



Australian Government
National Capital Authority

submission 55.8

Senator Kate Lundy
Chair
Joint Standing Committee on the National Capital
and External Territories
Parliament House
CANBERRA ACT 2600

Dear Senator

During the public hearing on 2 May 2008 you asked a number of questions concerning the governance and reporting arrangements for the Chief Executive of the National Capital Authority (NCA).

You asked whether I could point to another body within the Commonwealth parliament that has the same or similar structure to the arrangements applying to the office of Chief Executive, NCA.

Based on information sourced from the Remuneration Tribunal's website there are now over 90 Statutory Office Holders included in the PEO structure; a list of the current PEOs is available from the Tribunal website at – www.remtribunal.gov.au. PEOs include chief executives or their equivalent and other specified offices from both FMA Act and CAC Act agencies.

I have attached a table which summarises the governance structures and 'employing body' arrangements for PEOs who are also Chief Executive under the FMA Act to demonstrate the myriad of arrangements that apply to PEOs. The table also includes information on ministerial direction for agencies that are Boards, Commissions or Councils.

As I said in the hearing the office of Chief Executive, NCA is unique, however, it is also reflective of the variety of governance and reporting arrangement that operate for other Principal Executive Offices who are Chief Executives of prescribed agencies under the *Financial Management and Accountability Act 1997* (FMA Act).

An office or appointment may be declared to be a PEO, by the Minister for Employment and Workplace Relations, as the Minister responsible for the administration of the *Remuneration Tribunal Act 1973*. The Minister will also assign a classification for the PEO and declare an 'employing body' after the advice of the Remuneration Tribunal is taken into account.

The employing body for a PEO may be the governing body of the organisation, agency or entity to which the office holder is appointed, (for example, a board or council), or a specified office, such as the Minister responsible for a particular agency or, for offices within the agency, the CEO of the agency.

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The employing body is responsible for managing the employment relationship with the PEO. The employing body for a PEO determines terms and conditions, including remuneration and allowances, applying to the office, under section 12C(1) of the Remuneration Tribunal Act. An employing body must not determine terms and conditions inconsistent with *Remuneration Tribunal Determination 2005/19 Principal Executive Office - Classification Structure and Terms and Conditions* unless the Tribunal provides written consent

In the particular circumstances of the Chief Executive of the NCA, I believe there are some similarities between this office and the offices of Chairman of the National Water Commission and the Chairman of the Australian Sports Anti Doping Authority as both are also members of their respective Commission and Board, albeit as Chairman, with their 'employing body' being the responsible Minister.

I also enclosed a letter I wrote to the Secretary of the Remuneration Tribunal on 15 December 2004 in response to a review of the PEO structure conducted in late 2004. In that letter I stated that:

The separation of powers between the Minister and the Authority, including the Chief Executive, is paramount to the Authority operating as an independent statutory agency. This level of independence may result in a decision taken by the Authority which may not be in accordance with the views of the Minister.

To overcome this I consider the Remuneration Tribunal could include within its Determinations, guidance or protocol for Ministers, who are the employing body, a requirement for the relevant Minister to seek a recommendation or as a minimum the views of the Authority Chairman before the Minister makes a decision concerning any variation to a PEO's Total Remuneration or the PEO's access to Performance Pay.

The Remuneration Tribunal's outcome of the review of the PEO structure did not provide any comment on my suggestion. However, in all instances the different Ministers (responsible for the NCA) have sought the written advice of the respective Chairman in respect of my performance,

I trust the information will be of assistance in the Committee's deliberations.



Annabelle Pegrum AM
Chief Executive

8 May 2008



Australian Government

National Capital Authority

COPY

Mr Derren Gillespe
Secretary
Remuneration Tribunal Secretariat
PO Box 281
Civic Square ACT 2608

Dear Mr Gillespie

Principal Executive Office Structure

Thank you for your letter of 4 November 2004 seeking my views on the operation of the Principal Executive Officer (PEO) structure.

I have reviewed the Discussion Paper attached to your letter and would like to offer the following comments concerning the relationship between the employing body and PEOs.

Under the current PEO structure the employing body may be the governing body of the organisation, agency or entity to which the office holder is appointed, (for example, a Board or Council), or a specified office, such as the minister responsible for a particular agency.

In my case, on moving the office of Chief Executive into the PEO structure from 17 September 2001, the Minister for Finance and Administration declared the Minister for Local Government, Territories and Roads (the Minister) to be the employing body. Prior to 17 September 2001 the Chief Executive's remuneration, including access to performance pay, was determined by the Remuneration Tribunal based on advice from the Authority Chairman.

