

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2004-2005 ADDITIONAL SENATE ESTIMATES HEARING
17 FEBRUARY 2005**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

Australian Industrial Registry

Question Number: W277-05

Question:

Senator Marshall asked at Hansard page 115/116:

For the financial years 2003-04 and 2004-05 can the Commission provide details on:

- (a) Total cost of Commissioners' salary packages including terms and conditions;
- (b) Cost of private telephone, private internet services and mobile phones for private use per Commissioner; and
- (c) Total cost of travel expenditure per Commissioner.

Answer:

Outline of Conditions of Office

PRESIDENTIAL MEMBERS (PRESIDENT, VP, SDP, DP)

The *Workplace Relations Act 1996* (WRA 1996) provides the following:

“s.9 - Appointment of Commission Members etc.

(1) The President, Vice Presidents, Senior Deputy Presidents, Deputy Presidents and Commissioners shall be appointed by the Governor-General by commission and hold office as provided by this Act.

(2) Each Presidential Member has the same rank, status and precedence as a Judge of the Court.

(3) A Presidential Member or former Presidential Member is entitled to be styled ‘The Honourable’.”

Salary

The WRA 1996 provides the following:

“s.21 - Remuneration and Allowances of Presidential Members Etc.

- (1) The President is to be paid:
 (a) salary at an annual rate equal to the annual rate of salary payable to the Chief Justice of the Court.
- (2) A Vice President is to be paid:
 (a) salary at an annual rate equal to 103% of the annual rate of salary payable to a Judge of the Court.
- (2A) A Senior Deputy President is to be paid:
 (a) salary at an annual rate equal to the annual rate of salary payable to a Judge of the Court.
- (2B) A Deputy President is to be paid:
 (a) salary at an annual rate equal to 95% of the annual rate of salary payable to a Judge of the Court.”

Table 1. Salaries per last two financial years

	<i>Salary</i>	
	<i>2004-2005 (from 1/7/04)</i>	<i>2003-2004 (from 1/7/03)</i>
Presidential Member		
President	\$310,830	\$284,910
Vice President	\$290,944	\$266,688
Senior Deputy President	\$282,470	\$258,920
Deputy President	\$268,347	\$245,974

Allowances

“All Presidential Members under Section 21 are also entitled to be paid:
(ss.21(1)(b)(c), 21(2)(b)(c), 21(2A)(b)(c), 21(2B)(b)(c))

(b) such travelling allowances as are determined from time to time by the Remuneration Tribunal for travel within Australia; and

(c) such other allowances as are prescribed by the regulations.”

Personal Staff

It is usual practice for a Presidential Member to have 2 personal staff (Associates).

Travel

For Presidential domestic and international travel in the course of the performance of his/her duties, Business Class applies. International travel requires the approval of the President.

Travelling Allowances

Section 21 of the WRA 1996 also provides for Presidential Members to be paid for such (domestic) allowances as are prescribed by the Remuneration Tribunal (currently Determination 2004/03 as amended by Determination 2004/19 effective 29 August 2004.

Pension

Presidential Members are paid a pension under the *Judges' Pension Act 1968*, except any Presidential Member who has opted to remain a member of the APS schemes (either the CSS or PSS).

Motor Vehicle

Presidential Members have 2 options with regards to a motor vehicle:

1. a leased, self-drive, private-plated vehicle provided in accordance with the relevant Registry guidelines; or
2. a car-with-driver transport to and from work.

Leave

Presidential Members have access to a payment as per the *Judges (Long Leave Payments) Act 1979*. There are also Cabinet approved administrative arrangements, which apply to the taking of long leave after 5 years service.

A Presidential Member may elect to retain coverage under the *Long Service Leave (Commonwealth Employees) Act 1976* in place of the *Judges (Long Leave Payments) Act 1979* and the Administrative Arrangements.

Outline of Conditions of Office

COMMISSIONER

Salary & Allowances

The *Workplace Relations Act 1996* (WRA 1996) provides the following:

“s.23 Remuneration and allowances of Commissioners

(1) A Commissioner is to be paid:

(a) salary at an annual rate equal to 70% of the annual rate of salary payable to a Deputy President; and

(b) such travelling allowances as are determined from time to time by the Remuneration Tribunal for travel within Australia; and

(c) such other allowances as are prescribed by the regulations.”

