

SALARIES AND ALLOWANCES AMENDMENT BILL 1999
Explanatory Notes

Clause 1 Short title

Short title of the Act.

Clause 2 The Act amended

The principal amendments proposed by this Act relate to the *Salaries and Allowances Act 1975*.

Schedule 1 to this Act however, contains a number of consequential amendments to various other Acts. This is to enable the effect of the amendments to the principal act to be applied to the Tribunals and Boards established by those Acts.

Clause 3 Section 6 amended

Section 6 is amended by including a provision to enable the Salaries and Allowances Tribunal to make Determinations in respect to a person who holds an office of a part-time nature or is a part-time member of a tribunal, board or other body.

The *Salaries and Allowances Act 1975* presently limits the Tribunal to making Determinations for full-time members of tribunals, boards and like bodies only. The effect has been that part-time members of tribunals, boards and like bodies do not have a regular review process for remuneration and allowances and current rates are substantially out of parity with that provided to full-time members.

The effect of the amendment will be to allow the legislation establishing the various tribunals, boards and like bodies to be amended to allow the remuneration, paid to part-time members, to be regularly reviewed and fixed by a Determination of the Salaries and Allowances Tribunal under the provisions and authority of the *Salaries and Allowances Act 1975*.

This amendment will not create an exclusive situation for the Tribunals and part-time Boards, which are created under the legislation that has been identified, and amended, in the schedule to this Bill. Other Boards could, subject to the approval of their respective Minister and amendment of the creating legislation, apply to be included in Salaries and Allowances Regulations and therefore have their remuneration determined by the Tribunal, if deemed appropriate.

The amendments also provide an exclusion provision in relation to those persons who additionally hold an office as already prescribed in the *Salaries and Allowances Act 1975*, an office of a full-time nature, are Police Officers or a public service officer as defined in the *Public Sector Management Act*. This is because these persons will already be in receipt of remuneration as determined and fixed by an Authority.

Clause 4 Consequential amendments

Schedule 1 to this Act identifies the legislation establishing those Tribunals and Boards, under the portfolio of the Attorney General, that have been identified to be included in future determinations by the Salaries and Allowances Tribunal. Consequential amendments are proposed providing an option to enable such a determination to be made in lieu of the present arrangements.

There is no implication or consequence that these amendments in any way alters the status or nature of the positions or functions to which the amendments apply.

Schedule 1, Item 1 – Commercial Tribunal Act 1984

Subsections (1) and (2) of section 8 are amended to update the references in the Act relating to the former Public Service Board and definition of public service officer.

Subsection (3) is added to allow the option of determination of remuneration by the Salaries and Allowances Tribunal.

Schedule 1, Item 2 – Criminal Injuries Compensation Act 1985

Clause 4 of Schedule 1 to the Act is amended to allow the option of determination of remuneration by the Salaries and Allowances Tribunal.

Schedule 1, Item 3 – Equal Opportunity Act 1984

Section 98 of the act is amended to allow the option of determination of remuneration by the Salaries and Allowances Tribunal and to update the reference to the former Public Service Board.

Schedule 1, Item 4 – Guardianship and Administration Act 1990

Section 8 (1) is amended to update the reference to the former Public Service Board.

Subsection 8 (3) is added to allow the option of determination of remuneration by the Salaries and Allowances Tribunal.

Schedule 1, Item 5 – Legal Practitioners Act 1893

Section 58Q and Clause 5 of Part C of Schedule 2 are amended to allow the option of determination of remuneration by the Salaries and Allowances Tribunal.

Subclause (2) is added to Clause 5 of Part C of Schedule 2 to clarify the situation with regard to a retired Judge who is a part-time member of the Disciplinary Tribunal. Any Determination made by the Salaries and Allowances Tribunal does not affect any pension entitlement received by the retired Judge.

Schedule 1, Item 6 – Retirement Villages Act 1992

Section 25 (1) is amended to update the reference to the former Public Service Commissioner and subsection (2)(d) is amended to delete the reference to the right to entitlements applicable to a public service officer. The entitlements previously covered by this provision will now be addressed either in the contract of appointment or determination of the Salaries and Allowances Tribunal, if that person is not a public service officer.

A new subsection (3) is added to allow the option of determination of remuneration by the Salaries and Allowances Tribunal. It also limits any benefits to an appointee, who is already remunerated out of the Consolidated Fund, to only those that are more favourable to the person in comparison with their other remunerated office.

Schedule 1, Item 7 – Sentence Administration Act 1995

Clause 6 of Schedule 1 is amended to allow the option of determination of remuneration by the Salaries and Allowances Tribunal.

Schedule 1, Item 8 – Small Claims Tribunals Act 1974

Section 8 (1) is amended to update the reference to the former Public Service Board and subsection (2) is amended to delete the reference to the right to entitlements applicable to a public service officer. The entitlements previously covered by this provision will now be addressed either in the contract of appointment or determination of the Salaries and Allowances Tribunal, if that person is not a public service officer.

A new subsection (3) is added to allow the option of determination of remuneration by the Salaries and Allowances Tribunal. It also limits any benefits to an appointee, who is already remunerated out of the Consolidated Fund, to only those that are more favourable to the person in comparison with their other remunerated office.

Schedule 1, Item 9 – Strata Titles Act 1985

Section 73 (1) is amended to update the reference to the former Public Service Board and subsection (2) is amended to delete the reference to the right to entitlements applicable to a public service officer. The entitlements previously covered by this provision will now be addressed either in the contract of appointment or determination of the Salaries and Allowances Tribunal, if that person is not a public service officer.

A new subsection (3) is added to allow the option of determination of remuneration by the Salaries and Allowances Tribunal. It also limits any benefits to an appointee, who is already remunerated out of the Consolidated Fund, to only those that are more favourable to the person in comparison with their other remunerated office.

Schedule 1, Item 10 – Young Offenders Act 1994

Section 155 is amended to allow the option of determination of remuneration by the Salaries and Allowances Tribunal.