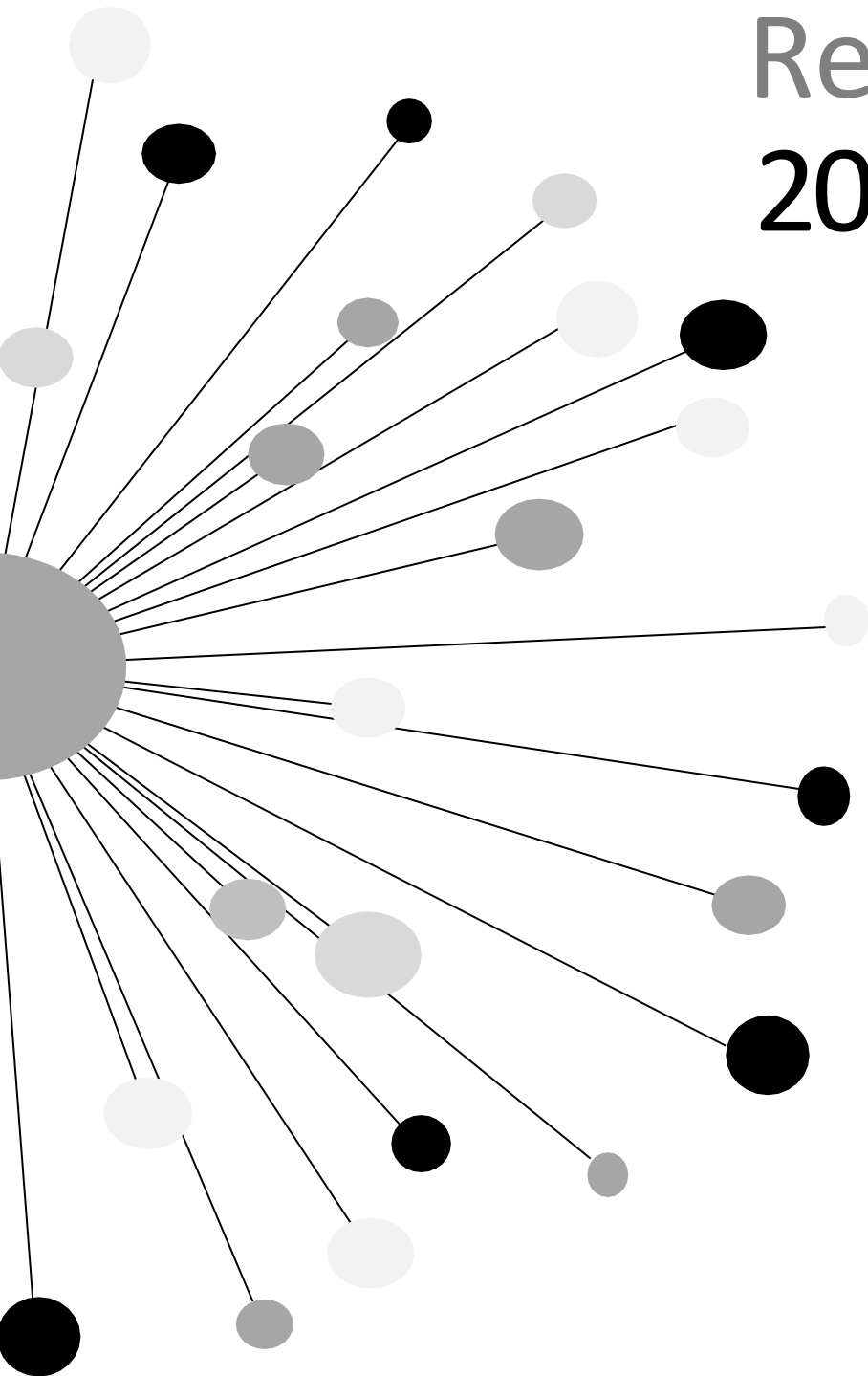


Queensland Independent
Remuneration Tribunal

Annual Report 2020 – 2021



About the Annual Report

The Queensland Independent Remuneration Tribunal is required under the *Queensland Independent Remuneration Tribunal Act 2013* to prepare and give to the Clerk of the Parliament a written report about the operations of the Tribunal during each financial year.

The Annual Report provides information on the Tribunal, the Tribunal's key achievements during 2020–2021, its priorities ahead and a summary of the Tribunal's financial operations.

