

1990

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**A BILL
for**

10

An Act relating to certain remuneration and allowances

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

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PART 1 - PRELIMINARY

Short title

1. This Act may be cited as the *Remuneration and Allowances Act 1990*.

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Commencement

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

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(2) Part 3 commences on 1 July 1990.

PART 2 - REMUNERATION AND ALLOWANCES

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Operation of Part

3. This Part has effect in spite of:

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(a) anything in any Determination of the Remuneration Tribunal; or

(b) any provision of an Act, being a provision providing for the remuneration or allowances of the holder of an office to be determined by the Remuneration Tribunal (including section 21 of the *Industrial Relations Act 1988* as amended by Part 3); or

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(c) any provision in the *Judicial and Statutory Offices (Remuneration and Allowances) Act 1984* that is inconsistent with this Part.

Remuneration and allowances of holders of judicial offices etc.

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4. The holders of the offices specified in Schedule 1 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

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Remuneration and allowances of Secretaries of Departments and holders of public offices

5. The holders of the offices specified in Schedule 2 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

Remuneration and allowances of Senators and Members of the House of Representatives

6. The holders of the offices specified in Schedule 3 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

Ministers and office holders of the Parliament

7. The holders of the offices specified in Schedule 4 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

Appropriation

8. The salaries and allowances payable under this Act are to be paid out of the Consolidated Revenue Fund, and the Fund is accordingly appropriated for that purpose.

PART 3 - AMENDMENTS OF INDUSTRIAL RELATIONS ACT 1988

Principal Act

9. In this Part, "Principal Act" means the *Industrial Relations Act 1988*.

Remuneration and allowances of Presidential Members etc.

10. Section 21 of the Principal Act is amended:

(a) by omitting subsections (1) and (2) and substituting the following subsections:

"(1) The President, and each Deputy President, are to be paid such remuneration as is determined by the Remuneration Tribunal.

"(2) The President is to receive travelling allowance at the same rates, and subject to the same conditions, as are applicable in relation to the Chief Judge of the Court.

"(2A) Each Deputy President is to receive travelling allowance at the same rates, and subject to the same conditions, as are applicable in relation to the Judges of the Court.";

(b) by omitting from subsection (3) "and expenses of office allowance".

SCHEDULE 1

Section 4

HOLDERS OF JUDICIAL AND OTHER OFFICES

1. In respect of the period starting on 1 January 1990 and ending on 30 June 1990, the holders of the offices specified in this Schedule are taken to have been, and to be, entitled to remuneration and allowances at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 11 of the Remuneration Tribunal dated 23 May 1990 had not been made.
2. In respect of periods from or after 1 July 1990, the holders of the offices specified in this Schedule are entitled to salary at the rates set out below with effect from the dates specified.

PART 1

| Office | Rate per annum of Salary | |
|---------------------------------|--------------------------|-------------------|
| | from 1.7.90 \$ | from 1.1.91 \$ |
| Chief Justice of the High Court | 170,503 | 180,733 |
| Justice of the High Court | 154,991 | 164,290 |

PART 2

| Office | Rate per annum of Salary | |
|--|--------------------------|-------------------|
| | from 1.7.90 \$ | from 1.1.91 \$ |
| Chief Justice of the Federal Court | 143,789 | 152,416 |
| Chief Justice of the Family Court | 143,789 | 152,416 |
| Chief Justice of the Supreme Court of the Australian Capital Territory | 136,031 | 144,193 |
| Deputy Chief Justice of the Family Court | 135,195 | 143,307 |
| Judge of the Federal Court | 131,734 | 139,638 |

| | | |
|--|---------|---------|
| Judge Administrator of the Family Court | 131,734 | 139,638 |
| Judge assigned to the Appeal Division of the Family Court | 131,734 | 139,638 |
| Senior Judge of the Family Court | 131,734 | 139,638 |
| Any other Judge of the Family Court | 131,734 | 139,638 |
| Judge of the Supreme Court of the Australian Capital Territory | 131,734 | 139,638 |

