



Determination 1 of 2017

Parliamentary Librarian, Department of Parliamentary Services, Remuneration and Other Conditions of appointment

Made under section 38E of the *Parliamentary Service Act 1999*

Pursuant to section 38C of the *Parliamentary Service Act 1999*, after having sought and taken into account the advice of the Remuneration Tribunal, we hereby determine the remuneration and other conditions of appointment of the Parliamentary Librarian of the Department of Parliamentary Services as set out hereunder, with effect from 10 May 2017.

Part 1 Interpretation

1.1 In this Determination:

‘Base Salary’ means the amount specified as base salary in clause 2.1 of this Determination.

‘Benefits’ means benefits other than cash and the value attributed to the Employer’s Superannuation Contributions provided to the Parliamentary Librarian at the Commonwealth’s expense. (See also clause 2.3).

‘Commonwealth’ means the Commonwealth of Australia and includes any person authorised to exercise powers, perform acts, grant approvals or give directions for, or on behalf of, the Commonwealth.

‘Commonwealth Authority’ means:

- a) a body corporate established for a public purpose by or under a law of the Commonwealth or the Australian Capital Territory; or
- b) a body corporate:
 - i. incorporated under a law of the Commonwealth or a State or Territory; and
 - ii. in which the Commonwealth has a controlling interest; or
- c) an authority or body, not being a body corporate, established for a public purpose by or under a law of the Commonwealth or the Australian Capital Territory.

‘Department’ means the Department of Parliamentary Services.

‘Employer’s Superannuation Contribution’ has the meaning given in:

- a) clause 3.1 or 3.2, where the Librarian is a member of a Commonwealth defined benefit scheme (including the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme); or
- b) clause 3.3, where the Librarian is a member of the Public Sector Superannuation Accumulation Plan; or
- c) clause 3.4, where the Librarian is a member of any other fund.

Contributions made on a salary sacrifice basis do not form part of the Employer's Superannuation Contribution: these are covered by clauses 2.3 and 2.4.

'Librarian' means the Parliamentary Librarian appointed under section 38C of the *Parliamentary Service Act 1999*.

'Reference Salary' means the Librarian's Total Remuneration, less the amount of the Employer's Superannuation Contribution for the Librarian.

'Secretary' means the Secretary of the Department of Parliamentary Services.

'Total remuneration' means the amount specified as Total Remuneration in clause 2.1 of this Determination. Total Remuneration represents the value, calculated at the total cost to the Commonwealth (including fringe benefits tax), of:

- a) salary (including Base Salary), allowances or lump sum payments;
- b) Benefits; and
- c) the Employer's Superannuation Contribution,

but does not include:

- d) facilities provided as business support as specified in Part 5;
- e) travelling allowances and expenditure as specified in Part 6;
- f) any payment in lieu of annual leave in accordance with Part 7; or
- g) compensation for early loss of office as specified in Part 11.

1.2 The provisions of this Determination are additional to and subject to any applicable statutory entitlements or conditions, including those deriving from the following Acts and from regulations and instruments made under those Acts:

- a) *Public Governance, Performance and Accountability Act 2013*;
- b) *Long Service Leave (Commonwealth Employees) Act 1973*;
- c) *Work Health and Safety Act 2011*;
- d) *Maternity Leave (Commonwealth Employees) Act 1973*;
- e) *Parliamentary Service Act 1999*;
- f) *Safety, Rehabilitation and Compensation Act 1988*;
- g) *Superannuation Act 1976*;
- h) *Superannuation Act 1990*;
- i) *Superannuation Act 2005*;
- j) *Superannuation Benefits (Supervisory Mechanisms) Act 1990*;
- k) *Superannuation (Productivity Benefit) Act 1988*; and
- l) *Fair Work Act 2009*.

Part 2 Remuneration and related matters

2.1 The Librarian will be eligible for the amounts of Base Salary and Total Remuneration as set out below:

- a) Base Salary at the rate of \$264,089 per annum; and
- b) Total Remuneration of \$298,200 per annum.

2.2 The amounts set out in clause 2.1 are expected to be adjusted periodically once advice is received from the Remuneration Tribunal about general remuneration adjustments.