Table 2. Salary per last two financial years

	<i>Salary</i>	
Commissioner	<i>2004-2005 (from 1/7/04)</i>	<i>2003-2004 (from 1/7/03)</i>
		\$187,843

Personal Staff

It is usual practice for a Commissioner to have one personal staff (an Associate).

Leave

Section 26 of the WRA 1996 provides that a Commissioner has such recreation leave entitlements as are determined by the Remuneration Tribunal.

The President may also grant a Commissioner leave of absence, other than recreation leave, on such terms and conditions as to Remuneration or otherwise as the President determines.

Commissioners also have access to Long Service Leave under the *Long Service Leave (Commonwealth Employees) Act 1976*.

Travel

Business class travel applies for domestic and international travel in the course of the performance of the Commissioner's duties. International travel requires the approval of the President

Travel Allowances

Section 23 of the WRA 1996 also provides for Commissioners to be paid allowances as prescribed by the Remuneration Tribunal (same as Presidential Members).

Superannuation

Commissioners are eligible to join the Public Sector Superannuation Schemes.

Vehicle

Subject to Registry guidelines, a Commissioner is entitled to a fully maintained private-plated car.

MEMBERS TELEPHONE COSTS

QON: 17/2/05 (No. W277-05 (b))

MEMBER	CITY	2004-05 (to 28 Feb 2005)		
		Res Phone ⁵	Res. Internet ⁵	Mobile ⁵
		\$	\$	\$
Acton SDP	M	1,250.83	643.16	641.36
Bacon C	B	1,178.19	643.16	394.95
Blain DP	P	816.32	643.27	658.40
Blair C	M	1,894.50	639.60	1,270.13
Boulton J ¹	S	0.00		214.31
Cargill C	S	859.44		106.01
Cartwright SDP	S	1,487.34	472.40	453.21
Cribb C	M	1,980.61	643.23	1,419.23
Deegan C	C	1,016.80	643.16	252.22
Drake SDP	S	3,662.51	570.54	2,072.07
Duncan SDP	S	352.74	570.52	366.04
Eames C	M	1,119.41	643.23	444.60
Foggo C	M	505.66	591.39	800.69
Gay C	M	832.74	643.16	636.98
Giudice J	M	1,645.53	591.39	830.60
Grainger C	M	233.51		1,235.29
Hamilton DP	M	410.88	643.16	70.00
Hamberger SDP ³	S	549.43	499.74	267.19
Harrison C	S	1,179.86	482.31	806.91
Harrison SDP	S	685.24	397.09	355.09
Hingley C	M	1,468.74		248.57
Hoffman C	B	1,481.77	643.16	763.85
Holmes C ²	M	468.99	487.85	274.99
Ives DP	M	1,137.97	643.16	968.72
Kaufman SDP	M	1,883.49	570.48	515.39
Lacy SDP	M	730.18	570.48	1,792.22
Larkin C	S	675.13	570.61	585.38
Lawson C	S	1,026.75	593.21	183.07
Leary DP ²	H	597.49		807.13
Lewin C	M	944.83	469.72	151.86
Lawler VP	S	1,374.09	570.48	1,117.56
Lloyd SDP ³	M	492.52	397.03	306.16
McCarthy DP	P	596.04	1,037.21	277.76
Marsh SDP	S	1,106.00	570.48	416.66
Munro J ²	S	72.31	72.68	39.10
Mansfield C	M	470.81		313.42
O'Callaghan SDP	A	1,941.73		602.27
Raffaelli C	S	530.93	591.39	648.15
Redmond C	S	521.78		516.14
Ross VP	M	1,122.82		1,560.45
Roberts C	S	1,346.10	591.39	819.93
Richards C	B	1,137.09	410.63	124.64
Spencer C	B	857.44		1,007.12
Simmonds C	M	608.77	591.39	292.22

Smith C	M	1,613.04	591.39	2,608.90
Tolley C	M	628.94		404.65
Thatcher C	P	598.18	570.50	306.69
Watson SDP	M	856.27	591.39	425.22
Whelan C	M	1,718.75	643.16	205.35
Williams SDP ²	M	778.93	545.94	928.69
		50,449.42	22,284.24	32,507.54

