



## Remuneration Tribunal

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### **Explanatory Statement: Remuneration Tribunal (Official Travel) Determination 2025**

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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.

#### *Review of travel conditions*

3. On 7 April 2025, the President of the Tribunal, Ms Holly Kramer, wrote to the Secretaries of each Commonwealth Department and the Principal Registrars of the High Court of Australia, the Federal Court of Australia, the Federal Circuit and Family Court of Australia and the Administrative Review Tribunal. Ms Kramer noted the Tribunal was considering whether conditions in the Official Travel determination remained fit for purpose and in line with community expectations and sought views on 2 matters:
  - Whether it remains appropriate for any office holder to be entitled to first class overseas travel.
  - Whether it remains appropriate for Tier 2 office holders to access business class travel for short haul domestic flights, between any of Canberra, Sydney and Melbourne.

4. The Tribunal received 16 responses to Ms Kramer's request.

#### *Review of Travel and Motor Vehicle Allowances*

5. There was no consultation on this matter noting it is the Tribunal's practice to review each year, the travel and motor vehicle allowances applicable to office holders for which it determines remuneration.
6. The Tribunal did not receive any submissions on this matter.

7. In conducting this review, making this determination and adjusting travel allowance rates the Tribunal has relied on Taxation Determination TD 2025/4: Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2025–26 income year?
8. Amongst other things, the determination sets out the amounts that the Commissioner of Taxation considers are reasonable for the substantiation exception in Subdivision 900-B of the *Income Tax Assessment Act 1997* for the 2025–26 income year in relation to claims made by employees for domestic travel expenses and overseas travel expenses.
9. TD 2025/4 is a public ruling for the purposes of the *Taxation Administration Act 1953* and is available online at <https://www.ato.gov.au/law/view/document?docid=TXD/TD20254/NAT/ATO/00001>.
10. In making this Determination, the Tribunal decided that the arrangements set out in the Table of countries of TD 2025/4 are appropriate for office holders in its jurisdiction to cover meal and incidental expenses incurred while travelling overseas. Rather than replicate the detailed tables and related allowance rates in its determination, the Tribunal has incorporated these by reference to TD 2025/4. The Tribunal has aligned the cost groups contained in TD 2025/4 to the travel tiers that it sets from time to time for office holders.
11. The Tribunal has aligned the motor vehicle allowance with the rate for the cents per kilometre method of calculating income tax deductions for work-related car expenses as determined by the Commissioner of Taxation in accordance with subsection 28-25(4) of the *Income Tax Assessment Act*. The current instrument is *Income Tax Assessment (Cents per Kilometre Deduction Rate for Car Expenses) Determination 2024 (MVE 2024)* which is available online at <https://www.legislation.gov.au/Details/F2024L00697>.
12. In conducting this review, the Tribunal noted that the ATO has not adjusted its cents per kilometre rate in 2025. The Tribunal has, accordingly, maintained the rate determined in 2024.

### **Exemption from sunseting**

13. 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*.
14. This exemption has been granted by the Attorney-General because the Remuneration Tribunal has a statutory role independent of government.
15. As the Remuneration Tribunal makes new principal determinations annually, this principal determination is unlikely to have any practical effect beyond the usual 10 year sunseting period. 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**

16. 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:**

### **PART 1 - PRELIMINARY**

17. Section 1 specifies the name of the instrument as the Remuneration Tribunal (Official Travel) Determination 2025.
18. Section 2 specifies the commencement date for the instrument as 7 September 2025.
19. Section 3 specifies that the instrument takes effect at the start of 7 September 2025.
20. Section 4 specifies the authority for the instrument, subsections 5(2A) and 7(3) and (4) of the *Remuneration Tribunal Act 1973*.
21. Section 5 specifies that the determination supersedes the Tribunal's 2024 official travel determination.
22. Section 6 specifies that instruments identified in a Schedule to this determination are amended or repealed as indicated.
23. Section 7 specifies definitions for certain words or terms used in the determination.

### **PART 2 – GENERAL PROVISIONS**

24. Part 2 sets out the purpose and application of the determination and the general principles for administering the determination.
25. The general principles remain unchanged from those contained in Part 2 of the superseded determination.

### **PART 3 – TRAVEL ON OFFICIAL BUSINESS**

26. Part 3 sets out the provisions for travel including class of travel, upgrades and accompanied travel provisions.
27. Table 3A specifies the class of travel an office holder who travels on official business is entitled to. This table differs from that contained in the superseded determination in the following ways:
- Tier 1 office holders are entitled to business class on overseas travel. These office holders were previously entitled to first class overseas travel.
  - Tier 2 office holders are entitled to economy class on domestic routes between any of Sydney, Melbourne and Canberra. These office holders were previously entitled to business class on these routes.

28. Section 12 has been amended to include an additional provision, so that a Tier 2 office holder who is entitled to travel economy class may upgrade to business class if the employing authority certifies there is a physical or medical requirement for them to do so.
29. The remaining provisions in Part 3 remain unchanged from those contained in the superseded determination.

