

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

**REMUNERATION TRIBUNAL
(CONSEQUENTIAL AMENDMENTS) BILL 1997**

EXPLANATORY MEMORANDUM

Circulated by the authority of

**Kate Carnell MLA
Chief Minister**

Remuneration Tribunal (Consequential Amendments) Bill 1997

Outline

This Bill makes consequential amendments following the commencement of the *Remuneration Tribunal Act 1995*, which established the ACT Remuneration Tribunal. The Tribunal determines the remuneration, allowances and other entitlements for ACT office holders, appointees and Executives in the ACT Public Service.

The *Remuneration Tribunal (Consequential Amendments) Bill 1997* makes consequential amendments to certain ACT Acts and Regulations by repealing or amending sections that provide for payment of remuneration and allowances to statutory office holders. The repealed or amended sections provide that the relevant office holder or appointee is to be paid remuneration as determined by the Commonwealth Remuneration Tribunal, or that remuneration is set either by regulation or by the Commonwealth Remuneration Tribunal. In some cases the Minister may determine remuneration.

The repeal or amendment of these sections removes references to the Commonwealth Remuneration Tribunal from ACT laws and references to other procedures, such as regulations, used to fix remuneration for persons appointed to statutory offices. This means that the Chief Minister may issue an instrument under paragraph 10(1)(w) of the *Remuneration Tribunal Act 1995* giving the Remuneration Tribunal formal authority to exercise jurisdiction in relation to the offices or appointments specified in the instrument.

Revenue/Cost Implications

This Bill has no revenue or cost implications.

Formal Clauses

Clauses 1 and 2 are formal requirements. They refer to the short title and commencement of the Bill.

Consequential Amendments

Clause 3 amends the Acts and Regulations set out in Schedules 1 and 2 respectively.

Schedule 1 makes the following amendments:

Administrative Appeals Tribunal Act 1989

Section 8

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Administrative Appeals Tribunal to be prescribed under the *Administrative Appeals Act 1989* or by a determination of the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to a member of the

Administrative Appeals Tribunal will now be determined under the *Remuneration Tribunal Act 1995*

Agents Act 1968

Section 11

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Agents Board to be prescribed under the *Agents Board Act 1968*. Remuneration and allowances payable to a member of the Agents Board will now be determined under the *Remuneration Tribunal Act 1995*.

Subsection 15 (2)

The subsection is amended to remove the reference to section 11, which is repealed. With the repeal of section 11 and this amendment to subsection 15 (2) an acting member of the Agents Board will be paid the same remuneration and allowances as a member of the Agents Board.

Architects Act 1959

Section 8

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Architects Board to be prescribed under the *Architects Act 1959*. Remuneration and allowances payable to a member of the Architects Board will now be determined under the *Remuneration Tribunal Act 1995*.

Bookmakers Act 1985

Section 17

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Bookmakers Licensing Board to be prescribed under the *Bookmakers Act 1985*. Remuneration and allowances payable to a member of the Bookmakers Licensing Board will now be determined under the *Remuneration Tribunal Act 1995*.

Bushfire Act 1936

Section 5J

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Bush Fire Council to be prescribed under the *Bushfire Act 1936*. Remuneration and allowances payable to a member of the Bush Fire Council will now be determined under the *Remuneration Tribunal Act 1995*.

Canberra Theatre Trust Act 1965

Section 13

This section is repealed to remove the requirement for remuneration and allowances payable to a trustee of the Canberra Theatre to be prescribed under the *Canberra Theatre Trust Act 1965*. Remuneration and allowances payable to a trustee of the Canberra Theatre will now be determined under the *Remuneration Tribunal Act 1995*.

Casino Control Act 1988

Section 29

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Casino Surveillance Authority to be prescribed under the *Casino Control Act 1988*. Remuneration and allowances payable to a member of the Casino Surveillance Authority will now be determined under the *Remuneration Tribunal Act 1995*.

Children's Services Act 1986

Subsections 19A (6), (7) and (8)

These subsections are omitted to remove the requirement for remuneration and allowances payable to the Official Visitor to be prescribed under the *Children's Services Act 1986*. Remuneration and allowances payable to the Official Visitor will now be determined under the *Remuneration Tribunal Act 1995*.

Commissioner for the Environment Act 1993

Section 6

This section is repealed to remove the requirement for remuneration and allowances payable to the Commissioner for the Environment to be determined by the Minister. Remuneration and allowances payable to the Commissioner for the Environment will now be determined under the *Remuneration Tribunal Act 1995*.

Discrimination Act 1991

Section 113

This section is repealed to remove the requirement for remuneration and allowances payable to the Discrimination Commissioner to be prescribed under the *Discrimination Act 1991*. Remuneration and allowances payable to the Discrimination Commissioner will now be determined under the *Remuneration Tribunal Act 1995*.