PART 3

| Office | Rate per annum of Salary | |
|--|---|--------------------------------------|
| | from 1.7.90 \$ | from 1.1.91 \$ |
| President of the Administrative Appeals Tribunal | 131,734 | 139,638 |
| President of the Trade Practices Tribunal | 131,734 | 139,638 |
| President of the Law Reform Commission | 131,734 | 139,638 |
| Solicitor-General | The salary and to a Judge of of Australia | allowances payable the Federal Court |

PART 4

| Office | Rate per annum of Salary | | |
|---|--------------------------|-------------------|-------------------|
| | from 1.7.90 \$ | from 1.1.91 \$ | from 1.7.91 \$ |
| Master, Supreme Court of the Australian Capital Territory | 97,590 | 104,421 | 111,710 |
| Judicial Registrar of the Family Court of Australia | 88,988 | 96,463 | 104,729 |

| | | | |
|--|--------|--------|--------|
| Chief Magistrate, Australian Capital Territory | 82,162 | 88,981 | 96,349 |
| Magistrate, Australian Capital Territory | 75,992 | 82,299 | 89,113 |

PART 5

| Office | Rate per annum of Salary |
|---|--------------------------|
| | from 1.7.90 \$ |
| President, Industrial Relations Commission | 143,789 |
| Deputy President, Industrial Relations Commission | 131,734 |
| Commissioner, Industrial Relations Commission | 92,214 |

3. Additional Remuneration

A Judge who is also Aboriginal Land Commissioner, Chairman of the Australian Electoral Commission, Chief Judge of the Supreme Court of Norfolk Island, President of the Administrative Appeals Tribunal, President of the Law Reform Commission or President of the Trade Practices Tribunal is to receive \$750 per annum in addition to the rate per annum of salary of the office of Judge.

4. High Court Canberra Allowance

An allowance at the rate of \$16,524 per annum is payable from 5 December 1989 to the Chief Justice and Justices of the High Court of Australia who do not establish their places of residence in Canberra.

5. Travelling Allowance

The rates and conditions of payment of travelling allowance for holders of offices specified in Parts 1 and 2 of clause 2, President of the Administrative Appeals Tribunal, President of the Trade Practices Tribunal, President of the Law Reform Commission, President of the Industrial Relations Commission and Deputy Presidents of the Industrial Relations Commission are as determined in Determination No. 3 of 1990 of the Remuneration Tribunal. The rates of payment of travelling allowance for Commissioners of the Industrial Relations Commission are as determined in Determination No. 18 of 1989 of the Remuneration Tribunal. Other office holders are to have the same rates and conditions of payment of

travelling allowance as are determined in clause 4.1 of Part 4 of Determination No. 2 of 1990 of the Remuneration Tribunal.

6. National Wage Case Adjustments

The rates of salary specified in clause 2 are to be adjusted in accordance with National Wage Case Decisions made by the Australian Industrial Relations Commission after the commencement of this Act.

SCHEDULE 2

Section 5

SECRETARIES OF DEPARTMENTS AND HOLDERS OF PUBLIC OFFICES

1. Subject to clause 2, in respect of the period starting on 1 January 1990 and ending on 30 June 1990, the holders of the offices specified in this Schedule are taken to have been, and to be, entitled to remuneration and allowances at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 12 of the Remuneration Tribunal dated 23 May 1990 had not been made.

2.(1) In respect of the period:

- (a) starting when a holder of an office specified in this clause was appointed to that office; and
- (b) ending on 30 June 1990;

the holder of that office is taken to have been, and to be, entitled to salary at the rate set out below.

| Office | Rate per annum of salary \$ |
|--|--------------------------------|
| Chairperson, Industry Commission | 98,536 |
| Executive Commissioner, Industry Commission | 92,390 |
| Commissioner, Industry Commission | 88,533 |
| Associate Commissioner, Industry Commission | 82,333 |

- (2) The rates and conditions of payment of travelling allowance for the Chairperson and Executive Commissioner of the Industry Commission are as determined in Clause 4.1 of Part 4 of Determination No. 2 of 1990 of the Remuneration Tribunal.

