



## Australian Capital Territory Remuneration Tribunal

# Determination 13 of 2020

## 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

At its meeting on 18 and 19 March 2020, the Tribunal noted the exceptional and unprecedented circumstances being faced by Australia as a result of the COVID-19 pandemic and decided not to make any adjustments to remuneration, allowances or other entitlements for office holder considered at the 2020 Autumn Sitting until there was more clarity about the ACT Budget position and the wider economic context.

Matters considered by the Tribunal since this time, include the receipt by the Tribunal of a letter from the Chief Minister strongly requesting the Tribunal to determine a pause to any proposed pay rises during the COVID-19 pandemic and the period of immediate economic and community recovery following. The Chief Minister recommended that the Tribunal reconsider its Autumn determinations to reflect the government's commitment to support the ACT community during the current health emergency. The Tribunal noted that this corresponded with its earlier decision.

The Tribunal met again on 17 August 2020 and 2 September 2020 and received a further comprehensive briefing from the Chief Minister and ACT Government Treasury officials. The Tribunal considered the Chief Minister's 'Ministerial Statement August 2020 Economic and Fiscal Update' presented to the Legislative Assembly on 27 August 2020, which reinforced the significant downturn of the Territory's economic circumstances.

While the Tribunal had regard to the determinations by its Commonwealth and State/Territory counterparts, its decision was particularly taken in the context of the ACT's economic circumstances.

Given the current COVID-19 pandemic, the impact on the economic conditions and community expectations, the Tribunal has determined that no adjustments should be made to the remuneration, allowances and other entitlements of office holders in its jurisdiction at this time.

The Tribunal will continue to monitor conditions in the ACT closely and will make appropriate decisions when the Territory's economic and fiscal circumstances are known next year.

#### **Decision**

The Tribunal has decided to determine no adjustment to remuneration, allowances or entitlements for the office holders covered by this Determination for 2020.

The Tribunal has removed the Medicinal Cannabis Medical Advisory Panel from this determination as this body has been abolished.

September 2020



## Australian Capital Territory Remuneration Tribunal

### Part-time Public Office Holders

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made under the

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

#### 1 Commencement

This instrument commences on 1 November 2020.

#### 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

<b>COLUMN 1</b> Board, committee etc	<b>COLUMN 2</b> Position	<b>COLUMN 3</b> Base remuneration (Per Diem)	<b>COLUMN 4</b> Base remuneration (Per Annum)
ACT Region Catchment Management Coordination Group	Chair Member	\$555 \$480	- -
ACT Natural Resource Management (NRM) Council	Chair Member	\$555 \$480	- -
ACT Judicial Council	Legal Practitioner Community Representative	\$780 \$780	
Aboriginal and Torres Strait Islander Elected Body	Chair Deputy Chair Member	- - -	\$32,745 \$26,205 \$17,385
Animal Welfare Advisory Committee	Chair Member	\$555 \$480	- -
Architects Board	Chair Member	\$555 \$480	- -
Board of Senior Secondary Studies	Chair	-	\$30,110
Brand Strategic Advisory Board	Chair Member	\$555 \$480	- -

<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	\$555 \$480	- -
Building and Construction Industry Training Fund Board	Chair Member	- \$480	\$20,100 -
Bush Fire Council	Chair Member	\$555 \$480	- -
Canberra Institute of Technology Governing Board	Chair Deputy Chair Member	- - \$615	\$59,230 \$29,620 -
Canberra Region Medical Education Council	External representative members	\$480	-
Children and Young People Death Review Committee	Chair Member	\$875 \$800	- -
Children and Youth Services Council	Chair Member	\$690 \$555	- -
Clinical Leadership Forum	Chair Member	\$555 \$480	- -
City Renewal Authority Board	Chair Deputy Chair Member	- - -	\$75,385 \$60,310 \$40,395
Climate Change Council	Chair Member	\$555 \$480	- -
Corrections Adjudicator	Corrections Adjudicator	\$555	-
Creative Council	Chair Deputy Chair Member	\$555 \$515 \$480	- - -
Cultural Facilities Corporation Board	Chair Deputy Chair Member	- - -	\$28,120 \$14,070 \$9,860
Defence Industry Advisory Board	Chair Defence Ambassador Defence Industry Sector Member	- - \$580	\$36,775 \$26,270 -
Disability Reference Group	Chair Member	\$555 \$480	- -
Electoral Commission	Chair Member	- -	\$34,730 \$21,775
Electrical Advisory Board	Chair Member	\$555 \$480	- -
Gambling and Racing Commission Board	Chair Member	- -	\$53,520 \$25,965
Government Procurement Board	Chair Member	- -	\$34,125 \$26,635