2.3 Subject to this Part 2, the Librarian may elect to receive the benefit of the Total Remuneration, other than the value of the Employer's Superannuation Contribution, in cash as salary or as a combination of salary and Benefits, in accordance with the policies and procedures on salary packaging in the Department.

2.4 Any election made in accordance with clause 2.3:

- a) must be consistent with relevant taxation laws and rulings or guidelines applicable to salary packaging schemes issued by the Australian Taxation Office; and
- b) must not result in cost to the Commonwealth (including in relation to any fringe benefits taxation) additional to the cost which would be incurred if all of the Total Remuneration elements able to be taken as salary were taken as salary.

Part 3 Superannuation

3.1 If the Librarian is a member of the Commonwealth Superannuation Scheme:

- a) the Librarian's annual rate of salary for the purposes of the scheme is the Librarian's Base Salary; and
- b) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Librarian's Base Salary.

3.2 If the Librarian is a member of the Public Sector Superannuation Scheme:

- a) the Librarian's basic salary for the purposes of the scheme is the Librarian's Base Salary; and
- b) the amount of the Librarian's recognised allowances for the purpose of the scheme is zero; and
- c) the value attributed to the Employer's Superannuation Contribution is taken to be 15.4% of the Librarian's Base Salary.

3.3 If the Librarian is a member of the Public Sector Superannuation Accumulation Plan:

- a) the Librarian's superannuation salary for the purposes of the scheme is the Librarian's ordinary time earnings (OTE); and
- b) the Employer's Superannuation Contribution will be at 15.4% of the Librarian's OTE.

3.4 If the Librarian is a member of any other superannuation fund, the Employer's Superannuation Contribution is the minimum amount that would, under section 23 of the *Superannuation Guarantee (Administration) Act 1992*, reduce the charge percentage in relation to the Librarian to zero.

3.5 Notwithstanding anything else in this Part 3, the value of the Employer's Superannuation Contribution is a non-salary component of Total Remuneration and may not be the subject of an election to take an equivalent amount of salary instead.

Part 4 Official vehicle

4.1 An official vehicle will not be provided by the Commonwealth. The Librarian's Total Remuneration will be taken to include the value of a vehicle.

Part 5 Business support

5.1 The Librarian is entitled to the provision, by the Department, of communications, information technology and other office facilities necessary in both the place of work and the Librarian's residence, for the efficient conduct of business. Such provision includes incidental private use of those facilities, which will not necessitate the value of the facilities being included in Total Remuneration. Where required, separate telecommunication lines to the Librarian's residence in support of those facilities may be provided at the Commonwealth's expense.

5.2 The Librarian is entitled to domestic airline lounge membership at the Commonwealth's expense.

5.3 The Librarian is entitled to business support by way of newspapers, journals, periodicals and professional association membership at the Commonwealth's expense.

Part 6 Official travel

6.1 The Librarian is entitled to travelling allowances and conditions for travel on official business within Australia and internationally in accordance with the provisions, and at the Tier 2 rate, as determined from time to time by the Remuneration Tribunal in relation to full-time public office holders. In making travel arrangements, the Librarian should comply with the travel-related administrative guidelines in place for SES employees in the Department.

6.2 The Librarian may be entitled to be accompanied by a spouse or partner at the Commonwealth's expense for purposes related to official business when travelling within Australia or overseas in accordance with this Determination. Such accompanied travel may occur only when the Presiding Officers agree that, given the purpose of the travel, it is demonstrably in the interest of the Parliament for the Librarian to be accompanied by the spouse or partner.

Part 7 Annual leave

7.1 There will accrue to the Librarian on a pro rata basis an annual leave credit at the rate of 20 days per annum, which will count as service for all purposes.

7.2 All entitlements to annual leave which, at the date of this Determination have accrued under a prior determination but have not been taken will be recognised as accrued entitlements for the purposes of this Determination.

7.3 The taking of annual leave is subject to approval by the Presiding Officers, who may delegate their power to approve such leave to the Secretary. Subject to this Determination, annual leave will be administered in accordance with annual leave policies and practices applying generally to employees in the Department. Where there are specific policies and practices for SES employees of the Department, those will apply to the Librarian.

