



REMUNERATION TRIBUNAL

Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 1) 2020

1. The *Remuneration Tribunal Act 1973* (the Act) establishes the Remuneration Tribunal (the Tribunal) as an independent statutory authority responsible for reporting on and determining the remuneration, allowances and entitlements of key Commonwealth office holders. These include Judges of Federal Courts and most full-time and part-time holders of public offices, including Specified Statutory Offices. An additional function of the Tribunal is to determine a classification structure for Principal Executive Offices and the terms and conditions applicable to each classification within the structure.

Consultation

2. Section 11 of the Act advises that in the performance of its functions the Tribunal:
 - may inform itself in such manner as it thinks fit;
 - may receive written or oral statements;
 - is not required to conduct any proceeding in a formal manner; and
 - is not bound by the rules of evidence.
3. The Tribunal normally receives submissions on remuneration from a Portfolio Minister, or a Secretary, program manager or employing body (in respect of a Principal Executive Office) with responsibility for the relevant office(s). The Tribunal will normally seek the views of the relevant Portfolio Minister prior to determining remuneration for an office.
4. The Tribunal may reach a decision based on the information provided in the submission and other publicly available information such as portfolio budget statements, annual reports, corporate plans, legislation and media releases. On occasion it may wish to meet with relevant parties or seek further information from the relevant minister or person making the submission.
5. Amongst other relevant matters in deliberating on appropriate remuneration for an office the Tribunal informs itself on:
 - the main functions, responsibilities and accountabilities of the office;
 - the organisational structure, budget and workforce;
 - the requisite characteristics, skills or qualifications required of the office holder(s); and
 - the remuneration of similar, comparator, offices within its jurisdiction.

Chief Executive Officer, Services Australia

6. On 13 January 2020, the Hon Stuart Robert MP, Minister for Government Services, wrote to the Tribunal seeking a determination of remuneration and travel tier for the new office of the Chief Executive Officer (CEO) of Services Australia, a new executive agency in the Social Services portfolio. The submission provided information on the role and responsibilities of the CEO.

Coordinator-General, National Drought and North Queensland Flood Response and Recovery Agency

7. On 5 December 2020, the Prime Minister, the Hon Scott Morrison MP, announced the remit of the North Queensland Livestock Industry Recovery Agency has been expanded to include drought. On the same day the Governor General of the Commonwealth signed an order renaming the agency as the National Drought and North Queensland Flood Response and Recovery Agency and the agency head as Coordinator-General.

Chief Executive Officer, Innovation and Science Australia

8. Dr Charlie Day's appointment has now ceased. The amendments remove provisions specific to Dr Day.

Integrity Commissioner, Australian Commission for Law Enforcement Integrity

9. Mr Michael Griffin's appointment has now ceased. The amendments remove Mr Griffin's accommodation and reunion fares assistance.

Chief Scientist

10. On 12 December 2019, Dr Heather Smith, Secretary of the Department of Industry, Innovation and Science, wrote to the Tribunal advising that the Chief Scientist, Dr Alan Finkel's AO, appointment had been extended until 31 December 2020. Dr Smith sought the Tribunal's agreement to the continuation of accommodation assistance for the Chief Scientist, consistent with its Relational Assistance Guidelines. The submission confirmed that the office holder's circumstances had not changed. The amount of assistance has not changed.

Chief Executive Officer, Northern Australian Infrastructure Facility

11. On 2 December 2019, Senator the Hon Matthew Canavan, Minister for Resources and Northern Australia, wrote to the Tribunal seeking accommodation and reunion fares assistance for Mr Christopher Wade, the proposed CEO of Northern Australia Infrastructure Facility. The submission provided information on the office holder's circumstances, consistent with the Tribunal's Relocation Assistance Guidelines.

Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority

12. Dr Chris Parker's entitlement to accommodation assistance ceased on 31 December 2019. The Tribunal received advice from officials in the Australian Pesticides and Veterinary Medicines Authority that an extension of accommodation assistance would not be sought. The amendments remove Dr Parker's accommodation assistance.

Anti-Doping Rule Violation Panel

13. In November 2019, the Tribunal received advice from the Department of Health that the Anti-Doping Rule Violation Panel had been abolished by updates to the *Australian Sports Anti-Doping Authority Act 2006* in 2017.

Anti-Doping Research Program Panel

14. In August 2019, the Tribunal received advice from the Department of Health that the Anti-Doping Research Program Panel had been abolished in 2014 as part of the whole of Government position to rationalise the number of non-statutory committees. The panel was not established under legislation.

