



Australian Capital Territory Remuneration Tribunal

Determination 13 of 2022

Part-time Public Office Holders

made under the

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

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.

Considerations

In October and November 2022, the Tribunal commenced its Spring Sitting to consider the remuneration, allowances and other entitlements of the following office-holders:

- ACT Magistrates Court Judicial members;
- ACT Supreme Court Judicial members;
- ACT Civil and Administrative Tribunal members;
- the ACT Integrity Commissioner (Integrity Commissioner and Chief Executive Officer);
- the Principal Registrar, Courts and Tribunal;
- the Director of Public Prosecutions;
- part-time Holders of Public Office on boards, tribunals and committees; and
- any other positions that have been referred to the Tribunal for consideration.

The Tribunal advertised its Spring Sitting on its website and in the Canberra Times on 10 September 2022. The Tribunal also wrote to the relevant office-holders requesting submissions.

At its meetings in October and November 2022, 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 had transitioned out of the potential economic crisis brought on by the COVID-19 health emergency, with the Territory now experiencing a tight labour market and wages growth. ACT Treasury also reported that the Territory's labour market is strong and tight, with jobs and wages for most industries in the ACT recovered to be above pre-lockdown levels. In its deliberations, the Tribunal continues to give considerable weight to community standards and expectations, with particular reference to the COVID-19 economic recovery, national and local inflation reporting and wage price index reporting.

The Tribunal also considered the importance of the Territory providing competitive and equitable remuneration, allowances and other entitlements so that the Territory can continue to attract and retain high calibre individuals to deliver high quality services to the ACT community. In this context, the Tribunal noted the wage policies and recent remuneration determinations by its Commonwealth and State/Territory counterparts.

Consistent with usual practice, the Tribunal considered the pay increases that were provided to the ACT Public Sector non-executive workforce during 2021 under the Enterprise Agreements. In addition, when considering pay increases for statutory office-holders, the Tribunal noted the pay increases that were provided to executives in the ACT Public Service in 2022.

In making this determination, the Tribunal has had regard to the fact that the Government is currently negotiating enterprise agreements for employees covered by such agreements. The Tribunal had regard to the 2022–23 ACT Budget, released in August 2022 by the Chief Minister, which predicted growth in 2023–24 of 3.5 per cent in WPI and 3 per cent in CPI.¹

The Tribunal considered the comments made by the Governor of the Reserve Bank of Australia on 1 November 2022, and noted his comments both in respect to household budgets being under strain from cost-of-living pressures and in relation to many firms finding it hard to find workers.² In a tight labour market, an increasing number of firms are paying higher wages to attract and retain staff, especially in an environment where the cost of living is rising.

New referrals

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

- Registration Standards Advisory Board: Chair and Members;
- Radiation Advisory Committee: Chair and Members;
- Canberra Region Medical Education Council: Chair only;
- Multi-Hazard Advisory Council: name change only; and
- Priority Investment Program Advisory Panel: Chair and Members.

In considering the remuneration, allowances and entitlements for these new referrals the Tribunal met with officials from the Education Directorate, Health Directorate, Community

¹ [ACT Budget 2022-2023 Budget Outlook, Chapter 2 Economic Outlook](#), page 17.

² <https://www.rba.gov.au/speeches/2022/sp-gov-2022-11-01.html>

Services Directorate, Justice and Community Safety Directorate, and the Chief Minister, Treasury and Economic Development Directorate respectively.

Other matters

The Tribunal received correspondence from the Inspector of Correctional Services, the Chair of the Ministerial Advisory Council on Ageing and the Chair of the Suburban Land Agency Board.

The Tribunal received and considered an update from the judicial members of the Sentence Administration Board regarding the Board's work in the previous 12 months.

Decision

Registration Standards Advisory Board

The Registration Standards Advisory Board is a statutory body established under the *Education Act 2004*. The purpose of the Board is to oversee and support the introduction of the Non-government School Registration Standards and advise the Minister for Education and Youth Affairs on applications for the establishment of new non-government schools and the expansion of existing non-government schools. The Tribunal determines that the Chair will be remunerated at \$590 per diem and Members at \$505 per diem.

Radiation Advisory Committee

The Radiation Advisory Committee is the formerly named Radiation Council. The Radiation Advisory Committee is a statutory body established under the *Radiation Protection Act 2006* to advise the Chief Health Officer on radiation safety and matters relating to radiation. The Tribunal determines that the Chair will be remunerated at \$590 per diem and Members at \$505 per diem.

Canberra Region Medical Education Council

The Canberra Region Medical Education Council is a non-statutory body established in 2014 to accredit prevocational (i.e. intern and resident) medical training positions in the ACT and Southern NSW region. The Council provides expertise and advice to the Minister for Health in medical education and accreditation in medical education and accreditation in the ACT and linked regional networks. Members of the Council already receive remuneration. The Tribunal determines that the Chair will be remunerated at \$590 per diem.

