

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

REMUNERATION (REPEAL) ORDINANCE 1989

ORDINANCE NO. 49 OF 1989

REMUNERATION (MISCELLANEOUS AMENDMENTS) ORDINANCE 1989

ORDINANCE NO. OF 1989

The Remuneration Ordinance 1976 (the Principal Ordinance) prescribes fees and allowances payable to the members of certain statutory authorities in the ACT. In practice the fees and allowances, determined by the Remuneration Tribunal under the Remuneration Tribunals Act 1973, are adopted and implemented by regular amendment of the Principal Ordinance.

The Remuneration (Repeal) Ordinance 1989 repeals the Principal Ordinance. Instead, the determinations of the Remuneration Tribunal apply directly by virtue of the Remuneration (Miscellaneous Amendments) Ordinance 1989. This will more effectively provide for the remuneration of ACT statutory office-holders.

The Remuneration (Repeal) Ordinance 1989 also includes a transitional provision with respect to determinations of the Remuneration Tribunal made prior to the repeal but not yet given effect. The transitional provision ensures that these determinations are able to be applied to eligible statutory office holders.

The Remuneration (Miscellaneous Amendments) Ordinance 1989 amends each Ordinance under which an authority is created. Amendments to these Ordinances are set out in the Schedule to the Remuneration (Miscellaneous Amendments) Ordinance 1989 and repeal the section in each Ordinance which prescribes an authority for the purposes of the Principal Ordinance and substitute provisions which will allow for the remuneration of members of an authority by the direct application of a determination of the Remuneration Tribunal or in the absence of a determination, by prescribing the remuneration in Regulations.

The details of the Remuneration (Repeal) Ordinance 1989 and the Remuneration (Miscellaneous Amendments) Ordinance 1989 are set out in Attachments A and B.

ISSUED BY THE AUTHORITY
OF THE MINISTER OF STATE
FOR THE ARTS AND
TERRITORIES

Remuneration (Repeal) Ordinance 1989

Section 1 cites the title of the Ordinance as the Remuneration (Repeal) Ordinance 1989.

Section 2 repeals the Remuneration Ordinance 1976 and the nine amendment Ordinances to the Remuneration Ordinance 1976.

Section 3 is a transitional provision.

Subsection 3(1) provides that notwithstanding the repeals provided for in section 2, a person who was a chairman or member of a statutory authority prior to the commencement of the Remuneration (Miscellaneous Amendments) Ordinance 1989 is entitled to be paid a defined amount of remuneration and allowances for a defined period.

This ensures that a chairman and members are remunerated at rates determined by the Remuneration Tribunal but which were not given effect by amendment of the Principal Ordinance prior to its repeal. (The relevant determinations are No. 18 of 1987 and No. 19 of 1988 the former of which applied on and from 2 December 1987). It also ensures that such a chairman or member continues to be paid remuneration and allowances beyond the commencement of the Remuneration (Miscellaneous Amendments) Ordinance 1989 until one of the events provided for in the definition of defined date in subsection 3(2) occurs.

Subsection 3(2) provides for the interpretation of terms used in section 3.

Subsection 3(3) provides that a Land Commissioner appointed under the Land Valuation Ordinance 1936 who holds office prior to the commencement of the Remuneration (Miscellaneous Amendments) Ordinance 1989 is to be regarded as a Chairman of a statutory authority and will therefore be entitled to be paid remuneration as provided for in subsection 3(1).

Remuneration (Miscellaneous Amendments) Ordinance 1989

Section 1 cites the title of the Ordinance as the Remuneration (Miscellaneous Amendments) Ordinance 1989.

Section 2 provides that the Ordinances specified in the Schedule are amended as set out in the Schedule.

The Schedule provides for the repeal of the section in each Ordinance by virtue of which fees and allowances are paid to members of a statutory authority under the Principal Ordinance and for the substitution of a section which provides for the payment to a member of a statutory authority of such remuneration and allowances as are prescribed, or of such remuneration and allowances as are determined by the Remuneration Tribunal. The Ordinances and the section amended in each are as follows:

Agents Ordinance 1968, section 11;
Architects Ordinance 1959, section 8;
Betting (Totalizator Agency) Ordinance 1964, section 35J;
Bookmakers Ordinance 1985, section 17;
Building Ordinance 1972, sections 13 and 24;
Canberra Theatre Trust Ordinance 1965, section 13;
Careless Use of Fire Ordinance 1936, section 5A(4) and section 5G;
Classification of Publications Ordinance 1983, section 14;
Consumer Affairs Ordinance 1973, section 7;
Companies, Auditors and Liquidators Disciplinary Board Ordinance 1982, section 13;
Credit Ordinance 1985, section 188;
Land Valuation Ordinance 1936, section 15
Milk Authority Ordinance 1971, section 9;
National Exhibition Centre Trust Ordinance 1976, section 10;
Plumbers, Drainers and Gasfitters Board Ordinance 1982, section 12;
Public Trustee Ordinance 1985, section 51;
Radiation Ordinance 1983, section 16A;
Surveyors Ordinance 1967, section 8.