

Remuneration Tribunal Amendment Act 2001

No. 27, 2001

An Act to amend the *Remuneration Tribunal Act 1973*, and for related purposes

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**Remuneration Tribunal Amendment Act 2001**

**No. 27, 2001**

An Act to amend the *Remuneration Tribunal Act 1973*, and for related purposes

[*Assented to 6 April 2001*]

The Parliament of Australia enacts:

##### 1 Short title

 This Act may be cited as the *Remuneration Tribunal Amendment Act 2001*.

##### 2 Commencement

 (1) Sections 1 to 4 commence on the day on which this Act receives the Royal Assent.

 (2) Subject to subsection (3), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

 (3) If a provision of this Act does not commence under subsection (2) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

##### 3 Schedule(s)

 Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

##### 4 Exercise of certain powers before commencement of provision conferring the powers

 The Minister may, before the commencement of item 6 of Schedule 1, exercise any of the powers conferred by the sections inserted in the *Remuneration Tribunal Act 1973* by that item as if that item had commenced. However, any declaration made or notice given in the exercise of those powers before that commencement does not have any effect until that commencement.

###### Schedule 1—Amendment of the Remuneration Tribunal Act 1973

1 Subsection 3(1) (definition of employing body)

Repeal the definition, substitute:

***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.

2 Subsection 3(1) (definition of principal executive office)

Repeal the definition, substitute:

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

 (a) Managing Director of the Australian Postal Corporation;

 (b) Chief Executive of the Australian Industry Development Corporation;

 (c) Chief Executive Officer of Australian Rail Track Corporation Limited;

 (d) Chief Executive Officer of the Commonwealth Services Delivery Agency;

 (e) Director of Aviation Safety of the Civil Aviation Safety Authority;

 (f) Chief Executive Officer of Employment National Limited;

 (g) Managing Director of the Export Finance and Insurance Corporation;

 (h) Managing Director of Health Services Australia Limited;

 (i) Managing Director of Medibank Private Limited;

 (j) Governor of the Reserve Bank of Australia;

 (k) Deputy Governor of the Reserve Bank of Australia;

 (l) Chief Executive Officer of Sydney Airports Corporation Limited;

 (m) any other office or appointment declared by the Minister under subsection 3A(1) to be a principal executive office.

3 Subsection 3(4)

After “does not include a reference to”, insert “any of the following offices or appointments”.

4 Paragraph 3(4)(ra)

Repeal the paragraph, substitute:

 (ra) a principal executive office;

5 Paragraph 3(4)(u)

Omit “Australia; or”, substitute “Australia;”.

6 At the end of Division 1 of Part II

Add:

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).

 (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.

 (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*.

7 Subsection 5(1)

After “section 7”, insert “(other than subsection 7(3D))”.

8 Paragraph 5(2A)(b)

Repeal the paragraph, substitute:

 (b) in connection with determinations made under paragraph (a), exercise the powers referred to in subsections 7(3D), (3E) and (3F).

9 After subsection 7(3C)

Insert:

 (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.

10 Subsection 7(4)

Omit “or (3AA)”, substitute “, (3AA) or (3D)”.

11 Subsection 12C(1)

Omit “The employing body”, substitute “Subject to subsection (2), the employing body”.

12 Subsection 12C(2)

Repeal the subsection, substitute:

 (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.

13 Saving and transitional

(1) If:

 (a) at the commencement of this item, a person holds a principal executive office referred to any of paragraphs (a) to (l) of the definition of ***principal executive office*** in subsection 3(1) of the *Remuneration Tribunal Act 1973*; and

 (b) under subsection 7(3D) of that Act, the Remuneration Tribunal determines any terms and conditions applicable to the classification to which the office is assigned; and

 (c) any of the terms and conditions (the ***existing terms and conditions***) applicable at the commencement of this item in respect of the office under subsection 12C(1) of that Act are inconsistent with terms and conditions so determined by the Tribunal;

the validity of the existing terms and conditions is not affected by the amendment made by item 12.

(2) However, at the end of the period for which the person was appointed to the office, the employing body must (whether the person is re‑appointed, or another person is appointed, to the office) make a new determination of the terms and conditions applicable in respect of the office in compliance with section 12C of the *Remuneration Tribunal Act 1973*.

[*Minister’s second reading speech made in—*

*House of Representatives on 29 November 2000*

*Senate on 8 March 2001*]

(187/00)