The Annual Report can be accessed online at www.remunerationtribunal.qld.gov.au

ISSN: 2203-9341

© State of Queensland (Queensland Independent Remuneration Tribunal) 2021.

With the exception of any material protected by a trademark, third-party copyright material and where otherwise noted, all material in this report is licensed under a Creative Commons Attribution 3.0 Australia (CC BY 3.0 AU) licence, available at <https://creativecommons.org/licenses/by/3.0/au/deed.en>. In essence, content from this report may be adapted and copied for use if attributed to the State of Queensland (Queensland Independent Remuneration Tribunal).

Further information is available at www.remunerationtribunal.qld.gov.au/tools/copyright.aspx



Contact us

For a printed copy of the Annual Report or for any other enquiries please contact us as follows:

Web: www.remunerationtribunal.qld.gov.au

Email: remunerationtribunal@qirt.qld.gov.au

Post: The Secretariat
Queensland Independent Remuneration Tribunal
PO Box 15185
CITY EAST QLD 4002

Letter of compliance

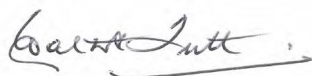
7 September 2021

Mr Neil Laurie
Clerk of the Parliament
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Dear Mr Laurie

I am pleased to present the Annual Report 2020-2021 for the Queensland Independent Remuneration Tribunal. This is the eighth report issued under section 26 of the *Queensland Independent Remuneration Tribunal Act 2013* and complies with the provisions of that section.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Walter Tutt', with a horizontal line underneath.

Walter Tutt
Chair

Table of Contents

Message from the Chair	1
1. About the Queensland Independent Remuneration Tribunal	2
1.1 Establishment	2
1.2 Members	2
1.3 Remuneration of Tribunal members	2
1.4 Roles and functions of the Tribunal	2
1.5 Code of Conduct	3
1.6 Secretariat support	4
2. Key activities 2020–2021	5
2.1 Tribunal Determinations 2020-2021	5
Determination 21/2020	5
Determination 22/2020	5
Determination 23/2021	6
Determination 24/2021	6
Determination 25/2021	7
2.2 Tribunal rulings	7
Ruling 1/2020	7
Ruling 2/2020	7
2.3 Tribunal meetings	7
2.4 Judicial Remuneration Coordination Group	7
3. Priorities for 2021–2022	8
4. Financial summary	9

Message from the Chair

The Annual Report for 2020-2021 is the second Annual Report tabled by the Queensland Independent Remuneration Tribunal (Tribunal) as currently constituted.

A significant deliverable this financial year was the first Tribunal determination on the additional staffing entitlement for cross bench members - Determination 23/2021 entitled *Additional Staff Member and Remuneration Determination - 2021 Review of the Additional Staffing levels for Cross Bench Members of the 57th Parliament*. The *Ministerial and Other Office Holder Staff and Other Legislation Amendment Act 2020*, assented to on 23 July 2020, amended the *Queensland Independent Remuneration Tribunal Act 2013* (the Act) to give the Tribunal the function of making determinations regarding additional staff member entitlements for cross bench members. In accordance with the requirements of the Act, the Tribunal tabled its first staffing entitlement determination on 24 February 2021.

Over the past 12 months the Tribunal has also reviewed the base salary rate of members of the Queensland Legislative Assembly (members) and the additional salary rates for office holders and electoral band allocations based on revised electoral roll data, making four remuneration determinations. This brings the total number of determinations made this financial year to five and represents a significant increase in workload from 2019-2020.


All determinations are published on the Tribunal website at www.remunerationtribunal.qld.gov.au. The Tribunal also issued two rulings in response to requests from the Clerk of the Parliament regarding the use of allowances and allocations.

I thank my fellow Tribunal members for their diligent work over the last twelve months. It has been a very productive year and I am proud of the comprehensive and defensible determinations and rulings the Tribunal has produced. Issues are discussed at length to ensure reasoned, relevant and appropriate determinations are made.

I also thank the Clerk of the Parliament and his staff for their continued assistance to the Tribunal and the ongoing support provided by the Secretariat to the Tribunal. Their service and dedication are invaluable to the work of the Tribunal and is very much appreciated.

In 2021-2022 the Tribunal will continue to monitor the adequacy of allowances and entitlements for members and make other determinations as required under the Act.

I look forward to working with my fellow Tribunal members in the year to come.