Drugs of Dependence Act 1989

Section 135

This section is repealed to remove the requirement for remuneration and allowances payable to a member of a treatment assessment panel to be prescribed under the *Drugs of Dependence Act 1989*. Remuneration and allowances payable to a member of a treatment assessment panel will now be determined under the *Remuneration Tribunal Act 1995*.

Electoral Act 1992

Section 14

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Electoral Commission to be prescribed under the *Electoral Act 1992* or by a determination of the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to a member of the Electoral Commission will now be determined under the *Remuneration Tribunal Act 1995*.

Electricity Act 1971

Section 14

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Electrical Licensing Board to be prescribed under the *Electricity Act 1971*. Remuneration and allowances payable to a member of the Electrical Licensing Board will now be determined under the *Remuneration Tribunal Act 1995*.

Essential Services (Continuity of Supply) Act 1992

Section 12

This section is repealed to remove the requirement that remuneration and allowances payable to a member of the Essential Services Review Committee be prescribed under the *Essential Services (Continuity of Supply) Act 1992* or by a determination of the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to a member of the Essential Services Review Committee will now be determined under the *Remuneration Tribunal Act 1995*. The new section reinstates the provision that remuneration and allowances payable to a member of the Review Committee is payable by the service provider.

Gas Act 1992

Section 15

This section is repealed to remove the requirement for remuneration and allowances for a member of the Gas Authority to be prescribed under the *Gas Act 1992* or by a determination of the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to a member of the Gas Authority will now be determined under the *Remuneration Tribunal Act 1995*.

Section 30

This section is repealed to remove the requirement for remuneration for a member of the Review Panel to be determined by the Minister. Remuneration payable to a member of the Review Panel will now be determined under the *Remuneration Tribunal Act 1995*.

Section 33

This section is amended by omitting the reference to subsection 30 (1), which is repealed.

Health Complaints Act 1993

Section 65

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Health Rights Advisory Council to be prescribed under the *Health Complaints Act 1993* or by a determination of the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to a member of the Health Rights Advisory Council will now be determined under the *Remuneration Tribunal Act 1995*.

Hotel School Act 1996

Schedule 1, Section 3

This section is repealed to remove the unnecessary provision in the *Hotel School Act 1996* for remuneration, allowances and other entitlements payable to a non-executive member of the Hotel School Board to be determined by the Remuneration Tribunal or by an interim determination by the Chief Minister. Remuneration, allowances and other entitlements for a non-executive member of the Hotel School Board will now be determined under the *Remuneration Tribunal Act 1995* by an interim determination by the Chief Minister, or by reference to the Remuneration Tribunal by instrument under paragraph 10 (1)(w) of the *Remuneration Tribunal Act 1995*.

Schedule 2, section 3

This section is repealed to remove the unnecessary provision in the *Hotel School Act 1996* for remuneration, allowances and other entitlements payable to the Director of the Hotel School to be determined by the Remuneration Tribunal or by an interim determination by the Chief Minister. Remuneration, allowances and other entitlements for the Director of the Hotel School will now be determined under the *Remuneration Tribunal Act 1995* by an interim determination by the Chief Minister, or by reference to the Remuneration Tribunal by instrument under paragraph 10 (1)(w) of the *Remuneration Tribunal Act 1995*.

Inquiries Act 1991

Section 8

This section is repealed to remove the requirement for remuneration and allowances payable to a member of a Board of Inquiry to be prescribed under the *Inquiries Act 1991*. Remuneration and allowances payable to a member of a Board of Inquiry will now be determined under the *Remuneration Tribunal Act 1995*.

Interpretation Act 1967

Subsection 14 (1)

This subsection is amended to include in the *Interpretation Act 1967* a definition that reference to "Remuneration Tribunal" in an Act passed by the Legislative Assembly or an enactment (as defined) means the Remuneration Tribunal established under the *Remuneration Tribunal Act 1995*.

Judicial Commissions Act 1994

Section 9

This section is repealed to remove the requirement for remuneration and allowances payable to a member of a Judicial Commission to be prescribed under the *Judicial Commissions Act 1994*. Remuneration and allowances payable to a member of a Judicial Commission will now be determined under the *Remuneration Tribunal Act 1995*.

Land (Planning and Environment) Act 1991

Section 102

This section is repealed to remove the requirement for remuneration and allowances payable to an appointed member of the Heritage Council to be prescribed under the *Land (Planning and Environment) Act 1991*. Remuneration and allowances for an appointed member of the Heritage Council will now be determined under the *Remuneration Tribunal Act 1995*.

