

1980-81-82

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Remuneration and Allowances Amendment Bill 1982

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for  
Administrative Services, the Hon. Kevin Newman, MP)



## OUTLINE

The purpose of the Bill is as follows:

- PART II: Amends the Remuneration and Allowances Act 1973 to implement the recommendations in the Remuneration Tribunal's 1982 Review in relation to the salaries and allowances of the Judiciary.
- PART III: Amends the Ministers of State Act 1952 to increase the limit on the annual sum appropriated from the Commonwealth Consolidated Revenue Fund in respect of the salaries of Ministers, consequent upon the Government's acceptance of increases recommended in the Remuneration Tribunal's 1982 Review; and
- PART IV: Amends the Remuneration Tribunals Act 1973 to:
- i) remove Northern Territory and Norfolk Island public offices, and the office of member of the National Aboriginal Conference, from the scope of the appropriation provisions of the Act;
  - ii) confer on the Norfolk Island Legislative Assembly the power of disallowance of the Remuneration Tribunal's determinations in respect of Norfolk Island public office-holders;
  - iii) bring the office of member of the National Aboriginal Conference within the provisions of sub-section 7(11) of the Act; and
  - iv) enable references to be made to the Tribunal of all directors and senior offices in the service of companies limited by guarantee which are subject to the control of the Commonwealth.

The first of these amendments is to remedy the provisions of the Act which require that the remuneration of offices determined by the Tribunal is to come from the Commonwealth Consolidated Revenue Fund. The intention has always been that remuneration would be met from the funds of the relevant governments, or, in the case of the National Aboriginal Conference, from that body's funds.

The second amendment reflects the wish of the Norfolk Island Government for the Legislative Assembly to have power to disallow determinations in respect of its members' remuneration, rather than this power resting with the Commonwealth.

The third is to provide that members of the National Aboriginal Conference, in line with other full-time Commonwealth public office-holders, may not receive remuneration for any part-time public office unless a specific exception is made by regulation under the Act.

The fourth is to extend the Tribunal's jurisdiction to allow it to make determinations in respect of certain offices in Commonwealth-controlled companies. The Tribunal's power in this area will be exercisable only on a specific reference from the Minister for Administrative Services.

Finally, the Bill includes the office of member of the National Aboriginal Conference within the definition of "public office" for the purposes of the Act. This was previously achieved by regulation under the Act but it is now considered appropriate that specific reference be made in the Act.

## CLAUSE NOTES

### Clause 2

Sub-Clause (1) provides for the Bill to come into effect on the date it receives the Royal Assent, subject to sub-clause (2) which provides for the amendments made in Part II of the Bill, which relate to the remuneration and allowances of members of the Federal Judiciary, to have effect from 1 July 1982.

### PART II

### Clause 3

In this Part the Remuneration and Allowances Act 1973 is the Principal Act.

### Clause 4

Section 13 of the Principal Act is amended:

- . to omit the provision for an additional annual allowance in respect of the offices of Chairman of the Law Reform Commission and President of the Administrative Appeals Tribunal.
- . to omit the provision which was necessary when the Director-General of Security was a Judge of a Court created by the Parliament.
- . to make provision for an additional annual allowance, at the rate of \$500 per annum, for a Judge of the Federal Court of Australia who holds the office of Chief Judge of the Supreme Court of Norfolk Island.

### Clause 5

Section 13A of the Principal Act is amended:

- . to increase the travelling allowance payable to the Chief Justice and Justices of the High Court - for an overnight stay in a capital city to \$120 or for any other overnight stay to \$85.
- . to increase, to \$27, the travelling allowance payable in respect of part of a day.
- . to omit sub-sections (5) and (6). This change is consequential upon the amendment of section 13B.

### Clause 6

Section 13B is amended to:

- . provide for the "Canberra allowance" to be payable to all Justices of the High Court, wherever appointed, who do not establish a place of residence in Canberra and to increase the allowance to \$9125. The allowance was previously restricted to Justices who held office on 1 July 1980.

