

1996

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

LAND (PLANNING AND ENVIRONMENT) REGULATIONS
(AMENDMENT)--

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for the Environment, Land
and Planning
Mr Gary Humphries MLA

GENERAL OUTLINE

This regulation amends the Land (Planning and Environment) Regulations (the regulations).

The *Land (Planning and Environment) Act 1991* (the Act) provides for the establishment of the Land and Planning Appeals Board (the Board).

Section 282D of the Act provides for the payment of remuneration and allowances in respect of members of the Board as prescribed by regulation unless there is a subsisting determination of the Commonwealth Remuneration Tribunal (the Tribunal) relating to remuneration or an allowance. As there had been no previous determination, the rate payable to members was set by regulation. The purpose of this amendment is to adjust the remuneration rate payable in accordance with the relevant determinations of the Tribunal.

Regulation 23 of the Land (Planning and Environment) Regulations prescribes the rate of remuneration payable to the Board. The rate prescribed is based on a determination set by the Tribunal in 1993.

The Tribunal has since released two determinations relating to non specified public offices to increase the remuneration rate payable, Determination number 3 of 1994 and Determination number 2 of 1995. The amending regulation repeals and substitutes a new regulation 23 to provide for levels of remuneration which address both of these determinations.

The revised rates of remuneration are applied retrospectively. Levels of remuneration are set under the *Remuneration Tribunal Act 1995*, however the Tribunal does not have the power to make retrospective determinations. The new regulation does not breach the requirements of section 7 of the *Subordinate Laws Act 1989*. The application of the rates in retrospect does not impede the rights of, or impose a liability or burden on, any person.

FINANCIAL IMPLICATIONS

There are no significant financial implications. The increase in the levels of remuneration is minimal.

CLAUSE NOTES

Clauses 1 and 2 provide for the commencement of the regulation and identify the regulations being amended.

Remuneration to members of the Appeals Board

Clause 3 repeals Regulation 23 of the Land (Planning and Environment) Regulations and substitutes a new regulation. The new regulation provides for the payment of remuneration to members of the Board in accordance with the rate set by the relevant determinations of the Tribunal. This includes provision for payment in retrospect. The relevant determinations are Determination number 3 of 1994 to apply for the period 1 December 1994 to 30 June 1995 and Determination number 2 of 1995 to apply from 1 July 1995.