



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement 12 of 2010

Part-Time Holders of Public Office

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.

The Tribunal's last annual review was in October 2009. The Tribunal issued Determination 17 of 2009, dated 23 December 2009.

The latest inquiry, which sought submissions from interested parties, was notified in the press on 21 August 2010.

Submissions

The Tribunal considered submissions at its meetings on 30 September 2010 and on 21 October 2010.

Tribunal Consideration

General Increase in Remuneration

The Tribunal determined that there should be a general increase of 3.25% (rounded upwards to the nearest \$5) for part-time holders of public office covered by the determination effective on and from 1 November 2010.

ACT Civil and Administrative Tribunal (ACAT)

The Tribunal amended sub-clause 2.5 of the determination to provide an additional 10% payment to **any** ACAT member who is the presiding member.

ACT Screen Investment Fund Committee

The Committee is a new non-statutory entity referred to the Tribunal by the Chief Minister and has been established to provide informed and impartial assessments of applications for financial support to make recommendations to the ACT Government in relation to those applications.

The Tribunal determined remuneration of \$430 per diem for the Chair and \$365 per diem for Members of the ACT Screen Investment Fund Committee with effect from 1 November 2010 (this amount includes the general increase of 3.25% mentioned above).

It was also determined the ACT Screen Investment Fund be included in Attachment A of this Determination.

ACT Remuneration Tribunal
December 2010



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Determination 12 of 2010

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 on and from 1 November 2010.

Alan Kerr AM
Chair

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Anne Cahill Lambert AM
Member

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Greg Friedewald
Member

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December 2010



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination 12 of 2010

Part-Time Holders of Public Office

Pursuant to section 10 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal (the 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 A**.

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 it appropriate that a period of preparation time beyond this warrants recognition, then the chairperson 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.

Additional Payment – Presiding Members ACT Civil and Administrative Tribunal

- 2.5 Where a tribunal comprises two or more members an additional payment of 10% of remuneration shall be payable to any member who is the presiding member.
- 2.6 The additional payment applies to all remuneration paid including preparation time, the hearing and any post hearing remuneration, where applicable.

3. Salary Packaging

- 3.1 Subject to the following conditions, a person holding an office mentioned in **Attachment A** 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 A** 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. Previous Determinations

- 4.1 Determinations 17 of 2009, dated 23 December 2009 and Determination 6 of 2010, dated 16 June 2010 are revoked.

5. Date of Effect

- 5.1 The determination is effective on and from 1 November 2010.