Clause 7

Section 13C of the Principal Act is amended:

- . to make it clear that a Judge appointed to another office (eg. President of the Administrative Appeals Tribunal and President of the Trade Practices Tribunal) will be entitled to the travelling allowance rates and conditions applicable to Judges.
- . to increase the travelling allowance payable to holders of the offices specified - for an overnight stay in a capital city to \$110 or for any other overnight stay to \$80.
- . to increase, to \$27, the travelling allowance payable in respect of part of a day.
- . to omit the provision which was necessary when the Director-General of Security was a Judge of a Court created by the Parliament.

Clause 8

This Clause substitutes a new Schedule 3 to the Principal Act. The Schedule fixes the rates of salaries and allowances payable to the offices specified.

PART III

Clause 9

In this Part the Ministers of State Act 1952 is the Principal Act.

Clause 10

Section 5 of the Principal Act is amended to increase from \$452,000 to \$575,000 the limit on the annual amount appropriated for Ministerial salaries.

PART IV

Clause 11

In this Part the Remuneration Tribunals Act 1973 is referred to as the Principal Act.

Clause 12

Section 3 of the Principal Act defines the term "public office" for the purposes of defining the Tribunal's jurisdiction. This Clause inserts further definitions to include the office of member of the Aboriginal Corporation of the National Aboriginal Conference as a public office for the purposes of the Act, and to enable directors and senior officers in the service of Commonwealth companies limited by guarantee to be brought within jurisdiction by a specification in writing by the Minister.

### Clause 13

Sub-section 7(7) of the Act requires the Minister responsible for the Act to have tabled in each House of Parliament Tribunal determinations within fifteen sitting days of that House after he receives the determination. Clause 13(1)(a) relieves him of this requirement where the determination covers members and office-holders of the Norfolk Island Legislative Assembly (see also Clause 14).

Sub-section 7(9) of the Act provides for the Consolidated Revenue Fund to be appropriated in respect of offices for which the Tribunal has made a determination, except in certain cases. Clauses 13(1)(b) and (c) make further exceptions in respect of:

- . magistrates of the Northern Territory, whose remuneration is to be met from the Territory's public moneys;
- . members and office-holders of the Norfolk Island Legislative Assembly, whose remuneration is to be met from the Norfolk Island Public Account; and
- . members of the Aboriginal Corporation of the National Aboriginal Conference, whose remuneration is to be met from Conference funds.

Sub-section 7(11) of the Act precludes full-time Commonwealth employees from receiving remuneration for part-time public offices held unless a specific exception is made by regulation under the Act. Clause 13(1)(d) brings within these provisions offices, appointments and employees of companies referred to in Clause 12. Clause 13(1)(e) brings within these provisions the office of member of the National Aboriginal Conference.

The intention has always been that the payment of remuneration to Northern Territory and Norfolk Island office-holders would be met from the funds of the respective governments, and, in the case of the National Aboriginal Conference, from the Conference's funds. Sub-clauses 13(2), 13(3) and 13(4) indemnify the Commonwealth against any claims for the payment of remuneration from the Consolidated Revenue Fund made prior to the enactment of this provision.

### Clause 14

This Clause makes new provisions for the receipt and disallowance of determinations made by the Remuneration Tribunal in respect of members and office-holders of the Norfolk Island Legislative Assembly. It provides that:

- . determinations are to be furnished to the Minister responsible for the Norfolk Island Act 1979;
- . the Minister is required to have a copy of any such determination tabled in the Norfolk Island Legislative Assembly within two months of his receipt of it;

- . the Assembly may pass a resolution disallowing the determination within two months of tabling. Disallowance will prevent the determination from coming into effect or, if the determination has already come into effect, it will cease to have effect from the date of disallowance. If prior to the expiration of the two-months period the Assembly rises for a general election, the two-months period recommences on the first day the Assembly meets after that election.