Multi-Hazard Advisory Council

The Multi-Hazard Advisory Council was formerly named the Bushfire Council. As a result of the 2021 amendments to the *Emergencies Act 2004* and the multi-hazard approach to emergency management made by the ACT Emergency Services Agency, the focus of the Council was changed to include multiple hazards including storms, floods and bushfire. This included a change of name to align to the broader remit. The Council is a statutory body established under the *Emergencies Act 2004* to advise the Minister for Police and Emergency Services about matters relating to natural hazards. As the functions of the Council remain the same, the Tribunal determines that the Chair will be remunerated at \$590 per diem and Members at \$505 per diem.

Priority Investment Program Advisory Panel

The Priority Investment Program Advisory Panel is a non-statutory body established to assess all funding applications under the program and to provide advice to the ACT Government on applications that are considered to meet the requirements for funding. The

Tribunal determines that the Chair will be remunerated at \$590 per diem and Members at \$505 per diem.

Inspector of Correctional Services

The Inspector of Correctional Services is a statutory position established under the *Inspector of Correctional Services Act 2017* to provide independent oversight of ACT correctional and youth justice facilities, focusing on continual improvement and prevention of ill-treatment. The Tribunal received a submission from the Inspector noting the increase in workload since the establishment of the role and submitting that the Office of the Inspector has been underfunded. The submission further raised issues with the establishment of the position and funding, and submitted that the Inspector has worked extra hours unpaid due to the salary cap.

In considering the remuneration of the Inspector, the Tribunal had regard to the remuneration paid to equivalent positions in other jurisdictions. The Tribunal also noted that the Inspector's jurisdiction has increased to include Bimberi Youth Justice Centre. The Tribunal met with officials from the Justice and Community Safety Directorate.

Consequently, the Tribunal determines that the remuneration of the Inspector of Correctional Services be increased to \$1,038 per diem but is not to exceed \$238,765 per annum.

Ministerial Advisory Council on Ageing

The Ministerial Advisory Council on Ageing is a non-statutory body established to provide advice to the ACT Government on issues affecting older people in the ACT. The Tribunal received a submission from the Chair of the Council requesting for Members of the Council be remunerated due to the nature and quality of the work they produce and the meetings they are required to attend. The Chair is already remunerated. The Tribunal determines that Members are to be remunerated at \$505 per diem.

Suburban Land Agency Board

The Suburban Land Agency Board is a statutory body established in 2017 to encourage and promote inclusive communities, suburban development that supports affordable living and social inclusion, and urban renewal among other responsibilities. The Tribunal received a submission from the Chair of the Board contending that the remuneration of the Board be increased commensurate with the increases provided to Director-Generals and SES since 2017. However, the Tribunal is satisfied that the previous increases provided to the Suburban Land Agency Board have been appropriate. Further, consistent with other increases provided to office holders covered by this Determination, the Tribunal determines to increase the remuneration of the Chair and members of the Board by 3 per cent, rounded up to the nearest \$5.

Sentence Administration Board

In 2021, the Tribunal undertook a further examination of the remuneration, allowances and other entitlements for the Sentence Administration Board. At that time, the Tribunal increased the remuneration of the Board. In December 2021 following the Spring Sitting, the Tribunal requested an update from the Sentence Administration Board regarding the 2021-2022 sitting days of the Board. Correspondence was received from the Chair of the Board detailing the information as requested by the Tribunal. The Tribunal determines to increase the remuneration for the Sentence Administration Board by 3 per cent, rounded up to the nearest \$5.

Other Part-time Public Office Holders

All other part-time public office holders being considered as part of the 2022 Spring Sitting will receive a 3 per cent increase, rounded up to the nearest \$5, effective from 1 November 2022.

The retrospective application of this Determination to 1 November 2022 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.

15 December 2022



Australian Capital Territory Remuneration Tribunal

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

1 Commencement

This instrument is taken to have commenced on 1 November 2022.

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 Member	\$590 \$505	- -
ACT Natural Resource Management (NRM) Council	Chair Member	\$590 \$505	- -
ACT Judicial Council	Legal Practitioner Community Representative	\$825 \$825	
Aboriginal and Torres Strait Islander Elected Body	Chair Deputy Chair Member	- - -	\$34,405 \$27,535 \$18,270
Animal Welfare Advisory Committee	Chair Member	\$590 \$505	- -
Architects Board	Chair Member	\$590 \$505	- -
Board of Senior Secondary Studies	Chair	-	\$31,640
Brand Strategic Advisory Board	Chair Member	\$590 \$505	- -