- (3) The rates and conditions of payment of travelling allowance for a Commissioner or Associate Commissioner of the Industry Commission are as determined in Clause 4.2 of Part 4 of Determination No. 2 of 1990 of the Remuneration Tribunal.

3. With effect from 1 July 1990, the holders of the offices specified in this Schedule are entitled to salary at the rates set out below.

PART 1**SECRETARIES OF DEPARTMENTS OF STATE****Salaries**

| Departments of State | Rate per annum of salary \$ |
|--|--------------------------------|
| Basic rate | 111,004 |
| The Secretary to the Department of Defence | 126,848 |
| The Secretary to the Department of the Prime Minister and Cabinet | 126,848 |
| The Secretary to the Department of the Treasury | 126,848 |
| The Secretary to the Department of Administrative Services | 117,258 |
| The Secretary to the Attorney-General's Department | 117,258 |
| The Secretary to the Department of the Arts, Sport, the Environment, Tourism and Territories | 117,258 |
| The Secretary to the Department of Community Services and Health | 117,258 |
| The Secretary to the Department of Employment, Education and Training | 117,258 |
| The Secretary to the Department of Industrial Relations | 117,258 |
| The Secretary to the Department of Finance | 117,258 |

| | |
|---|---------|
| The Secretary to the Department of Foreign Affairs and Trade | 117,258 |
| The Secretary to the Department of Immigration, Local Government and Ethnic Affairs | 117,258 |
| The Secretary to the Department of Industry, Technology and Commerce | 117,258 |
| The Secretary to the Department of Primary Industries and Energy | 117,258 |
| The Secretary to the Department of Social Security | 117,258 |
| The Secretary to the Department of Transport and Communications | 117,258 |
| The Secretary to the Department of Veterans' Affairs | 117,258 |

PART 2**SECRETARIES OF PARLIAMENTARY DEPARTMENTS**

| Parliamentary Departments | Rate per annum of Salary \$ |
|---|--------------------------------|
| The Clerk of the Senate | 99,949 |
| The Clerk of the House of Representatives | 99,949 |

PART 3**FULL-TIME HOLDERS OF PUBLIC OFFICES**

| Office | Rate per annum of Salary \$ |
|----------------------------|--------------------------------|
| Chief of the Defence Force | 126,848 |

| | | |
|----|---|---|
| | Managing Director, Australian Broadcasting Corporation | 126,848 |
| | Managing Director, Australian Trade Commission | 126,848 |
| 5 | Director of Public Prosecutions | 124,367 |
| | Royal Commissioner, Royal Commission into Aboriginal Deaths in Custody | 120,100 |
| | Auditor-General for Australia | 117,258 |
| 10 | Chairperson, Aboriginal and Torres Strait Islander Commission | 117,258 |
| | Chairman, Australian Broadcasting Tribunal | 117,258 |
| 15 | Chairperson, Australian Telecommunications Authority | 117,258 |
| | Chairman, Australian Wheat Board | 117,258 |
| | Chairman, Trade Practices Commission | 117,258 |
| 20 | Chairperson, National Board of Employment, Education and Training | 117,258 |
| | Chief Executive, Commonwealth Scientific and Industrial Research Organisation | Remuneration as determined in Determination No. 1 of 1990 |
| 25 | Chief Executive Officer, Civil Aviation Authority | 117,258 |
| | Commissioner, Australian Federal Police | 117,258 |
| | Commissioner of Taxation | 117,258 |
| | Commonwealth Ombudsman | 117,258 |

