



**ACT**  
Government

## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Statement and Determination 7 of 2011

#### Part-Time Presidential Member ACT Civil and Administrative Tribunal

### Background

Section 10 of the *Remuneration Tribunal Act 1995* (the Act) requires the Remuneration Tribunal (the Tribunal) to inquire into, and determine, the remuneration, allowances and other entitlements to holders of the positions mentioned in Schedule 1 of the Act or notified in writing to the Tribunal by the Chief Minister for the purposes of this section.

The Tribunal last reviewed remuneration and allowances for the part-time Presidential Member of the ACT Civil and Administrative Tribunal in April 2010 and issued Determination 5 of 2010 in June 2010.

This latest review, which sought submissions from interested parties, was notified in the press on 12 February 2011.

### Tribunal Consideration

#### *Remuneration*

The Tribunal reviews the part-time Presidential Member position at the same time as the General President and Appeals President (the two full-time Presidential positions), as remuneration for the part-time Presidential Member is 50% of the remuneration determined for these positions.

The Tribunal has determined remuneration of \$255,870 per annum for the General President and Appeals President, with effect from 1 July 2011, an increase of 2.5%.

The Tribunal determined remuneration for the part-time Presidential Member of \$127,935 with effect from 1 July 2011.

#### *Superannuation and motor vehicle parking*

The Tribunal has removed the superannuation and motor vehicle parking prescription from the previous determination for the part-time presidential member. The reason for doing so is that the entitlement is prescribed in another Territory law, namely section 642 of the *Public Sector Management Standards 2006* (PSM Standards) for superannuation entitlements and Part 9.5 of the PSM Standards for parking entitlements. In accordance with section 11 of the Act (reproduced below), the Tribunal is prevented from determining that an entitlement is to be granted to the holder of an office or appointment if an allowance or entitlement of that kind is to be paid or granted to the holder under a territory law.

The Tribunal notes that the provisions that have been removed essentially replicated the provisions in the PSM Standards. Consequently, there will be no change to the entitlements for the holder of this office.

***Extract from Remuneration Tribunal Act 1995***

**11            *Determinations subject to law etc***

- (1) *In making a determination under section 9 or section 10, the tribunal must not determine that an allowance is to be paid, or that an entitlement is to be granted, to the holder of an office or appointment if an allowance or entitlement of that kind is to be paid or granted to the holder under a territory law or a law of the Commonwealth.*
- (2) *A determination under section 9 or section 10 has effect in relation to the holder of an office, position or appointment subject to—*
  - (a) *any territory law or law of the Commonwealth; and*
  - (b) *the instrument by which the holder was appointed, engaged, authorised or requested to exercise the functions of the office or appointment.*

ACT Remuneration Tribunal  
June 2011

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**ACT**  
Government

**AUSTRALIAN CAPITAL TERRITORY  
REMUNERATION TRIBUNAL**

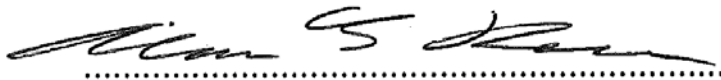
**Determination 7 of 2011**

**Part-Time Presidential Member**  
**ACT Civil and Administrative Tribunal**

Pursuant to Section 10 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid, and other entitlements to be granted to the part-time Presidential Member of the ACT Civil and Administrative Tribunal.

This Determination shall take effect on and from 1 July 2011.

Alan Kerr AM  
Chair



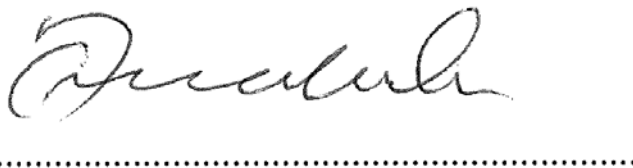
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Anne Cahill Lambert AM  
Member



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Greg Friedewald  
Member



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Dated: June 2011

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**Determination 7 of 2011**

**Part-Time Presidential Member**  
**ACT Civil and Administrative Tribunal**

**The Tribunal determines as follows:**

**1. Remuneration**

1.1 Remuneration of \$127,935 per annum for the part-time Presidential Member.

**2. Salary Packaging**

2.1. The part-time Presidential Member may elect to take remuneration as salary or take a combination of salary and other benefits best suited to his or her personal needs and preferences.

2.2. The salary packaging scheme is to be consistent with taxation laws and guidelines applicable to salary packaging schemes, issued by the Australian Taxation Office.

2.3. 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 remuneration being taken as benefits and related costs such as fringe benefits tax.

2.4. 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.

2.5. The salary for superannuation purposes of the part-time Presidential member is unaffected by participation in the salary packaging scheme.

**3. Travel**

3.1 A part-time Presidential Member shall be entitled to economy class travel for all domestic trips, or parts of trips, less than 4 hours in the air, and business class travel for domestic trips, or parts of trips, exceeding 4 hours in the air, and for all overseas trips for the purposes of Clause 4 of Determination Number 16 of 2007 – ‘Travel allowances for full-time and part-time holders of public office’; and

3.2 Accommodation for the purposes of Clause 6 of the above travel Determination will be 4 star accommodation.

**4. Revocation of Previous Determination**

4.1 Determination 5 of 2010, dated 16 June 2010.

**5. Date of Effect**

5.1 This Determination shall take effect on and from 1 July 2011.

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