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Building Advisory Board	Chair Member	\$590 \$505	- -
Building and Construction Industry Training Fund Board	Chair Member	- \$505	\$21,120 -
Canberra Economic Recovery Advisory Group	Members	-	\$16,810
Canberra Institute of Technology Governing Board	Chair Deputy Chair Member	- - \$650	\$62,230 \$31,125 -
Canberra Region Medical Education Council	Chair External representative members	\$590 \$505	-
Cemeteries and Crematoria Authority	Chair Member	\$625 \$545	- -
Children and Young People Death Review Committee	Chair Member	\$925 \$845	- -
Children and Youth Services Council	Chair Member	\$730 \$590	- -
Clinical Leadership Forum	Chair Member	\$590 \$505	- -
City Renewal Authority Board	Chair Deputy Chair Member	- - -	\$79,205 \$63,370 \$42,445
Climate Change Council	Chair Member	\$590 \$505	- -
Corrections Adjudicator	Corrections Adjudicator	\$590	-
Creative Council	Chair Deputy Chair Member	\$590 \$550 \$505	- - -
Cultural Facilities Corporation Board	Chair Deputy Chair Member	- - -	\$29,550 \$14,790 \$10,365
Defence Industry Advisory Board	Chair Defence Ambassador Defence Industry Sector Member	- - \$615	\$38,640 \$27,605 -
Disability Reference Group	Chair Member	\$590 \$505	- -
Diversification and Sustainability Support Fund Advisory Board	Chair Member	\$590 \$505	-
Electoral Commission	Chair Member	- -	\$36,490 \$22,885

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Electrical Advisory Board	Chair Member	\$590 \$505	- -
Gambling and Racing Commission Board	Chair Member	- -	\$56,235 \$27,280
Government Procurement Board	Chair Member	- -	\$35,855 \$27,985
Heritage Council	Chair Member	\$750 \$590	- -
Independent Advisor, Working with Vulnerable People	Independent Advisor	\$590	-
Independent Competition and Regulatory Commission	Senior Commissioner Commissioner	\$1,800 \$1,025	- -
Independent Reviewer, Government Agencies (Campaign Advertising)	Reviewer	\$925	-
Indigenous Education Consultative Body	Chair Member	\$590 \$505	- -
Inspector of Correctional Services*	Inspector	\$1,038	-
Insurance Authority Advisory Board	Member	-	\$26,390
Invasive Plants Advisory Group	External Members	\$505	-
Investment Advisory Board	Chair Member	- -	\$36,490 \$27,280
Legal Aid Commission	President Member	- \$505	\$22,005
Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Community Advisory Council	Chair Member	\$590 \$505	- -
Light Rail Project Board	Chair Member	- -	\$85,200 \$51,130
Long Service Leave Authority Board	Chair Deputy Chair Member	- - \$505	\$29,550 \$14,790 -
Major Projects Canberra Independent Advisory Boards	Chair Member	- -	\$85,200 \$51,130
Management Assessment Panel	Chair	\$590	-
Medicines Advisory Committee	Chair Member	\$590 \$505	- -

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Mental Health Advisory Council	Chair Member	\$590 \$505	- -
Ministerial Advisory Council on Ageing	Chair	\$590 \$505	- -
Ministerial Advisory Council on Women	Chair	\$570	-
Multicultural Advisory Council	Chair Deputy Chair	\$570 \$505	- -
Multi-Hazard Advisory Council	Chair Member	\$590 \$505	- -
Natural Resource Management Advisory Committee	Chair Member	\$590 \$505	- -
Official Visitor	Visitor	\$590	-
Our Booris Our Way Implementation Oversight Committee	Chair Member	\$865 \$765	- -
Plumbing Advisory Board	Chair Member	\$590 \$505	- -
Priority Investment Program Advisory Panel	Chair Member	\$590 \$505	- -
Public Interest Monitor Panel	Member	\$1,215	-
Public Sector Standards Commissioner	Public Sector Standards Commissioner	-	\$179,370
Racing Appeals Tribunal	President Deputy President Member Assessor	\$925 \$845 \$560 \$560	- - - -
Radiation Advisory Committee	Chair Member	\$590 \$505	- -
Registration Standards Advisory Board	Chair Member	\$590 \$505	- -
Scientific Committee	Chair Member	\$590 \$505	- -
Sentence Administration Board	Chair Deputy Chair Member	- - \$1,115	\$102,595 \$91,945 -
Suburban Land Agency Board	Chair Deputy Chair Member	- - -	\$79,205 \$63,370 \$42,445
Survey Practice Advisory Committee	Member	\$495	-
Teacher Quality Institute Board	Chair	-	\$21,120

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Territory Records Advisory Council	Chair	\$750	-
	Member	\$590	-
Tree Advisory Panel	Chair	\$590	-
	Member	\$505	-
Veterans' Advisory Council	Chair	\$570	-
Veterinary Practitioners Board	President	\$590	-
	Member	\$505	-
Veterinary Practitioners Committee of Inquiry	Chair	\$925	-
	Member	\$830	-
Work Safety Council	Chair	-	\$21,120
Youth Advisory Council	Chair	\$590	-

*The remuneration of the Inspector of Correctional Services cannot exceed \$238,765 per annum.

- 2.2 A public servant who serves as a Part-time Public Office Holder is 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 10.5% and increases to 11% on 1 July 2023.

5.5 The employer provides an additional employer superannuation contribution. The additional employer superannuation contribution is the same rate provided under clause D7 in the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021-2022* or its replacement.

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 member:

- for each pay period in which 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 Determinations³ 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.
- 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.

³ [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?](#)

- 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 in the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021-2022* 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:
- 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 2021 is revoked.

Ms Sandra Lambert AM
Chair



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Mr Dale Boucher PSM
Member



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15 December 2022