



Remuneration Tribunal Act 1973

No. 215, 1973

Compilation No. 57

Compilation date:	1 July 2016
Includes amendments up to:	Act No. 145, 2015
Registered:	22 July 2016

This compilation includes a commenced amendment made by Act No 59, 2015

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Remuneration Tribunal Act 1973* that shows the text of the law as amended and in force on 1 July 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part I—Preliminary	1
1 Short title	1
2 Commencement	1
Part II—Remuneration etc. for certain offices and appointments	2
Division 1—Preliminary	2
3 Interpretation	2
3A Principal executive offices	7
3B Employing body	8
3C Provisions relating to declarations under sections 3A and 3B	8
Division 2—Determinations and reports by the Remuneration Tribunal	10
4 Establishment of Remuneration Tribunal	10
4A Acting President	10
4B Disclosure of interest by Tribunal members	11
5 Functions of Tribunal	12
6 Inquiries and reports by Tribunal	13
7 Inquiries and determinations by Tribunal	14
7A Reasons for determinations about members of parliament	23
8 Time of making reports and determinations	23
8A Time of making recreation leave determinations	24
8B Hearings in relation to discriminatory determinations	25
8C Review of discriminatory determinations	26
9 Resignation and removal from office	26
10 Meetings of the Tribunal	27
11 Method of inquiry by Tribunal	27
12 Fees and allowances	28
12AA Annual report	28
Division 3—Determinations by employing bodies for principal executive offices	29
12C Terms and conditions determined by employing body	29
Division 4—Remuneration etc. for Departmental Secretaries	30
13 Determination of classification structure etc.	30
14 Amount of remuneration	30
15 Determination of other terms and conditions	31

16	Publication of determinations made by the Tribunal under this Division	32
Part IV—Miscellaneous		33
16A	Recoverable payments	33
16B	Recoverable death payments	34
16C	Reports about recoverable payments and recoverable death payments.....	36
17	Regulations.....	40
Endnotes		41
Endnote 1—About the endnotes		41
Endnote 2—Abbreviation key		43
Endnote 3—Legislation history		44
Endnote 4—Amendment history		59

An Act to establish a tribunal in relation to the remuneration and allowances, and recreation leave entitlements, of the holders of certain public and other offices, and for related purposes

Part I—Preliminary

1 Short title

This Act may be cited as the *Remuneration Tribunal Act 1973*.

2 Commencement

This Act shall come into operation on the day on which it receives the Royal Assent.

Part II—Remuneration etc. for certain offices and appointments

Division 1—Preliminary

3 Interpretation

- (1) In this Part, unless the contrary intention appears:

Aboriginal Corporation of the National Aboriginal Conference means the corporation of that name registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

ACT office means:

- (a) an office or appointment specified in any of paragraphs (fc) to (fh) of subsection 3(4), as modified by regulations in force under the *A.C.T. Self-Government (Consequential Provisions) Act 1988*; or
- (b) an office or appointment specified in subsection 73(1) of the *Australian Capital Territory (Self-Government) Act 1988*.

additional Parliamentary office holder salary means so much of the allowances determined under subsection 7(1) as:

- (a) is to be paid to members of Parliament by reason of their holding particular offices, or performing particular functions, in, or in relation to, the Parliament or either House of the Parliament; and
- (b) is identified in the determination as additional salary.

allowance includes, but is not limited to, an annual allowance and a travelling allowance.

Australian Public Service Commissioner means the Australian Public Service Commissioner appointed under the *Public Service Act 1999*.

Commonwealth higher education institution means a higher education institution established by or under a law of the Commonwealth or of a Territory (other than the Australian Capital Territory or the Northern Territory).

Departmental Secretary means a Secretary of a Department appointed under the *Public Service Act 1999*.

employing body, in relation to a principal executive office for which the Minister has, under section 3B, declared a person, authority or body to be the employing body, means that person, authority or body.

executive education office means an office of the Vice-Chancellor, or Deputy Vice-Chancellor, of the Australian National University.

higher education institution means an institution that is a higher education institution within the meaning of the *Employment, Education and Training Act 1988* (other than an institution declared by the regulations not to be a higher education institution for the purposes of this Act), and includes any other institution declared by the regulations to be a higher education institution for the purposes of this Act.

member means a member of the Tribunal and includes a person appointed temporarily in the place of a member under subsection 33(4) of the *Acts Interpretation Act 1901-1973*.

office includes position.

parliamentary base salary means so much of the allowances determined under subsection 7(1) as:

- (a) represents the annual allowance payable for the purposes of section 48 of the Constitution; and
- (b) is identified in the determination as base salary.

President means President of the Tribunal and includes a member appointed under section 4A.

Section 3

principal executive office means any of the following offices or appointments:

- (a) Managing Director of the Australian Postal Corporation;
- (c) Chief Executive Officer of Australian Rail Track Corporation Limited;
- (e) Director of Aviation Safety of the Civil Aviation Safety Authority;
- (g) Managing Director of the Export Finance and Insurance Corporation;
- (h) Managing Director of Health Services Australia Limited;
- (j) Governor of the Reserve Bank of Australia;
- (k) Deputy Governor of the Reserve Bank of Australia;
- (m) any other office or appointment declared by the Minister under subsection 3A(1) to be a principal executive office.

public office has the meaning given by subsection (4).

public statutory corporation means a corporation established for a public purpose by a law of the Commonwealth or a law of a Territory but does not include an institution of tertiary education.

Tribunal means the Tribunal established by subsection 4(1).

- (2) A reference in this Part to remuneration shall be read as including a reference to annual allowances.
- (3) A reference in this Part to an office includes a reference to an office that, within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, is an office of member of the Assembly or Minister and any office in or in connection with that Assembly that can be held only by a member of that Assembly.
- (4) In this Part, a reference to a public office is a reference to:
 - (a) an office established by, or an appointment made under, a law of the Commonwealth (other than this Act);
 - (b) an office established by, or an appointment made under, a law of a Territory, being an office or appointment, or an office or appointment included in a class of offices or

appointments, specified by the Minister, by a notice in writing given to the President, to be an office or appointment or a class of offices or appointments to which this Part is to apply;

- (c) an appointment made by the Governor-General or a Minister of State otherwise than under a law of the Commonwealth or a law of a Territory, being an appointment, or an appointment included in a class of appointments, specified by the Minister, by a notice in writing given to the President, to be an appointment or a class of appointments to which this Part is to apply;
- (d) an office or appointment in the service or employment of a public statutory corporation, being an office or appointment that is specified by the Minister, by a notice in writing given to the President, to be a senior office or senior appointment, as the case may be, in the service or employment of the corporation to which this Part is to apply;
- (da) an appointment as a director of an incorporated company limited by guarantee where the interests and rights of the members in or in relation to the company are beneficially owned by the Commonwealth, being an appointment that is specified by the Minister, by a notice in writing given to the President, to be an appointment to which this Part is to apply;
- (e) an appointment as a director of an incorporated company all the stock or shares in the capital of which is or are beneficially owned by the Commonwealth;
- (f) an office or appointment in the service or employment of an incorporated company referred to in paragraph (da) or (e), being an office or appointment that is specified by the Minister, by a notice in writing given to the President, to be a senior office or senior appointment, as the case may be, in the service or employment of the company to which this Part is to apply;
- (fa) an office of member of the Aboriginal Corporation of the National Aboriginal Conference;

Section 3

- (g) an office or appointment, or an office or appointment included in a class of offices or appointments, prescribed by the regulations for the purposes of this paragraph;
but does not include a reference to any of the following offices or appointments:
- (j) the office of President of the Fair Work Commission;
 - (ja) an office of member of the Legislative Assembly, of member of the Council, or of Minister of the Territory, within the meaning of the *Northern Territory (Self-Government) Act 1978*;
 - (k) an office of Departmental Secretary;
 - (l) an office or appointment the terms and conditions of which are fixed under the *Trade Representatives Act 1933*;
 - (m) an office or appointment (other than the office of Director-General of Security) in the Australian Security Intelligence Organisation;
 - (n) the Chief Executive Centrelink (within the meaning of the *Human Services (Centrelink) Act 1997*);
 - (o) the Chief Executive Medicare (within the meaning of the *Human Services (Medicare) Act 1973*);
 - (oa) the Child Support Registrar;
 - (p) persons who are employed under section 42 of the *Naval Defence Act 1910*;
 - (q) an office or appointment in the service or employment of a higher education institution;
 - (r) an office or appointment in the Defence Force other than an appointment as:
 - (i) Chief of the Defence Force; or
 - (ii) Vice Chief of the Defence Force; or
 - (iii) Chief of Navy; or
 - (iv) Chief of Army; or
 - (v) Chief of Air Force;
 - (ra) a principal executive office;
 - (s) an office or appointment in the Australian Federal Police other than an office or appointment that is specified by the

Section 3A

- Minister, by a notice in writing given to the President, to be a senior office or senior appointment, as the case may be, in the Australian Federal Police to which this Part is to apply;
- (t) except as provided by paragraph (d) or (f), an office or appointment in the service or employment of a public statutory corporation or of an incorporated company;
 - (u) an office or appointment the remuneration in respect of which is required by law to be fixed by or in consultation with, or in accordance with arrangements made with, the Government of a State or of a country other than Australia;
 - (v) an office or appointment, or an office or appointment included in a class of offices or appointments, prescribed by the regulations for the purposes of this paragraph.
- (5) A reference in this Part to the making of an appointment includes, unless the contrary intention appears, a reference to:
- (a) the making of a contract with a person for the performance of services by the person; and
 - (b) the issuing of a Commission, or of another instrument (whether of a formal or informal nature), to a person appointing, authorizing or requesting him or her, either alone or together with another person or other persons, to hold an inquiry or perform other functions, duties or services;
- and the person with whom such a contract is made or to whom such a Commission or other instrument is issued shall be deemed for the purposes of this Part to be the holder of an appointment.

