



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal Amendment Determination (No. 2) 2025

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.
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.

Consultation

Office of the eSafety Commissioner, eSafety Commissioner

6. On 26 February 2025, the Hon Michelle Rowland MP, Minister for Communications, wrote to the Tribunal seeking a review of remuneration for the full-time office of

the eSafety Commissioner. The accompanying submission included information on changes to the role and responsibilities of the office.

Aboriginal Hostels Limited, Chief Executive Officer

7. There was no consultation on this matter. The accommodation and reunion travel assistance provisions determined for Mr David Chalmers, former Chief Executive Officer, Aboriginal Hostels Limited, expired on 9 March 2025.

Australian Rail Track Corporation, Deputy Chair and Member

8. On 28 February 2025, Mr Peter Duncan AM, Chair of the Australian Rail Track Corporation Board, wrote to the Tribunal seeking a determination of remuneration for the new part-time office of Deputy Chair of the Australian Rail Track Corporation Board. The accompanying submission provided information on the role and responsibilities of the office, including its ex officio role on the Board of Inland Rail Pty Ltd.
9. The Hon Katrina Hodgkinson's appointment to the Board of the Australian Rail Track Corporation concluded on 29 March 2025. There was no consultation on the removal of the special provision associated with her membership.

National Disability Insurance Agency Board, Member

10. There was no consultation on this matter. The amendments remove special provisions for Dr Peta Seaton whose appointment to the National Disability Insurance Agency Board concluded 31 December 2024.

Reserve Bank of Australia, Member

11. On 28 June 2024, the Hon Jim Chalmers MP, Treasurer, wrote to the Tribunal about proposed legislative reforms that would create a Monetary Policy Board and a Governance Board in place of the existing Reserve Bank Board. The *Treasury Laws Amendment (Reserve Bank Reforms) Act 2024* received Royal Assent on 29 November 2024. The Reserve Bank Board ceased from 1 March 2025 when its role was subsumed by the new boards.

Independent Reviewer appointed under the Food and Grocery Code of Conduct

12. On 12 March 2025 the Department of the Treasury advised the Tribunal's Secretariat that the name of the 'Independent Reviewer appointed under the Food and Grocery Code of Conduct' would change to the 'Food and Grocery Industry Code – Code Supervisor' with effect 1 April 2025.

Cyber Incident Review Board, Chair and Member

13. On 26 February 2025 the Hon Tony Burke MP, Minister for Home Affairs, wrote to the Tribunal seeking a determination of remuneration and travel tier for the new part-time offices of Chair and Standing Member of the Cyber Incident Review Board. The accompanying submission outlined the role and responsibilities of the offices.

Exemption from sunseting

14. Under section 12, item 56 of the Legislation (Exemptions and Other Matters) Regulation 2015, an instrument required to be laid before the Parliament under

subsection 7(7) of the Act is exempt from the provisions of paragraph 54(2)(b) of the *Legislation Act 2003*.

15. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
16. As the Remuneration Tribunal makes new principal determinations annually, this instrument's exemption from sunseting will not have any practical effect. As such, the exemption from sunseting will not have a practical impact on parliamentary oversight of the relevant measures.

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

17. 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:

18. Section 1 specifies the name of the instrument as the Remuneration Tribunal Amendment Determination (No. 2) 2025.
19. Section 2 specifies the commencement date of the instrument as the day after the instrument is registered on the Federal Register of Legislation.
20. Section 3 specifies the authority for the instrument, sections 7(3), and (4) of the Act.
21. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.
22. Schedule 1 sets out the amendments made to the instruments specified in Schedule 1.

SCHEDULE 1—AMENDMENTS

Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2024

23. Item 1 sets new remuneration for the office of eSafety Commissioner in Table 2A.
24. Item 2 removes the entry for the previous remuneration for the office of eSafety Commissioner in Table 2A.
25. Item 3 removes accommodation assistance for Mr David Chalmers, former Chief Executive Officer, Aboriginal Hostels Limited from Table 5A.
26. Item 4 removes reunion travel assistance for Mr David Chalmers, former Chief Executive Officer, Aboriginal Hostels Limited from Table 5B.

Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2024

27. Item 5 establishes an annual fee for the office of Deputy Chair, Australian Rail Track Corporation in Table 3A.

28. Item 6 amends the list of special provisions relevant to the National Disability Insurance Agency in Table 3A.
29. Item 7 removes the offices of the Reserve Bank of Australia from Table 3A.
30. Items 8 and 9 remove special provisions for Dr Peta Seaton, former member of the National Disability Insurance Agency Sustainability Committee from Table 3B.
31. Item 10 removes the special provision for the Hon Katrina Hodgkinson, former Member of the Australian Rail Track Corporation Board from Table 3B and establishes a special provision for the office of Deputy Chair, Australian Rail Track Corporation Board in Table 3B.
32. Item 11 changes the name of the Independent Reviewer appointed under the Food and Grocery Code of Conduct to the Food and Grocery Industry Code – Code Supervisor in Table 4A.
33. Item 12 establishes remuneration and travel tier for the offices of Chair and Member of the Cyber Incident Review Board in Table 4A.

Authority:

Sub-sections 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

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This Disallowable 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 Instrument

This instrument, or determination, amends the principal determinations:

- Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2024
- Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2024

This instrument establishes remuneration and a temporary special provision for a new part-time office, establishes remuneration and travel tier for 2 new part-time offices, increases the remuneration of an existing full-time office, removes expired temporary special provisions for 3 office holders, removes one body that has ceased to exist, and updates the name of one office.

Human rights implications

This instrument engages the right to work in Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the right to the enjoyment of just and favourable conditions of work, primarily contained in Article 7 of ICESCR.

Right to work and to just and favourable conditions of work

Article 6 of the ICESCR recognises ‘... *the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts* ...’ The right to just and favourable conditions of work include, but is not limited to, ensuring ‘*fair wages and equal remuneration for work of equal value without distinction of any kind*’, and ‘*a decent living for themselves and their families*’ (Article 7(1)(a)).

Consistent with Articles 6 and 7 of the ICESCR, this instrument ensures that individuals appointed to the public offices subject to the determination continue to be fairly remunerated in respect of the work they undertake as public office holders. Specifically, the instrument:

- increases the remuneration for the full-time office of the eSafety Commissioner;
- removes the special provisions (temporary accommodation and reunion travel assistance) determined for Mr David Chalmers, former Chief Executive Officer of Aboriginal Hostels Limited which have expired;
- establishes remuneration and a temporary special provision for the part-time office of Deputy Chair of the Australian Rail Track Corporation Board;
- establishes remuneration and travel tier for the part-time offices of Chair and Member of the Cyber Incident Review Board;

- removes special provisions (a reduced annual fee and reduced committee membership fee) for Dr Peta Seaton, former member of the National Disability Insurance Agency Board, reflecting the expiry of her term of office;
- removes the special provision (a reduced annual fee) for the Hon Katrina Hodgkinson, former member of the Australian Rail Track Corporation Board, reflecting the expiry of her term of office;
- removes the offices of the Reserve Bank of Australia Board which ceased to operate from 1 March 2025; and
- updates the name of the Food and Grocery Industry Code – Code Supervisor.

By establishing remuneration, allowances and entitlements based on an assessment of the current work value of the office, the instrument directly promotes the principle of ensuring *‘fair wages and equal remuneration for work of equal value’* per Article 7(1)(a) of the ICESCR and more broadly contributes to *‘... the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts ...’* per Article 6 of the ICESCR.

Conclusion

This instrument is compatible with human rights because it enhances and promotes the protection of human rights, and in particular, the right to work and to just and favourable conditions of work through maintaining the principle of fair, and current, remuneration for work performed.

The Remuneration Tribunal