

Senate Legal and Constitutional Affairs Legislation Committee

Attorney-General's Department

Hearing date: 26 April 2024

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Varun Ghosh asked the following question:

Senator GHOSH: One of the submissions we received earlier today from someone who was acting on behalf of existing Administrative Appeal Tribunal members related to the amounts that they would, in effect, be entitled to if current members were not appointed to the new Administrative Review Tribunal. The effect of that submission was that the current members would be entitled to four months of their salary if they're not reappointed to the ART, but that the appropriate amount was for 12 months. Are you able to offer some guidance regarding the various members who may or may not be reappointed in terms of what the difference in actual amounts would be comparing that 12-month period with that four-month period? I'm specifically interested in deputy presidents, senior members and members who aren't reappointed under a merit based selection process.

Ms Samios: I have the figures for the four-month payment. I don't have the full year remuneration figures in front of me, although I know some of them fairly well. There is a position of Member (level 3), but there are no current full-time members at level 3, so that position is effectively not relevant. For a Member (level 2), I believe the current total remuneration for a full year is \$236,000. I will double-check that figure, but it's certainly in that mid-\$230,000 range. Possibly I could get there by multiplying the figures I have by three. Four months would be just shy of \$79,000. At the Deputy President level the total remuneration for a 12-month period would be approximately \$530,000, which comes down to \$177,000 for a four-month period. There are three other tiers in between those, but that gives you the range.

Senator GHOSH: Can you please take on notice the precise figures of those levels?

Ms Samios: Yes, Senator.

The response to the question is as follows:

Part 7 of Schedule 16 of the Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Bill 2024 provides for compensation of up to four months remuneration for full-time Administrative Appeals Tribunal members with appointments that would have extended beyond the transition date and who are not appointed to the Administrative Review Tribunal. This provision applies in place of the relevant compensation provisions under the Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018 (Loss of Office Determination).

Under the Loss of Office Determination, an office holder would be entitled to a maximum payment of a year of reference salary. Reference salary refers to total remuneration less the amount that reflects the employer superannuation contribution. As such, reference salary will be impacted by the particular superannuation scheme to which a member is a part. The below indicative figures for reference salary are based on a member who is part of the Public Sector

Superannuation Scheme which was the defined benefit scheme that opened on 1 July 1990 and closed to new members on 30 June 2005.

Member level	Total remuneration as set by the Remuneration Tribunal	12 months of reference salary (maximum payment under Loss of Office determination) - indicative	4 months of remuneration (maximum payment under the transitional provisions)
Deputy President (non-judicial)	\$530,630	\$473,427	\$176,877
Senior Member (Level 1)	\$418,830	\$371,745	\$139,610
Senior Member (Level 2)	\$352,580	\$312,942	\$117,527
Member (Level 1)	\$266,540	\$236,575	\$88,847
Member (Level 2)	\$236,920	\$210,284	\$78,973