3A Principal executive offices

- (1) The Minister may, by writing, declare that a specified office or appointment is a principal executive office.
- (2) The Minister may, by writing, declare that a specified principal executive office is assigned to a specified classification within the classification structure determined by the Tribunal under subsection 5(2A).

Section 3B

- (3) A declaration made under subsection (2) as to the classification to which a principal executive office is assigned may state that the assignment of the office to the classification is a temporary assignment. If the declaration so states, the assignment ceases to be an assignment of the office to the classification at the end of the term of appointment of the person who held the office when the assignment was made.
- (4) If the Minister makes a declaration under subsection (2) as to the classification to which a principal executive office is assigned, the Minister may give a notice in writing to the employing body for the office fixing the remuneration within that classification that is to be the commencing remuneration for the office.
- (5) A notice given under subsection (4) fixing a commencing remuneration for a principal executive office may state that the remuneration so fixed is a temporary commencing remuneration. If the notice so states, that remuneration ceases to be the commencing remuneration for the office at the end of the term of appointment of the person who held the office when the notice was given.
- (6) For each declaration under this section, the Minister must seek the advice of the Tribunal and take that advice into account.

3B Employing body

The Minister may, by writing, declare that a specified person, authority or body is the employing body for a specified principal executive office.

3C Provisions relating to declarations under sections 3A and 3B

- (1) This section applies to the following declarations:
 - (a) declarations under subsection 3A(1);
 - (b) declarations under subsection 3A(2);
 - (c) declarations under section 3B.

Section 3C

- (2) Two or more declarations may be contained in the same instrument, whether they relate to the same principal executive office or to different principal executive offices.
- (3) A copy of every instrument containing a declaration or declarations is to be published in the *Gazette*.

Section 4

Division 2—Determinations and reports by the Remuneration Tribunal

4 Establishment of Remuneration Tribunal

- (1) For the purposes of this Part, there is hereby established a Tribunal to be known as the Remuneration Tribunal.
- (2) The Tribunal shall consist of three members appointed by the Governor-General on a part-time basis.
- (3) Subject to this Part, a member holds office for a period not exceeding 5 years, but is eligible for re-appointment.
- (4) A person shall not be appointed as a member if he or she is:
 - (a) a member of the Parliament;
 - (b) a person appointed or engaged under the *Public Service Act 1999*;
 - (c) the holder of a public office;
 - (d) a Justice or Judge of a federal court or of the Supreme Court of a Territory; or
 - (e) a person who, by virtue of an Act, has the same status as a Justice or Judge of a court referred to in paragraph (d).
- (5) The Governor-General shall appoint one of the members to be the President of the Tribunal.
- (7) The exercise of the powers, and the performance of the functions, of the Tribunal are not affected by a vacancy in the membership of the Tribunal.
- (8) In this section, ***President*** does not include an acting President.

4A Acting President

The Minister may appoint a member to act as President:

- (a) during a vacancy in the office of President; or

- (b) during any period, or during all periods, when the President is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his or her office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

4B Disclosure of interest by Tribunal members

- (1) Where the President is taking part, or is to take part, in the consideration of a matter by the Tribunal and the President has or acquires any interest, pecuniary or otherwise, that could conflict with the proper performance of his or her functions in relation to the matter:
 - (a) the President must, in writing, disclose the interest to the Minister; and
 - (b) the President must not take part, or continue to take part, in the consideration of the matter, unless the Minister consents in writing.
- (2) Where a member other than the President is taking part, or is to take part, in the consideration of a matter by the Tribunal and the member has or acquires an interest, pecuniary or otherwise, that could conflict with the proper performance of the member's functions in relation to the matter:
 - (a) the member must, in writing, disclose the interest to the President; and
 - (b) the member must not take part, or continue to take part, in the consideration of the matter, if the President gives a direction under subsection (3).
- (3) Where the President becomes aware:
 - (a) that a member is taking part, or is to take part, in the consideration of a matter by the Tribunal; and
 - (b) that the member has, in relation to the consideration of the matter, an interest referred to in subsection (2);then, if the President considers that the member should not take part, or continue to take part, in the consideration of the matter, the

Section 5

President is to give a direction in writing to the member accordingly.

5 Functions of Tribunal

- (1) The functions of the Tribunal are to inquire into, and report to the Minister on, matters referred to in section 6 and to inquire into, and determine, matters referred to in section 7 (other than subsection 7(3D)), having regard to national minimum wage orders made by the Fair Work Commission.
- (2) An additional function of the Tribunal is to provide advice to the Australian National University and the University of Canberra in relation to terms and conditions (including remuneration and allowances) on which executive education offices in those bodies are to be held.
- (2A) An additional function of the Tribunal is to:
 - (a) determine a classification structure for principal executive offices; and
 - (b) in connection with determinations made under paragraph (a), exercise the powers referred to in subsections 7(3D), (3E) and (3F).
- (2B) An additional function of the Tribunal is:
 - (a) to inquire into, and determine, matters referred to in Division 4; and
 - (b) in connection with determinations made under that Division, to perform such other functions and exercise such other powers as are conferred on the Tribunal by that Division.
- (2D) An additional function of the Tribunal is to provide advice, for the purposes of the *Parliamentary Service Act 1999*, in relation to terms and conditions (including remuneration and allowances) for the following offices:
 - (a) the office of Parliamentary Service Commissioner;
 - (b) the office of Parliamentary Service Merit Protection Commissioner;

- (c) offices of Secretary (other than the Parliamentary Budget Officer);
 - (d) the office of Parliamentary Librarian.
- (3) In providing advice under this section in relation to the terms and conditions as to remuneration on which principal executive offices or executive education offices are to be held, the Tribunal must have regard to the superannuation entitlements of the holders of those offices.

6 Inquiries and reports by Tribunal

- (1) The Tribunal shall, from time to time as provided by this Part, inquire into, and report to the Minister on, the question whether any alterations are desirable in the salaries payable to Ministers of State out of public moneys of the Commonwealth.
- (2A) The Tribunal, from time to time as provided by this Part, is to inquire into, and report to the Minister on, the rates of salaries in relation to:
- (a) Vice-Chancellors, Principals and other chief executive officers of higher education institutions (other than Commonwealth higher education institutions); and
 - (b) deputies (however described) of officers referred to in paragraph (a);
- that should be used as a basis for making grants in relation to recurrent expenditure in connection with those institutions, and the dates as from which those rates of salary should be so used.
- (3) Where the Tribunal inquires into a matter referred to in subsection (1) or (2A):
- (a) the Tribunal may also inquire into, and report on, any matter that is, or is considered by it to be, significantly related to the first-mentioned matter; and
 - (b) if the Minister, by a notice in writing given to the President, requests the Tribunal to inquire into, and report on, a matter specified in the notice, being a matter that is, or is considered by the Minister to be, significantly related to the

Section 7

first-mentioned matter, the Tribunal shall inquire into, and report on, the matter specified in the notice.

- (4) If the Tribunal reports that alterations are desirable in respect of a matter, it shall, in its report, recommend the nature and extent of the alterations that should be made.
- (5) The Minister shall cause a copy of a report to be laid before each House of the Parliament within 15 sitting days of that House after the report is received by him or her.

7 Inquiries and determinations by Tribunal

- (1) The Tribunal shall, from time to time as provided by this Part, inquire into, and determine, the allowances (including allowances in accordance with section 48 of the Constitution) to be paid out of the public moneys of the Commonwealth to members of the Parliament by reason of their membership of the Parliament or by reason of their holding particular offices, or performing particular functions, in, or in relation to, the Parliament or either House of the Parliament.
- (1A) The Tribunal may determine that a portion of parliamentary base salary is not *parliamentary allowance* for the purposes of the *Parliamentary Contributory Superannuation Act 1948*.
- (1B) The Tribunal may determine that a portion of additional Parliamentary office holder salary is not *allowance by way of salary* for the purposes of the *Parliamentary Contributory Superannuation Act 1948*.
- (1C) Without limiting subsection (1B), the Tribunal may determine under that subsection that, in the circumstances specified in the determination, a different portion (which may be a portion equal to 100%) of additional Parliamentary office holder salary is not *allowance by way of salary* for the purposes of that Act in those circumstances.