<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>
Heritage Council	Chair	\$710	-
	Member	\$555	-
Independent Competition and Regulatory Commission	Senior Commissioner	\$1,710	-
	Commissioner	\$975	-
Independent Advisor, Working with Vulnerable People	Independent Advisor	\$555	-
Independent Reviewer, Government Agencies (Campaign Advertising)	Reviewer	\$875	-
Indigenous Education Consultative Body	Chair	\$555	-
	Member	\$480	-
Inspector of Correctional Services*	Inspector	\$879	-
Insurance Authority Advisory Board	Member	-	\$25,115
Invasive Plants Advisory Group	External Members	\$480	-
Investment Advisory Board	Chair	-	\$34,730
	Member	-	\$25,965
Legal Aid Commission	President	-	\$20,940
	Member	\$480	
Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Community Advisory Council	Chair	\$555	-
Light Rail Project Board	Chair	-	\$81,090
	Member	-	\$48,665
Long Service Leave Authority Board	Chair	-	\$28,120
	Deputy Chair	-	\$14,070
	Member	\$480	-
Major Projects Canberra Independent Advisory Boards	Chair	-	\$81,090
	Member	-	\$48,665
Management Assessment Panel	Chair	\$555	-
Ministerial Advisory Council on Ageing	Chair	\$535	-
Medicines Advisory Committee	Chair	\$555	-
	Member	\$480	-
Mental Health Advisory Council	Chair	\$555	-
	Member	\$480	-
Ministerial Advisory Council on Women	Chair	\$535	-
Multicultural Advisory Council	Chair	\$535	-
	Deputy Chair	\$480	-

<b>COLUMN 1</b> <b>Board, committee etc</b>	<b>COLUMN 2</b> <b>Position</b>	<b>COLUMN 3</b> <b>Base remuneration (Per Diem)</b>	<b>COLUMN 4</b> <b>Base remuneration (Per Annum)</b>
Natural Resource Management Advisory Committee	Chair	\$555	-
	Member	\$480	-
Official Visitor	Visitor	\$555	-
Plumbing Advisory Board	Chair	\$555	-
	Member	\$480	-
Public Cemeteries Board	Chair	\$590	-
	Member	\$510	-
Public Interest Monitor Panel	Member	\$1,155	-
Public Sector Standards Commissioner	Public Sector Standards Commissioner	-	\$170,727
Racing Appeals Tribunal	President	\$875	-
	Deputy President	\$800	-
	Member	\$525	-
	Assessor	\$525	-
Radiation Council	Chair	\$555	-
	Member	\$480	-
Scientific Committee	Chair	\$555	-
	Member	\$480	-
Sentence Administration Board	Chair	-	\$81,155
	Deputy Chair	-	\$64,890
	Member	\$1,055	-
Suburban Land Agency Board	Chair	-	\$75,385
	Deputy Chair	-	\$60,310
	Member	-	\$40,395
Survey Practice Advisory Committee	Member	\$470	-
Teacher Quality Institute Board	Chair	-	\$20,100
Territory Records Advisory Council	Chair	\$710	-
	Member	\$555	-
Tree Advisory Panel	Chair	\$555	-
	Member	\$480	-
Veterans' Advisory Council	Chair	\$535	-
Veterinary Practitioners Board	President	\$555	-
	Member	\$480	-
Veterinary Practitioners Committee of Inquiry	Chair	\$875	-
	Member	\$785	-
Work Safety Council	Chair	-	\$20,100
Youth Advisory Council	Chair	\$555	-

\*The remuneration of the Inspector of Correctional Services cannot exceed \$202,111 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 president 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* (which at the commencement of this Determination is 9.5%).
- 5.5 The employer provides an additional employer superannuation contribution. The additional employer superannuation contribution is the same rate provided under clause D7 of the ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021, as follows:
- (a) From 1 July 2019: 1.50%.
  - (b) From 1 July 2020: 2%.
- 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:
- if the person contributes 3% or more of their base remuneration component to an agreed superannuation fund in the form of employee contributions, the Territory will contribute an additional 1% employer superannuation contribution above the amount indicated in clause 5.5.
- 5.7 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>1</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.
- 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 the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018 – 2021*, or its replacement.

## **7. Accommodation**

- 7.1 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.
- 7.2 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:

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<sup>1</sup> Australian Taxation Office – Taxation Determination 2020/5 Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2020-21 income year?

- 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.

## 8. Meals

- 8.1 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.

## 9. Incidental expenses

- 9.1 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.

## 10. Frequent Flyer points

- 10.1 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.

## 11. 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.

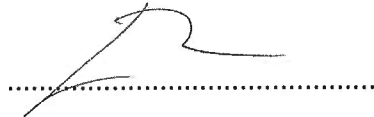
**12. Revocation of previous Determinations**

Determination 13 of 2019 is revoked.


Ms Sandra Lambert AM  
Chair

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Dr James Popple  
Member

A handwritten signature in black ink, appearing to read 'James Popple', written over a horizontal dotted line.

Mr Dale Boucher PSM  
Member

A handwritten signature in black ink, appearing to read 'Dale Boucher', written over a horizontal dotted line.

September 2020