



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement 10 of 2007

Part-Time Holders of Public Office

Background

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

The Tribunal last reviewed remuneration and allowances for the part-time holders of public office in October 2006, and issued Statement and Determination Number 205 dated 30 November 2006.

It was brought to the Tribunal's attention that the salary packaging policy for ACT Public Service staff had recently been amended.

In April 2005, the Tribunal determined that part-time holders of public office should have access to salary packaging in line with salary packaging available to employees of the ACT Public Service.

Tribunal Consideration

Salary Packaging

The Tribunal determined that the amount of gross pre-tax salary that can be salary packaged be increased from 75% to 100%, to maintain consistency with the recent policy for non-executive staff of the ACT Public Service.

The date of effect of effect is 1 July 2007.

ACT Remuneration Tribunal
June 2007



**AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL**

Determination 10 of 2007

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 from 1 July 2007.

Alan Kerr AM
Chair

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Roberta McRae OAM
Member

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Jill Greenwell
Member

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Dated: June 2007



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Determination 10 of 2007

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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.

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 Determinations Number 205 of 30 November 2006 is revoked.

5. Date of Effect

- 5.1 The Determination will be effective on 1 July 2007.
