

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

Question No. 166

Senator Ludwig asked the following question at the hearing on 31 October 2006:

- a) On what date does Ms Goward's recreational leave end?
- b) If it is available, please provide the legal advice HREOC sought in respect of the leave arrangements of the Sex Discrimination Commissioner
- c) If it is available please provide the breakdown of Ms Goward's salary package and identify which parts will continue to be accessed and which will not.

The answer to the honourable senator's question is as follows:

- a) Ms Goward was paid her recreation leave entitlement in advance. Ms Goward's entitlements had been calculated to 21 February 2007.
- b) The legal advice was provided to the Commission in-confidence and the Commission does not consider it appropriate to disclose this advice.
- c) As Sex Discrimination Commissioner, Ms Goward's remuneration is determined by the Remuneration Tribunal – under *Remuneration Tribunal Determination 2006/13* 'Remuneration and Allowances for Holders of Full-Time Public Office' (the Determination). The Determination specifies (para 2.1) a Total Remuneration (TR) of \$229,830 p.a. for the Sex Discrimination Commissioner. TR is defined as comprising 'salary' (including 'Base Salary') and 'Benefits'. The Determination states (para 2.5) that 'an Office Holder may elect to receive the value of remuneration as salary or as a combination of salary and Benefits'.

The Determination specifies that the 'Base Salary' for the Sex Discrimination Commissioner is \$161,140 p.a. It also specifies (para 2.7.1) that the Superannuation component of the TR shall be 15.4% of Base Salary, which is \$ 24,815 p.a.

The Determination defines 'Benefits' as 'all non-monetary benefits provided at the employer's expense to or on behalf of an Office Holder as a personal benefit, including a vehicle (where provided), the value attributed by the Remuneration Tribunal to the Superannuation Support and any other benefits received by way of remuneration packaging'.

Ms Goward elected to receive her remuneration as a combination of salary and Benefits. Ms Goward elected not to access a Commission vehicle as part of her remuneration package. Her vehicle was obtained through a private novated lease arrangement.

The Determination defines TR as not including allowances specified in Part 3. The Determination specifies in Part 3 that Ms Goward, while she occupies the Office of Sex Discrimination Commissioner, is entitled to receive an accommodation allowance of \$23,400 p.a.

Whilst on paid recreation leave Ms Goward is entitled to access her TR as well as her accommodation allowance. It is further noted that Ms Goward has accessed her TR entitlements whilst on paid leave but not the accommodation allowance component of her package. She has chosen to vacate her rental accommodation in Sydney whilst on leave and her accommodation allowance has ceased.

In addition to her TR entitlements, Ms Goward was also provided by the Commission with home internet and phone access and the use of a laptop computer. These entitlements ceased from when Ms Goward commenced her recreation leave on 4 November 2006.

When Ms Goward is on leave of absence, after her paid recreational leave finishes on 21 February 2006, she will not access any part of her TR or accommodation allowance.