- (2) The Tribunal shall, from time to time as provided by this Part, inquire into, and determine, the allowances to be paid to Ministers of State out of the public moneys of the Commonwealth.
- (2A) The Tribunal may determine that a portion of a salary referred to in subsection 6(1) is not **salary** for the purposes of the *Parliamentary Contributory Superannuation Act 1948*.
- (3) The Tribunal shall, from time to time as provided by this Part, inquire into, and determine, the remuneration to be paid to the holders of public offices other than holders of those offices who are members of, or candidates for election to, either House of the Parliament.
- (3AA) The Tribunal, as provided by this Part, is to inquire into, and determine, the recreation leave entitlements of the full-time holders of relevant offices other than holders of those offices who are members of, or candidates for election to, either House of the Parliament.
- (3AB) For the purposes of subsection (3AA), a relevant office is a public office in relation to which a law of the Commonwealth provides that the holder of the office has such recreation leave entitlements as are determined by the Tribunal.
- (3AC) The holder of a public office that is a relevant office within the meaning of subsection (3AA) may take recreation leave only with the approval of the person, authority or body, or a delegate of the person, authority or body, who may, under a law of the Commonwealth, grant leave of absence other than recreation leave to the holder of that office.
- (3AD) Where a law of the Commonwealth does not specify a person, authority or body who may grant leave of absence other than recreation leave to the holder of such an office, the Tribunal may specify a person, authority or body whose approval is required in relation to the taking of recreation leave by the holder of that office.

Section 7

- (3A) The Tribunal may make a determination under subsection (3) or (3AA) in relation to persons included in a class of persons specified in the determination without specifying in the determination every person who is included in that class.
- (3B) The Tribunal may determine that the remuneration to be paid to the holder of an office is the same as that of the holder of another office referred to in the determination, including another office the remuneration payable to the holder of which is determined by some other Commonwealth tribunal or authority.
- (3C) The Tribunal may determine that the recreation leave entitlements of the full-time holder of a public office are the same as those of the holder of another office referred to in the determination, including another office the entitlements of the holder of which are determined by some other Commonwealth tribunal or authority.
- (3D) The Tribunal may, from time to time as provided by this Part:
 - (a) hold inquiries for the purpose of performing its function under subsection 5(2A); and
 - (b) in determining under that subsection a classification structure for principal executive offices, determine the terms and conditions (including remuneration and allowances, or bands of remuneration and allowances) applicable to each classification within the classification structure.
- (3E) The Tribunal may, from time to time, make recommendations as to any matters relating to principal executive offices, either generally or in respect of a particular principal executive office or particular principal executive offices.
- (3F) In determining under subsection (3D) the terms and conditions as to the remuneration or band of remuneration that is to be applicable to a classification within a classification structure, the Tribunal must have regard to the superannuation entitlements of the holders of principal executive offices assigned to the classification.
- (4) Where the Tribunal inquires into a matter referred to in subsection (1), (2), (3), (3AA) or (3D):

- (a) the Tribunal may also inquire into, and either determine or report on, any matter that is, or is considered by it to be, significantly related to the first-mentioned matter; and
 - (b) if the Minister, by a notice in writing given to the President, requests the Tribunal to inquire into, and either to determine or report on, a matter specified in the notice, being a matter that is, or is considered by the Minister to be, significantly related to the first-mentioned matter, the Tribunal shall inquire into the matter specified in the notice and either determine or report on that matter, as the case may be, in accordance with the request.
- (4A) The Tribunal may inquire into and determine the travelling allowances to be paid to members of committees established under section 54, and members of sub-committees established under subsection 58(1A), of the *Fisheries Administration Act 1991* in relation to the performance of their duties as members of the committees or sub-committees.
- (4B) The Tribunal may inquire into and determine the travelling allowances to be paid to the President of the Fair Work Commission for travel within Australia.
- (5) Subject to subsection (5A), a determination of the Tribunal shall be in writing and shall come into operation, or shall be deemed to have come into operation, on such date as the Tribunal specifies in the determination.
- (5A) A determination to which this subsection applies comes into operation according to subsections (5C) and (5D).
- (5B) Subsection (5A) applies to a determination that relates to the remuneration to be paid to a holder of:
- (a) an office of Justice or Judge of a federal court or of the Supreme Court of a Territory; or
 - (b) the office of a person who, under an Act, has the same status as a Justice or Judge of a court referred to in paragraph (a).

Section 7

- (5C) So far as it relates to a holder of an office referred to in subsection (5B), a determination to which subsection (5A) applies takes effect on the latest of the following:
- (a) the date specified by the Tribunal in the determination;
 - (b) the day after the fifteenth sitting day of the House of Representatives after a copy of the determination is laid before that House;
 - (c) the day after the fifteenth sitting day of the Senate after a copy of the determination is laid before the Senate.
- (5D) Except to the extent that subsection (5C) applies, a determination to which subsection (5A) applies takes effect according to subsection (5).
- (5E) Where, under subsection (5C), a determination, so far as it relates to a particular office, comes into operation after the date specified in the determination, a person who held the office at any time during the period of deferral is entitled to receive the difference between:
- (a) the remuneration that would have been payable to him or her in respect of that period if the determination had come into operation according to subsection (5); and
 - (b) the remuneration that was payable to him or her in respect of that period.
- (5F) For the purposes of subsection (5E), the period of deferral is the period commencing on the date specified in the determination and ending on the day on which the determination comes into operation in relation to the holder of the particular office.
- (5G) The Tribunal may, in a determination under subsection (2A), specify under subsection (5) that the determination's date of operation is the day on which an event specified in the determination occurs or occurred.
- (6) The Tribunal must give the Minister a copy of every determination made by the Tribunal, other than a determination that relates to an ACT office.

- (6A) The Tribunal must give the Chief Minister of the Australian Capital Territory a copy of every determination made by the Tribunal in relation to an ACT office.
- (7) The Minister shall cause a copy of a determination, other than a determination that is referred to in subsection (8AA) or that relates to an ACT office or that is made under Division 4, to be laid before each House of the Parliament within 15 sitting days of that House after the determination is received by him or her.
- (8) If either House of the Parliament, within 15 sitting days of that House after a copy of a determination has been laid before that House, passes a resolution disapproving of the determination, then:
- (a) if the determination has not come into operation—the determination shall not come into operation; or
 - (b) if the determination has come into operation—the determination shall not have any force or effect in respect of a period on or after the day on which the resolution was passed.
- (8AA) Each of the following determinations is a legislative instrument, but neither subsection (8) of this section, nor section 42 (disallowance) of the *Legislation Act 2003*, applies to the determination:
- (a) a determination under subsection (1), (1A), (1B), (2) or (2A) of this section;
 - (b) a determination under subsection (4) of this section on a matter that is, or is considered by the Tribunal or the Minister to be, significantly related to a matter referred to in subsection (1) or (2) of this section.
- (8A) If the Legislative Assembly for the Australian Capital Territory, within 30 sitting days of the Assembly after a copy of a determination that relates to an ACT office is given to the Chief Minister, passes a resolution disapproving of the determination, then:
- (a) if the determination has not come into operation—the determination does not come into operation; or

Section 7

- (b) if the determination has come into operation—the determination does not have any force or effect after the day on which the resolution is passed.
- (9) Remuneration (including salary) or allowances to which a subsisting determination applies shall, notwithstanding the provisions of any other law of the Commonwealth, of any law of a State or Territory, of any instrument having effect by virtue of such a law or of any contract, but subject to the succeeding provisions of this section:
 - (a) in the case of remuneration or allowances payable to a person who:
 - (i) holds an office or appointment as, or as a member of, or in the service or employment of, a public statutory corporation or an office or appointment as a member of a body established to manage, conduct or control the business or affairs of, or otherwise to perform functions in relation to, such a corporation; or
 - (ii) holds an office or appointment as a director of, or in the service or employment of, an incorporated company; being a corporation or company that has funds under its control that are lawfully available to pay the remuneration or allowances—be paid in accordance with the determination out of those funds; and
 - (aa) in the case of remuneration or allowances payable to a person who holds an office of Magistrate within the meaning of the law of the Northern Territory known as the *Justices Act* as in force from time to time—be paid in accordance with the determination out of public moneys of the Territory within the meaning of Part V of the *Northern Territory (Self-Government) Act 1978*; and
 - (aaa) in the case of remuneration or allowances payable to a person who holds an office or appointment under Part 3A of the *Aboriginal and Torres Strait Islander Act 2005*—be paid in accordance with the determination out of money of the Torres Strait Regional Authority that is lawfully available to pay the remuneration or allowances; and

- (aca) in the case of remuneration or allowances payable to a person who holds an office or appointment under Part 4 of the *Aboriginal and Torres Strait Islander Act 2005*—be paid in accordance with the determination out of money of the Aboriginal and Torres Strait Islander Commercial Development Corporation that is lawfully available to pay the remuneration or allowances; and
 - (acaaa) in the case of remuneration or allowances payable to a person who holds an office or appointment under Part 4A of the *Aboriginal and Torres Strait Islander Act 2005*—be paid in accordance with the determination out of money of the Indigenous Land Corporation that is lawfully available to pay the remuneration or allowances; and
 - (acb) in the case of remuneration or allowances payable to a person who holds an office or appointment under the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*—be paid in accordance with the determination out of money of the Australian Institute of Aboriginal and Torres Strait Islander Studies that is lawfully available to pay the remuneration or allowances; and
 - (ad) in the case of remuneration or allowances payable to a person who holds the office of Commissioner of Private Health Insurance Administration, an office of member of the Private Health Insurance Administration Council or the office of Director of that Council—be paid in accordance with the determination out of funds under the control of that Council; and
 - (b) in any other case—be paid in accordance with the determination out of the Consolidated Revenue Fund.
- (10) A member of, or a candidate for election to, either House of the Parliament is not entitled to be paid, and shall not be paid, any remuneration or allowances in respect of his or her holding, or performing the duties of, a public office but he or she shall be reimbursed:
- (a) in the case of a public office to which paragraph (9)(a) applies—out of the funds of the corporation or company concerned; or