| | | |
|----|--|---------|
| | Comptroller-General of Customs | 117,258 |
| | First Parliamentary Counsel | 117,258 |
| | General Manager, Health Insurance Commission | 117,258 |
| 5 | Principal Member, Superannuation Fund Investment Trust | 117,258 |
| | Public Service Commissioner | 117,258 |
| | Chairperson, Industry Commission | 117,258 |
| | Australian Statistician | 111,004 |
| 10 | Chairman, Commonwealth Grants Commission | 111,004 |
| | Chief Executive Officer, Aboriginal and Torres Strait Islander Commission | 111,004 |
| 15 | Chief Executive Officer, Federal Airports Corporation | 111,004 |
| | Chief of Naval Staff | 111,004 |
| | Chief of the General Staff | 111,004 |
| | Chief of the Air Staff | 111,004 |
| 20 | Deputy Managing Director, Australian Trade Commission | 111,004 |
| | Deputy President (non-judicial), Administrative Appeals Tribunal | 111,004 |
| | Executive Director, Australian Nuclear Science and Technology Organisation | 111,004 |
| 25 | Director-General, Australian Security Intelligence Organization | 111,004 |
| | Director-General, Office of National Assessments | 111,004 |

| | | |
|----|--|---------|
| | Human Rights Commissioner | 111,004 |
| | Inspector-General of Intelligence and Security | 111,004 |
| 5 | Insurance and Superannuation Commissioner | 111,004 |
| | Second Commissioner of Taxation | 111,004 |
| | Member, National Crime Authority | 111,004 |
| | Chairman, Albury-Wodonga Development Corporation | 99,949 |
| 10 | Commissioner for Community Relations | 99,949 |
| | Deputy Chairperson, National Board of Employment, Education and Training | 99,949 |
| | Electoral Commissioner | 99,949 |
| 15 | Director, Australian Institute of Criminology | 99,949 |
| | Executive Member, Pipeline Authority | 99,949 |
| | Chief Executive, Parliament House Construction Authority | 99,949 |
| 20 | General Manager, Australia Council | 99,949 |
| | Executive Commissioner, Industry Commission | 99,949 |
| | Commissioner, Industry Commission | 92,333 |
| 25 | Associate Commissioner, Industry Commission | 82,333 |

4. The rates of salary specified in clause 3 as applicable from 1 July 1990 are to be adjusted in accordance with National Wage Case Decisions made by the Australian Industrial Relations Commission after the commencement of this Act.

5. An annual leave loading is payable to Secretaries of Departments and holders of full-time Public Offices on the same terms and conditions applying to officers of the Australian Public Service.
6. Where a Secretary of a Department or a holder of a full-time Public Office holds an office located in a region or district which is classified for the purposes of District Allowance, the holder of the office is to be paid a District Allowance at the rates and on the conditions prescribed for officers of the Australian Public Service.

SCHEDULE 3

Section 6

SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

Salaries

1. (1) For the purposes of section 48 of the Constitution, the annual allowance payable to Senators and Members of the House of Representatives (in this Schedule called "salary") is as set out in this clause.

(2) In respect of the period starting on 1 January 1990 and ending on 30 June 1990, Senators and Members of the House of Representatives are taken to have been, and to be, entitled to salary and electorate allowance at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 13 of the Remuneration Tribunal dated 23 May 1990 had not been made.

(3) Subject to subclauses (4) to (6), the annual rate of salary payable to Senators and to Members of the House of Representatives (in this clause called the "Members of Parliament annual salary") is \$58,300 with effect from 1 July 1990.

(4) If, after 30 June 1990 but before 1 July 1991, the SES Band 1 annual salary is increased (otherwise than by the second stage increase under the Structural Efficiency Principle), the Members of Parliament annual salary is increased by the same proportion.

(5) On 1 January 1991, the Members of Parliament annual salary is increased by 6%.

(6) Whenever subclause (4) or (5) operates to increase the Members of Parliament annual salary:

(a) the increase has effect from the date, or the date of the event, specified; and

(b) the Members of Parliament annual salary as increased is taken to be the Members of Parliament annual salary for the purposes of any subsequent operation of either of those subclauses.