#### **PART 4 – TRAVEL EXPENSES AND TRAVEL ALLOWANCE**

30. Part 4 sets out the payment arrangements and other related matters, including travel within Australia and overseas, accompanied accommodation costs and provisions for partial payments.
31. The provisions of this Part remain unchanged from those contained in the superseded determination.

#### **PART 5 – OFFICIAL TRAVEL BY MOTOR VEHICLE**

32. Part 5 sets out the provisions for travel by motor vehicle including motor vehicle allowance.
33. The provisions of this Part remain unchanged from those contained in the superseded determination.

#### **PART 6 – RATES OF TRAVEL ALLOWANCE**

34. Part 6 sets out the rates of travel allowance for capital cities and country centres.
35. Table 6A specifies the rates, for each overnight absence, of travel allowance for travel to capital cities.
36. Table 6B specifies the rates, for each overnight absence, of travel allowance for travel to country centres.
37. Table 6C specifies the meal and incidental components of the travel allowance set out in Tables 6A and 6B.
38. Table 6D specifies the meal and incidental components of travel allowance for any country centre not specified by name in Table 6B.
39. Consistent with the approach taken by the Australian Taxation Office, in 2025 the Tribunal has removed the table of country centres previously known as Group 2 country centres from its determination. The result is that the meal and incidental components of each country centre named in the determination will be calculated with reference to Table 6C.

#### **SCHEDULE 1 – REPEALS**

40. Schedule 1 specifies instruments which have been amended or repealed.

**Authority:** Sub-sections 5(2A) and 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 (Official Travel) Determination 2025

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 Legislative Instrument

The instrument, or determination, applies the Tribunal's 2025 travel and motor vehicle allowances review decisions effective from 7 September 2025. The determination supersedes the previous principal determination Remuneration Tribunal (Official Travel) Determination 2024.

The primary purpose of the determination is to adjust the travel allowance amounts for offices within the Remuneration Tribunal's jurisdiction, including judicial offices. In doing this, it closely reflects the amounts determined by the Australian Taxation Office as reasonable travel expense amounts in Taxation Determination TD 2025/4: Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2025-26 income year?

The determination includes substantively similar provisions to the previous principal determination with adjustments to allowance rates. It makes 2 changes with respect to the airline cabin class office holders may access in certain situations. Tier 1 office holders may no longer travel first class on international flights. Tier 2 office holders may no longer travel business class on short haul domestic flights between any of Sydney, Melbourne and Canberra. An exception is available for Tier 2 office holders with a physical limitation or impairment who require access to business class on these flights.

### Human rights implications

This instrument engages the following rights:

- right to work and to just and favourable conditions of work in Articles 6 and 7 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)
- rights of people with disability in Articles 5 and 26 of the *Convention on the Rights of Persons with Disabilities* (CRPD).

#### ***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 includes, 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)).

This instrument ensures that the office holders who are the subject of the determination continue to be provided with current and reasonable travel allowance amounts and reasonable travel arrangements to fairly support the duties they are required to perform as public office holders. This would not be the case if public office holders were required to personally finance the travel and accommodation costs they incur in discharging their duties. This instrument therefore promotes '*... the right of everyone to the opportunity to gain his living by work which he freely*

*chooses or accepts ...*’ and the principle of *‘fair wages and equal remuneration for work of equal value’* per Articles 6 and 7 of the ICESCR.

### ***Rights of people with disabilities***

Article 5.3 of the CRPD provides *‘In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided’*. ‘Reasonable accommodation’ means providing necessary and appropriate modifications and adjustments, which do not impose a disproportionate or undue burden, where needed in a particular case. The CRPD also obligates States Parties to *‘take effective and appropriate measures... to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life’* (Article 26).

This instrument engages Australia’s obligations in the CRPD to provide ‘reasonable accommodation’ to ensure people with disability can enjoy their rights on an equal basis with others and be included and participate in employment. Specifically, this instrument includes provisions enabling an office holder with a physical limitation or impairment and who requires accessible accommodation to have their travel allowance supplemented to take into account the additional cost of that accommodation, where necessary. This instrument also provides for a Tier 2 office holder with a physical limitation or impairment who requires to travel at business class on short haul domestic flights, to do so. These provisions promote the inclusion and participation of office holders with disabilities in employment, thereby contributing to the implementation of Australia’s obligations under the CRPD.

### **Conclusion**

This instrument is compatible with human rights because it enhances and promotes the protection of human rights, and in particular, the right to just and favourable conditions of work through maintaining the principle of current and reasonable travel allowance amounts and reasonable travel arrangements for travel in the performance of duties, and the provision of ‘reasonable accommodation’ to support the inclusion and participation of office holders with disabilities in employment on an equal basis with others.

## **The Remuneration Tribunal**