Section 7

- (b) in any other case—out of the Consolidated Revenue Fund, such expenses as he or she reasonably incurs in respect of his or her holding, or performing the duties of, that office.
- (11) Except as prescribed, or as authorized or approved by or under any other law of the Commonwealth or any law of a Territory, a person is not entitled to be paid any remuneration in respect of his or her holding, or performing the duties of, a public office on a part-time basis if the person holds any office or appointment, or is otherwise employed, on a full-time basis in the service or employment of the Commonwealth, the Administration of a Territory, a public statutory corporation, an incorporated company referred to in paragraph 3(4)(da) or an incorporated company all the stock or shares in the capital of which is or are beneficially owned by the Commonwealth or by a public statutory corporation.
- (11A) For the purposes of subsection (11), an office of member of the Aboriginal Corporation of the National Aboriginal Conference shall be deemed to be an office in the service of the Commonwealth.
- (12) Except as prescribed, a person is not entitled to be paid any remuneration in respect of his or her holding, or performing the duties of, a public office if the person holds a judicial office in the service of the Government of a State or of a country other than Australia.
- (12A) Where the same person holds each of two public offices on a full-time basis:
 - (a) if the salary applicable to one of those offices is higher than the salary applicable to the other of those offices—he or she shall be remunerated only by the salary and annual allowance (if any) applicable to the office to which the higher salary is applicable; or
 - (b) if the same salary is applicable to each of those offices:
 - (i) where an annual allowance is applicable to one only of those offices—he or she shall be remunerated only by the salary and annual allowance applicable to that office;

- (ii) if an annual allowance is applicable to each of those offices but the annual allowance applicable to one of those offices is higher than the annual allowance applicable to the other of those offices—he or she shall be remunerated only by the salary and annual allowance applicable to the office to which the higher annual allowance is applicable; or
 - (iii) if the same annual allowance is applicable to each of those offices—he or she shall be remunerated only by the salary and annual allowance applicable to one of those offices.
- (13) The Consolidated Revenue Fund is appropriated for the purposes of subsections (9) and (10).
- (14) Nothing in a determination affects the operation of section 17 of the *Remuneration and Allowances Act 1973*.

7A Reasons for determinations about members of parliament

The Tribunal must ensure that its reasons for each of the following determinations are published on its website and notified to the Minister:

- (a) a determination under subsection 7(1), (1A), (1B), (2) or (2A);
- (b) a determination under subsection 7(4) on a matter that is, or is considered by the Tribunal or the Minister to be, significantly related to a matter referred to in subsection 7(1) or (2).

8 Time of making reports and determinations

- (1) Subject to this section, the Tribunal shall, as soon as practicable after the commencement of this Act, and at subsequent intervals of not more than 1 year, make:
 - (a) reports on the matters referred to in subsections 6(1) and (2A); and

Section 8A

- (b) determinations in respect of the matters referred to in subsections 7(1), (2) and (3).
- (2) Where:
 - (a) an office came into existence before the commencement of the *Remuneration and Allowances Amendment Act 1983* and the Tribunal has not determined the remuneration to be paid in respect of that office;
 - (aa) an office comes into existence after that commencement; or
 - (b) a substantial change in the functions or duties to be performed by the holder of an office has occurred since the Tribunal last determined the remuneration to be paid in respect of that office;the Tribunal shall, as soon as practicable but without prejudice to its obligations under subsection (1), inquire into and determine the remuneration to be paid in respect of that office.
- (2A) Subsection (2) does not apply in relation to the holder of an office who is a member of, or a candidate for election to, either House of the Parliament.
- (3) Where the Tribunal inquires into, and determines, the remuneration to be paid in respect of an office in accordance with subsection (2), the Tribunal may also inquire into, and either determine or report on, any matter that is, or is considered by it to be, significantly related to that remuneration.
- (4) In subsections (2), (2A) and (3), **office** means a public office.

8A Time of making recreation leave determinations

- (1) Subject to this section, the Tribunal may, from time to time, make determinations in respect of the matters referred to in subsection 7(3AA).
- (2) Where:
 - (a) a public office becomes a relevant office within the meaning of subsection 7(3AA) and is held by a person on a full-time basis; or

Section 8B

- (b) a public office, being such a relevant office, comes into existence and is held by a person on a full-time basis; or
 - (c) a substantial change in the functions or duties to be performed by the holder of a public office has occurred since the Tribunal last determined the recreation leave entitlement of a full-time holder of that office;
- the Tribunal must, as soon as practicable but without prejudice to its obligations under subsection (1), inquire into and determine the recreation leave entitlements of a full-time holder of that office.
- (3) Subsection (2) does not apply in relation to the holder of a public office who is a member of, or a candidate for election to, either House of the Parliament.
 - (4) Where the Tribunal inquires into, and determines, the recreation leave entitlements of a full-time holder of a public office in accordance with subsection (2), the Tribunal may also inquire into, and either determine or report on, any matter that is, or is considered by it to be, significantly related to those entitlements.

8B Hearings in relation to discriminatory determinations

- (1) If a determination is referred to the Tribunal under section 46PX of the *Australian Human Rights Commission Act 1986*, the Tribunal must hold a hearing to review the determination.
- (2) Section 10 applies to the hearing as if it were a meeting of the Tribunal.
- (3) The Tribunal must decide whether or not the hearing is to be held in public.
- (4) If the Tribunal decides that the hearing is not to be held in public, then, subject to subsection (5), it may decide the people who may be present.
- (5) The Sex Discrimination Commissioner is entitled to notice of, and to be present at, the hearing and may make submissions to the Tribunal.

Section 8C

(6) In this section:

determination includes a variation to a determination.

8C Review of discriminatory determinations

(1) If:

(a) a determination has been referred to the Tribunal under section 46PX of the *Australian Human Rights Commission Act 1986*; and

(b) the Tribunal considers that the determination is a discriminatory determination;

the Tribunal must take the necessary action to remove the discrimination, by setting aside the determination, setting aside terms of the determination or varying the determination.

(2) In this section:

determination has the same meaning as in section 8B.

discriminatory determination means a determination that:

(a) has been referred to the Tribunal under section 46PX of the *Australian Human Rights Commission Act 1986*; and

(b) requires a person to do an act that would be unlawful under Part II of the *Sex Discrimination Act 1984* except for the fact that the act would be done in direct compliance with the determination.

(3) For the purposes of the definition of **discriminatory determination** in subsection (2), the fact that an act is done in direct compliance with the determination does not of itself mean that the act is reasonable.

9 Resignation and removal from office

(1) A member may resign his or her office by writing signed by him or her and delivered to the Governor-General.

- (2) The Governor-General may remove a member from office for misbehaviour or physical or mental incapacity.
- (3) A member ceases to hold office if he or she becomes a person mentioned in subsection 4(4).

10 Meetings of the Tribunal

- (1) The President may convene meetings of the Tribunal.
- (2) The President shall preside at all meetings of the Tribunal at which he or she is present.
- (3) In the event of the absence of the President from a meeting, another member nominated by the President shall preside.
- (4) At a meeting of the Tribunal:
 - (a) the procedure shall be as determined by the Tribunal;
 - (b) two members constitute a quorum;
 - (c) all questions shall be decided by a majority of votes of the members present and voting; and
 - (d) the member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

11 Method of inquiry by Tribunal

- (1) In the performance of the functions of the Tribunal:
 - (a) the Tribunal may inform itself in such manner as it thinks fit;
 - (b) the Tribunal may receive written or oral statements;
 - (c) the Tribunal is not required to conduct any proceeding in a formal manner; and
 - (d) the Tribunal is not bound by the rules of evidence.
- (2) The Minister may, if he or she thinks fit, appoint a person or persons to assist the Tribunal in an inquiry.

Section 12

12 Fees and allowances

A member and any person appointed under subsection 11(2) to assist the Tribunal shall be paid such fees and allowances as are prescribed.

12AA Annual report

- (1) The Tribunal shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of the operations of the Tribunal during the year that ended on that 30 June.
- (1A) The Tribunal shall include in the report an assessment of the general operation of subsection 5(2).
- (2) The Minister shall cause a copy of a report furnished to him or her under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.

Division 3—Determinations by employing bodies for principal executive offices

12C Terms and conditions determined by employing body

- (1) Subject to subsection (2), the employing body for a principal executive office may, in writing, determine the terms and conditions (including remuneration and allowances) applying to the office.
- (2) Except with the written consent of the Tribunal, an employing body must not determine terms and conditions in respect of a principal executive office that are inconsistent with terms and conditions determined by the Tribunal under subsection 7(3D) in respect of the classification to which the office is assigned.
- (3) If a determination is in force under this section for a principal executive office, the determination overrides any provision of another Act that provides for the terms and conditions applying to the principal executive office, unless that other provision refers to, and is expressed to override, this section.

Section 13

Division 4—Remuneration etc. for Departmental Secretaries

13 Determination of classification structure etc.

- (1) The Tribunal must determine a classification structure for offices of Departmental Secretary.
- (2) The Tribunal may also determine any matter that is, or is considered by it to be, significantly related to the classification structure determined under subsection (1).
- (3) The Tribunal must, from time to time, determine the classification to which each office of Departmental Secretary is assigned.
- (4) The Tribunal may hold inquiries for the purpose of performing its functions under subsections (1), (2) and (3).
- (5) The Secretary of the Department that is administered by the Prime Minister may, from time to time after the Tribunal has made its first determination under subsection (3), make recommendations to the Tribunal about matters relating to the assignment of a particular office of Departmental Secretary to a particular classification.