The National Capital Authority is an independent statutory agency established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act). The Act provides for the Authority to exercise certain powers that are separate to the Minister.

Section 46 of the Act provides for the Chief Executive to be responsible for managing the affairs of the Authority under the general directions of the Authority. The Act provides the Minister with powers to give the Authority, of which the Chief Executive is a member, general directions in writing as to the performance of its functions.

The separation of powers between the Minister and the Authority, including the Chief Executive, is paramount to the Authority operating as an independent statutory agency. This level of independence may result in a decision taken by the Authority which may not be in accordance with the views of the Minister.

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To overcome this I consider the Remuneration Tribunal could include within its Determinations, guidance or a protocol for Ministers, who are the employing body, a requirement for the relevant Minister to seek a recommendation or as a minimum the views of the Authority Chairman before the Minister makes a decision concerning any variation to a PEO's Total Remuneration or the PEO's access to Performance Pay.

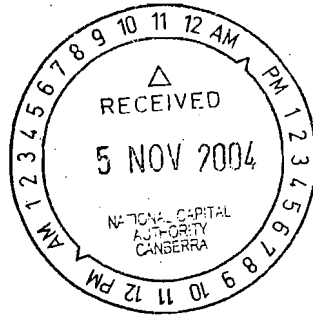
If you require further information please contact Ms Alison Walker-Kaye, Director, Corporate Business on telephone 6271 2804.

Yours sincerely



for
Annabelle Pegrum
Chief Executive

15 December 2004



REMUNERATION TRIBUNAL SECRETARIAT

Ms Annabelle Pegrum
Chief Executive Officer
National Capital Authority
GPO Box 373
CANBERRA ACT 2601

Dear Ms Pegrum

I am writing to advise you, as the holder of a Principal Executive Office (PEO), that the Remuneration Tribunal is undertaking a review of the operation of the PEO structure. The structure has operated in its present form since December 1999. It was intended to provide some flexibility in setting the remuneration of office holders in the structure, while maintaining broad levels of consistency.

From the Tribunal's perspective the PEO structure and the associated terms and conditions are meeting the original objectives for the structure. However, recognising that it has been in place for some five years, the Tribunal considers it timely to seek views on the structure and the associated arrangements.

I have attached a short paper outlining the main features of the PEO structure. The paper identifies several issues on which the Tribunal would welcome comment. Any views you may have on other aspects of the structure would, of course, be taken into account.

It would be helpful to have any submission you might wish to make by 17 December 2004. The Tribunal will then give consideration to the changes, if any, that might be made to the PEO structure to refine its operation.

If you wish to discuss the Review, please contact me on 02 6121 7965.

Yours sincerely

Derren Gillespie
Secretary
04 November 2004

Remuneration Tribunal
Principal Executive Office (PEO) Structure
2004 Review – Discussion Paper

Purpose

The Remuneration Tribunal is undertaking a review of the operation of the Principal Executive Office (PEO) structure. The structure, which has operated in its presents form since its establishment in December 1999, was intended to provide some flexibility in setting the remuneration of public office holders in the structure, while maintaining broad levels of consistency.

From the Tribunal's perspective, the PEO structure, and the associated terms and conditions, are meeting the original objectives for the structure. However, the Tribunal considers it timely to seek views on the structure and the associated arrangements. This paper outlines the main features of the PEO structure, and identifies a range of issues on which the Tribunal would welcome comment.

Background

The Government first created the PEO structure when it introduced reform measures for Government Business Enterprises (GBEs) in 1988. The designation of the Chief Executive as a PEO allowed the Board of a GBE to set remuneration for that office. Boards were expected, however, to consult the Remuneration Tribunal before any remuneration changes were implemented.

The *Public Employment (Consequential and Transitional) Amendment Bill 1999* varied the *Remuneration Tribunal Act 1973* (the Act) to make provision for principal executive offices, and, amongst other matters, to specify the role of the Remuneration Tribunal in relation to the classification structure for such offices, and their remuneration. In December 1999, the Remuneration Tribunal created the PEO Structure. In May 2001 the Act was amended to strengthen the integrity of the PEO Structure, and to ensure that employing bodies were bound by advice provided by the Remuneration Tribunal.

