



Australian Capital Territory Remuneration Tribunal

Determination 15 of 2018

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.

During the Tribunal 2017 Spring review, the Tribunal increased the remuneration for Part-time Public Offices Holders by 2.5% and provided additional clarification regarding preparation time and travel time entitlements.

Considerations

The Tribunal's 2018 review of remuneration and entitlements for Part-time Public Office Holders was advertised in August 2018. Letters were sent to the Part-time Public Office Holders and the ACT Government directorates notifying them of the review.

The Tribunal met on 16-18 October 2018 and this determination sets out the Tribunal's decision following the review.

In considering remuneration and entitlements for Part-time Public Office Holders, the Tribunal noted that remuneration for such Offices is not intended to replace other employment or remuneration for Office holders. The Tribunal also noted the Government Submission provided by the Chief Minister and discussions with the relevant ACT Government directorate officials. Treasury officials provided a comprehensive briefing to the Tribunal on the prevailing economic circumstances for 2018 and forecasts for the coming years.

Referrals and submissions

The Tribunal received a referral from the Chief Minister for the Creative Council and the ACT Natural Resource Management Council. The Chief Minister also requested the Tribunal to review the remuneration for the Public Sector Standards Commissioner.

The Tribunal considered the expanded powers and role of the Public Sector Standards Commissioner in complex misconduct investigations, the auditing of misconduct guidelines and procedures, staff education and training, preventative strategies and a review of the Public Interest Disclosure Act 2012.

The following office holders made submissions to the Tribunal:

- Chair of the City Renewal Authority Board; and
- Chair of the Suburban Land Agency Board.

Travel issue

The Tribunal received a request for further clarification on the travel arrangements for Public Office Holders who live interstate and travel to Canberra for official purposes.

The Tribunal noted that it has previously outlined its intention about making sure that travel for Part-time Public Office Holders appointed from interstate are covered to ensure that such appointees are not financially disadvantaged in accepting appointments as ACT Part-time Public Office Holders.

University of Canberra Council

The Tribunal is aware that the Legislative Assembly recently tabled and passed the Statute Law Amendment Bill 2018, which included an amendment to the Remuneration Tribunal Act 1995 to omit a member of the University of Canberra council appointed under the University of Canberra Act 1989 from the list of position holders for which the Remuneration Tribunal can determine the remuneration, allowances and other entitlements. The conditions of appointment for the member will now be agreed between the Executive and the member, subject to a resolution of the council, and in accordance with the University of Canberra Act 1989. The member position has now been removed from the determination.

Decision

General increase

The Tribunal determined that there will be a general increase of 2.5% (rounded up to the nearest \$5) for Part-time Public Office Holders.

Creative Council

The Tribunal decided to set the remuneration for the Chair of the Creative Council at \$540 per diem, \$500 per diem for the Deputy Chair of the Council and \$465 per diem for Members of the Council.

ACT Natural Resource Management Council

The Tribunal decided to set the remuneration for the Chair of the Council at \$540 per diem and \$465 per diem for Members of the Council.

Public Sector Standards Commissioner

The Tribunal decided to increase the remuneration of the Public Sector Standards Commissioner to \$166,563 per annum.

Travel entitlements for interstate office holders

The Tribunal decided to provide further clarification in its Determination that the employer must pay the costs of flights and accommodation expenses for Part-time Public Office Holders who are appointed from interstate and required to travel for official purposes but this does not apply to office holders who home base is within the ACT or surrounding districts.

November 2018



Australian Capital Territory Remuneration Tribunal

Part-time Public Office Holders

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1 Commencement

This instrument is effective from 1 November 2018.

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	\$540 \$465	- -
ACT Natural Resource Management (NRM) Council	Chair Member	\$540 \$465	- -
Aboriginal and Torres Strait Islander Elected Body	Chair Deputy Chair Member	- - -	\$25,185 \$20,155 \$15,115
Animal Welfare Advisory Committee	Chair Member	\$540 \$465	- -
Architects Board	Chair Member	\$540 \$465	- -
Board of Senior Secondary Studies	Chair	-	\$29,375
Brand Strategic Advisory Board	Chair Member	\$540 \$465	- -
Building Advisory Board	Chair Member	\$540 \$465	- -

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Building and Construction Industry Training Fund Board	Chair Member	- \$465	\$19,605 -
Bush Fire Council	Chair Member	\$540 \$465	- -
Children and Young People Death Review Committee	Chair Member	\$850 \$780	- -
Canberra Institute of Technology Governing Board	Chair Deputy Chair Member	- - \$600	\$57,785 \$28,895 -
Canberra Region Medical Education Council	External representative members	\$465	-
Children and Youth Services Council	Chair Member	\$690 \$540	- -
City Renewal Authority Board	Chair Deputy Chair Member	- - -	\$73,545 \$58,835 \$39,405
Climate Change Council	Chair Member	\$540 \$465	- -
Corrections Adjudicator	Corrections Adjudicator	\$540	-
Creative Council	Chair Deputy Chair Member	\$540 \$500 \$465	- - -
Cultural Facilities Corporation Board	Chair Deputy Chair Member	- - -	\$27,430 \$13,725 \$9,615
Defence Industry Advisory Board	Chair Defence Ambassador Defence Industry Sector Member	- - \$565	\$35,875 \$25,625 -
Disability Reference Group	Chair Member	\$540 \$465	- -
Electoral Commission	Chair Member	- -	\$33,880 \$21,240
Electrical Advisory Board	Chair Member	\$540 \$465	- -
Gambling and Racing Commission Board	Chair Member	- -	\$52,210 \$25,330
Government Procurement Board	Chair Member	- -	\$33,290 \$25,985
Heritage Council	Chair Member	\$690 \$540	- -
Independent Competition and Regulatory Commission	Senior Commissioner Commissioner	\$1,665 \$950	- -