14 Amount of remuneration

Remuneration for certain Secretaries

- (1) The Tribunal must, from time to time, determine the amount of remuneration that is to be paid to:
 - (a) the Secretary of the Department that is administered by the Prime Minister; and
 - (b) the Secretary of the Department that is administered by the Treasurer.
- (2) The amount of remuneration determined under subsection (1) must be consistent with the classification structure determined by the Tribunal under section 13.

Note: Determinations made by the Tribunal under subsection (1) must be published in accordance with section 16.

Remuneration for other Secretaries

- (3) The Secretary of the Department that is administered by the Prime Minister, in consultation with the President of the Tribunal and the Australian Public Service Commissioner, must, from time to time, assign each Departmental Secretary (other than a Departmental Secretary referred to in subsection (1)) to an amount of remuneration.
- (4) The amount of remuneration to which a Departmental Secretary is assigned under subsection (3) must be consistent with the classification structure determined by the Tribunal under section 13.
- (5) An assignment made under subsection (3):
 - (a) must be in writing; and
 - (b) comes into operation on the date specified in the instrument of assignment.
- (6) The Secretary of the Department that is administered by the Prime Minister must give the Minister a copy of each instrument of assignment made under subsection (3).
- (7) For the purposes of subsection 5(3AB) of the *Superannuation Act 1976*, an assignment under subsection (3) of this section of a Departmental Secretary to an amount of remuneration is taken to be a determination made under the *Remuneration Tribunal Act 1973* in respect of the remuneration of the Departmental Secretary.

15 Determination of other terms and conditions

The Tribunal must, from time to time, inquire into, and determine, the terms and conditions (other than remuneration) that are to apply to the offices of Departmental Secretary.

Section 16

16 Publication of determinations made by the Tribunal under this Division

The Tribunal must ensure that a determination made by the Tribunal under this Division is published in the *Gazette*, and on the Tribunal's website, within 14 days after it is made.

Note 1: A determination made by the Tribunal under this Division must be in writing and comes into operation on the date specified in the determination: see subsection 7(5).

Note 2: The Tribunal must give the Minister a copy of each determination made by the Tribunal under this Division: see subsection 7(6).

Part IV—Miscellaneous**16A Recoverable payments**

- (1) If, apart from this subsection, the Commonwealth does not have power under this Act to pay an amount (the **relevant amount**) to a person (the **recipient**) purportedly as a benefit, then the Commonwealth may pay the relevant amount to the recipient.

Recovery

- (2) If a payment is made under subsection (1) to the recipient, the relevant amount:
- (a) is a debt due to the Commonwealth by the recipient; and
 - (b) may be recovered by the accountable authority of the relevant Commonwealth entity, on behalf of the Commonwealth, in a court of competent jurisdiction.
- (3) If:
- (a) a payment is made under subsection (1) to the recipient; and
 - (b) the recipient is receiving, or is entitled to receive, a benefit;
- then:
- (c) the relevant amount; or
 - (d) such part of the relevant amount as the accountable authority of the relevant Commonwealth entity determines;
- may, if the accountable authority so directs, be recovered by deduction from that benefit, unless the recipient is a Justice or Judge of a federal court.

Appropriation

- (4) For the purposes of subsection 7(13), if a payment under subsection (1) of this section relates to remuneration (including salary) or an allowance under subsection 7(9), the payment is taken to be remuneration or an allowance under subsection 7(9).

Section 16B

- (5) For the purposes of subsection 7(13), if a payment under subsection (1) of this section relates to reimbursement under subsection 7(10), the payment is taken to be reimbursement under subsection 7(10).

Definitions

- (6) In this section:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

benefit means:

- (a) remuneration (including salary) or an allowance under subsection 7(9); or
- (b) a reimbursement under subsection 7(10).

non-corporate Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

relevant Commonwealth entity, in relation to a recovery under this section of the whole or part of a relevant amount, means:

- (a) the non-corporate Commonwealth entity that paid the relevant amount under subsection (1) on behalf of the Commonwealth; or
 - (b) if a different non-corporate Commonwealth entity is prescribed in an instrument under subsection (8)—that non-corporate Commonwealth entity.
- (8) The Minister may, by legislative instrument, prescribe a non-corporate Commonwealth entity for the purposes of paragraph (b) of the definition of **relevant Commonwealth entity** in subsection (6).

16B Recoverable death payments

- (1) If, apart from this subsection, the Commonwealth does not have power under this Act to pay an amount (the **relevant amount**) in any of the following circumstances:

Section 16B

- (a) the relevant amount is deposited to an account kept in the name of a deceased person;
 - (b) the relevant amount is deposited to an account kept in the names of a deceased person and another person;
 - (c) the relevant amount is paid by way of a cheque made out to a deceased person;
- the Commonwealth may pay the relevant amount in the circumstances mentioned in paragraph (a), (b) or (c), so long as:
- (d) on the last day on which changes could reasonably be made to the payment of the relevant amount, the accountable authority of the relevant Commonwealth entity did not know that the deceased person had died; and
 - (e) apart from this subsection, the relevant amount would have been payable as a benefit to the deceased person if the deceased person had not died.
- (2) If a payment is made under subsection (1), the relevant amount is taken to have been paid to the deceased person's estate.

Recovery

- (3) If a payment is made under subsection (1), the relevant amount:
- (a) is a debt due to the Commonwealth by the legal personal representative of the deceased person; and
 - (b) may be recovered by the accountable authority of the relevant Commonwealth entity, on behalf of the Commonwealth, in a court of competent jurisdiction.

Appropriation

- (4) For the purposes of subsection 7(13), if a payment under subsection (1) of this section relates to remuneration (including salary) or an allowance under subsection 7(9), the payment is taken to be remuneration or an allowance under subsection 7(9).
- (5) For the purposes of subsection 7(13), if a payment under subsection (1) of this section relates to reimbursement under

Section 16C

subsection 7(10), the payment is taken to be reimbursement under subsection 7(10).

Definitions

(6) In this section:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

benefit means:

- (a) remuneration (including salary) or an allowance under subsection 7(9); or
- (b) a reimbursement under subsection 7(10).

non-corporate Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

relevant Commonwealth entity, in relation to a payment or recovery under this section of the whole or part of a relevant amount, means:

- (a) the non-corporate Commonwealth entity that paid the relevant amount under subsection (1) on behalf of the Commonwealth; or
 - (b) if a different non-corporate Commonwealth entity is prescribed in an instrument under subsection (8)—that non-corporate Commonwealth entity.
- (8) The Minister may, by legislative instrument, prescribe a non-corporate Commonwealth entity for the purposes of paragraph (b) of the definition of **relevant Commonwealth entity** in subsection (6).

16C Reports about recoverable payments and recoverable death payments

- (1) During the applicable publication period for a reporting period, the accountable authority of the relevant Commonwealth entity must

Section 16C

cause to be published, in such manner as the accountable authority thinks fit, a report that sets out:

- (a) both:
 - (i) the number of payments made under subsection 16A(1) during the reporting period; and
 - (ii) the total amount of those payments; and
 - (b) both:
 - (i) the number of payments made under subsection 16B(1) during the reporting period; and
 - (ii) the total amount of those payments.
- (2) However, a report is not required if:
- (a) the number mentioned in subparagraph (1)(a)(i) is zero; and
 - (b) the number mentioned in subparagraph (1)(b)(i) is zero.

Deferred reporting

- (3) Paragraph (1)(a) of this section does not require a report to deal with a payment unless before the preparation of the report, an official of the relevant Commonwealth entity was aware the payment was made under subsection 16A(1).
- (4) Paragraph (1)(b) of this section does not require a report to deal with a payment unless before the preparation of the report, an official of the relevant Commonwealth entity was aware the payment was made under subsection 16B(1).
- (5) For the purposes of this section, if:
 - (a) a payment was made under subsection 16A(1) or 16B(1) in a reporting period; and
 - (b) either:
 - (i) because of subsection (3) of this section, paragraph (1)(a) of this section did not require a report to deal with the payment; or
 - (ii) because of subsection (4) of this section, paragraph (1)(b) of this section did not require a report to deal with the payment; and

Section 16C

- (c) during a later reporting period, an official of the relevant Commonwealth entity becomes aware that the payment was made under subsection 16A(1) or 16B(1), as the case may be; the payment is subject to a *deferred reporting obligation* in relation to the later reporting period.
- (6) If one or more payments made under subsection 16A(1) during a reporting period are subject to a deferred reporting obligation in relation to a later reporting period, the accountable authority of the relevant Commonwealth entity must, during the applicable publication period for the later reporting period:
 - (a) prepare a report that sets out:
 - (i) the number of those payments; and
 - (ii) the total amount of those payments; and
 - (iii) the reporting period during which the payments were made; and
 - (b) if a report is required under subsection (1) in relation to the later reporting period—include the paragraph (a) report in the subsection (1) report; and
 - (c) if paragraph (b) does not apply—publish, in such manner as the accountable authority thinks fit, the paragraph (a) report.
- (7) If one or more payments made under subsection 16B(1) during a reporting period are subject to a deferred reporting obligation in relation to a later reporting period, the accountable authority of the relevant Commonwealth entity must, during the applicable publication period for the later reporting period:
 - (a) prepare a report that sets out:
 - (i) the number of those payments; and
 - (ii) the total amount of those payments; and
 - (iii) the reporting period during which the payments were made; and
 - (b) if a report is required under subsection (1) in relation to the later reporting period—include the paragraph (a) report in the subsection (1) report; and
 - (c) if paragraph (b) does not apply—publish, in such manner as the accountable authority thinks fit, the paragraph (a) report.

