

1983-84

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

JUDICIAL AND STATUTORY OFFICERS (REMUNERATION
AND ALLOWANCES) BILL 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of the Special Minister of State)

OUTLINE

The purpose of this bill is to give effect to the Government's decision to accept Report No. 5 and Report No. 6 of the Remuneration Tribunal's 1984 Review.

The Tribunal's Reports propose:

- (a) an increase of 11.7% in the salaries payable to judges and to the President of the Inter-State Commission;
- (b) the phasing-in of that increase: a 6% increase with effect from 1 July 1984 and a further 5.7% increase with effect from 1 January 1985;
- (c) the application to each of the increased rates of salary of any National Wage increases after 1 July 1984; and
- (d) increases in travelling allowance to reflect increases in costs.

The cost of implementing the Tribunal's recommendations in respect of Judges and the Inter-State Commission will be of the order of \$0.9 million in 1984-85.

NOTES ON CLAUSES

Clause 1: Formal - short title of Act.

Clause 2: Formal - date of commencement made retrospective to 1 July 1984.

Clause 3: Salaries and expenses of office allowances:

Sub-clause 3(1) provides for phased-in salary increases in respect of judicial and other offices, in accordance with the Schedule, and retains the rates of expenses of office allowance implemented in the Remuneration and Allowances Amendment Act 1984.

Sub-clause 3(2) enables each rate of salary set out in the Schedule to be adjusted by National Wage Case increases after 1 July 1984.

Sub-clauses 3(3)-3(7) deal with situations where a Judge of the Federal Court holds more than one office covered by this Act:

Sub-clause 3(3) ensures that such a person will not receive multiple remuneration.

Sub-clause 3(4) entitles such a person, where the office other than Judge of the Federal Court carries a lower rate of remuneration, to receive an additional amount of remuneration to the extent of the difference between the two rates.

Sub-clause 3(5) provides an additional expenses of office allowance for a Judge of the Federal Court who also holds the office of Chief Judge of the Supreme Court of Norfolk Island.

Sub-clause 3(6) provides an additional expenses of office allowance for a Judge of the Federal Court who also holds the office of President of the Administrative Appeals Tribunal, President of the Trade Practices Tribunal or Chairman of the Law Reform Commission.

Sub-clause 3(7) exempts the Chairman of the Commonwealth Grants Commission from the operation of sub-clause 3(1) if the Chairman was not, immediately before appointment to the Commission, a Judge of the Federal Court or of the Supreme Court of a State or Territory.

Sub-Clause 3(8) makes provision for the remuneration of members, other than the President, of the Inter-State Commission by linking their remuneration to that payable to a Level 6 officer in the Australian Public Service.

Clause 4: Travelling allowance payable to the Chief Justice and Justices of the High Court:

Sub-clause 4(1) defines the offices to which the section applies.

Sub-clause 4(2) defines the localities referred to in the section.

Sub-clause 4(3) defines the occasions on which travelling allowance is payable.

Sub-clause 4(4) fixes rates of travelling allowance payable for an overnight stay in a capital city or other place within Australia or for an absence of more than 10 hours which does not involve an overnight stay or further overnight stay.

Sub-clause 4(5) provides for the reimbursement of reasonable expenses of travel outside Australia and the external territories.

Clause 5 fixes the rate of an additional allowance payable to Justices of the High Court who do not take up residence in or near the Australian Capital Territory.

Clause 6: Travelling allowance payable to holders of certain offices:

Sub-clause 6(1) defines 'headquarters' and 'office to which this section applies'.

Sub-clause 6(2) defines the localities referred to in the section.

Sub-clause 6(3) defines the occasions on which travelling allowance is payable.

Sub-clause 6(4) fixes rates of travelling allowance.

Sub-clause 6(5) enables those to whom the section applies to receive, for travel outside Australia and the external territories, the same allowances as are payable to Secretaries in the Australian Public Service.

Sub-clause 6(6) concerns persons holding two or more offices to which this section applies, and provides that such persons shall receive only the travelling allowance specified for the office which occasions the travel.

Sub-clause 6(7) provides that the office of Chairman of the Commonwealth Grants Commission is not