Walter Tutt
Chair



1. About the Queensland Independent Remuneration Tribunal

1.1 Establishment

On 13 August 2013, the Tribunal was established as an independent statutory authority under the Act to review and decide remuneration in connection with members and former members of the Legislative Assembly. On 23 July 2020, the Act was amended to provide the Tribunal with the additional function of deciding the additional staffing entitlement of cross bench members.

1.2 Members

Under the Act, the Tribunal consists of three persons appointed by the Governor in Council. The current chair, Mr Walter Tutt, and Ms Jill Lang and Emeritus Professor Weller (members) were appointed to the Tribunal for a term commencing on 19 September 2019 and ending on 18 September 2022.

1.3 Remuneration of Tribunal members

In accordance with the Act, Tribunal members are appointed on a part-time basis and are paid the remuneration and allowances decided by the Governor in Council.

The remuneration of Tribunal members has been assessed in accordance with the *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies* (the Remuneration Procedures).

Remuneration for the Tribunal has been set by the Governor in Council at Adjudication and Determination Category, Level 2 of the Remuneration Procedures being meeting fees of \$520 for the chair and \$400 for members (meeting of four hours or less).

1.4 Roles and functions of the Tribunal

Section 7 of the Act, provides that the Tribunal's functions are to:

- review remuneration in connection with members and former members (remuneration determinations);
- review the additional staffing entitlement of cross bench members (additional staff member determinations); and
- make binding decisions, known as 'determinations', about these matters.

For the purposes of the Act, 'remuneration' means salary, allowances or entitlements in connection with a member or former member (including associated recipients such as spouses). Any salary increases are limited to that received by core public service employees under a public service salary decision.

In making a determination the Tribunal:

- may inquire into and inform itself, of anything in the way it considers appropriate;
- may seek and receive written or oral statements from relevant entities;
- must have regard to effective and efficient processes in carrying out its functions; and
- must consult with and consider the views of the Clerk.

In making a remuneration determination the Tribunal must:

- ensure any allowances paid to a member reflect the amount of reasonable expenses incurred by a member in servicing their electorate i.e. expenses to assist constituents;
- ensure these allowances are not a substitute for other remuneration; and
- ensure accommodation, services or other entitlements mentioned in section 59D of the Act are not taken into account.

In making a remuneration determination the Tribunal may consider the following principles:

- the value to the community of a member carrying out their role, functions and responsibilities;
- the importance of a member being appropriately remunerated for carrying out their role, functions and responsibilities;
- relevant laws that apply to members; and
- any other matter the Tribunal considers appropriate (e.g. the size of a member's electorate).

In making an additional staff member determination the Tribunal may have regard to the following:

- parliamentary resources provided to cross bench members and other members of the Legislative Assembly;
- the composition of the Legislative Assembly and how the composition affects cross bench members;
- the workload and duties of cross bench members for whom the Tribunal is considering to make the determination;
- whether the cross bench members are members of political parties;
- relevant laws applying to members of the Legislative Assembly; and
- other matters the Tribunal considers appropriate.

Section 59D of the Act provides that the Act (and therefore any determination) does not prevent a person from receiving the following:

- accommodation and services provided by the Parliamentary Service at Parliament House;
- accommodation and services provided in electorate offices, such as offices, staff, IT infrastructure and other major office equipment;
- entitlements a Minister or Assistant Minister receives to perform that role under the Queensland Ministerial Handbook <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook.aspx>;
- entitlements the Leader of the Opposition receives to perform that role under the Queensland Opposition Handbook <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/opposition-handbook.aspx>;
- entitlements the Speaker of the Legislative Assembly receives under the Guidelines for the Financial Management of the Office of the Speaker www.parliament.qld.gov.au/members/entitlements; and
- entitlements arising out of a national or international arrangement.

In performing its functions, the Tribunal must act independently, impartially and fairly and is not subject to direction or control by any entity, including any Minister.

To ensure the Tribunal operates in a transparent manner, it must include written reasons for its determinations, provide a copy of determinations and reasons to the Clerk for tabling in Parliament and make the determination and reasons publicly available. All determinations and reasons are available on the Tribunal website www.remunerationtribunal.qld.gov.au.

1.5 Code of Conduct

The Tribunal's Code of Conduct complies with the *Public Sector Ethics Act 1994* and is consistent with the Code of Conduct for the Queensland Public Service. In accordance with the *Public Sector Ethics Act 1994*, the Tribunal's Code of Conduct has been approved by the Premier as Minister administering the Act.

