

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**REMUNERATION TRIBUNAL (CONSEQUENTIAL AND  
TRANSITIONAL PROVISIONS) BILL 1995**

**EXPLANATORY MEMORANDUM**

**Circulated by the authority of  
Kate Carnell  
Chief Minister**

***Remuneration Tribunal (Consequential and Transitional Provisions)  
Bill 1995***

**Outline**

This Bill makes transitional and consequential provisions as a result of the *Remuneration Tribunal Bill 1995*, which establishes an ACT Remuneration Tribunal. The Tribunal will determine the remuneration, allowances and entitlements for ACT office holders, appointees and executives in the ACT public service.

The *Remuneration Tribunal (Consequential and Transitional Provisions) Bill 1995* continues the operation of determinations of the Commonwealth Remuneration Tribunal. The Commonwealth determinations will operate until they are displaced by determinations under the proposed *Remuneration Tribunal Act 1995*.

The Bill also makes consequential amendments to a number of ACT laws. The consequential amendments repeal sections that provide for the remuneration for some of the statutory office holders listed in clause 10 of the *Remuneration Tribunal Bill 1995*. These repealed sections state that the office holder is to be paid remuneration as determined by the Commonwealth Remuneration Tribunal or that remuneration is set either by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.

The repeal of these sections removes references to the Commonwealth Remuneration Tribunal from some ACT laws and references to other procedures, such as regulations, used to set remuneration. In future, the procedure for setting remuneration will be under the proposed *Remuneration Tribunal Act*. Under that Act, remuneration is set either by determination by the Tribunal or by interim determination by the Chief Minister. Clause 14 of the *Remuneration Tribunal Bill* also provides a source of authority for the payment of this remuneration.

Consequential amendments are not made for all of the statutory appointees listed in clause 10 of the *Remuneration Tribunal Bill 1995*. This is because some of these (the Members of the Legislative Assembly, Judges and Magistrates) are listed in section 73 of the *Australian Capital Territory (Self-Government) Act 1988* (the "Self-Government Act"). That section of the Self-Government Act provides that the Commonwealth Remuneration Tribunal determines the remuneration for these offices except where remuneration and allowances are determined or specified by an ACT law. As the *Remuneration Tribunal Bill 1995* does that, the Bill, read with section 73 of the Self-Government Act, accommodates references to the Commonwealth Tribunal.

After a detailed search of ACT laws, a further *Miscellaneous Provisions Bill* will make the necessary consequential amendments to all ACT laws. A minor amendment to the ACT *Interpretation Act 1967* will confirm that a reference to the "Remuneration Tribunal" is to the ACT Remuneration Tribunal.

## **Outline of Provisions**

### **Short title**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

### **Commencement**

**Clause 2** provides for the commencement of the proposed Act. This is the same day as the commencement of the main provisions of the *Remuneration Tribunal Act 1995*.

### **Continuation of previous determinations**

**Clause 3** means that pre-existing Commonwealth Remuneration Tribunal determinations will remain effective until displaced by determinations made under the proposed *Remuneration Tribunal Act 1995*.

### **Consequential amendments**

**Clause 4** amends the Acts set out in the Schedule. The repealed sections deal with the remuneration of the Auditor-General, the Director of the Canberra Institute of Technology, the Community Advocate, the Director of Public Prosecutions, the Electoral Commissioner, the Fire Commissioner, the Health Complaints Commissioner, the Chief Planner, the Chief Executive and the Assistant Executive Officer of the Legal Aid Commissioner (ACT), and the Clerk of the Legislative Assembly. In future, remuneration for these office holders will be set under the proposed *Remuneration Tribunal Act 1995*.