 is the total remuneration payable.
- 2.3 A person appointed to an office listed in column 1 of Table 2.1 must not receive the salary mentioned above if the person is paid a higher salary for that office from another source.
- 2.4 If a person appointed to an office listed in column 1 of Table 2.1 is also appointed to another office under ACT legislation, the person must only receive salary for the office that has the highest remuneration.

3 Salary packaging

- 3.1 A person appointed to an office listed in column 1 of Table 2.1 may elect to take the remuneration mentioned in column 2 of Table 2.1 as:
- salary; or
 - a combination of salary and other benefits (a **salary package**).
- 3.2 Salary packaging must be consistent with:
- taxation laws and guidelines issued by the Australian Taxation Office; and
 - any salary packaging policy and/or procedures issued for the ACT Public Service, with up to 100% of the remuneration able to be taken as benefits and related costs such as fringe benefits tax.
- 3.3 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.
- 3.4 Salary for superannuation purposes is not affected by salary packaging.

4 Vehicle

- 4.1 If a person appointed to an office listed above has an employer-provided vehicle, the conditions are consistent with Part 13 – Transitional Public Sector Management Amendment Standards 2021 (No 1) of the *Public Sector Management Standards 2016*.

5 Employer provided benefits

- 5.1 A person appointed to an office listed in clause 2.1 of this Determination is entitled to either the employer provided benefits mentioned below or the relevant cash payment in lieu of the benefit mentioned below.
- 5.2 An employer-provided benefit, or cash payment in lieu of an employer-provided benefit, is in addition to the remuneration specified in clause 2.1 of this determination and does not affect salary for superannuation purposes.
- 5.3 For the avoidance of doubt, the value of an allowance or entitlement set out in this Determination is fixed and cannot be transferred to any other component of the total remuneration package.

6 Vehicle parking space

- 6.1 A person appointed to an office listed above is entitled to a parking space or an allowance in lieu of a parking space, consistent with that provided to executives in section 52A of the *Public Sector Management Standards 2016*.

7 Employer's superannuation contribution

- 7.1 A person, appointed to an office in clause 2.1 of this Determination, is only eligible for the employer's superannuation contribution if their superannuation entitlements are not provided elsewhere.
- 7.2 Superannuation entitlements for a person appointed to an office listed above are consistent with clause D7 in the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021-2022* or its replacement.
- 7.3 The value of the employer's superannuation contribution must not be paid in cash to a person appointed to an office listed in clause 2.1 of this Determination.

8 Relocation allowance

- 8.1 In this clause, **ACT** means the Australian Capital Territory and its surrounding district, including Queanbeyan.
- 8.2 Relocation allowance is provided to assist an individual with the costs to relocate from their home location to the ACT in order to take up an appointment as a statutory officer holder.
- 8.3 The person appointed to an office listed in clause 2.1 may be reimbursed an amount of up to \$55,000, for receipted, reasonable costs of the following:
 - a) packing personal effects and furniture belonging to the person and their family;
 - b) necessary storage of personal effects and furniture;
 - c) removal costs and associated insurance of personal effects and furniture;
 - d) unpacking of personal effects and furniture;
 - e) costs of travel, accommodation and meals between the former location and the ACT;
 - f) temporary accommodation costs at the former location and in the ACT up to a maximum aggregate period of six months, or, in exceptional circumstances, nine months with the approval of the ACT Remuneration Tribunal (Tribunal);

- g) costs of disconnection and reconnection of utilities;
 - h) cost of stamp duty and legal and professional services associated with the sale of the residence at the former location and/or the purchase of a residence or lease on a block of land in the ACT;
 - i) subject to the specific approval of the Tribunal, any other reasonable expenses necessarily incurred in relocating to the ACT.
- 8.4 The Tribunal may decide to reimburse a higher amount of allowance if the Tribunal agrees—
- a) there are unusual or exceptional circumstances; and
 - b) the unusual or exceptional circumstances were unforeseen or unable to be dealt with without exceeding \$55,000.
- 8.5 If a person appointed to an office listed in clause 2.1 thinks that unusual and exceptional circumstances exist, they may ask the Tribunal to consider the matter and determine whether the maximum relocation allowance can be exceeded. A request must be in writing and must include—
- a) details of the unusual or exceptional circumstances; and
 - b) details of the relocation; and
 - c) expenses incurred by the executive; and
 - d) the expected total relocation expenses of the executive; and
 - e) the level of assistance the executive considers should be provided; and
 - f) any other relevant information.
- 8.6 If the person appointed to an office listed in clause 2.1 terminates their employment with the Territory within twelve months of the date of their engagement, the person may be required to repay the following amount:
- a) If the person terminates employment within six months from the date of their appointment—100% of the amount reimbursed under section 8.3 and section 8.4;
 - b) If the person terminates employment more than six months and less than twelve months from the date of their appointment—50% of the amount reimbursed under section 8.3 and section 8.4.