¹ member on overseas appointment

² member retired

³ member appointed

⁴ member deceased

⁵ includes call and rental charges, repairs, purchases, installation costs

MEMBERS TELEPHONE COSTS

QON: 17/2/05 (No. W277-05 (b))

MEMBER	CITY	2003-04		
		Res Phone ⁵	Res. Internet ⁵	Mobile ⁵
		\$	\$	\$
Acton SDP	M	1,804.07	508.76	843.80
Bacon C	B	1,807.10	508.76	570.06
Blain DP	P	1,859.77	508.83	1,813.45
Blair C	M	4,272.91	910.68	1,578.93
Boulton J ¹	S	0.00		219.18
Cargill C	S	860.01		156.38
Cartwright SDP	S	2,164.55	383.80	849.05
Cribb C	M	2,006.01	454.73	2,461.16
Deegan C	C	1,538.76	508.76	1,526.13
Drake SDP	S	8,329.48	1,185.04	3,165.30
Duncan SDP	S	544.00	355.36	136.47
Eames C	M	2,729.11	508.76	904.90
Foggo C	M	1,238.94	947.80	777.90
Gay C	M	1,509.15	508.76	1,595.11
Giudice J	M	2,315.96	554.21	684.88
Grainger C	M	458.38		888.42
Hamilton DP	M	799.58	508.76	444.10
Harrison C	S	2,909.20	580.58	2,069.31
Harrison SDP	S	1,251.49	-68.90	673.43
Hingley C	M	1,384.49		123.68
Hodder C ²	B	532.80		522.03
Hoffman C	B	2,543.81	508.76	2,016.70
Holmes C	M	848.72	508.77	1,188.40
Ives DP	M	2,310.57	508.76	1,404.67
Jones C ²	S	295.68		96.64
Kaufman SDP	M	3,216.78	508.76	1,781.76
Lacy SDP	M	1,373.83	508.76	1,661.24
Larkin C	S	1,001.20	508.94	1,981.91
Lawson C	S	1,926.58	508.76	592.61
Leary DP	H	994.91		1,053.02
Lewin C	M	1,635.97		285.60
Lawler VP	S	2,341.33	286.46	2,853.46
McCarthy DP	P	1,362.03	581.81	793.26
Marsh SDP	S	1,522.56	508.76	634.91
Munro J ²	S	1,590.30	508.83	950.39
Mansfield C	M	820.40		1,267.81
O'Callaghan SDP	A	3,245.48		1,208.69
O'Connor C ²	P	8.29		35.28
Polites SDP ⁴	M	447.01		1,918.66
Raffaelli C	S	759.17	508.76	545.32
Redmond C	S	1,157.56	511.72	505.94
Ross VP	M	1,804.71		1,817.15
Roberts C	S	3,224.06	875.12	1,046.70
Richards C	B	1,842.96	178.13	790.03

Spencer C	B	1,571.16		1,114.93
Simmonds C	M	979.99	367.18	895.73
Smith C	M	3,417.62	428.04	2,767.04
Tolley C	M	982.57		449.84
Thatcher C ³	P	1,429.96	508.76	1,376.98
Watson SDP	M	1,118.81	508.76	773.40
Whelan C	M	1,888.98	508.82	379.78
Williams SDP	M	899.25	255.76	1,487.98
		88,878.01	18,963.11	57,679.50

¹ member on overseas appointment

² member retired

³ member appointed

⁴ member deceased

⁵ includes call and rental charges, repairs, purchases, installation costs

MEMBERS TRAVEL COSTS

QON: 17/2/05 (No. W277-05 (c))