Definition of a PEO

The Act defines a 'principal executive office' to include certain named offices, and 'any other office or appointment declared by the Minister...'. There are now 90 PEOs; a list of the current PEOs is available on the Tribunal website - www.remtribunal.gov.au

Establishment of a PEO

An office can be designated as a PEO through declarations made by the minister responsible for the administration of the Act, the Minister for Employment and Workplace Relations (the Minister).

If a portfolio minister decides that a new or existing office is suitable for inclusion in the PEO structure, the portfolio minister seeks the agreement of the Minister, who may declare that:

- a specified office or appointment is a PEO; and
- the office is assigned to a specified classification within the PEO classification structure determined by the Remuneration Tribunal.

The Minister may also give notice of the commencing remuneration for the office.

Under the Act the Minister must seek the advice of the Remuneration Tribunal for each declaration. The Tribunal also advises the Minister on commencing remuneration.

The Employing Body

The Minister may also declare that a specified person, authority or body is the “employing body” for a particular PEO. The employing body may be the governing body of the organisation, agency or entity to which the office holder is appointed, (for example, a Board or Council), or a specified office, such as the minister responsible for a particular agency.

The employing body is responsible for managing the employment relationship with the PEO.

Under the Act, the employing body for a PEO determines terms and conditions, including remuneration and allowances, applying to the office. These terms and conditions cannot be inconsistent with the PEO remuneration framework determined by the Tribunal.

Generally offices are not moved to the PEO structure where an employing body cannot be specified and/or the application of a performance based remuneration scheme would be inappropriate because of factors such as a regulatory or quasi-judicial role, or independence from Government.

The employing body must also notify the Tribunal, in writing, of a PEO’s terms and conditions on the PEO’s commencement in the structure, and thereafter as at 31 December each year, by 31 March. It must also notify the Tribunal at such other times as may reasonably be required by the Tribunal.

Role of the Remuneration Tribunal

The Remuneration Tribunal determines and maintains the classification structure and the associated terms and conditions for PEOs, and provides advice to the Minister.

The PEO Remuneration Framework

The details of the classification structure, and associated terms and conditions, are set out in Tribunal Determination 1999/15 (the Determination). In summary:

- The classification structure comprises five salary bands, incorporating a degree of overlap.
- The Remuneration Tribunal determines, annually, the amount by which the salary band limits are to be adjusted.
- The Minister, on the advice of the Tribunal, sets the commencing remuneration of an office.
- Once commencing remuneration has been set, the employing body is responsible for the subsequent fixing of remuneration, subject to the framework determined by the Tribunal.
- Remuneration is specified on a 'total remuneration' basis, with stipulations as to the minimum proportion to be taken as salary and the maximum proportion to be regarded as salary for superannuation purposes.
- There is scope for at-risk performance-based pay of up to 15% of total remuneration to be determined by the employing body.
- The Tribunal specifies, annually, the maximum percentage of total remuneration by which an employing body may adjust remuneration (most recently, 5%); the exercise of this discretion is subject to constraints.
- Employing bodies must notify the Tribunal of an office's terms and conditions each year.

The Framework in Operation

The Classification Structure

In the Tribunal's experience, the five salary bands provide a sound foundation for the appropriate classification of offices on entry to the PEO structure. They enable broad consistency in classification between offices with a range of attributes, while affording scope for considerable refinement through setting remuneration.

By fixing salary ranges, the Tribunal can ensure that appropriate regard is had for pay considerations particular to the federal public sector. The ranges also enable the Tribunal to maintain consistency between offices that reflect the considerable functional diversity of Australian government administration, both within the PEO group and other public offices.

The overall remuneration range covered by the classification bands, in the Tribunal's experience, has been, and continues to be, capable of ensuring that the Australian Government is able to obtain, and retain, the high level skills necessary to meet the demands of the offices concerned.

The Remuneration Tribunal seeks comment on the following:

- (a) Possible refinements to the classification bands of the PEO structure (for example, the number of bands and their width; the degree of overlap between bands), and the benefits to be derived from any such refinements.
- (b) The continuing ability, under current remuneration arrangements, of Australian government authorities, agencies and enterprises, with offices in the PEO structure, to obtain, and retain, the skills that they require for such offices.

The role of the employing body

In determining the value of the employment package consistent with the Tribunal's remuneration framework, employing bodies are expected to exercise prudent business judgement commensurate with the responsibilities and accountabilities of their public office.