Section 16C

Reporting period

- (8) For the purposes of this section, a **reporting period** is:
- (a) a financial year; or
 - (b) if a shorter recurring period is prescribed in an instrument under subsection (9)—that period.
- (9) The Minister may, by legislative instrument, prescribe a recurring period for the purposes of paragraph (8)(b).

Applicable publication period

- (10) For the purposes of this section, the **applicable publication period** for a reporting period is the period of:
- (a) 4 months; or
 - (b) if a lesser number of months is prescribed, in relation to the reporting period, in an instrument under subsection (11)—that number of months;
- beginning immediately after the end of the reporting period.
- (11) The Minister may, by legislative instrument, prescribe a number of months, in relation to a reporting period, for the purposes of paragraph (10)(b).

Definitions relating to Commonwealth entities

- (12) In this section:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

non-corporate Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

official has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

relevant Commonwealth entity means:

Section 17

- (a) the non-corporate Commonwealth entity that is responsible for making payments under subsection 16A(1) or 16B(1) on behalf of the Commonwealth; or
 - (b) if a different non-corporate Commonwealth entity is prescribed in an instrument under subsection (13)—that non-corporate Commonwealth entity.
- (13) The Minister may, by legislative instrument, prescribe a non-corporate Commonwealth entity for the purposes of paragraph (b) of the definition of *relevant Commonwealth entity* in subsection (12).

17 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Remuneration Tribunal Act 1973	215, 1973	19 Dec 1973	19 Dec 1973	
Remuneration Tribunals Act 1974	80, 1974	16 Oct 1974	16 Oct 1974	—
Defence Force Re-organization Act 1975	96, 1975	9 Sept 1975	ss. 182 and 183(a): 28 Oct 1975 (gaz 1975, No. G42, p. 2) (a) s. 183(b): 9 Feb 1976 (gaz 1975, No. G42, p. 2) (a)	—
Remuneration Tribunals Amendment Act 1978	60, 1978	22 June 1978	1 July 1978	—
Remuneration Tribunals Amendment Act (No. 2) 1978	178, 1978	30 Nov 1978	31 Jan 1979 (gaz 1979, No. S12)	s. 6
Remuneration Tribunals Amendment Act 1979	26, 1979	30 May 1979	7 Aug 1979 (s. 2 and gaz 1979, No. S159)	—
Remuneration Tribunals Amendment Act (No. 2) 1979	108, 1979	25 Oct 1979	2 June 1979	—
Remuneration Tribunals Amendment Act (No. 3) 1979	136, 1979	23 Nov 1979	23 Nov 1979	—
Australian Federal Police (Consequential Amendments) Act 1979	155, 1979	28 Nov 1979	19 Oct 1979 (s. 2 and gaz 1979, No. S206)	—
Parliamentary Secretaries Act 1980	160, 1980	10 Dec 1980	10 Dec 1980	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act 1981	61, 1981	12 June 1981	s. 117: Royal Assent (<i>b</i>)	—
Commonwealth Functions (Statutes Review) Act 1981	74, 1981	18 June 1981	Part XX (ss. 255, 256): Royal Assent (<i>c</i>)	—
Statute Law (Miscellaneous Amendments) Act 1981	176, 1981	2 Dec 1981	Part XIX (s. 68): 30 Dec 1981 (<i>d</i>)	—
Remuneration and Allowances Amendment Act 1982	78, 1982	19 Sept 1982	19 Sept 1982	ss. 2(2) and 13(2)–(4)
Public Service Acts Amendment Act 1982	111, 1982	5 Nov 1982	s. 95: 30 June 1984 (gaz 1984, No. S245) (<i>e</i>)	—
Statute Law (Miscellaneous Provisions) Act (No. 1) 1983	39, 1983	20 June 1983	s. 3: 18 July 1983 (<i>f</i>)	s. 7(1)
Remuneration and Allowances Amendment Act 1983	128, 1983	22 Dec 1983	Part IV (ss. 9, 10): Royal Assent (<i>g</i>)	—
Public Service Reform Act 1984	63, 1984	25 June 1984	s. 149: Royal Assent (<i>h</i>) ss. 150 and 152(1): 20 July 1984 (gaz 1984, No. S276) (<i>h</i>) s. 151(1): 1 July 1984 (gaz 1984, No. S245) (<i>h</i>)	s. 151(9)
Remuneration and Allowances Amendment Act 1984	73, 1984	25 June 1984	25 June 1984	—
Defence Legislation Amendment Act 1984	164, 1984	25 Oct 1984	s. 120: Royal Assent (<i>j</i>)	s. 120(2) and (3)

Remuneration Tribunal Act 1973

45

Compilation No. 57

Compilation date: 1/7/16

Registered: 22/7/16

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s. 3: 3 July 1985 (<i>k</i>)	—
Australian Trade Commission (Transitional Provisions and Consequential Amendments) Act 1985	187, 1985	16 Dec 1985	Part VIII (s. 60): 6 Jan 1986 (gaz 1985, No. S551) (<i>l</i>)	—
Industrial Relations (Consequential Provisions) Act 1988	87, 1988	8 Nov 1988	s. 86: 1 Mar 1989 (<i>m</i>)	ss. 89(3), 90(3), 91, 92 and 94
as amended by Industrial Relations Legislation Amendment Act (No. 2) 1990	108, 1990	18 Dec 1990	ss. 8, 13 and 21: 1 Feb 1991 (s. 2(4) and gaz 1991, No. S18) ss. 22–24: 1 Mar 1989 s. 26: 1 Jan 1990 s. 33: 25 Mar 1991 (gaz 1991, No. S73) Remainder: Royal Assent	—
A.C.T. Self-Government (Consequential Provisions) Act 1988	109, 1988	6 Dec 1988	s. 32: 7 Dec 1988 (gaz 1988, No. S374) (<i>n</i>)	—
as amended by Australian Capital Territory Government Service (Consequential Provisions) Act 1994	92, 1994	29 June 1994	1 July 1994 (gaz 1994, No. S256)	ss. 24–26

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Government Business Enterprises (Miscellaneous Reforms) Act 1988	123, 1988	14 Dec 1988	Part II (ss. 3–12): 26 Jan 1989 Part VI (ss. 26–31): 1 Jan 1989 (gaz 1988, No. S399) Part VII (ss. 32–37): 14 Nov 1988 Remainder: Royal Assent	—
Community Services and Health Legislation Amendment Act 1989	95, 1989	28 June 1989	Part 6 (ss. 63, 64): Royal Assent (<i>o</i>)	s. 64(2)
Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989	149, 1989	27 Nov 1989	5 Mar 1990 (s. 2 and gaz 1990, No. S48)	—
Aboriginal and Torres Strait Islander Commission Act 1989	150, 1989	27 Nov 1989	5 Mar 1990 (gaz 1990, No. S48)	—
Judicial and Statutory Officers Remuneration Legislation Amendment Act 1989	152, 1989	5 Dec 1989	ss. 3, 5(1)–(3), (5) and 6–10: 1 Mar 1989 s. 5(4): 25 May 1988 Remainder: Royal Assent	s. 15
University of Canberra Act 1989	179, 1989	28 Dec 1989	1 Jan 1990	—
Parliamentary Entitlements Act 1990	28, 1990	24 May 1990	24 May 1990	s. 13(2)

Remuneration Tribunal Act 1973

47

Compilation No. 57

Compilation date: 1/7/16

Registered: 22/7/16

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Industrial Relations Legislation Amendment Act 1991	122, 1991	27 June 1991	ss. 4(1), 10(b) and 15–20: 1 Dec 1988 ss. 28(b)–(e), 30 and 31: 10 Dec 1991 (gaz 1991, No. S332) Remainder: Royal Assent	s. 31(2)
as amended by				
Remuneration and Allowances Legislation Amendment Act 1992	52, 1992	22 June 1992	(52, 1992 below)	—
Remuneration and Allowances Legislation Amendment Act 1992	52, 1992	22 June 1992	Part 3 (ss. 13, 14): 27 June 1991 ss. 16 and 17(1): 20 June 1990 s. 17(2): 1 July 1990 s. 19(1): 1 Jan 1990 Remainder: Royal Assent	ss. 21–23
Territories Law Reform Act 1992	104, 1992	30 June 1992	s. 25: Royal Assent (<i>p</i>)	—
Industrial Relations Legislation Amendment Act (No. 2) 1992	215, 1992	24 Dec 1992	Part 1 (ss. 1, 2) and Part 3 (ss. 9, 10): Royal Assent Parts 9–11 (ss. 34–40): 18 Feb 1991 Remainder: 21 Jan 1993	—
Industrial Relations and other Legislation Amendment Act 1993	109, 1993	22 Dec 1993	ss. 1, 2 and 58: Royal Assent s. 32: 5 Jan 1994 s. 34: 6 Sept 1991 s. 47: 24 Dec 1992 Remainder: 19 Jan 1994	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Aboriginal and Torres Strait Islander Commission Amendment Act (No. 3) 1993	1, 1994	14 Jan 1994	s. 80: 1 July 1994 (<i>q</i>)	—
Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995	20, 1995	29 Mar 1995	1 June 1995 (gaz 1995, No. GN18)	—
Industrial Relations and other Legislation Amendment Act 1995	168, 1995	16 Dec 1995	ss. 1–12, Schedules 5 and 7–10: Royal Assent s. 13: 13 Jan 1996 Remainder: 15 Jan 1996 (gaz 1996, No. S16)	Sch. 9 (item 4)
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 2 (item 90): (<i>r</i>) Schedule 5 (items 135–137): Royal Assent (<i>r</i>)	—
Defence Legislation Amendment Act (No. 1) 1997	1, 1997	19 Feb 1997	Schedule 2 (items 49, 88, 114): Royal Assent (<i>s</i>)	—
Education Legislation Amendment Act 1997	66, 1997	30 May 1997	Schedule 1 (Part 3) and Schedule 1 (items 19–23): (<i>t</i>)	Sch. 1 (items 19–23)
Fisheries Legislation Amendment Act 1997	120, 1997	7 July 1997	7 July 1997	—
Defence Legislation Amendment Act (No. 1) 1999	116, 1999	22 Sept 1999	Schedule 5 (item 13): (<i>u</i>)	—

