

1994

THE LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL
TERRITORY

DISCRIMINATION (REMUNERATION AND ALLOWANCES)
REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by the Authority of Terry Connolly MLA
Attorney General

General Outline

These Regulations amend the Discrimination (Remuneration and Allowances) Regulations (the Regulations).

The *Discrimination Act 1991* (the Act) makes it unlawful to discriminate on certain grounds and provides a procedure for the resolution of complaints. The Act provides for the appointment of a Discrimination Commissioner who is responsible for the receipt and investigation of complaints of discrimination and other functions.

Section 113 of the Act provides that the remuneration and allowances of the Commissioner shall be as prescribed by Regulation unless there is a subsisting determination of the Commonwealth Remuneration Tribunal. There is no such determination, and the Regulations set the Commissioner's allowance.

The Commissioner's remuneration is currently set at a daily sitting fee of \$366 (Regulation 3) and an annual allowance of \$5000 (Regulation 4). When the Commissioner is required to travel in the course of duty, the Commissioner receives a travel allowance of \$300 per day in a capital city and in any other case, \$155 per day (Regulation 5).

The Discrimination (Remuneration and Allowances) Regulations (Amendment) alter the existing Regulations by repealing Regulations 3, 4, and 5. Amending Regulation 3 provides a new annual allowance of \$40,000 which absorbs the previous allowance and sitting fee and Regulation 4 sets the travel allowance at the rate payable to a public servant with the classification of Senior Executive Service Officer.

The Discrimination (Remuneration and Allowances) Regulations (Amendment) commence upon Gazettal.

Financial Implications

The role of the Discrimination Commissioner has been up-graded so that it more accurately reflects the workload and demands of the office. As a result, it is necessary to increase the Commissioner's allowance to what is effectively a half time position at Level 1 of the SES. The additional expenditure was approved by Government in the 1994/95 Budget.