The Tribunal has determined that, in making such judgements, relevant considerations will include (but not necessarily be restricted to):

- the Government's workplace relations policy;
- the work value, role and responsibilities of the office or appointment;
- the APS remuneration policy, that improvements in pay and conditions be linked to productivity gains;
- the ability of an employing body to recruit and retain persons with the necessary qualities and skills; and
- other relevant factors such as movements in the reference salaries and marketplace trends identified by the Tribunal from time to time.

- (c) The Remuneration Tribunal would welcome comment on the range of factors to be taken into account by employing bodies in determining remuneration, and any additional factors that might usefully be specified.

Total Remuneration

The PEO structure incorporates a 'total remuneration' (TR) approach. TR represents the total value of all cash and non-cash benefits available to the office holder. Rather than specifying the base cash salary alone, TR encompasses the range of other remuneration benefits including employer superannuation contributions, motor vehicle (including running expenses), spouse accompanied travel and benefits related to a particular office.

In the Tribunal's view, the TR approach provides greater transparency of remuneration and allows greater flexibility for an office holder to tailor remuneration components to suit individual

circumstances.

- (d) The Remuneration Tribunal would welcome comment on any additional flexibility that may assist in tailoring remuneration packages under a TR approach.

Annual adjustment of remuneration by employing bodies

It has been the practice of the Tribunal, through the Determination, to provide scope to vary PEO remuneration during a given financial year by:

- increasing the maximum of each PEO band (other than the top band); and
- in the case of offices receiving TR of less than \$300,000, allowing employing bodies to determine revised remuneration for an office by up to a specified percentage (5% in 2004-05), subject to productivity or work value change. Where remuneration is greater than \$300,000, or where a variation of more than 5% is proposed, approval for any increase must be sought from the Tribunal.

In each of the last three reporting years a significant number of PEOs have received the maximum remuneration increase that their employing body can determine. Nearly half of all PEOs had pay increases of 5% or more in two of the last three reporting years and 80% of all offices have received the maximum increase at least once in the last three years.

A steadily declining proportion of PEO's, falling from 32% to 7%, received no remuneration increase in a given year. The relatively high incidence of zero increases in the past may reflect a reluctance by employing bodies to grant pay increases in the first year or years that an office moves to the PEO structure.

The Remuneration Tribunal seeks comment on the following:

- (e) Current arrangements enabling an employing body to vary remuneration annually.
- (f) The extent to which employing bodies discuss proposed remuneration arrangements with incumbent office holders.
- (g) Whether current public accountability arrangements for increases in office holder remuneration are adequate.
- (h) Whether there would be benefits in capping the employing body discretion at the percentage by which the Tribunal adjusts the band maxima.
- (i) The need for guidance on appropriate consultation between the employing body and the relevant portfolio minister in the exercise of the discretion to adjust remuneration.

Performance payments

PEOs are eligible for 'at-risk' performance pay of up to 15% of their TR in accordance with the *Performance Remuneration Guidelines* issued by the Tribunal from time to time. A copy of the current guidelines is attached. The employing body is not required to consult with the Tribunal in relation to performance pay that is paid to an office holder within the 15% limit.

Performance pay must be paid in accordance with the Guidelines, which state that:

"Performance based remuneration is not a device to provide salary supplementation to office holders. It should not be applied or administered in this way. Rather, it is a way of recognising performance that is over and above what is reasonably expected of the office holder performing their duties competently."

Last year nearly 70% of PEOs received performance pay above 5% and more than 20% received the maximum 15% payment.

The Remuneration Tribunal seeks comment on:

- (i) Whether the Tribunal's 'Performance Remuneration Guidelines' provide sufficient assistance to employing bodies in determining performance pay outcomes.
- (j) Alternative, or complementary, means of rewarding performance.
- (k) Arrangements for the public reporting of performance pay outcomes.

Superannuation Salary

For PEOs the maximum salary for superannuation purposes is 70% of TR, unless the Tribunal has 'grandfathered' a higher percentage at the time of translation.

- (l) The Remuneration Tribunal seeks views on whether it continues to be appropriate to set the maximum salary for superannuation purposes at 70% of TR and, if not, an appropriate alternative proportion.