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Human Rights Legislation Amendment Act (No. 1) 1999	133, 1999	13 Oct 1999	ss. 1–3 and 21: Royal Assent s. 22 and Schedule 1 (items 53, 60): 10 Dec 1999 (gaz 1999, No. S598) Remainder: 13 Apr 2000	ss. 4–22
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 776–781): 5 Dec 1999 (gaz 1999, No. S584) (v)	—
Australian Security Intelligence Organisation Legislation Amendment Act 1999	161, 1999	10 Dec 1999	Schedule 3 (items 1, 56): (w)	—
Ministers of State and Other Legislation Amendment Act 2000	1, 2000	29 Feb 2000	10 Mar 2000 (gaz 2000, No. S112)	—
Dairy Industry Adjustment Act 2000	22, 2000	3 Apr 2000	3 Apr 2000	—
Remuneration Tribunal Amendment Act 2001	27, 2001	6 Apr 2001	Schedule 1: 4 May 2001 (gaz 2001, No. S159) Remainder: Royal Assent	s. 4 and Sch. 1 (item 13)
Workplace Relations Legislation Amendment Act 2002	127, 2002	11 Dec 2002	Schedule 3 (items 20–22): 29 May 2003 (gaz 2003, No. S174)	—
Aboriginal and Torres Strait Islander Commission Amendment Act 2005	32, 2005	22 Mar 2005	Schedule 4 (items 80, 81): 24 Mar 2005	—
Parliamentary Service Amendment Act 2005	39, 2005	1 Apr 2005	1 Apr 2005	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006	125, 2006	4 Nov 2006	Sch 1–3: 1 July 2007 (s 2(1)) Remainder: Royal Assent	—
Medibank Private Sale Act 2006	160, 2006	11 Dec 2006	Sch 3 (item 4): 1 Dec 2014 (s 2(1) item 3)	—
Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007	32, 2007	30 Mar 2007	Schedule 1 (item 60): 1 Apr 2007 (s 2(1))	—
Maritime Legislation Amendment Act 2007	150, 2007	24 Sept 2007	Sch 1: 1 Jan 2008 Remainder: Royal Assent	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 4 (items 446–449): 4 July 2008	—
Dairy Adjustment Levy Termination Act 2008	123, 2008	25 Nov 2008	Sch 3 (item 3): 31 Dec 2008 (s 2(1) item 5)	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Sch 8 (items 104–108, 160, 161): 1 July 2009 (s 2(1) items 24 and 30)	Sch 8 (items 160, 161)
Disability Discrimination and Other Human Rights Legislation Amendment Act 2009	70, 2009	8 July 2009	Sch 3 (items 71–73): 5 Aug 2009	—
Territories Law Reform Act 2010	139, 2010	10 Dec 2010	Sch 1 (item 77): 11 Dec 2010	—
Human Services Legislation Amendment Act 2011	32, 2011	25 May 2011	Sch 4 (items 551, 552): 1 July 2011	—

Remuneration Tribunal Act 1973

51

Compilation No. 57

Compilation date: 1/7/16

Registered: 22/7/16

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 981–986) and Sch 3 (items 10, 11): 27 Dec 2011	Sch 3 (items 10, 11)
Remuneration and Other Legislation Amendment Act 2011	75, 2011	25 July 2011	Sch 1 (items 1–6, 11–16) and Sch 2 (items 16A–21): 5 Aug 2011	Sch 1 (items 12–16) and Sch 2 (item 21)
Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011	170, 2011	4 Dec 2011	Sch 3 (item 5): 15 Feb 2012	—
Members of Parliament (Life Gold Pass) and Other Legislation Amendment Act 2012	4, 2012	6 Mar 2012	Sch 2 (items 4–9): Royal Assent	—
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Sch 1 (item 112): Royal Assent	—
Fair Work Amendment Act 2012	174, 2012	4 Dec 2012	Sch 9 (items 1295–1297, 1387, 1388): 1 Jan 2013	Sch 9 (items 1387, 1388)
Public Service Amendment Act 2013	2, 2013	14 Feb 2013	Sch 3 (items 16–18): 1 July 2013	—
Financial Framework Legislation Amendment Act (No. 2) 2013	53, 2013	28 May 2013	Sch 1 (item 7): 29 May 2013	—
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 1 (item 59): 24 June 2014	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 11 (items 102–121): 1 July 2014 (s 2(1) item 6, 14)	Sch 14

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 1 (item 38): 25 Mar 2015 (s 2(1) item 2)	—
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 1 (item 181 and Sch 2 (items 356–396): 18 June 2015 (s 2(1) items 2, 6) Sch 1 (items 184–203): 27 May 2015 (s 2(1) item 3) Sch 2 (item 318): 1 July 2016 (s 2(1) item 5)	Sch 1 (items 184–203) and Sch 2 (items 356–396)
as amended by				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 503): 5 Mar 2016 (s 2(1) item 2)	—
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 1 (item 12): 10 Dec 2015 (s 2(1) item 2)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Public Employment (Consequential and Transitional) Regulations 1999 (No. 301, 1999) as amended by	4 Dec 1999	Sch 1 (Part 8): 5 Dec 1999 (r 1.2)	—
Public Employment (Consequential and Transitional) Amendment Regulations 2000 (No. 1) (No. 332, 2000)	8 Dec 2000	Sch 1 (item 2): 5 Dec 1999	—
Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1) (No. 50, 2006)	17 Mar 2006 (F2006L00820)	Sch 9: 27 Mar 2006 (r.2(b))	—

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
as amended by			
Workplace Relations Amendment (Work Choices) (Consequential Amendments) Amendment Regulations 2006 (No. 1) (No. 119, 2006)	4 June 2006 (F2006L01673)	Sch 1 (item 2): 5 June 2006	—

- (a) The *Remuneration Tribunal Act 1973* was amended by sections 182 and 183 only of the *Defence Force Re-organization Act 1975*, section 2 of which provides as follows:
- 2 This Part shall come into operation on the day on which this Act receives the Royal Assent, and the remaining provisions of this Act shall come into operation on such date as is, or such respective dates as are, fixed by Proclamation.
- (b) The *Remuneration Tribunal Act 1973* was amended by section 117 only of the *Statute Law Revision Act 1981*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (c) The *Remuneration Tribunal Act 1973* was amended by Part XX (sections 255 and 256) only of the *Commonwealth Functions (Statutes Review) Act 1981*, subsection 2(1) of which provides as follows:
- (1) Parts I, IV, IX, X, XI, XII, XIII, XV, XVII (other than sections 220, 221, 222, 223, 225, 226, 227, 228 and 230), XX, XXI, XXII and XXIII shall come into operation on the day on which this Act receives the Royal Assent.
- (d) The *Remuneration Tribunal Act 1973* was amended by Part XIX (section 68) only of the *Statute Law (Miscellaneous Amendments) Act 1981*, subsection 2(12) of which provides as follows:

Endnotes

Endnote 3—Legislation history

- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (e) The *Remuneration Tribunal Act 1973* was amended by section 95 only of the *Public Service Acts Amendment Act 1982*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such date as is, or on such respective dates as are, fixed by Proclamation.
- (f) The *Remuneration Tribunal Act 1973* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (g) The *Remuneration Tribunal Act 1973* was amended by Part IV (sections 9 and 10) only of the *Remuneration and Allowances Amendment Act 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (h) The *Remuneration Tribunal Act 1973* was amended by sections 149, 150, 151(1) and 152(1) only of the *Public Service Reform Act 1984*, subsections 2(1) and (4) of which provide as follows:
- (1) Sections 1, 2, 3, 4 and 7, subsections 29(1) and (3), sections 107 and 108, Parts III and IV and sections 125, 138, 142, 144 and 149 shall come into operation on the day on which this Act receives the Royal Assent.
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (j) The *Remuneration Tribunal Act 1973* was amended by section 120 only of the *Defence Legislation Amendment Act 1984*, subsection 2(2) of which provides as follows:
- (2) Section 1, this section and sections 16, 17, 18, 19 and 120 and Part XIV shall come into operation on the day on which this Act receives the Royal Assent.
- (k) The *Remuneration Tribunal Act 1973* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (l) The *Remuneration Tribunal Act 1973* was amended by Part VIII (section 60) only of the *Australian Trade Commission (Transitional Provisions and*

Endnote 3—Legislation history

Consequential Amendments) Act 1985, subsection 2(1) of which provides as follows:

- (1) Subject to subsections (2) and (3), this Act shall come into operation on the commencing day.