(7) From 1 July 1991, the Members of Parliament annual salary is equal to the SES Band 1 annual salary.

(8) In this clause:

"SES Band 1 annual salary" means the maximum annual rate of salary (not including any amounts in the nature of performance pay) payable to the holders of offices in the Senior Executive Service of the Australian Public Service having a classification of Band 1.

Electorate allowance

2. A Senator or Member of the House of Representatives is to receive an electorate allowance as follows:

| | | Rate per annum of electorate allowance \$ |
|----------|---|---|
| Senator: | | 22,685 |
| Member: | electorate of less than 2,000 square kilometres | 22,685 |
| | electorate of 2,000 square kilometres or more but less than 5,000 square kilometres | 26,975 |
| | electorate of 5,000 square kilometres or more | 32,895 |

Other allowances

3. A Senator or Member of the House of Representatives is also entitled to the allowances and entitlements provided for by Determination No. 14 of 1990 of the Remuneration Tribunal dated 23 May 1990, or by any subsequent Determination of the Remuneration Tribunal providing for equivalent allowances or entitlements.

SCHEDULE 4

Section 7

MINISTERS AND OFFICE HOLDERS OF THE PARLIAMENT

1. In respect of the period starting on 1 January 1990 and ending on 30 June 1990, the holders of the offices specified in this Schedule are taken to have been, and to be, entitled to allowances and additional salary at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 15 of the Remuneration Tribunal dated 23 May 1990 had not been made.
2. In respect of periods after 30 June 1990, no expenses of office allowances are payable to Ministers of State or other office holders of the Parliament.
3. With effect from 1 July 1990, the holders of the offices specified below are entitled to additional salary at the rates set out below.

| Office | Rate per annum of Additional Salary \$ |
|--|---|
| Leader of the Opposition | 48,343 |
| President of the Senate | 45,337 |
| Speaker of the House of Representatives | 45,337 |
| Deputy Leader of the Opposition | 31,817 |
| Leader of the Opposition in the Senate | 31,817 |
| Leader of the Third Party in the House of Representatives | 25,791 |
| Leader of a recognised non-Government party of at least 5 members not otherwise specified herein | 23,348 |
| Chairman of Committees in the Senate | 12,440 |

| | |
|--|--------|
| Chairman of Committees in the House of Representatives | 12,440 |
| Deputy Leader of the Opposition in the Senate | 11,942 |
| Government Whip in the House of Representatives | 11,942 |
| Opposition Whip in the House of Representatives | 10,802 |
| Government Whip in the Senate | 10,305 |
| Opposition Whip in the Senate | 10,305 |
| Third Party Whip in the House of Representatives | 5,337 |
| Leader in the Senate of the National Party | 5,337 |
| Deputy Government Whip in the House of Representatives | 2,669 |
| Whip in the Senate of a recognised non-Government party of at least 5 members not otherwise specified herein | 1,279 |
| Deputy Government Whip in the Senate | 1,279 |
| Deputy Opposition Whip in the Senate | 1,279 |
| Deputy Opposition Whip in the House of Representatives | 1,279 |
| Deputy Chairman of Committees in the Senate | 1,279 |
| Deputy Chairman of Committees in the House of Representatives | 1,279 |

| | | |
|----|---|-------|
| | Chairmen of Parliamentary Committees | |
| | Chairman, Joint Committee of Public Accounts | 9,949 |
| 5 | Chairman, Parliamentary Standing Committee on Public Works | 9,949 |
| | Chairman, Joint Committee on Foreign Affairs, Defence and Trade | 9,949 |
| 10 | Chairman, Joint Standing Committee on Electoral Matters | 6,310 |
| | Chairman, Parliamentary Joint Committee on the National Crime Authority | 6,310 |
| 15 | Chairman, Parliamentary Joint Committee on the Australian Security Intelligence Organization | 6,310 |
| | Chairman, Senate Legislative and General Purpose Standing Committee on Community Affairs | 6,310 |
| 20 | Chairman, Senate Legislative and General Purpose Standing Committee on Employment, Education and Training | 6,310 |
| 25 | Chairman, Senate Legislative and General Purpose Standing Committee on Environment, Recreation and the Arts | 6,310 |
| | Chairman, Senate Legislative and General Purpose Standing Committee on Finance and Public Administration | 6,310 |
| 30 | Chairman, Senate Legislative and General Purpose Standing Committee on Foreign Affairs, Defence and Trade | 6,310 |