Section 103

This section is amended to remove the reference to section 102, which is repealed

Section 137

This section is repealed to remove the requirement for remuneration payable to a member of a panel of inquiry to be determined by the Minister. Remuneration payable to a member of a panel to conduct an Inquiry will now be determined under the *Remuneration Tribunal Act 1995*

Legal Aid Act 1977

Subsection 5 (1)

The definition of "Remuneration Tribunal", which refers to the Commonwealth Remuneration Tribunal, is omitted. The *Interpretation Act 1967* has been amended to include a new definition of "Remuneration Tribunal" as being the Remuneration Tribunal established by the *Remuneration Tribunal Act 1995*

Section 49

This section is repealed to remove the requirement for remuneration and allowances payable to a Commissioner other than the Chief Executive Officer to be prescribed under the *Legal Aid Act 1977*. Remuneration and allowances payable to a Commissioner other than the Chief Executive Officer will now be determined under the *Remuneration Tribunal Act 1995*

Legal Practitioners Act 1970

Section 39

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Professional Conduct Board to be prescribed under the *Legal Practitioners Act 1970* or by a determination of the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to a member of the Professional Conduct Board will now be determined under the *Remuneration Tribunal Act 1995*

Liquor Act 1975

Section 12F

This section is repealed to remove the requirement for remuneration and allowances payable to an appointed member of the Liquor Licensing Board to be determined by the Minister. Remuneration and allowances payable to an appointed member of the Liquor Licensing Board will now be determined under the *Remuneration Tribunal Act 1995*

Long Service Leave (Building and Construction Industry) Act 1981

Section 12

This section is repealed to remove the reference to the Long Service Leave (Building and Construction Industry) Board as being a prescribed authority for the purposes of the *Remuneration Act 1976* of the Commonwealth. Remuneration and allowances payable to a member of the Long Service Leave (Building and Construction Industry) Board will now be determined under the *Remuneration Tribunal Act 1995*.

Magistrates Court Act 1930

Section 10

This section is repealed to remove the requirement for remuneration and allowances payable to a Magistrate to be determined under the *Remuneration Tribunal Act 1973* of the Commonwealth. The new subsection reinstates the provision that the Executive may determine the terms and conditions under which a Magistrate holds office. Remuneration and allowances for a Magistrate will now be determined under the *Remuneration Tribunal Act 1995*.

Section 10L

This section is repealed to remove the requirement for remuneration payable to a special magistrate to be determined under the *Remuneration Tribunal Act 1973* of the Commonwealth. The new subsection reinstates the provision that the Executive may determine the terms and conditions under which a special magistrate holds office. Remuneration for a special magistrate will now be determined under the *Remuneration Tribunal Act 1995*.

Milk Authority Act 1971

Section 9

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Milk Authority to be prescribed under the *Milk Authority Act 1971* or by a determination of the Remuneration Tribunal. Remuneration and allowances payable to a member of the Milk Authority will now be determined under the *Remuneration Tribunal Act 1995*.

National Exhibition Centre Trust Act 1976

Section 10

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the National Exhibition Centre Trust to be prescribed under the *National Exhibition Centre Trust Act 1976* or by a determination of the Remuneration Tribunal. Remuneration and allowances payable to a member of the

National Exhibition Centre Trust will now be determined under the *Remuneration Tribunal Act 1995*

Nature Conservation Act 1980

Section 15H

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Flora and Fauna Committee to be determined by the Minister. Remuneration and allowances payable to a member of the Flora and Fauna Committee will now be determined under the *Remuneration Tribunal Act 1995*

Occupational Health and Safety Act 1989

Section 17

This section is repealed to remove the requirement for remuneration and allowances payable to members of the Occupational Health and Safety Council to be prescribed under the *Occupational Health and Safety Act 1989*, or by the Commonwealth Remuneration Tribunal. Remuneration and allowances for members of the Occupational Health and Safety Council will now be determined under the *Remuneration Tribunal Act 1995*

Section 26

This section is repealed to remove the requirement for remuneration and allowances payable to members of an advisory committee to be prescribed under the *Occupational Health and Safety Act 1989*, or by the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to members of an advisory committee will now be determined under the *Remuneration Tribunal Act 1995*

Ombudsman Act 1989

Subsections 24 (1), (2) and (3)

These subsections are amended to remove the requirement for remuneration and allowances payable to the Ombudsman to be prescribed under the *Ombudsman Act 1989* or by a determination by the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to the Ombudsman will now be determined under the *Remuneration Tribunal Act 1995*

Parole Act 1976

Section 10

This section is repealed to remove the requirement for fees and allowances payable to a member of the Parole Board to be prescribed under the *Parole Act 1976* or by a determination of the Commonwealth Remuneration Tribunal. Fees and allowances

payable to a member of the Parole Board will now be determined under the *Remuneration Tribunal Act 1995*

Plumbers, Drainers and Gasfitters Board Act 1982

Section 12

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Plumbers, Drainers and Gasfitters Board to be prescribed under the *Plumbers, Drainers and Gasfitters Board Act 1982*. Remuneration and allowances payable to a member of the Plumbers, Drainers and Gasfitters Board will be determined under the *Remuneration Tribunal Act 1995*