The Code is part of the Tribunal's publication scheme and is available at www.remunerationtribunal.qld.gov.au.

1.6 Secretariat support

In accordance with the Act, the Tribunal receives assistance from the Chief Executive of the department that administers the Act (the Department of the Premier and Cabinet).

The Secretariat consists of officers from the Department of the Premier and Cabinet who provide support to the Tribunal on a part-time basis as required. The Secretariat assists the Tribunal in preparing meeting documents, drafting meeting minutes, completing action items, drafting research material, compiling submissions and drafting determinations and other reports as advised by Tribunal members.

The Secretariat also coordinates support for the Tribunal in relation to the website, design, communications, printing and other resourcing needs. This further support is provided in-kind by relevant sections of the Department of the Premier and Cabinet.



2. Key activities 2020 - 2021

2.1 Tribunal Determinations 2020 - 2021

In 2020 - 2021, the Tribunal issued one additional staff member determination and four remuneration determinations. All Tribunal determinations including the Tribunal's reasons for the determination are available on the Tribunal's website at www.remunerationtribunal.qld.gov.au/determinations.aspx.

Determination 21/2020

On 13 August 2020, the Tribunal issued Determination 21/2020 entitled Review of Base and Additional Salary Rates and the Allowances System 2020 to set the base and additional salary rates for members and office holders for 2019, 2020, 2021 and 2022 and make amendments to the allowances system following its annual review of allowances.

The Tribunal determined by majority that a 0% increase would apply to the annual base and additional salary rates of members on:

- 1 September 2019
- 1 September 2020
- 1 September 2021
- 1 September 2022.

The Tribunal amended the bands and amounts of each band of the Electorate and Communication Allowance to reflect increased registrations on the electoral roll and additional costs incurred by members in supporting their electorates.

The Daily Travel Allowance rate and Parliamentary Business Overnight Rate were also increased with effect from 1 November 2020.

Determination 22/2020

On 23 October 2020, the Tribunal issued Determination 22/2020 entitled *Minor amendment to Determination 20/2020* to make a minor amendment to Determination 20/2020. Determination 20/2020 considered the impact of the COVID-19 pandemic on expenditure of the Electorate and Communication Allowance and enabled members to retain up to 40 per cent of the total Electorate and Communication Allowance paid for the 2019-2020 financial year (excluding any reductions or carry-overs from previous years) that was unexpended at 30 June for use in the next financial year.

The Determination 22/2020 clarified that any amount of unexpended Electorate and Communication Allowance in excess of the standard 10 per cent annual carry-over provision had to be used and acquitted in the period 1 July to 30 October 2020, but that unexpended Electorate and Communication Allowance within the standard 10 per cent annual carry-over provision could be acquitted by 30 June 2021.

Determination 23/2021

On 24 February 2021 the Tribunal made its first determination on the entitlements of cross bench members to additional staff members – Determination 23/2021 entitled *Additional Staff Member and Remuneration Determination - 2021 Review of the Additional Staffing levels for Cross Bench Members of the 57th Parliament*. The Tribunal undertook a substantive review process including consideration of:

- existing provisions for establishing a non-government office;
- historical considerations regarding the staffing of cross bench members;
- current Government and Opposition staffing arrangements;
- provision of additional staff (if any) for cross bench members in other jurisdictions;
- the composition of the current Legislative Assembly;
- the role and responsibilities of a cross bench member; and
- submissions received from the Clerk and cross bench members/registered political parties.

The Tribunal determined that each cross bench member who was a cross bench member as at 24 November 2020 is entitled to a 0.5 full time equivalent position, Parliamentary Policy Officer, at the salary rate applicable within the Parliamentary Service equivalent to an Administration Officer level 7.

The Tribunal determined that the Parliamentary Policy Officer can provide parliamentary support to the cross bench member but must not support the cross bench member in their electorate or at political party functions or be a 'connected party' to the cross bench member. The cross bench member has discretion to decide the work arrangements, location, hours and work schedule for the Parliamentary Policy Officer.

To enable the Parliamentary Policy Officer to accompany the cross bench member when the member travels for the primary purpose of Parliamentary Business, the Tribunal determined the categories of Parliamentary Business for which additional staff member travel may be met from the cross bench member's General Travel Allocation.

Determination 24/2021

On 10 May 2021, the Tribunal published Determination 24/2021 entitled *Electorate and Communication Allowance Band Adjustment 2021* to re-allocate electorates to bands of the Electorate and Communication Allowance based on electoral roll data as at 29 January 2021, with effect from 1 January 2021.