| | | |
|----|---|-------|
| | Chairman, Senate Legislative and General Purpose Standing Committee on Industry, Science and Technology | 6,310 |
| 5 | Chairman, Senate Legislative and General Purpose Standing Committee on Infrastructure | 6,310 |
| | Chairman, Senate Legislative and General Purpose Standing Committee on Legal and Constitutional Affairs | 6,310 |
| 10 | Chairman, House of Representatives Standing Committee on Aboriginal Affairs | 6,310 |
| 15 | Chairman, House of Representatives Standing Committee on Community Affairs | 6,310 |
| | Chairman, House of Representatives Standing Committee on Environment, Recreation and the Arts | 6,310 |
| 20 | Chairman, House of Representatives Standing Committee on Employment, Education and Training | 6,310 |
| | Chairman, House of Representatives Standing Committee on Finance and Public Administration | 6,310 |
| 25 | Chairman, House of Representatives Standing Committee on Industry, Science and Technology | 6,310 |
| | Chairman, House of Representatives Standing Committee on Transport, Communications and Infrastructure | 6,310 |
| 30 | Chairman, House of Representatives Standing Committee on Legal and Constitutional Affairs | 6,310 |
| 35 | Chairman, House of Representatives Standing Committee on Procedure | 6,310 |

| | |
|--|-------|
| Chairman of a Parliamentary Committee not otherwise specified in this clause | 1,738 |
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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

REMUNERATION AND ALLOWANCES BILL 1990

(Amendments to be moved on behalf of the Government)

- 5 4. Whenever the annual rate of salary payable to Senators and Members of the House of Representatives is increased under Schedule 3 (including where it is increased after 1 July 1991 because of an increase in the SES Band 1 annual salary as defined in that Schedule), the rate per annum of additional salary payable to the holders of offices specified in clause 3 is increased by the same proportion.
- 10 5. Whenever clause 4 operates to increase the rate of additional salary payable to the holders of offices specified in clause 3:
- 15 (a) the increase has effect from the date of the increase in the annual rate of salary payable to Senators and Members of the House of Representatives; and
- 20 (b) the rate per annum of additional salary as increased is taken to be the rate of additional salary for the purposes of any subsequent operation of that clause.
6. In this Schedule:
- 25 "parliamentary committee" means a committee concerned with public affairs rather than the domestic affairs of Parliament.

NOTE

- 30 1. No. 86, 1988, as amended. For previous amendments, see No. 109, 1988; No. 153, 1989; and No. 00, 1990.

- (1) Schedule 3, page 15, at end of paragraph 3 add "or for any allowance in the nature of a Social Dislocation Allowance".
- (2) Schedule 4, page 16, paragraph 3, rate per annum of additional salary for the Government Whip in the Senate—omit "10,305", substitute "11,942".
- (3) Schedule 4, page 16, paragraph 3, rate per annum of additional salary for the Opposition Whip in the Senate—omit "10,305", substitute "10,802".
- (4) Schedule 4, page 16, paragraph 3, rate per annum of additional salary for the Whip in the Senate of a recognised non – Government party of at least 5 members not otherwise specified herein—omit "1,279", substitute "5,337".
- (5) Schedule 4, page 16, paragraph 3, rate per annum of additional salary for the Deputy Government Whip in the Senate—omit "1,279", substitute "2,669".