*Issued by the Remuneration Tribunal
October 2004*

Principal Executive Offices (PEOs) who are Chief Executives/Agency Heads under the *Financial Management and Accountability Act 1997 (FMA Act)* and *Public Service Act 1999 (PS Act)*

Attachment A

Name	Enabling Legislation	Principal Executive Office	Employing Body	Governance Description	Description of agency	Role of Agency Head (i.e. membership, powers, ministerial direction etc)	Additional Information
National Capital Authority	<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	Chief Executive	Minister for Home Affairs	Authority ("Board")	<p>The NCA manages the Australian Government's continuing interest in the planning, promotion, enhancement and maintenance of Canberra as the nation's capital, on behalf of all Australians.</p> <p>The CE is appointed by the Governor General.</p>	<p>The Chief Executive is a Member of the Authority.</p> <p>The Chief Executive is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p> <p>The Minister may give the Authority general directions in writing as to the performance of its functions. (section 7 of Act).</p>	
Australian Sports Anti Doping Authority (ASADA)	<i>Australian Sports and Anti Doping Authority Act 2006</i>	Chair (who is also Chief Executive)	Minister for the Arts and Sport	Authority ("Board")	<p>ASADA is the Government's anti-doping organisation with functions outlined in the Australian Sports Anti-Doping Authority Act (2006) and the Australian Sports Anti-Doping Authority Regulations (2006).</p> <p>ASADA is responsible for testing, education and advocacy roles and also incorporates the functions of the Australian Sports Drug Medical Advisory Committee (ASDMAC).</p> <p>ASADA: (a) is a body corporate with perpetual succession; and (b) must have a seal; and (c) may sue and be sued in its corporate name.</p> <p>The Chair is appointed by the Minister.</p> <p>ASADA reports to the Minister for Sport.</p>	<p>The Chair of the Authority is also the Chief Executive Officer of ASADA.</p> <p>The ASADA Chair presides at all meetings at which he or she is present.</p> <p>The Chair is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p> <p>The Minister may, by legislative instrument, give directions to the ASADA in relation to the performance of its functions and the exercise of its powers. (section 24 of Act)</p>	<p>Each ASADA member is to be appointed by the Minister.</p> <p>The ASADA Members consists of a Chair, Deputy Chair and up to five additional members.</p> <p>The Minister must not appoint a person as an ASADA member unless the Minister is satisfied that the person has qualifications relevant to, or special experience or interest in, a field related to the ASADA's functions.</p> <p>The ASADA Chair holds office on a full time basis.</p> <p>An ASADA member, other than the ASADA Chair, holds office on a part time basis.</p>
National Blood Authority	<i>National Blood Authority Act 2003</i>	General Manager	Minister for Health and Ageing	Authority ("Board")	<p>The Act establishes the NBA as part of the coordinated national approach to policy setting, governance and management of the Australian blood sector as agreed in the National Blood Agreement</p> <p>The Board's functions are as follows: (a) to participate in consultation with the Minister about the appointment of the General Manager; (b) to give advice to the General Manager about the performance of the NBA's functions; (c) to liaise with governments, suppliers and others about matters relating to the NBA's functions; (d) such other functions (if any) as are specified in a written notice given by the Minister to the Chair.</p> <p>The Board is not a decision making body and has no formal or direct role in the governance or management of the NBA.</p> <p>The General Manager is appointed by the Minister.</p>	<p>The General Manager may attend Board meetings as an observer.</p> <p>The Authority (Board) advises the General Manager.</p> <p>The General Manager is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p> <p>The NBA's functions include: * to provide information and advice to the Minister and the Ministerial Council about matters relating to blood products and services; * such other functions (if any) as are determined by the Ministerial Council and specified in a written notice given by the Minister to the NBA. (section 8 of the Act)</p> <p>The Minister may, in accordance with the National Blood Agreement, give written policy principles to the NBA about the performance of its functions. (section 9 of the Act)</p> <p>The General Manager must request the Board's advice on strategic matters relating to the performance of the NBA's functions. (section 25 of the Act)</p>	

Principal Executive Offices (PEOs) who are Chief Executives/Agency Heads under the *Financial Management and Accountability Act 1997 (FMA Act)* and *Public Service Act 1999 (PS Act)*