Determination 25/2021

On 31 May 2021 the Tribunal published Determination 25/2021 entitled *Review of Base and Additional Salary Levels of Members of the Queensland Legislative Assembly 2021*. Determination 25/2021 sets the base and additional salary increases for members as follows:

- 0% increase with effect from 1 September 2019
- 2% increase from 1 September 2021
- 2.25% increase from 1 March 2022
- 2.5% increase from 1 September 2022.

2.2 Tribunal rulings

In 2020 – 2021, the Clerk requested two rulings on the interpretation or application of a determination accordance with section 36 of the Act.

Ruling 1/2020

On 15 September 2020, the Clerk sought a ruling in relation to whether members could use their General Travel Allocation for media travel where no additional costs are incurred.

The Tribunal ruled on 16 October 2020 that members cannot cover travel expenses of the media from their General Travel Allocation under any circumstances.

Ruling 2/2020

On 18 September 2020, the Clerk sought a ruling on the appropriate kilometric rate to be adopted where a member uses their private vehicle for alternate travel rather than an Air Warrant.

The Tribunal ruled that the appropriate kilometric allowance rate to be adopted for 'Alternate Travel' is a matter for the Clerk's discretion within the parameters of the *Motor Vehicle Allowances (Directive 20/16)*.

2.3 Tribunal meetings

The Tribunal held meetings on eight occasions from 1 July 2020 to 30 June 2021. Meetings were held at 1 William Street, Brisbane. Minutes were produced for each meeting in accordance with the Act.

Tribunal members communicated via telephone and email outside of formal meetings to draft and finalise documentation. Additionally, the Tribunal corresponded with the Clerk as required under the Act.

2.4 Judicial Remuneration Coordination Group

On 26 May 2021, the Chair of the Tribunal attended the meeting of the Commonwealth, State and Territory Remuneration Tribunals Judicial Remuneration Coordination Group at which the remuneration of members of Parliament across Australian jurisdictions was discussed.



3. Priorities for 2021 - 2022

The Tribunal will consider any other issues relevant to salaries, allowances and entitlements, and the entitlement of cross bench members to additional staff members that arise in 2021 – 2022 in accordance with its functions and requirements under the Act.

The Tribunal will continue to monitor the appropriateness of the quantum of the Electorate and Communication Allowance and General Travel Entitlement through ongoing consultation with the Clerk and consideration of acquittal data and electoral roll figures to ensure the remuneration system is transparent, accountable and practically assists members in supporting their constituents.

4. Financial summary

The Financial Statement for the Queensland Independent Remuneration Tribunal (the Tribunal) has been prepared on an accrual basis in accordance with the prescribed requirements. The Department of the Premier and Cabinet provide secretariat support to the Tribunal. The revenue and expenses recognised for the Tribunal do not include allocations for corporate support and executive management services which are provided in-kind by the Department of the Premier and Cabinet.

Financial Statement for the year ended 30 June 2021¹

	NOTE	2020-21	2019-20
	2		
Revenue from ordinary activities		\$	\$
Departmental services revenue		12396	5701
Total revenue from ordinary activities		12396	5701
Tribunal Member Fees and related costs	3	11563	5344
Expenses from ordinary activities			
Supplies and services			
Consultancy and Contractors		-	-
Consumables		343	339
Legal costs		-	-
Parking		213	-
Printing and communication costs		-	-
Telecommunications costs		-	-
Travel costs		277	18
Total supplies and services		833	357
Total expenses from ordinary activities		12396	5701
Net Operating Result		-	-

Notes to and forming part of the financial statement

1. This financial statement for the Tribunal and associated notes have not been audited. Full audited statements will be available in the Department of the Premier and Cabinet 2020-21 Annual Report.
2. Comparative data has been included for the Tribunal for the period ended 30 June 2020. This comparative data was for the Tribunal's seventh year of operation.
3. The table below provides total remuneration for members of the Tribunal. This table includes actual payments made to members, not accruals or other state obligations as at 30 June 2021.

2020-2021

Remuneration Table			
Member	Short Term	Post Employment	Total Remuneration
TUTT, Walter H	\$4160	\$395	\$4555
LANG, Jill	\$3200	\$304	\$3504
WELLER, Patrick M	\$3200	\$304	\$3504
	\$10560	\$1003	\$11563