To implement decisions of the Remuneration Tribunal (the Tribunal) regarding the remuneration and allowances payable to members of the judiciary and the President and members of the Inter-State Commission.

Background

The Tribunal was established in 1973 to inquire into, and report on, the remuneration that should be paid to various Commonwealth employees, including members of Parliament and the judiciary. In performing its function, the Tribunal is required to take account of the principles laid down in the determinations and decisions of the Conciliation and Arbitration Commission. The Tribunal has recently concluded that, in general, changes in remuneration will only be made in accordance with the National Wage Case decisions.[1]

In its reports, numbers 2 and 3 of 1985, the Tribunal dealt with the remuneration of members of the judiciary and the Inter-State Commission, (which reports on matters relating to interstate transport) respectively. In its Report No. 2 of 1985, the Tribunal recommended new levels of salary, expense and travelling allowances for members of the judiciary and recommended that the rate of salary be adjusted in accordance with National Wage Case decisions made after the Report. The Tribunal also recommended that an allowance of $10,640 per annum be paid to members of the High Court who do not reside in Canberra[2] and that an extra $10 per night be added to the travelling allowance where members of the Court are accompanied by their spouse and the Government meets the spouse's travel costs.[3]
Report No. 3 of 1985 deals with the salary, expense and travelling allowances of the President and members of the Inter-State Commission. It recommends new levels of salary and allowances and that the recommended salary should be adjusted in line with future National Wage Case decisions.[4]

In both Reports, the Tribunal recommended that the new levels of salary and allowances operate from 1 July 1985. A National Wage Case decision was handed down on 4 November 1985 and granted a 3.8 per cent wage and salary increase.

Main Provisions

Clause 3 amends section 3 of the Judicial and Statutory Officers (Remuneration and Allowances) Act 1984 (the Principal Act) to introduce new rates of salary and allowances from 1 July 1985 and to allow an automatic increase in salary in line with the National Wage Case decision from 14 November 1985.

The travelling allowance of Justices of the High Court is increased by clause 4 which amends section 4 of the Principal Act. The clause also provides for the payment of a new entitlement where a Justice is accompanied by a spouse on an overnight stay and the spouse's travel costs are met by the Government.

Section 5 of the Principal Act is amended by clause 5 to increase the allowance payable to Justices of the High Court whose principal place of residence is not in or near the Australian Capital Territory.

The travelling allowance payable to other Commonwealth judges and a number of statutory office holders (e.g., the Chairman of the Commonwealth Grants Commission and the President and Deputy President of the Conciliation and Arbitration Commission) is increased by clause 6 which amends section 6 of the Principal Act. The clause also introduces a spouse accommodation allowance similar to that introduced by clause 4.

A new section 6A is to be inserted in the Principal Act by clause 7 to deal with the travelling allowance payable to the President and members of the Inter-State Commission.
The Schedule to the Principal Act, which contains the rate of salary and expense allowance payable to certain judicial and statutory officers, is repealed and a new schedule is inserted (clause 9).

For further information, if required, contact the Law and Government Group.

4 December 1985

References

2. Ibid., p.17.
3. Ibid., p.18.