Name	Enabling Legislation	Principal Executive Office	Employing Body	Governance Description	Description of agency	Role of Agency Head (i.e. membership, powers, ministerial direction etc)	Additional Information
National Water Commission	<i>National Water Commission Act 2004</i>	Chairman (who is also Chief Executive)	Minister for the Environment, Heritage and the Arts	Commission	<p>The NWC is an independent statutory body in the Environment, Water, Heritage and the Arts portfolio. Its role is to drive the national water reform agenda.</p> <p>The NWC provides advice to the Council of Australian Governments (COAG) and the Australian Government on national water issues.</p> <p>A person may be appointed as both the CEO and a Commissioner (including the Chair).</p> <p>The CEO is appointed by the Minister.</p> <p>The Commissioner is appointed by the Governor General.</p>	<p>The Chairman is also the Chief Executive Officer of the Commission.</p> <p>The NWC has the following general functions: (a) to assist with the implementation of the National Water Initiative (NWI), and to undertake activities that promote the objectives and outcomes of the NWI; (b) if requested to do so by the Minister, to advise and make recommendations to the Commonwealth on matters of national significance relating to water (including the sustainable management of water resources and access to, and use of, water); (ba) to advise and make recommendations to COAG on matters referred to in paragraph (b); etc (section 7 of the Act)</p> <p>Other functions and reporting as requested by the Minister and COAG is covered in section 7 of the Act.</p> <p>The Chairman is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p>	<p>Seven Commissioners make up the NWC.</p> <p>The Commissioners are appointed in recognition of their expertise in water resource policies and management, relevant scientific disciplines, public sector governance and administration of natural resource programs.</p>
Australian Institute of Family Studies (AIFS)	<i>Australian Family Law Act (1975)</i>	Director	Minister for Families, Community Services and Indigenous Affairs	Council	<p>The AIFS Advisory Council, approved by the responsible Minister, provides advice to the Director about the Institute's strategic research directions.</p>	<p>Council advises the Director.</p> <p>The Director is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p>	
Australian Research Council	<i>Australian Research Council Act 2001</i>	Chief Executive Officer	Minister for Education, Science and Training	Council	<p>The ARC advises the Government on research matters and manages the National Competitive Grants Program, a significant component of Australia's investment in research and development.</p> <p>The CEO is appointed by the Minister.</p>	<p>The CEO is an Ex-officio member of the Council.</p> <p>The Minister may, in writing, direct the CEO about the performance of the CEO's functions - excluding functions under the FMA Act and PS Act. (section 33B of the Act)</p> <p>The CEO is required to provide a strategic plan to the Minister (must consult with the Minister and the Council on the matters proposed for inclusion in the plan). (section 16-17 of the Act).</p> <p>The CEO is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p>	
National Health & Medical Research Council (NHMRC)	<i>National Health & Medical Research Council Act 1992</i>	Chief Executive Officer	Minister for Health and Ageing	Council	<p>The NHMRC is Australia's peak body for supporting health and medical research; for developing health advice for the Australian community, health professionals and governments; and for providing advice on ethical behaviour in health care and in the conduct of health and medical research.</p> <p>The functions of the Council are: * to provide advice to the CEO in relation to the performance of his or her functions; * any other functions conferred on the Council in writing by the Minister after consulting the CEO; and * any other functions conferred on the Council by the NHMRC Act, the regulations or any other law.</p> <p>The CEO is appointed by the Minister.</p>	<p>The Council advises the CEO.</p> <p>The functions of the CEO are: (a) in the name of the NHMRC, to inquire into, issue guidelines on, and advise the community on, matters relating to:..... (b) to advise, and make recommendations to, the Commonwealth, the States and the Territories on the matters referred to in paragraph (a); and (c) to make recommendations to the Minister on expenditure: (i) on public health research and training; and (ii) on medical research and training; (section 7 of the Act)</p> <p>The CEO is required to provide a strategic plan to the Minister on CEO functions (section 42-43 of the Act).</p> <p>The Chief Executive Officer is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p>	<p>The Council of the NHMRC consists of the following: * the Chair; * the chief medical officer for the Commonwealth; * the chief medical officer for each State and Territory; * a person with expertise in the health needs of Aboriginal persons and Torres Strait Islanders; * a person with expertise in consumer issues; * a person with expertise in business; * at least 6, but no more than 11, persons with appropriate medical, training and public health expertise.</p>

Principal Executive Offices (PEOs) who are Chief Executives/Agency Heads under the *Financial Management and Accountability Act 1997 (FMA Act)* and *Public Service Act 1999 (PS Act)*

