



# AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

## Statement 7 of 2009

### Part-Time Holders of Public Office

### Part-Time Non-Presidential Members 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 for positions mentioned in Schedule 1 of the Act. The ACT Civil and Administrative Tribunal is included in this Schedule.

In anticipation of the commencement of the ACT Civil and Administrative Tribunal, the Tribunal conducted an inquiry in January 2009 and issued Determination 2 of 2009.

Following the commencement of the ACT Civil and Administrative Tribunal and subsequent submissions the Tribunal received, the Tribunal decided that a further inquiry should be conducted, and all part-time non-Presidential Members were invited to provide submissions.

#### Tribunal Consideration

Submissions were received from part-time non-presidential members, formerly part-time members of the former Administrative Appeals Tribunal, in relation to remuneration and possible retainer and cancellation fees for Members of the ACT Civil and Administrative Tribunal.

Two Senior Members appeared before the Tribunal at a meeting on 5 June 2009.

#### *Daily fee*

The Tribunal considered all the submissions that had been provided to the hearing in January and the further written and oral submissions it received subsequent to the establishment of the ACT Civil and Administrative Tribunal

The Tribunal has decided that remuneration for part-time Senior Members shall be \$875 per diem and that part-time Ordinary Members shall be paid \$400 per diem and that this remuneration be payable from the commencement of the ACT Civil and Administrative Tribunal on 2 February 2009.

#### *Retainer and cancellation fees*

The Tribunal decided that it would not make a determination in relation to retainer or cancellation fees. The ACT Civil and Administrative Tribunal may wish in the future to make a submission to the Tribunal about retainer and cancellation fees based on actual operations.

The date of effect of the determination is 2 February 2009.

ACT Remuneration Tribunal  
June 2009

-----



**AUSTRALIAN CAPITAL TERRITORY  
REMUNERATION TRIBUNAL**

**Determination 7 of 2009**

**Part-Time Holders of Public Office**

**Part-Time Non-Presidential Members  
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 Non-Presidential Members of the ACT Civil and Administrative Tribunal.

This Determination shall take effect on and from 2 February 2009.

Alan Kerr AM  
Chair

  
.....

Roberta McRae OAM  
Member

  
.....

Jill Greenwell  
Member

  
.....

Dated: June 2009

-----



## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Determination 7 of 2009

#### Part-Time Holders of Public Office

#### Part-Time Non-Presidential Members ACT Civil and Administrative Tribunal

#### The Tribunal determines as follows:

#### **1. Remuneration**

- 1.1 Remuneration at the rate of \$875 per diem for a part-time Senior Member.
- 1.2 Remuneration at the rate of \$400 per diem for a part-time Ordinary Member.

#### **2. Additional Payment – Presiding Members**

- 2.1 Where a tribunal comprises two or more members an additional payment of 10% of remuneration shall be payable to the presiding member provided:
  - (a) the presiding member is an Ordinary Member; or
  - (b) the presiding member is a Senior Member, if any other member of the tribunal is not an Ordinary Member.
- 2.2 The additional payment applies to all remuneration paid including preparation time, the hearing and any post hearing remuneration, where applicable.

#### **3. Conditions of Payment of Daily Fees**

- 3.1 In this clause: -

*“business of the tribunal”* means any business of the ACT Civil and Administrative Tribunal conducted by a member of the tribunal with the approval of the tribunal, other than attendance at a formal meeting; and

*“daily fee for a formal meeting”*

- (a) includes a component to cover normal preparation time; and
- (b) where the General President considers the period of preparation time involved is so unusual as to warrant recognition, the General President may determine that payment be made for the period in accordance with the relevant per diem rate.

- 3.2 A part-time non-presidential member will be paid a daily fee if he or she attends a formal meeting of the tribunal and/or is engaged on business of the tribunal for a period of 3 or more hours on one day, subject to the following conditions:
- (a) the General President, or a nominated person, will certify whether the period of three hours has elapsed having regard to reasonable travelling time incurred by a part-time non-presidential member; and
  - (b) the maximum payment in respect of any one day shall be the appropriate daily fee.
- 3.3 A part-time non-presidential member may be paid for formal meetings of less than three hours, subject to the following conditions:-
- (a) for formal meetings and business of the Tribunal aggregating less than two hours, an amount equal to two-fifths of the daily fee;
  - (b) for formal meetings, or formal meetings and business of the tribunal on the day of the meeting, aggregating two hours or more, but less than three hours on any one day, an amount equal to three-fifths of the daily fee; and
  - (c) eligibility for each payment shall be certified by the General President, or nominated person, and in so certifying the General President may have regard to reasonable travelling time in accordance with subclause 3.2.
- 3.4 A part-time non-presidential member may also be paid a daily fee in respect of aggregates of periods of business of the tribunal of less than three hours undertaken on behalf of the tribunal, subject to the following conditions:-
- (a) individual periods of business must be on other than formal meeting days and each period must be for a minimum of one hour;
  - (b) to attract payment of a daily fee, aggregated periods shall total at least five hours;
  - (c) the maximum period in respect of any one day shall be the appropriate daily fee;
  - (d) eligibility for each payment shall be certified by the General President, or nominated person, having regard to reasonable travelling time.

#### **4. Salary Packaging**

- 4.1 Subject to the following conditions, a part-time non-presidential member may elect to take remuneration shown in clause 1 as salary or take a combination of salary and other benefits best suited to his or her personal needs and preferences.
- 4.1 The salary packaging scheme is to be consistent with taxation laws and guidelines applicable to salary packaging schemes, issued by the Australian Taxation Office.
- 4.2 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 relevant remuneration shown in clause 1 being taken as benefits and related costs such as fringe benefits tax.

4.3 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.

4.4 The salary for superannuation purposes of a part-time non-presidential member is unaffected by participation in the salary packaging scheme.

**5. Travel Entitlements**

5.1 A part-time non-presidential member shall be entitled to economy class travel for the purposes of Clause 4, and 3 or 3.5 star accommodation for the purposes of Clause 6 of Determination Number 16 of 2007 – ‘Travel allowances for full-time and part-time holders of public office’; and

**6. Revocation of Previous Determination**

6.1 Determination 2 of 2009, dated 30 January 2009 is revoked.

**7. Date of Effect**

7.1 The determination is effective on and from 2 February 2009.

-----