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

REMUNERATION AND ALLOWANCES BILL 1990

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Page 17, SCHEDULE 4, item 3, leave out the rates per annum of additional salary in respect of the offices specified hereunder, insert the following rates per annum of additional salary:

| | |
|-------------------------------|----------|
| Government Whip in the Senate | \$10,305 |
|-------------------------------|----------|

| | |
|-------------------------------|----------|
| Opposition Whip in the Senate | \$10,305 |
|-------------------------------|----------|

| | |
|--|----------|
| Whip in the Senate of a recognised non-Government party of at least 5 members not otherwise specified herein | \$ 1,279 |
|--|----------|

| | |
|--------------------------------------|-----------|
| Deputy Government Whip in the Senate | \$ 1,279. |
|--------------------------------------|-----------|

HARRY EVANS

Clerk of the Senate

The Senate,
Canberra, 1 June 1990

1990

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

REMUNERATION AND ALLOWANCES BILL 1990

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Industrial Relations,
Senator the Honourable Peter Cook)

REMUNERATION AND ALLOWANCES BILL 1990

OUTLINE

The Bill provides increased rates of salary for judicial office holders, Secretaries of Departments, Members of Parliament, holders of public offices and Office Holders of the Parliament.

The Bill provides a link between the basic salary of Members of Parliament and a salary level in the Senior Executive Service of the Australian Public Service, providing that after a certain period the salaries will be equal and an adjustment to the salary level of the SES level will result in a like adjustment to the basic salary level of Members of Parliament.

Other amendments are proposed to the Industrial Relations Act 1988 to provide that the salary of the President and Deputy Presidents of the Australian Industrial Relations Commission be set by the Remuneration Tribunal rather than linked to the salary of the Chief Judge and other Judges of the Federal Court, as is presently the case.

FINANCIAL IMPACT STATEMENT

The direct costs of the adjustment proposed (excluding indirect effects on costs of superannuation, etc.) are estimated to be approximately \$7m in a full year.

These costs are significantly less than would have been incurred had the Remuneration Tribunal Determinations been implemented in full.

NOTES ON CLAUSES

Part 1 - PRELIMINARY

Clause 1 : Short title etc.

The short title of the Act is specified in this clause.

Clause 2 : Commencement

This clause provides that Part 3 of the Act commences on 1 July 1990. The remainder of the Act commences on the date of Royal Assent.

Clause 3 : Operation of the Act

This clause provides that this Act amends the provisions of any Determinations made by the Remuneration Tribunal, or any provision of an Act providing remuneration and allowances to be determined by the Remuneration Tribunal or any inconsistent provision of the Judicial and Statutory Offices (Remuneration and Allowances) Act 1984.

Part 2 - REMUNERATION AND ALLOWANCES

Clause 4 : Remuneration and allowances of holders of judicial offices, etc.

This clause provides salary levels for judicial office holders and certain other public office holders. The salary rates are as set out in Schedule 1 of the Bill.

Clause 5 : Remuneration and allowances of Secretaries of Departments and holders of public offices

Under this clause, salary levels for Secretaries of Departments and certain full-time holders of public offices are increased. The new salary levels are set out in Schedule 2 of the Bill.

Clause 6 : Remuneration and allowances of Senators and Members of the House of Representatives

Under this clause, the basic salary for Members of Parliament is altered in accordance with Schedule 3.

Clause 7 : Ministers and Office Holders of the Parliament

This clause provides that additional salaries payable to Office Holders of the Parliament are as set out in Schedule 4 as from 1 July 1990.

Clause 8 : Appropriation

This clause provides for funds to be appropriated from the Consolidated Revenue Fund to meet the salary and allowance provided for under the Bill.

Part 3 - AMENDMENTS TO THE INDUSTRIAL RELATIONS ACT 1988

Clause 9 : Principal Act

This clause provides that the Principal Act for the purposes of Part 3 of the Bill is the Industrial Relations Act 1988.