Name	Enabling Legislation	Principal Executive Office	Employing Body	Governance Description	Description of agency	Role of Agency Head (i.e. membership, powers, ministerial direction etc)	Additional Information
Australian Centre for International Agricultural Research	<i>Australian Centre for International Agricultural Research Act 1982</i>	Chief Executive Officer	Minister for Foreign Affairs	"Council"	Section 17 of the Act establishes the Policy Advisory Council, who (under section 18) provide advice to the Minister regarding: * agricultural problems of developing countries and * programs and policies with respect to agricultural research. The CEO is appointed by the Governor General.	The CEO is not a member of the Council. The Minister may, by writing, give directions to the CEO with respect to the performance of the CEO's functions under this Act (including in relation to the appropriate strategic direction the CEO should take in performing his or her functions) (section 5A of the Act) The Minister may, by writing, give directions to the Commission with respect to the performance of the Commission's functions under this Act. (section 16 of the Act) To avoid doubt, the CEO is not subject to direction by the Commission in relation to the CEO's performance of functions, or exercise of powers, under: (a) the Financial Management and Accountability Act 1997; or (b) the Public Service Act 1999; in relation to the Centre	The Policy Advisory Council includes no fewer than 9, nor more than 11 members appointed by the Minister based on their experience in agricultural research and their knowledge of agricultural problems in developing countries.
Australian Industrial Registry	<i>Workplace Relations Act 1996</i>	Australian Industrial Registrar	Minister for Employment and Workplace Relations	Registry	The Registry provides administrative support to the Australian Industrial Relations Commission. The head of the Registry is known as the Industrial Registrar.	The Registrar is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Australian Fair Pay Commission Secretariat	<i>Workplace Relations Act 1996</i>	Director of the Secretariat	Minister for Employment and Workplace Relations	Secretariat	Secretariat performs a range of activities to assist the Commission in the performance of its legislative functions. Secretariat is also responsible for corporate and administrative functions.	The Director is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Administrative Appeals Tribunal	<i>Administrative Appeals Tribunal Act 1975</i>	Registrar	President, Administrative Appeals Tribunal	Tribunal	The Registrar assists the President to manage the Tribunal and advises on its operations and performance.	The Registrar is not a member of the Tribunal. The Registrar may act on behalf of the President in relation to the administrative affairs of the Tribunal. The Registrar is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Australian Trade Commission (Austrade)	<i>Australian Trade Commission Act 1985</i>	Chief Executive Officer	Minister for Trade	Agency	Austrade's mission is to contribute to community wealth by helping more Australians succeed in export and international business by providing advice, market intelligence and support to Australian companies to reduce the time, cost and risk involved in selecting, entering and developing international markets. In addition Austrade provides advice and guidance on overseas investment and joint venture opportunities.	Austrade's Chief Executive Officer reports directly to the Minister for Trade. The CEO is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	Austrade has an executive Board of Management consisting of the Chief Executive and 3 other senior executives in Austrade.
Australian Transaction Reports and Analysis Centre (AUSTRAC)	<i>Financial Transactions Reports Act 1988</i>	Chief Executive Officer (Director under the Financial Transaction Reports Act 1988)	Minister for Home Affairs	Agency	AUSTRAC is Australia's anti-money laundering and counter-terrorism financing (AML/CTF) regulator and specialist financial intelligence unit (FIU). AUSTRAC assists its partner agencies (e.g. ATO, ACC, Customs and Child Support) in the investigation and prosecution of criminal and terrorist enterprises in Australia and overseas. AUSTRAC provides advice to the Minister for Home Affairs on the operations of the agency, the FTR Act and the AML/CTF Act.	The CEO (Director) is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	AUSTRAC's Executive Committee provides advice to the Chief Executive Officer on major policy and strategic management issues. The Committee comprises the CEO, Executive General Manager, Chief Information Officer, five general managers and the General Counsel.

Principal Executive Offices (PEOs) who are Chief Executives/Agency Heads under the *Financial Management and Accountability Act 1997 (FMA Act)* and *Public Service Act 1999 (PS Act)*