Note: Relocation allowance does not apply to any expenses incurred at the conclusion of employment with the Territory.

9 Other entitlements

- 9.1 For the avoidance of doubt, under section 115 of the *Public Sector Management Standards 2016*, the following provisions of the *Public Sector Management Standards 2006 (repealed)* continue to apply in relation to a person appointed to an office listed in clause 2.1 of this Determination:
- a) part 3.6 (recognition of prior service on appointment or engagement);
 - b) part 4.1 (continuity of service);
 - c) part 5.5 (payment in lieu of entitlements on cessation of employment or death);
 - d) part 9.4 (statutory office-holder financial entitlements); and

- e) part 9.6 (executive employee and statutory office-holder leave and other entitlements).
- 9.2 Leave entitlements, salary sacrifice arrangements and vacation childcare subsidy are provided to executives under Division 5.6 of the *Public Sector Management Standards 2016*, as amended from time to time.

10 Travelling arrangements

- 10.1 In this clause:

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

domestic travel means official travel to a destination within Australia.

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 listed in clause 2.1 of this Determination, who is travelling away from their normal place of work for official purposes.

- 10.2 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 Determination⁶ 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.
- 10.3 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.

11 Travel

- 11.1 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.
- 11.2 A 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.
- 11.3 Commercially provided travel should be selected on the basis of—
 - a) what is most convenient to the person; and
 - b) seeking the most reasonable costs.

⁶ [Australian Taxation Office – Taxation Determination 2022/10 Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2022-23 income year?](#)

- 11.4 If a traveller travels on commercially provided road or rail transport the employer will pay the fares for that travel.
- 11.5 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.
- 11.6 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.
- 11.7 If a traveller has approval 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 *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021 – 2022*, or its replacement.

12 Accommodation

- 12.1 It is standard practice that where an executive traveller must stay overnight while on official travel, the employer will pay for commercial accommodation to the following standard:
- a) for domestic accommodation—4.5 stars;
 - b) for international accommodation—4.5 stars.
- 12.2 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 a traveller who is traveling with a Minister to stay in the same commercial accommodation as that Minister if they are entitled to a higher standard of accommodation.

13 Meals

- 13.1 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.

14 Incidental expenses

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

c) airport taxes or charges.

15 Frequent Flyer Program

- 15.1 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.

16 Incidental travel in conjunction with official travel

- 16.1 Authorised travellers wishing to take personal leave during, or at the conclusion of official travel should obtain the appropriate prior approval consistent with the agreed travel arrangements.
- 16.2 Travellers may combine incidental personal travel with official travel, provided there is no additional cost to the Territory. Expenses incurred during leave are at the traveller's own cost. If the period of such incidental travel is greater than 40% of the period of official travel, a pro rata contribution must be made to the overall cost of the travel.
- 16.3 If insurance has been obtained for official travel at official expense, such insurance must not cover the traveller for the duration of the personal leave.

17 Travel insurance

- 17.1 Travel insurance decisions should be based on risk management principles and include factors such as the nature and destination of the trip.
- 17.2 International travel will normally require travel insurance.
- 17.3 If necessary, the cost of travel insurance will be met as a reasonable work-related expense by the Territory.
- 17.4 All legitimate and reasonable work-related claims will be covered by the Territory.

18 Definitions

- 18.1 In this Determination:

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.

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.

Senior Executive Service (SES) Member means a member of the service in the senior executive service under the *Public Sector Management Act 1994*. A person, appointed to an office listed in clause 2.1 of this Determination, has a number of the same entitlements as an SES Member.

19 Revocation of previous Determination

- 19.1 Determination 4 of 2022 is revoked.

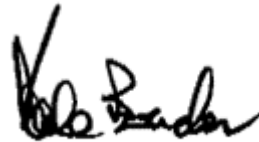
Ms Sandra Lambert AM
Chair

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Mr Michael Manthorpe PSM FIPAA
Member

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Mr Dale Boucher PSM
Member

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16 June 2023