15. Medical Training Review Panel

16. In August 2019, the Tribunal received advice from the Department of Health that the Medical Training Review Panel had been abolished by updates to the *Health Insurance Act 1973*, which commenced on 1 August 2017.

Retrospectivity

17. Any retrospective application of this determination is in accordance with subsection 12(2) of the *Legislation Act 2003* as it does not affect the rights of a person (other than the Commonwealth or an authority of the Commonwealth) to that person's disadvantage, nor does it impose any liability on such a person.

The power to repeal, rescind and revoke, amend and vary

18. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Details of the determination are as follows:

19. Section 1 specifies the name of the instrument.
20. Section 2 specifies when the instrument commences.
21. Section 3 specifies the authority for the instrument.
22. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.
23. Schedule 1 sets out the amendments made to the instruments specified in Schedule 1.

SCHEDULE 1—AMENDMENTS

Part 1—Main amendments

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2019

24. Item 1 sets remuneration and travel tier for the office of Chief Executive Officer of Services Australia.
25. Item 2 inserts remuneration, travel tier and special provisions for the Coordinator-General of the National Drought and North Queensland Flood Response and Recovery Agency.
26. Item 3 removes the North Queensland Livestock Industry Recovery Agency.
27. Item 4 removes the special provisions for the office of Chief Executive Officer, Innovation and Science Australia.
28. Item 5 changes the office and agency name from Chief Executive Officer, North Queensland Livestock Recovery Agency to Coordinator-General, National Drought and North Queensland Flood Response and Recovery Agency.
29. Item 6 removes the additional fixed loading for Dr Charlie Day, former Chief Executive Officer, Innovation and Science Australia.
30. Item 7 removes accommodation assistance for Mr Michael Griffin, former Integrity Commissioner, Australian Commission for Law Enforcement Integrity and Dr Charlie Day, former Chief Executive Officer, Innovation and Science Australia.
31. Item 8 inserts the cessation date for accommodation assistance previously determined by the Tribunal for Dr Alan Finkel, Chief Scientist.
32. Item 9 inserts accommodation assistance for Mr Christopher Wade, Chief Executive Officer, Northern Australia Infrastructure Facility.
33. Item 10 removes accommodation assistance for Dr Chris Parker, Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority.
34. Item 11 removes reunion fares assistance for Dr Charlie Day, former Chief Executive Officer, Innovation and Science Australia.
35. Item 12 inserts reunion fares assistance for Mr Christopher Wade, Chief Executive Officer, Northern Australia Infrastructure Facility.
36. Item 13 removes reunion fares assistance for Mr Michael Griffin, former Integrity Commissioner, Australian Commission for Law Enforcement Integrity.
37. Item 14 sets the commencement date for the provision specified in item 1.

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2019

38. Item 15 removes the Anti-Doping Rule Violation Panel.
39. Item 16 removes the Anti-Doping Research Program Panel.
40. Item 17 removes the Medical Training Review Panel.

Authority: subsections 7(3) and (4) *Remuneration Tribunal Act 1973*

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Remuneration Tribunal Amendment Determination (No. 6) 2019

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

This determination amends principal determinations:

- *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-Time Public Office) Determination 2019*; and
- *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-Time Public Office) Determination 2019*.

The determination:

- sets the remuneration and travel tier for the office of Chief Executive Officer of Services Australia in the full time office jurisdiction;
- removes all references to the Chief Executive Officer, North Queensland Livestock Industry Recovery Agency and replaces those references with Coordinator-General, National Drought and North Queensland Flood Response and Recovery Agency;
- removes all reference to an additional fixed loading, accommodation and reunion fares assistance for Dr Charlie Day, former Chief Executive Officer, Innovation and Science Australia;
- removes all reference to accommodation and reunion fares assistance for Mr Michael Griffin, former Integrity Commissioner, Australian Commission for Law Enforcement Integrity;
- clarifies the cessation date for accommodation assistance for Dr Alan Finkel, Chief Scientist;
- sets accommodation and reunion fares assistance for Mr Christopher Wade, Chief Executive Officer, Northern Australia Infrastructure Facility;
- removes all reference to accommodation assistance for Dr Chris Parker, Chief Executive Officer, Australian Pesticides and Veterinary Medicines Authority;
- removes all reference to the Anti-Doping Rule Violation Panel that is no longer in operation;
- removes all reference to the Anti-Doping Research Program Panel that is no longer in operation;
- removes all reference to the Medical Training Review Panel that is no longer in operation.

The instrument maintains the principle of fair, and current, remuneration for work performed.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Remuneration Tribunal