

1996

**THE LEGISLATIVE ASSEMBLY OF  
THE AUSTRALIAN CAPITAL TERRITORY**

**DISCRIMINATION ACT 1991**

**DISCRIMINATION (REMUNERATION AND ALLOWANCES)  
REGULATION (AMENDMENT)**

**EXPLANATORY STATEMENT**

**Circulated by the authority of the Attorney General**

**Gary Humphries MLA**

## Outline

The *Discrimination Act 1991* ("the Act") makes discrimination on certain grounds unlawful and establishes a scheme whereby a person may seek investigation and conciliation of complaints about discrimination.

Complaints of alleged discrimination are made to the Discrimination Commissioner ("the Commissioner") appointed pursuant to section 112 of the Act.

Section 113 of the Act provides for the remuneration of the Commissioner. It is to the effect that unless a determination of the Remuneration Tribunal is in place, relating to the remuneration and allowances to be paid to the Commissioner, the Commissioner's remuneration and allowances are to be as prescribed.

The Discrimination (Remuneration and Allowances) Regulations ("the Regulations") presently provide that the remuneration to be paid to the Commissioner is remuneration at the rate payable to "a public servant having a classification of Senior Executive Service officer Band 1 who receives remuneration at the lower level".

Consistent with this the Regulations also prescribe the rate of travel allowance to be paid to the Commissioner is the same rate as the travelling allowance "payable to a public servant having a classification of Senior Executive Service officer".

## **Discrimination (Remuneration and Allowances) Regulations (Amendment)**

The Discrimination (Remuneration and Allowances) Regulations (Amendment) ("the amending Regulation") is to the effect that, with effect from and including 31 December 1996, the remuneration payable to the Commissioner will be remuneration at the rate payable to an Executive (Level 1.1) of the ACT Public Service and travelling allowance payable to the Commissioner will be the rate payable to an Executive of the ACT Public Service.

These changes reflect the new executive officer structure which has been implemented by the Government to replace the previous Senior Executive Service officer structure for executives.

### **DETAIL OF AMENDMENTS**

#### **Regulation 1**

This is a commencement provision to the effect that the amending Regulations commence on 31 December 1996.

#### **Regulation 2**

This is an interpretation provision.

#### **Regulation 3**

Regulation 3 repeals the current Regulation 3 of the Regulations, dealing with the remuneration of the Commissioner, and substitutes a new Regulation 3. New Regulation 3 is to the effect that the remuneration of the Commissioner is remuneration at the rate payable to a public servant having

the classification of Executive (Level 1.1), and includes entitlements to which a person having that classification is entitled.

#### **Regulation 4**

Regulation 4 amends Regulation 4 of the Regulations, dealing with travelling allowance, and is to the effect that travelling allowance is payable to the Commissioner at the rate payable to a public servant having the classification of Executive.