

THIS Bill originated in the House of Representatives;
and, having this day passed, is now ready for
presentation to the Senate for its concurrence.

D. M. BLAKE
Clerk of the House of Representatives

House of Representatives,
Canberra, 14 December 1982

A BILL

FOR

An Act to suspend for 12 months the powers of certain authorities in relation to the remuneration of certain persons, and for certain other purposes

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

Short title

1. This Act may be cited as the *Salaries and Wages Pause Act 1982*.

5 Commencement

2. This Act shall come into operation on the day on which it receives the
Royal Assent.

Interpretation

3. In this Act, unless the contrary intention appears—

10 “Australia” includes the external Territories;

“authority of the Commonwealth or of a Territory” means an authority,
institution or body (not being a society, an association or an
incorporated company) established for a public purpose by or under a
law of the Commonwealth or of a Territory;

“Commonwealth employee” means any person who, whether on a full-time or a part-time basis, and whether in a permanent capacity or otherwise—

- (a) is in the service or employment of the Commonwealth, the Administration of a Territory, an authority of the Commonwealth or of a Territory or a prescribed company; 5
- (b) holds or performs the duties of any office or position established by or under a law of the Commonwealth or a law of a Territory;
- (c) holds an appointment made— 10
 - (i) under a law of a kind referred to in paragraph (b); or
 - (ii) by the Governor-General, by a Minister, or by any other person on behalf of the Executive Government of the Commonwealth or the Administration of a Territory, otherwise than under such a law, 15
- (d) is in employment to which Division 5 of Part III of the *Conciliation and Arbitration Act 1904* applies,

and, without limiting the generality of the foregoing, includes—

- (e) a person appointed or employed under— 20
 - (i) the *Commonwealth Teaching Service Act 1972*;
 - (ii) the *Trade Commissioners Act 1933*;
 - (iii) the *Supply and Development Act 1939*; or
 - (iv) section 42 of the *Naval Defence Act 1910*;
- (f) a member of the Defence Force; 25
- (g) a member or special member of the Australian Federal Police or a member of the police force of a Territory; and
- (h) a director of a prescribed company;

“Commonwealth employment” means employment of a person as a Commonwealth employee; 30

“prescribed company” means a company incorporated, or a society or association incorporated or formed, under a law of the Commonwealth or of a State or Territory, being a company, society or association in which the Commonwealth or an authority of the Commonwealth or of a Territory has a controlling interest; 35

“prescribed period” means the period that commences on the date of commencement of this Act and ends 12 months after that date;

“remuneration” includes any benefit in the nature of salary or wages;

“remuneration-fixing authority” means a tribunal, authority, body or person that has power, or would, but for this Act, have power, with or without the approval of another authority, body or person, to make an award, determination, decision, order, regulation or contract, or to make or certify an industrial agreement, that determines or fixes— 40

- (a) remuneration;

- (b) the working hours applicable in respect of employment; or
- (c) an allowance (not being an allowance in the nature of salary or wages),

5 and includes such a tribunal, authority or body established after the commencement of this Act, but does not include the Remuneration Tribunal, the Academic Salaries Tribunal or the Pharmaceutical Benefits Remuneration Tribunal.

Extension to external Territories

4. This Act extends to every external Territory.

10 **Application**

5. This Act has effect notwithstanding anything in any other law of the Commonwealth, any law of a Territory or any award, determination, order, industrial agreement or contract.

Act to bind the Crown

15 6. This Act binds the Crown in right of the Commonwealth, of the Northern Territory and of Norfolk Island.

Suspension of powers of Remuneration and Academic Salaries Tribunals

20 7. (1) Except for the purposes of sub-section 8 (1A), (2) or (3) of the *Remuneration Tribunals Act 1973*, the Remuneration Tribunal is not empowered, during the prescribed period, to hold, or to continue to hold, any inquiries or to make any determinations or reports.

25 (2) Except for the purposes of section 12DA or 12DB of the *Remuneration Tribunals Act 1973*, the Academic Salaries Tribunal is not empowered, during the prescribed period, to hold, or to continue to hold, any inquiries or to make any determinations or reports.

Suspension of powers of remuneration-fixing authorities

30 8. (1) Subject to this section, a remuneration-fixing authority is not empowered, during the prescribed period, to make or vary any award, determination, decision, order, regulation or contract or to make, vary or certify any industrial agreement, so as to—

- (a) increase the rates, or minimum rates, of any remuneration, or establish a new benefit in the nature of salary or wages, payable in respect of Commonwealth employment;
- (b) reduce the working hours applicable in respect of Commonwealth employment; or
- (c) increase the rates, or minimum rates, of any allowance, or establish a new allowance, payable in respect of Commonwealth employment.

(2) Nothing in this section prevents—

- (a) a change in the classification of an office, appointment or position; or
- 40 (b) an increase in the remuneration, or in an allowance, payable to a particular person, or the payment of a new allowance to a particular

person, in accordance with an award, determination, order, regulation or rule in force at the commencement of this Act, being an increase or payment made by reason of—

- (i) the promotion or transfer of the person to another office or position;
- (ii) the person performing the duties of another office or position; or
- (iii) an incremental advancement within a particular salary scale.

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(3) Sub-section (1) does not apply in relation to a person in respect of Commonwealth employment where—

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- (a) the person was appointed or engaged outside Australia; and
- (b) the duties of that employment are performed wholly outside Australia.

(4) A reference in this section to an allowance shall be read as not including—

- (a) an allowance in the nature of salary or wages; or
- (b) an allowance (not being a travelling allowance) payable in respect of service outside Australia.

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Suspension of powers of Pharmaceutical Benefits Remuneration Tribunal

9. (1) The Pharmaceutical Benefits Remuneration Tribunal is not empowered, during the prescribed period, to hold, or to continue to hold, any inquiries or to make or issue any findings or determinations.

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(2) In calculating, for the purposes of sub-section 98BA (4) of the *National Health Act 1953*, a period of 12 months after a date on which the Pharmaceutical Benefits Remuneration Tribunal issued its findings from the last inquiry held by it, no regard shall be had to the prescribed period.

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Exemptions

10. (1) This Act does not preclude a tribunal or authority referred to in section 7 or 8 from doing any act or thing during the prescribed period for the purpose of giving effect to an agreement entered into, or a decision taken, before the commencement of that period, being an agreement or decision to—

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- (a) increase the rates, or minimum rates, of any remuneration, or establish a new benefit in the nature of salary or wages; or
- (b) reduce the working hours applicable in respect of Commonwealth employment.

(2) Notwithstanding sections 7, 8 and 9, the Governor-General may make regulations conferring, during the prescribed period, powers on a specified tribunal or authority, being a tribunal or authority referred to in section 7, 8 or 9, in relation to a specified matter or in relation to matters included in a specified class of matters, being powers that would, but for that section, be exercisable by that tribunal or authority.

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Continuation of certain regulations under the Health Insurance Act

11. Sub-section 4 (6) of the *Health Insurance Act 1973* does not apply in relation to—

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- (a) the regulations that are, at the commencement of this Act, in force under section 4 of that Act; or
 - (b) any amendments of those regulations.