		2004-05 (to 28 Feb 2005)					
MEMBER	CITY	DOMESTIC FARES \$	DOMESTIC TA \$	Domestic Trips No.	OS FARES \$	OS TA \$	TOTAL TRAVEL \$
Acton SDP	M	2,375.46	1,381.00	5.0			3,756.46
Bacon C	B	11,804.79	5,184.00	11.0	-13.48		16,975.31
Blain DP	P	10,217.58	1,997.00	4.0			12,214.58
Blair C	M	6,821.59	4,214.18	7.0	5,818.75	2,595.89	19,450.41
Boulton J ¹	S	0.00	0.00	0.0			0.00
Cargill C	S	2,483.49	1,976.00	5.0			4,459.49
Cartwright SDP	S	6,124.70	9,399.00	7.0			15,523.70
Cribb C	M	2,621.06	790.00	3.0			3,411.06
Deegan C	C	11,451.38	6,635.00	14.0			18,086.38
Drake SDP	S	1,514.57	650.00	4.0			2,164.57
Duncan SDP	S	4,160.87	3,030.00	5.0			7,190.87
Eames C	M	6,139.37	4,872.00	4.0			11,011.37
Foggo C	M	4,248.86	328.00	5.0	4,585.67	190.80	9,353.33
Gay C	M	5,418.15	5,885.00	7.0	-2,435.96		8,867.19
Giudice J	M	12,550.71	3,880.33	15.0		940.96	17,372.00
Grainger C	M	435.40	273.00	1.0			708.40
Hamilton DP	M	1,610.36	667.00	3.0			2,277.36
Hamberger SDP ³	S	3,470.88	2,530.00	4.0			6,000.88
Harrison C	S	9,314.49	6,679.00	9.0			15,993.49
Harrison SDP	S	6,548.67	3,780.00	6.5			10,328.67
Hingley C	M	1,692.21	792.00	1.0			2,484.21
Hoffman C	B	6,706.28	10,381.00	8.0			17,087.28
Holmes C ²	M	0.00	0.00				0.00
Ives DP	M	6,916.65	5,355.00	8.0			12,271.65
Kaufman SDP	M	11,255.03	9,970.00	12.0			21,225.03
Lacy SDP	M	5,114.39	740.00	3.0	13,549.46	6,769.10	26,172.95
Larkin C	S	2,967.65	951.00	1.0			3,918.65
Lawson C	S	2,950.66	2,979.00	4.0			5,929.66
Leary DP ²	H	21,737.34	17,561.00	11.0	6,986.66	1,033.30	47,318.30
Lewin C	M	1,295.12	211.00	1.0			1,506.12
Lawler VP	S	14,674.51	17,624.00	20.0			32,298.51
Lloyd SDP ³	M	2,393.89	539.55	4.0			2,933.44
McCarthy DP	P	5,469.42	1,785.00	4.0			7,254.42
Marsh SDP	S	7,037.14	4,500.00	8.0			11,537.14
Munro J ²	S	846.16	0.00				846.16
Mansfield C	M	3,094.42	2,055.73	4.0			5,150.15
O'Callaghan SDP	A	10,123.04	1,485.00	11.0			11,608.04
Raffaelli C	S	5,212.91	3,186.00	9.0			8,398.91
Redmond C	S	3,019.24	3,329.00	5.0	7,312.50	3,579.09	17,239.83
Ross VP	M	18,467.97	9,260.00	16.0			27,727.97
Roberts C	S	1,916.63	2,423.00	4.0		578.71	4,918.34
Richards C	B	2,395.69	695.00	3.0			3,090.69
Spencer C	B	2,371.49	545.00	4.0			2,916.49
Simmonds C	M	3,543.79	3,371.00	5.0	7,652.25	3,504.20	18,071.24

Smith C	M	4,345.86	3,805.00	6.0	-94.94	238.00	8,293.92
Tolley C	M	0.00	0.00				0.00
Thatcher C	P	5,969.88	6,064.00	3.0			12,033.88
Watson SDP	M	8,630.28	5,521.00	7.0			14,151.28
Whelan C	M	1,810.60	892.00	3.0			2,702.60
Williams SDP ²	M	3,953.77	1,631.00	4.0			5,584.77
		275,224.40	181,801.79	288.5	43,360.91	19,430.05	519,817.15

¹ member on overseas appointment

² member retired

³ member appointed

⁴ member deceased

MEMBERS TRAVEL COSTS

QON: 17/2/05 (No. W277-05 (c))