Public Trustee Act 1985

Section 51

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Public Trustee Investment Board to be prescribed under the *Public Trustee Act 1985*. Remuneration and allowances payable to a member of the Public Trustee Investment Board will now be determined under the *Remuneration Tribunal Act 1995*

Radiation Act 1983

Section 16A

This section is repealed to remove the requirement that remuneration and allowances payable to a member of the Radiation Council to be prescribed under the *Radiation Act 1983*. Remuneration and allowances payable to a member of the Radiation Council will now be determined under the *Remuneration Tribunal Act 1995*

Remand Centres Act 1976

Subsections 6A (2), (3) and (4)

These subsections are omitted to remove the requirement for remuneration and allowances payable to an Official Visitor to be prescribed under the *Remand Centres Act 1976* or by a determination of the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to an Official Visitor will now be determined under the *Remuneration Tribunal Act 1995*

Royal Commissions Act 1991

Section 8

This section is repealed to remove the requirement for remuneration and allowances payable to a person appointed as a Royal Commissioner to be prescribed under the *Royal Commissions Act 1991*. Remuneration and allowances payable to a person

appointed as a Royal Commissioner will now be determined under the *Remuneration Tribunal Act 1995*

Schools Authority Act 1976

Section 10

This section is repealed to remove the requirement for remuneration and allowances payable to the Chief Education Officer to be prescribed under the *Schools Authority Act 1976*. Remuneration and allowances payable to the Chief Education Officer will now be determined under the *Remuneration Tribunal Act 1995*

Supreme Court Act 1933

Subsection 17 (1)

This subsection is omitted to remove the reference to section 73 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth. Subsection 73 (2) of the *Australian Capital Territory (Self-Government) Act 1988* has been amended to provide for remuneration and allowances payable to Judges of the Supreme Court to be determined or specified by or under an enactment. Remuneration payable to Judges of the Supreme Court will now be determined under the *Remuneration Tribunal Act 1995*

Paragraphs 17 (3) (a) and (b)

These paragraphs are amended to remove the reference to the Commonwealth Remuneration Tribunal. Subsection 14 (1) of the *Interpretation Act 1967* has been amended so that "Remuneration Tribunal" means the ACT Remuneration Tribunal established under the *Remuneration Tribunal Act 1995*

Surveyors Act 1967

Section 8

This section is repealed to remove the requirement for remuneration and allowances payable to a member of the Surveyors Board to be prescribed under the *Surveyors Act 1976*. Remuneration and allowances for a member of the Surveyors Board will now be determined under the *Remuneration Tribunal Act 1995*

Vocational Education and Training Act 1995

Section 43

This section is repealed to remove the requirement for remuneration and allowances payable to an appointed member of the Vocational Education and Training Authority or to an appointed member of the Vocational Education and Training Council to be determined by the Minister. Remuneration and allowances payable to an appointed member of the Vocational Education and Training Authority or to an appointed

member of the Vocational Education and Training Council will now be determined under the *Remuneration Tribunal Act 1995*

Schedule 2 makes the following amendments

Discrimination (Remuneration and Allowances) Regulations

The Regulations are repealed to remove the unnecessary provisions relating to remuneration and allowances payable to the Discrimination Commissioner. Remuneration and allowances payable to the Discrimination Commissioner will now be determined under the *Remuneration Tribunal Act 1995*

Electoral Regulations

Part II

Part II of the Regulations are repealed to remove the unnecessary provisions relating to remuneration and allowances payable to the Chairperson of the Electoral Commission or to a member of the Electoral Commission. Remuneration and allowances payable to the Chairperson of the Electoral Commission or to a member of the Electoral Commission will now be determined under the *Remuneration Tribunal Act 1995*

Heritage Council (Remuneration and Allowances) Regulations

These Regulations are repealed to remove the requirement for remuneration and allowances payable to the Chairperson of the Heritage Council and to an appointed member of the Heritage Council to be determined by the Commonwealth Remuneration Tribunal. Remuneration and allowances payable to the Chairperson of the Heritage Council and to an appointed member of the Heritage Council will now be determined under the *Remuneration Tribunal Act 1995*

Legal Aid (Statutory Officers) Regulations

The Regulations are repealed to remove the unnecessary provisions relating to remuneration and allowances payable to the Chief Executive Officer or to an Assistant Executive Officer. Remuneration and allowances payable to the Chief Executive Officer or to an Assistant Executive Officer will now be determined under the *Remuneration Tribunal Act 1995*

Schools Authority (Allowances) Regulations

These Regulations are repealed to remove unnecessary provisions relating to allowances payable to the Chief Education Officer. Allowances payable to the Chief Education Officer will now be determined under the *Remuneration Tribunal Act 1995*