



# NST Member Remuneration Policy

## Purpose

This Member Remuneration Policy (Policy) outlines the basis on which Members of the National Sports Tribunal (Members) are remunerated for the work they undertake as a Member, and the factors to be considered by the Chief Executive Officer (CEO) of the NST in determining the level of remuneration, including allowances.

The Policy is intended to assist the CEO in determining remuneration on a consistent and equitable basis. The CEO will act in accordance with this Policy in determining the amounts to be paid to Members.

The Policy will apply to all matters allocated to a Member from **1 July 2024**. The Policy may be amended from time to time.

## Legislation

Remuneration of Members, including allowances, is a matter for the CEO as set out in Section 14 of the [National Sports Tribunal Act 2019](#).

### 14 Remuneration

- (1) A Member is to be paid the remuneration that is determined by the CEO.
- (2) A Member is to be paid the allowances (if any) that are determined by the CEO.

## General principles

This Policy is underpinned by the following principles:

- NST Members will be remunerated on a case-by-case basis. Appointment as a Member of the NST by the Minister does not guarantee work, and therefore does not guarantee remuneration of any kind.
- Remuneration will primarily be based on the circumstances of each matter, taking into account the following factors:
  - o the type of resolution method (e.g. arbitration, mediation, conciliation, case appraisal);
  - o the length and complexity of the matter (including, where relevant, the length of the submissions and evidence to be reviewed, and the time involved in preparing for the proceedings and writing a determination or opinion); and
  - o in tribunal panels of more than one, whether the Member is the Chair or an ordinary Member of the panel. It is usually the case that the Chair of the panel undertakes most of the drafting of the determination.

- In some instances, a higher level of remuneration may be paid, at the discretion of the CEO, where:
  - o the Member has particular qualifications or experience relevant to the matter; or
  - o the matter needs to be considered in an expedited manner.
- In some instances, the CEO may determine that no remuneration is to be paid to a Member (for example, where other employment or a statutory position or office held by the Member prevents them from receiving payment for their NST work, or at the request of Member).
  - o The Member must advise the CEO whether there is any Commonwealth, state or territory law or policy that is relevant to the question of whether they are entitled to receive any payment in respect of their work as a Member.
  - o Members who are full-time employees or full-time office holders of the Commonwealth, the administration of a Territory, a public statutory company, or an incorporated company owned by the Commonwealth (as defined) cannot receive remuneration in their role as a part-time NST Member (refer to subsection 7(11) of the *Remuneration Tribunal Act 1973*).
  - o Members who hold a judicial office in a State, or another country, cannot receive remuneration in their role as a part-time NST Member (refer to subsection 7(12) of the *Remuneration Tribunal Act 1973*).
- NST staff will discuss the proposed remuneration with the Member prior to the Member's allocation to the matter.

## Remuneration rates

Remuneration rates are at **Schedule 1**. In the Schedule:

- A 'standard' matter is one that includes time at hearing spanning not more than a single calendar day or 7.5 hours across multiple in-person, videoconference or telephone hearings, as well as reasonable preparation time, and in the case of arbitration and case appraisal (where a written opinion has been requested) reasonable time to draft the determination or advice.
- A 'non-standard' matter is one that includes time at hearing spanning more than a single calendar day or more than 7.5 hours across multiple in-person, videoconference or telephone hearings, accompanied by lengthy and/or complex submissions, as well as reasonable preparation time, and in the case of arbitration and case appraisal (where a written opinion has been requested) reasonable time to draft the determination or advice.
- A 'short matter' is one that is less than one day (7.5 hours) including preparation, hearing and drafting.

## Allowances – official business

Members travelling on official business may receive travel allowance in accordance with the following principles and rates determined by the CEO:

- All Members are entitled to economy class airfares (booked by the Department), or reimbursement of motor vehicle expenses if using their private vehicle, when travelling domestically on official business.
- Where applicable, the amount of travel allowance will be equivalent to Tier 2 travel allowance rates set by the *Remuneration Tribunal (Official Travel) Determination 2023* (as amended or replaced from time to time).
- Where the Member receives travel allowance or reimbursement of travelling expenses from any other source for the same travel, the NST will not make a payment of travel allowance or expenses to the Member.
- Where travel on official business does not require an overnight absence, the NST will not make a payment of travel allowance.
- Members attending an event where meals are provided will not receive the component of the travel allowance in respect of those meals.
- Where an event or travel includes both official business and private business, the Member will only receive an allowance or reimbursement of expenses in relation to the official business component.

# Schedule 1 – NST Member Remuneration Structure and Rates

## Arbitration

### Anti-Doping and General Divisions

<b>Short Matter</b> (less than one day hearing)	
Sole Member	\$275 per hour
<b>Standard Arbitration</b> (one day hearing)	
Sole Member	\$1,900 per matter
Where the panel is more than one Member	<u>Chair</u> : \$2,000 per matter <u>Panel Member</u> : \$1,100 per matter
<b>Non-Standard Arbitration</b> (more than one day hearing)	
Sole Member	\$1,250 per day
Where the panel is more than one Member	<u>Chair</u> : \$1,500 per day <u>Panel Member</u> : \$1,000 per day

## Appeals Division

<b>Appeal – short matter</b> (less than one day hearing)	
Sole Member	\$275 per hour
Where the panel is more than one Member	<u>Chair</u> : \$350 per hour <u>Panel Member</u> : \$250 per hour
<b>Appeal – standard</b> (up to one day hearing)	
Sole Member	\$2,000 per matter
Where the panel is more than one Member	<u>Chair</u> : \$2,200 per matter <u>Panel Member</u> : \$1,200 per matter

<b>Appeal - non-standard</b> (more than one day hearing)	
Sole Member	\$1,400 per day
Where the panel is more than one Member	Chair: \$1,600 per day Panel Member: \$1,100 per day

**Senior Member:**

For all arbitration matters in the Anti-Doping, General and Appeals Divisions, an additional loading of up to 50% (on top of the relevant remuneration rates in the tables above) may, at the discretion of the CEO, be paid to a senior Member. A senior Member will generally be recognised as a King’s Counsel (KC) or Senior Counsel (SC), or a retired judge.

## Mediation, Conciliation and Case Appraisal

<b>Mediation and Conciliation</b>	
Standard (up to one day)	\$800 per matter
Non-standard (more than one day)	\$800 per day
<b>Case Appraisal</b>	
Standard (up to one day)	\$800 per matter
Non-standard (more than one day)	\$800 per day
Written opinion when requested	\$600 per matter

**Senior Member:**

For all mediation, conciliation and case appraisal matters, an additional loading of up to 50% (on top of the relevant remuneration rates in the table above) may, at the discretion of the CEO, be paid to a senior Member. A senior Member will generally be recognised as a King’s Counsel (KC) or Senior Counsel (SC), or a retired judge.