Purpose

To amend certain Determinations of the Remuneration Tribunal dated 5 April 1984, including implementation of a lesser increase for allowances, other than travelling allowances, than the 15 per cent recommended by the Tribunal; and to include within the Tribunal's jurisdiction the remuneration of members of the Interstate Commission.

Background


In respect of parliamentary and Ministerial salaries and allowances, the position is affected by the Remuneration Tribunals Act 1973 which established a Remuneration Tribunal and also an Academic Salaries Tribunal.

Section 7 of the Remuneration Tribunals Act 1973 authorizes inquiry into and determination of remuneration payable to members of Parliament, Ministers, holders of public offices and officers in the First Division of the Australian Public Service. Sub-sections 7(7) and (8) specify a procedure for tabling in each House within 15 sitting days of making the determination, similar to regulations. Determinations may be made inoperative by resolution of either House.

By sub-section 7(9) the determinations of the Remuneration Tribunal apply for payment to the holder of the relevant office notwithstanding the provisions of any other
Commonwealth law, the Consolidated Revenue Fund being appropriated by clause 13.

Prior examples of legislative alteration to the terms of the Remuneration Tribunal's determination are afforded by the Remuneration and Allowances Act, No. 140 of 1979 and the Remuneration and Allowances Amendment Act, No. 121 of 1981. Both Acts vary the additional salary and special allowances of members of Parliament holding particular offices, and the basic rate of salary payable to all Members. The 1981 Act effected a Government decision to stage over two years the increase in basic salary determined by the Remuneration Tribunal.

The present Bill implements the Tribunal's recommendations in respect of certain judicial offices. This is a situation requiring legislation to amend the Remuneration and Allowances Act 1973.

The Bill also varies the Tribunal's determinations, in general to substitute for a recommended 15 per cent increase in certain allowances an increase of about 8.6 per cent, equivalent in effect to the two most recent National Wage Case decisions, of October 1983 and April 1984.

Main Provisions

Part VI of the Bill (clauses 16-20) makes substantive changes for Remuneration Tribunal practice. Clause 18 amends section 5 so that the Tribunal is to have regard to National Wage Cases decided, and principles of wage determination established, by the Conciliation and Arbitration Commission. New sub-section 7(3B) allows the Tribunal to determine that the rate of remuneration for an office be fixed in relation to that payable in respect of another specified office.

Amendments in Part VII to the Trade Practices Act 1974 delete sub-sections 33(1), (2) and (3). Sub-section 31(1) requires that the President be a Judge of the Federal Court. In this circumstance the provision for allowance payable to the Trade Practices Tribunal as President, and the limitation that other salary not exceed that payable to a Judge of the Federal Court, is henceforth made in the Remuneration and Allowances Act 1973, amended by clause 3 of the present Bill.

The remuneration of members of the Inter-state Commission is specified in section 19 of the Inter-State Commission Act 1975, with provision for recommendations by the Remuneration Tribunal. Amendments in clause 15 specify
a higher rate, and allow later rates to be fixed by Parliament, similarly to Judges' salaries.

Part II amends the Remuneration and Allowances Act 1973 to cater for inclusion of members of the Inter-state Commission. The new Schedule substituted by clause 6 specifies remuneration for Judges and for members of the Inter-state Commission.

Amendments in Part III do not amend existing legislation, but modify provisions in certain 1984 Determinations of the Remuneration Tribunal. The provisions include new schedules for allowances payable to Ministers of State, and to Members of Parliament holding certain offices in the Parliament. Rates of electorate allowance payable to members of Parliament, maximum allowances payable to Parliamentary Secretaries, and allowances payable to First Division Officers of the Australian Public Service are also specified, consistently with the substitution of an increase of about 8.6 per cent for the 15 per cent increase determined by the Tribunal at first instance on 5 April 1984.

By clause 23, the new rates apply in pay periods commencing on or after 6 April 1984.

For further information, if required, contact:

24 May 1984
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