		2003-04					
MEMBER	CITY	DOMESTIC FARES \$	DOMESTIC TA \$	Domestic Trips No.	OS FARES \$	OS TA \$	TOTAL TRAVEL \$
Acton SDP	M	1,224.07	1,450.00	2			2,674.07
Bacon C	B	10,405.56	5,589.00	17			15,994.56
Blain DP	P	5,674.52	6,745.00	6			12,419.52
Blair C	M	6,870.86	7,217.00	10			14,087.86
Boulton J ¹	S	0.00	0.00				0.00
Cargill C	S	2,500.58	798.00	4			3,298.58
Cartwright SDP	S	4,500.14	3,944.00	8			8,444.14
Cribb C	M	7,617.10	1,903.00	12			9,520.10
Deegan C	C	10,026.06	7,375.67	21	7,187.76	2,543.53	27,133.02
Drake SDP	S	8,071.23	1,200.00	9			9,271.23
Duncan SDP	S	13,978.20	11,258.00	19			25,236.20
Eames C	M	6,949.40	4,345.00	4	6,157.13	2,420.43	19,871.96
Foggo C	M	4,227.02	370.00	9		210.00	4,807.02
Gay C	M	5,708.97	5,416.00	9	1,666.52	336.00	13,127.49
Giudice J	M	11,869.65	5,761.00	16	17,733.19	7,964.33	43,328.17
Grainger C	M	647.26	1,415.00	1			2,062.26
Hamilton DP	M	2,155.19	1,295.00	6			3,450.19
Harrison C	S	21,829.04	9,477.00	23	6,147.05	3,165.47	40,618.56
Harrison SDP	S	8,893.79	4,464.25	15			13,358.04
Hingley C	M	1,975.95	1,219.85	3	6,274.22	2,900.39	12,370.41
Hodder C ²	B	2,248.97	1,225.00	1			3,473.97
Hoffman C	B	11,426.84	8,315.68	15	6,018.97	3,870.89	29,632.38
Holmes C	M	0.00	38.00				38.00
Ives DP	M	3,814.95	3,706.00	5			7,520.95
Jones C ²	S	0.00	510.00	2			510.00
Kaufman SDP	M	8,978.34	8,990.00	18			17,968.34
Lacy SDP	M	31,330.61	16,154.41	21	3,272.07	8,808.98	59,566.07
Larkin C	S	10,466.20	6,702.00	19			17,168.20
Lawson C	S	5,210.48	5,417.45	7			10,627.93
Leary DP	H	28,790.50	35,303.17	34			64,093.67
Lewin C	M	2,984.32	1,337.00	7			4,321.32
Lawler VP	S	14,871.38	16,988.00	27			31,859.38
McCarthy DP	P	6,177.97	4,318.00	4			10,495.97
Marsh SDP	S	21,490.22	19,338.00	31			40,828.22
Munro J ²	S	11,274.42	7,413.00	19			18,687.42
Mansfield C	M	6,683.45	3,978.50	9			10,661.95
O'Callaghan SDP	A	5,559.19	3,563.45	12			9,122.64
O'Connor C ²	P	0.00	0.00				0.00
Polites SDP ⁴	M	0.00	0.00		5,983.34	1,171.46	7,154.80
Raffaelli C	S	7,494.93	4,913.00	12			12,407.93
Redmond C	S	5,389.71	6,159.84	12			11,549.55
Ross VP	M	12,525.20	15,153.00	21	6,793.28	5,452.43	39,923.91
Roberts C	S	5,858.85	3,605.00	12	3,364.12	3,730.79	16,558.76
Richards C	B	5,589.95	2,424.00	8			8,013.95

Spencer C	B	2,585.47	2,105.00	4			4,690.47
Simmonds C	M	4,002.37	5,311.00	11			9,313.37
Smith C	M	10,458.72	11,204.00	17	6,162.75	2,721.54	30,547.01
Tolley C	M	0.00	1,146.00	0			1,146.00
Thatcher C ³	P	17,701.19	11,700.25	12			29,401.44
Watson SDP	M	9,418.87	6,780.00	11			16,198.87
Whelan C	M	0.00	1,270.00	1			1,270.00
Williams SDP	M	6,911.34	7,500.00	10			14,411.34
		394,369.03	303,811.52	568	76,760.40	45,296.24	820,237.19

¹ member on overseas appointment

² member retired

³ member appointed

⁴ member deceased