Clause 10 : Remuneration and Allowances of Presidential Members etc

This clause amends section 21 of the Industrial Relations Act 1988 which provided that the salary and allowances of the President of the Australian Industrial Relations Commission be

the same as those applicable to the Chief Judge of the Federal Court of Australia, and for the salary and allowances of a Deputy President of the Australian Industrial Relations Commission to be the same as those applicable to a Judge of the Federal Court.

By operation of the amendments made by this clause, the salaries of the President and Deputy Presidents of the Australian Industrial Relations Commission will be determined by the Remuneration Tribunal.

Travelling allowances paid to the President and Deputy Presidents of the Australian Industrial Relations Commission will remain the same as those payable to the Chief Judge and Judges of the Federal Court of Australia, respectively.

SCHEDULE 1 - HOLDERS OF JUDICIAL AND OTHER OFFICES

This schedule sets out the rates of salary for specified judicial office holders and certain other public office holders.

The schedule also provides that until the new rates of salary take effect on 1 July 1990, the rates applicable to the offices prior to the making of Determination No.12 of 1990 of the Remuneration Tribunal continue to apply as if that Determination had not been made.

The schedule also makes provision for other allowances to be paid to certain of the specified office holders.

By virtue of clause 6 of the schedule, salary rates specified in the schedule will be adjusted in accordance with National Wage Case decisions made by the Australian Industrial Relations Commission.

SCHEDULE 2 - SECRETARIES OF DEPARTMENTS AND HOLDERS OF PUBLIC OFFICE

This Schedule sets out the rates of salary for Secretaries of Departments and Holders of Public Offices.

The Schedule also provides that, until the new rates of salary take effect on 1 July 1990, the rates applicable to the offices prior to the making of Determination No.12 of 1990 of the Remuneration Tribunal continue to apply as if that Determination had not been made.

SCHEDULE 3 - SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

By operation of clause 6 of the Bill and this Schedule, the basic salary rate for Members of Parliament is set at \$58,300 with effect from 1 July 1990.

The salary rate will be increased by a further 6% from 1 January 1991 and from 1 July 1991 will be the same as the maximum rate set for Band 1 Senior Executive Service officers of the Australian Public Service.

Adjustments to the maximum salary rate for SES Band 1 officers will result in an adjustment by the same amount to the basic salary of Members of Parliament.

The Schedule also sets the rate of electorate allowances payable to Members of Parliament.

SCHEDULE 4 - MINISTERS AND OFFICE HOLDERS OF THE PARLIAMENT

This Schedule operates by virtue of clause 7 of the Bill and provides for additional salary rates for Office Holders of the Parliament, which will take effect from 1 July 1990.

The Schedule also provides that the applicable additional salary rates payable to the specified Office Holders of the Parliament for the period 1 January 1990 until 1 July 1990 are those that would have applied had Determination No.15 of 1990 of the Remuneration Tribunal not been made.

This Schedule also provides that the expenses of office allowance is payable to Ministers of State or other Office Holders of the Parliament from 1 July 1990.

By operation of clause 4 of Schedule 4, the rate of additional salary payable to Office Holders of the Parliament is increased by the same proportion as any increase which is made to the basic salary of Members of Parliament.

CORRECTION

REMUNERATION AND ALLOWANCES BILL 1990

EXPLANATORY MEMORANDUM

CLAUSE 3 : OPERATION OF ACT

First line - omit "amends", substitute "overrides" to correct a typographical error in the Explanatory Memorandum.

SCHEDULE 1 - HOLDERS OF JUDICIAL AND OTHER OFFICES

Paragraph 2, third line - omit "Determination No.12 of 1990" and substitute "Determination No.11 of 1990" to correct a typographical error in the Explanatory Memorandum.

SCHEDULE 4 - MINISTERS AND OFFICERS HOLDERS OF THE PARLIAMENT

Paragraph 3, first line - omit "the expenses of office allowance" and substitute "no expenses of office allowance" to correct a typographical error in the Explanatory Memorandum.

(Circulated by authority of the
Minister for Industrial Relations,
Senator the Honourable Peter Cook)