Section 3 of the *Australian Trade Commission Act 1985* defines “commencing day” as the day fixed by Proclamation for the purposes of subsection 2(2) of that Act.

- (m) The *Remuneration Tribunal Act 1973* was amended by section 86 only of the *Industrial Relations (Consequential Provisions) Act 1988*, subsection 2(2) of which provides as follows:

- (2) The remaining provisions of this Act commence on the commencement of section 8 of the *Industrial Relations Act 1988*.

- (n) The *Remuneration Tribunal Act 1973* was amended by section 32 only of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*, subsection 2(3) of which provides as follows:

- (3) The remaining provisions of this Act (including the amendments made by Schedule 5) commence on a day or days to be fixed by Proclamation.

- (o) The *Remuneration Tribunal Act 1973* was amended by Part 6 (sections 63 and 64) only of the *Community Services and Health Legislation Amendment Act 1989*, subsection 2(1) of which provides as follows:

- (1) Subject to subsections (2), (3), (4), (5), (6), (7), (8), (9) and (10), this Act commences on the day on which it receives the Royal Assent.

- (p) The *Remuneration Tribunal Act 1973* was amended by section 25 only of the *Territories Law Reform Act 1992*, subsection 2(1) of which provides as follows:

- (1) Sections 1, 2, 25 and 26 commence on the day on which this Act receives the Royal Assent.

- (q) The *Remuneration Tribunal Act 1973* was amended by section 80 only of the *Aboriginal and Torres Strait Islander Commission Amendment Act (No. 3) 1993*, subsection 2(3)(b) of which provides as follows:

- (3) The following provisions commence on 1 July 1994:

- (b) Part 28 (other than Subdivision A of Division 2) and Schedules 2 and 3.

- (r) The *Remuneration Tribunal Act 1973* was amended by Schedule 2 (item 90) and Schedule 5 (items 135–137) only of the *Statute Law Revision Act 1996*, subsections 2(1) and (2) of which provide as follows:

- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

Endnotes

Endnote 3—Legislation history

- (2) Each item in Schedule 2 commences or is taken to have commenced (as the case requires) at the time specified in the note at the end of the item.
- Item 90 is taken to have commenced immediately after the commencement of section 9 of the *Remuneration Tribunal Act 1974*. Section 9 of the *Remuneration Tribunal Act 1974* commenced on 16 October 1974.
- (s) The *Remuneration Tribunal Act 1973* was amended by Schedule 2 (items 49, 88 and 114) only of the *Defence Legislation Amendment Act (No. 1) 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (t) The *Remuneration Tribunal Act 1973* was amended by Schedule 1 (Part 3) only of the *Education Legislation Amendment Act 1997*, subsections 2(3) and (4) of which provide as follows:
- (3) If Part 1 of Schedule 1 does not commence under subsection (2) within 6 months after the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.
- (4) Parts 2, 3 and 4 of Schedule 1 commence immediately after the commencement of Part 1 of Schedule 1.
- Part 1 commenced on 1 December 1997.
- (u) The *Remuneration Tribunal Act 1973* was amended by Schedule 5 (item 13) only of the *Defence Legislation Amendment Act (No. 1) 1999*, subsection 2(4) of which provides as follows:
- (4) Schedule 5 commences on 1 January 2001.
- (v) The *Remuneration Tribunal Act 1973* was amended by Schedule 1 (items 776–781) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (w) The *Remuneration Tribunal Act 1973* was amended by Schedule 3 (items 1 and 56) only of the *Australian Security Intelligence Organisation Legislation Amendment Act 1999*, subsection 2(2) of which provides as follows:
- (2) Subject to subsections (3) to (6), Schedule 3 commences immediately after the commencement of the other Schedules to this Act.
- The other Schedules commenced on Royal Assent.

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 80, 1974; No 160, 1980; No 87, 1988; No 122, 1991
Part I	
Part I heading	ad No 80, 1974
s 1	am No 80, 1974; No 87, 1988
Part II	
Part II heading	ad No 80, 1974 rs No 146, 1999
Division 1	
Division 1 heading	ad No 146, 1999
s 3	am No 80, 1974; No 96, 1975; Nos 60 and 178, 1978; Nos 26, 108 and 155, 1979; No 160, 1980; No 176, 1981; No 78, 1982; No 39, 1983; No 164, 1984; Nos 65 and 187, 1985; No 87, 1988; No 109, 1988 (as am by No 92, 1994); No 123, 1988; Nos 152 and 179, 1989; No 28, 1990; No 122, 1991 (as am by No 52, 1992); Nos 52 and 104, 1992; No 109, 1993; No 43, 1996; Nos 1 and 66, 1997; Nos 116 and 161, 1999; No 1, 2000; No 27, 2001; SLI 2006 No 119; No 125 and 160, 2006; No 150, 2007; No 54, 2009; No 139, 2010; Nos 32, 46 and 75, 2011; Nos 4 and 174, 2012; No 2, 2013; No 62, 2014; No 59, 2015
s 3A	ad No 27, 2001
s 3B	ad No 27, 2001
s 3C	ad No 27, 2001
Division 2	
Division 2 heading	ad No 146, 1999
s 4	am No 80, 1974; No 178, 1978; No 39, 1983; Nos 63 and 73, 1984; No 122, 1991; Nos 52 and 215, 1992; No 109, 1993; No 43, 1996; Statutory Rules No 30, 1991 (as am by Statutory Rules No 332, 2000)
s 4A	ad No 39, 1983 am No 109, 1993; No 43, 1996; No 46, 2011
s 4B	ad No 122, 1991

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 109, 1993
s 5	am No 73, 1984; Nos 87 and 123, 1988; No 109, 1993; No 168, 1995; No 66, 1997; No 146, 1999; No 27, 2001; No 39, 2005; SLI No 50, 2006; No 150, 2007; No 54, 2009; Nos 75 and 170, 2011; No 174, 2012
s 6	am No 80, 1974; No 178, 1978; No 73, 1984; No 87, 1988; No 152, 1989; No 122, 1991; No 109, 1993; No 43, 1996
s 7	am No 80, 1974; No 178, 1978; No 160, 1980; No 74, 1981; Nos 78 and 111, 1982; Nos 63 and 73, 1984; No 87, 1988; Nos 95, 149, 150 and 152, 1989; No 122, 1991; No 104, 1992; No 109, 1993; Nos 1 and 92, 1994; Nos 20 and 168, 1995; No 43, 1996; No 120, 1997; No 146, 1999; Nos 1 and 22, 2000; No 27, 2001; No 127, 2002; No 32, 2005; SLI No 50, 2006; No 32, 2007; Nos 73 and 123, 2008; No 54, 2009; No 75, 2011; Nos 4, 136 and 174, 2012; No 31, 2014; No 126, 2015; No 145, 2015
s 7A	ad No 78, 1982
	rep No 104, 1992
	ad No 75, 2011
	am No 4, 2012
s 8	am No 80, 1974; No 160, 1980; No 111, 1982; No 128, 1983; No 63, 1984; No 87, 1988; No 122, 1991; No 168, 1995; No 43, 1996; Statutory Rules No 301, 1999 (as am by Statutory Rules No 332, 2000); No 1, 2000; No 5, 2015
s 8A	ad No 122, 1991
s 8B	ad No 109, 1993
	am No 133, 1999; No 70, 2009
s 8C	ad No 109, 1993
	am No 133, 1999; No 70, 2009
s 9	am No 43, 1996
s 10	am No 109, 1993; No 43, 1996
s 11	am No 43, 1996
s 12AA	ad No 39, 1983
	am No 123, 1988; No 43, 1996

Endnote 4—Amendment history

Provision affected	How affected
Division 3	
Division 3	ad No 146, 1999
s 12A	ad No 80, 1974
	am No 136, 1979; No 61, 1981
	rep No 87, 1988
s 12B	ad No 80, 1974
	am No 178, 1978
	rep No 87, 1988
s 12C	ad No 80, 1974
	am No 178, 1978; No 136, 1979
	rep No 87, 1988
	ad No 146, 1999
	am No 27, 2001
s 12D	ad No 80, 1974
	am No 178, 1978
	rs No 136, 1979
	rep No 87, 1988
s 12DA	ad No 136, 1979
	rep No 87, 1988
s 12DB	ad No 136, 1979
	rep No 87, 1988
s 12DC	ad No 136, 1979
	rep No 87, 1988
s 12DD	ad No 136, 1979
	rep No 87, 1988
s 12E	ad No 80, 1974
	rep No 87, 1988
s 12F	ad No 80, 1974
	rep No 87, 1988
s 12G	ad No 39, 1983
	rep No 87, 1988

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Division 4	
Division 4	ad No 75, 2011
s 13	ad No 75, 2011
s 14	ad No 75, 2011
	am No 2, 2013
s 15	ad No 75, 2011
s 16	ad No 75, 2011
Part III	ad No 80, 1974
	rep No 87, 1988
Part IV	
Part IV heading.....	ad No 80, 1974
s 16A	ad No 53, 2013
	am No 62, 2014
s 16B	ad No 53, 2013
	am No 62, 2014
s 16C	ad No 53, 2013
	am No 62, 2014
s 17 (prev s 13).....	renum No 75, 2011