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Independent Reviewer, Government Agencies (Campaign Advertising)	Reviewer	\$850	-
Indigenous Education Consultative Body	Chair	\$540	-
	Member	\$465	-
Inspector of Correctional Services*	Inspector	\$857	-
Insurance Authority Advisory Board	Member	-	\$24,500
Investment Advisory Board	Chair	-	\$33,880
	Member	-	\$25,330
Legal Aid Commission	President	-	\$20,425
	Member	\$465	
Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Community Advisory Council	Chair	\$540	-
Light Rail and Parkes Way Project Board	Chair	-	\$79,110
	Member	-	\$47,475
Long Service Leave Authority Board	Chair	-	\$27,430
	Deputy Chair	-	\$13,725
	Member	\$465	-
Management Assessment Panel	Chair	\$540	-
Ministerial Advisory Council on Ageing	Chair	\$520	-
Medicinal Cannabis Medical Advisory Panel	Chair	\$540	-
	Member	\$465	-
Medicines Advisory Committee	Chair	\$540	-
	Member	\$465	-
Mental Health Advisory Council	Chair	\$540	-
	Member	\$465	-
Ministerial Advisory Council on Women	Chair	\$520	-
Multicultural Advisory Council	Chair	\$520	-
	Deputy Chair	\$465	-
Natural Resource Management Advisory Committee	Chair	\$540	-
	Member	\$465	-
Official Visitor	Visitor	\$540	-
Plumbing Advisory Board	Chair	\$540	-
	Member	\$465	-
Public Cemeteries Board	Chair	\$540	-
	Member	\$465	-
Public Interest Monitor Panel	Member	\$1,125	-

COLUMN 1 Board, committee etc	COLUMN 2 Position	COLUMN 3 Base remuneration (Per Diem)	COLUMN 4 Base remuneration (Per Annum)
Public Sector Standards Commissioner	Public Sector Standards Commissioner	-	\$166,563
Racing Appeals Tribunal	President	\$850	-
	Deputy President	\$780	-
	Member	\$465	-
	Assessor	\$465	-
Radiation Council	Chair	\$540	-
	Member	\$465	-
Scientific Committee	Chair	\$540	-
	Member	\$465	-
Sentence Administration Board	Chair	-	\$79,175
	Deputy Chair	-	\$63,305
	Member	\$1,025	-
Suburban Land Agency Board	Chair	-	\$73,545
	Deputy Chair	-	\$58,835
	Member	-	\$39,405
Survey Practice Advisory Committee	Member	\$465	-
Teacher Quality Institute Board	Chair	-	\$19,605
Territory Records Advisory Council	Chair	\$690	-
	Member	\$540	-
Tree Advisory Panel	Chair	\$540	-
	Member	\$465	-
Veterans' Advisory Council	Chair	\$520	-
Veterinary Surgeons' Board	Chair	\$540	-
	Member	\$465	-
Veterinary Surgeons' Board of Inquiry	Chair	\$850	-
	Member	\$765	-
Weeds Advisory Group	External Members	\$465	-
Work Safety Council	Chair	-	\$19,605
Youth Advisory Council	Chair	\$540	-

*The remuneration of the Inspector of Correctional Services cannot exceed \$197,181 per annum. The 'per diem' rate for the Inspector of Correctional Services is not rounded up to the nearest \$5 as the methodology for determining the 'per diem' rate is different to other part-time public office holders.

- 2.2 Public servants that 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 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 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 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 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 no less than the Employer Superannuation Guarantee Charge Percentage as provided by the *Superannuation Guarantee (Administration) Act 1992*.
- 5.5 For 2016-17 onwards, the Territory's enhanced minimum employer superannuation contribution is 10.5%, until the ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021 commences. The employer superannuation contribution is then adjusted according to the rate outlined in the ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021.
- 5.6 In respect of a person appointed to an office in clause 2 of this Determination, who are not 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 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 Determinations¹ 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.

¹ Australian Taxation Office – Taxation Determination 2018/11, Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2018–19 income year?, or its replacement

- 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 2013 – 2017*, 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 can no longer 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.

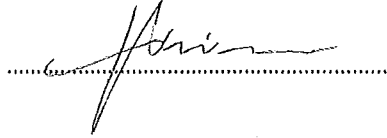
reasonable expenses means legitimate work-related expenses incurred while conducting official business efficiently and effectively.

traveller means a person, appointed under clause 2 of this Determination, who is travelling away from their home base for official purposes.

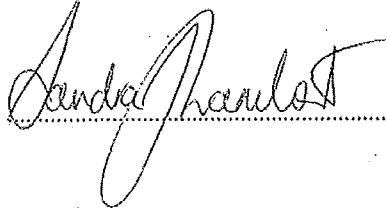
12. Revocation of previous Determinations

Determination 6 of 2018 and Determination 8 of 2018 are revoked.

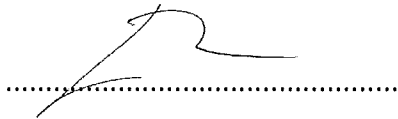
Dr Colin Adrian
Chair

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Ms Sandra Lambert AM
Member

A handwritten signature in cursive script, appearing to read "Sandra Lambert", positioned above a horizontal dotted line.

Dr James Popple
Member

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November 2018