

Remuneration Tribunal Act 1973

No. 215 of 1973

AN ACT

To establish a Tribunal in relation to the Remuneration of certain public and other Offices.

[Assented to 19 December 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

- Short title. 1. This Act may be cited as the *Remuneration Tribunal Act 1973*.
- Commence-
ment. 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Inter-
pretation. 3. (1) In this Act, unless the contrary intention appears—
“Chairman” means Chairman of the Tribunal and includes a member appointed temporarily in the place of the Chairman under sub-section 33 (4) of the *Acts Interpretation Act 1901-1973*;
“holder of a statutory office” means the holder of an office or appointment (other than a judicial office or appointment or an office or appointment in the Public Service or the service or employment of a body corporate) established by or made under a law of

Australia, and includes a person who constitutes, or is a member of, an authority or body (other than a court) established for a public purpose by such a law;

“ member ” means a member of the Tribunal and includes a person appointed temporarily in the place of a member under sub-section 33 (4) of the *Acts Interpretation Act 1901–1973*;

“ Tribunal ” means the Tribunal established by sub-section 4 (1).

(2) A reference in this Act to remuneration shall be read as including a reference to annual allowances.

4. (1) For the purposes of this Act, there is hereby established a Tribunal to be known as the Remuneration Tribunal. Establishment of Tribunal.

(2) The Tribunal shall consist of three members appointed by the Governor-General on a part-time basis.

(3) Subject to this Act, a member holds office for a period of 5 years but is eligible for re-appointment.

(4) A person shall not be appointed as a member if he is or has been—

- (a) a member of the Parliament;
- (b) an officer of, or person temporarily employed in, the Public Service;
- (c) the holder of a statutory office;
- (d) a Justice or Judge of a federal court or of the Supreme Court of an internal 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 Chairman of the Tribunal.

(6) A member is not eligible to be appointed as Chairman unless—

- (a) he is a Judge or a retired Judge of a court of a State; or
- (b) he is qualified for appointment as a Judge of a court of a State.

5. 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. Functions of the Tribunal.

6. (1) The Tribunal shall, from time to time as provided by this Act, 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 Australia. Inquiries and reports by Tribunal.

(2) The Tribunal shall, from time to time as provided by this Act, inquire into, and report to the Minister on, the question whether any alterations are desirable in the remuneration payable to Judges out of public moneys of Australia.

(3) Where the Tribunal inquires into, and reports on, a matter referred to in sub-section (1) or (2), the Tribunal may also inquire into, and report on, any matter that is significantly related to the first-mentioned matter.

(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.

Inquiries and
deter-
minations
by Tribunal.

7. (1) The Tribunal shall, from time to time as provided by this Act, 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 Australia 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.

(2) The Tribunal shall, from time to time as provided by this Act, inquire into, and determine, the allowances to be paid to Ministers of State out of the public moneys of Australia.

(3) The Tribunal shall, from time to time as provided by this Act, inquire into, and determine, the remuneration to be paid to officers of the First Division of the Public Service and to holders of statutory offices.

(4) Where the Tribunal inquires into, and determines, a matter referred to in sub-section (1), (2) or (3), the Tribunal may also inquire into, and determine, any matter that is significantly related to the first-mentioned matter.

(5) 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.

(6) The Tribunal shall furnish to the Minister a copy of every determination made by the Tribunal.

(7) The Minister shall cause a copy of a determination to be laid before each House of the Parliament within 15 sitting days of that House after the determination is received by him.

(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.

(9) Subject to sub-section (8), remuneration to which a determination applies shall, notwithstanding the provisions of any law of Australia, be paid in accordance with the determination out of the Consolidated Revenue Fund, which is appropriated accordingly.

8. The Tribunal shall, as soon as practicable after the commencement of this Act, and at subsequent intervals of not more than 1 year, make at the one time—

Tribunal to make reports and determinations annually.

- (a) reports on the matters referred to in sub-sections 6 (1) and (2); and
- (b) determinations in respect of the matters referred to in sub-sections 7 (1), (2) and (3).

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

Resignation and removal from office.

(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 becomes a person mentioned in sub-section 4 (4).

10. (1) The Chairman may convene meetings of the Tribunal.

Meetings of the Tribunal.

(2) The Chairman shall preside at all meetings of the Tribunal at which he is present.

(3) In the event of the absence of the Chairman from a meeting, another member nominated by the Chairman 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. (1) In the performance of the functions of the Tribunal—

Method of inquiry by 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 thinks fit, appoint a person or persons to assist the Tribunal in an inquiry.

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

Fees and allowances.

Regulations.

13. 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.