Name	Enabling Legislation	Principal Executive Office	Employing Body	Governance Description	Description of agency	Role of Agency Head (i.e. membership, powers, ministerial direction etc)	Additional Information
Cancer Australia	<i>Cancer Australia Act 2006</i>	Chief Executive Officer	Minister for Health and Ageing	Agency	Cancer Australia is charged with providing national leadership in cancer control, and we do this by strengthening consumer participation in cancer control, building cancer research capacity, enhancing the education of cancer health professionals, improving access to cancer services and improving cancer data. An Advisory Council provides advice to the Chief Executive Officer about the performance of Cancer Australia's functions.	Council advises the Director. The CEO is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	The Council comprises a chair and up to 12 other members, all appointed by the Minister for Health and Ageing. Advisory Council members bring experience and expertise in areas including oncology, general practice, community cancer care, cancer research, academia and politics, and several have had personal experience of cancer.
Centrelink	<i>Commonwealth Services Delivery Agency Act 1997</i>	Chief Executive Officer	Minister for Human Services	Agency	Centrelink delivers a range of Commonwealth services to the Australian community.	The CEO is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	Centrelink's Board was abolished in October 2005. Centrelink has an Executive Committee. The Executive Committee is the peak committee for four sub-committees (Strategy, Planning and Resources; Performance; IT and People). The Executive Committee and Sub-committees are chaired by the Chief Executive and Deputy Chief Executive.
Equal Opportunity for Women in the Workplace Agency	<i>Equal Opportunity for Women in the Workplace Act 1999</i>	Director	Minister for Employment and Workplace Relations	Agency	EOWA's role is to administer the Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth) and through education, assist organisations to achieve equal opportunity for women.	The Director reports to the Minister for Status of Women. The Director is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Great Barrier Reef Marine Park Authority	<i>Great Barrier Reef Marine Park Act 1975</i>	Chair	Minister for the Environment, Heritage and the Arts	Agency	The GBRMPA is the principal adviser to the Australian Government on the control, care and development of the Great Barrier Reef Marine Park.	The Chair is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Medicare Australia	<i>Medicare Australia Act 1973</i>	Chief Executive Officer	Minister for Human Services	Agency	Medicare Australia is an Australian government agency and plays an integral role in the Australian health sector. Its objective is to assist in improving health outcomes in Australia.	The CEO is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Office of Parliamentary Counsel	<i>Parliamentary Counsel Act 1970</i>	First Parliamentary Counsel	The Attorney-General	Agency	The OPC's principal functions are drafting Bills for introduction into either House of the Parliament and drafting amendments of Bills.	The First Parliamentary Counsel is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Office of the Australian Building and Construction Commissioner	<i>Building and Construction Industry Improvement Act 2005</i>	Australian Building and Construction Commissioner	Minister for Employment and Workplace Relations	Agency	The role of the ABCC is to ensure that workplace relations laws are enforced in building and construction industry workplaces and to educate industry participants on their rights and obligations under relevant legislation	The Commissioner is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Office of the Renewable Energy Regulator	<i>Renewable Energy (Electricity) Act 2000</i>	Renewable Energy Regulator	Minister for the Environment and Water Resources	Agency	The ORER is a statutory authority established to oversee the implementation of the Australian Government's mandatory renewable energy target.	The Renewable Energy Regulator is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
Office of the Workplace Ombudsman	<i>Workplace Relations Act 1996</i>	Workplace Ombudsman	Minister for Employment and Workplace Relations	Agency	The Workplace Ombudsman is responsible for compliance with Federal workplace relations law. The role of the Workplace Ombudsman is to impartially assist and enforce compliance with Commonwealth workplace laws including the Workplace Relations Act 1996, the Independent Contractors Act 2006 and associated regulations.	The Workplace Ombudsman is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	

Principal Executive Offices (PEOs) who are Chief Executives/Agency Heads under the *Financial Management and Accountability Act 1997 (FMA Act)* and *Public Service Act 1999 (PS Act)*

Name	Enabling Legislation	Principal Executive Office	Employing Body	Governance Description	Description of agency	Role of Agency Head (i.e. membership, powers, ministerial direction etc)	Additional Information
Workplace Authority	<i>Workplace Relations Act 1996</i>	Director	Minister for Employment and Workplace Relations	Agency	<p>The Workplace Authority is the central point of contact for free advice and information on Australia's workplace relations system for employers and employees.</p> <p>The Workplace Authority also accepts lodgements of workplace agreements and assesses whether they pass the no-disadvantage test.</p>	The Director is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.	
ComSuper	<i>Superannuation Act 1976</i>	Commissioner for Superannuation	Minister for Finance and Deregulation	Agency - (supports Trustees and Super Boards)	ComSuper, an Australian Government Business Unit, is responsible for the day to day administration of the CSS, PSS, PSSap, MilitarySuper and DFRDB superannuation schemes for members of the Australian Public Service, participating employers, and members of the Australian Defence Force.	<p>The Commissioner provides superannuation administration services to the ARIA and MSB Boards of Trustees (i.e. not a Trustee member). The Commissioner is also ex-officio Chair of the DFRDB Authority.</p> <p>The Commissioner is the chief executive/agency head for the purposes of the FMA Act 1997 and the PS Act 1999.</p>	