7.4 Where the Librarian has accessed at least 2 weeks of annual leave in the preceding 12 month period, the Librarian may elect to cash out any annual leave balance in excess of 4 weeks.

7.5 In addition to the annual leave credits accruing as specified above, the Librarian's unused annual leave credits for which the Librarian has not received a payment in lieu that were accrued either through prior service in the Australian Parliamentary Service, the Australian Public Service or the ACT Government Service, or through employment in a Commonwealth Authority that, in either case, ceased not more than two months prior to being appointed Librarian, will be recognised as if accrued while as Librarian.

7.6 In respect of any unused annual leave credit for which the Librarian is entitled to payment in lieu on cessation of appointment, the rate of remuneration used for calculating the entitlement is the Reference Salary.

Part 8 Personal leave

8.1 The Librarian is entitled to accrue a personal leave credit in accordance with the relevant leave policies and practices applying generally to employees of the Department to accommodate personal illness or injury, to care for a family member or to meet family responsibilities of an emergency and/or unscheduled nature. Where there are specific policies and practices for SES employees of the Department, those will apply to the Librarian.

8.2 All entitlements to personal leave which, at the date of this Determination have accrued under a prior determination but have not been taken will be recognised as accrued entitlements for the purposes of this Determination.

8.3 The Presiding Officers may grant additional personal leave to the Librarian at their discretion.

8.4 The Librarian's absence of three days or more using personal leave must be approved by the Presiding Officers, who may delegate their power to approve such leave to the Secretary.

8.5 In addition to the personal leave credits accruing as specified above, the Librarian's personal leave credits (however described) accrued either through prior service in the Australian Parliamentary Service, the Australian Public Service or the ACT Government Service, or through employment in a Commonwealth Authority that, in either case, ceased not more than two months prior to being appointed Librarian, will be recognised as if accrued while as Librarian.

Part 9 Miscellaneous leave

9.1 The Librarian may seek approval from the Presiding Officers for other leave, either with or without pay, which may or may not, at the Presiding Officers' discretion, count as service for all purposes.

Part 10 Long Service Leave

10.1 The Librarian is entitled to long service leave benefits under the *Long Service Leave (Commonwealth Employees) Act 1973*.

Part 11 Compensation for early loss of office

11.1 Unless the Librarian's appointment is terminated for a reason specified in clause 11.2 or the Commonwealth has not made the Librarian an offer of suitable alternative employment, the Librarian will, upon termination, be entitled to be paid one-third of one month's Reference Salary applying at the date of termination from the office, for each full month of service forgone, subject to:

- a) a minimum payment of four months of the Reference Salary applicable at that date; and
- b) a maximum payment of twelve months of the Reference Salary applicable at that date.

11.2 If, before the expiration of its term, the appointment of the Librarian is terminated under the provisions of the *Parliamentary Service Act 1999* for reasons of:

- a) resignation or retirement;
- b) physical or mental incapacity;
- c) misbehaviour;
- d) breach of the Parliamentary Service Code of Conduct;
- e) unsatisfactory performance;
- f) bankruptcy; or
- g) failure to obtain or maintain a security clearance at the required level,

the Librarian will not be entitled to compensation for early loss of office under clause 11.1.

11.3 Under clause 11.1, the Commonwealth may calculate service remaining by excluding any period of Commonwealth service in alternative employment to be performed during the remaining term of the appointment where the alternative employment commenced immediately after the termination. The Commonwealth may require an office holder to sign a release in return for the payment.

11.4 For the purpose of clause 11.1, suitable alternative employment includes such employment with the Commonwealth or a Commonwealth Authority.

11.3 Where the Librarian serves the full term of appointment, no entitlement to a payment under this Part 11 arises.

Part 12 Repeal of previous determinations

12.1 All determinations previously made in respect of the Librarian under section 38E of the *Parliamentary Service Act 1999* are repealed.

Dated this 8th day of May 2017

SENATOR THE HON STEPHEN PARRY
President of the Senate

THE HON TONY SMITH MP
Speaker of the House of Representatives