



# Remuneration and Allowances Amendment Act 1982

No. 78 of 1982

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# Remuneration and Allowances Amendment Act 1982

No. 78 of 1982

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## An Act relating to certain remuneration and allowances

[Assented to 19 September 1982]

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

### PART I—PRELIMINARY

#### Short title

1. This Act may be cited as the *Remuneration and Allowances Amendment Act 1982*.

#### Commencement

2. (1) Subject to sub-section (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) The amendments made by Part II shall be deemed to have taken effect on 1 July 1982.

### PART II—AMENDMENTS OF THE REMUNERATION AND ALLOWANCES ACT 1973

#### Principal Act

3. The *Remuneration and Allowances Act 1973*<sup>1</sup> is in this Part referred to as the Principal Act.

**Salaries and allowances of certain office holders**

4. Section 13 of the Principal Act is amended by omitting sub-sections (4), (5) and (7) and substituting the following sub-section:

“(4) If the person who holds the office of Chief Judge of the Supreme Court of Norfolk Island also holds the office of a Judge (other than the Chief Judge) of the Federal Court of Australia, he shall, while he continues to hold both those offices, receive, in respect of his office of Chief Judge of the Supreme Court of Norfolk Island, in addition to the salary and annual allowance by which he is remunerated in respect of the other office held by him, an annual allowance at the rate of \$500 per annum.”.

**Travelling allowance payable to the Chief Justice and Justices of the High Court**

5. Section 13A of the Principal Act is amended—

- (a) by omitting from sub-paragraph (4) (a) (i) “\$98” and “\$75” and substituting “\$120” and “\$85”, respectively;
- (b) by omitting from sub-paragraph (4) (a) (ii) and from paragraph (4) (b) “\$25” and substituting “\$27”; and
- (c) by omitting sub-sections (5) and (6).

**Additional allowance payable to certain Justices of the High Court**

6. Section 13B of the Principal Act is amended—

- (a) by adding at the end of paragraph (1) (a) “and”;
- (b) by omitting paragraphs (1) (b) and (c) and substituting the following paragraph:
  - “(b) whose sole or principal place of residence was at the time when his appointment, or his first appointment, as the case may be, to any such judicial office took effect, and has at all subsequent times been, at a place outside, but not in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory,”; and
- (c) by omitting from sub-section (1) “\$8,250” and substituting “\$9,125”.

**Travelling allowances payable to holders of certain offices**

7. Section 13C of the Principal Act is amended—

- (a) by inserting after “duties” in sub-section (3) “(including duties of any other office held by him)”;
- (b) by omitting from paragraph (4) (a) (i) “\$90” and “\$70” and substituting “\$110” and “\$80”, respectively;
- (c) by omitting from sub-paragraph (4) (a) (ii) and from paragraph (4) (b) “\$25” and substituting “\$27”;
- (d) by inserting after “duties” first occurring in sub-section (5) “(including duties of any other office held by him)”;
- (e) by omitting sub-section (7).

**Schedule 3**

8. Schedule 3 to the Principal Act is repealed and the following Schedule is substituted:

<b>SCHEDULE 3</b>		Section 13
Column 1	Column 2	Column 3
Office	Rate per annum of salary	Rate per annum of annual allowance
	\$	\$
<b>PART I</b>		
Chief Justice of the High Court . . . . .	93,000	5,000
Justice (other than the Chief Justice) of the High Court . . . . .	84,500	4,500
<b>PART II</b>		
Chief Judge of the Federal Court of Australia . . . . .	78,000	4,500
Chief Justice of the Supreme Court of the Australian Capital Territory . . . . .	73,500	4,500
Chief Judge of the Family Court of Australia . . . . .	71,500	4,000
Chairman of the Commonwealth Grants Commission . . . . .	71,500	4,000
Judge (other than the Chief Judge) of the Federal Court of Australia . . . . .	71,500	4,000
Judge (other than the Chief Justice) of the Supreme Court of the Australian Capital Territory . . . . .	71,500	4,000
Senior Judge of the Family Court of Australia . . . . .	64,500	3,500
Judge (other than the Chief Judge or a Senior Judge) of the Family Court of Australia . . . . .	60,500	3,500
Judge (other than the Chief Judge) of the Australian Industrial Court . . . . .	60,000	3,500

**PART III—SALARIES OF MINISTERS OF STATE**

**Principal Act**

9. The *Ministers of State Act 1952*<sup>2</sup> is in this Part referred to as the Principal Act.

**Salaries of Ministers**

10. Section 5 of the Principal Act is amended by omitting “\$452,000” and substituting “\$575,000”.

**PART IV—AMENDMENTS OF THE REMUNERATION TRIBUNALS ACT 1973**

**Principal Act**

11. The *Remuneration Tribunals Act 1973*<sup>3</sup> is in this Part referred to as the Principal Act.

**Interpretation**

12. Section 3 of the Principal Act is amended—

- (a) by inserting before the definition of “Chairman” in sub-section (1) the following definition:

“ ‘Aboriginal Corporation of the National Aboriginal Conference’ means the corporation of that name established under the *Aboriginal Councils and Associations Act 1976*;”;

- (b) by inserting after paragraph (4) (d) the following paragraph:
  - “(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 Chairman, to be an appointment to which this Part is to apply;”;
- (c) by inserting in paragraph (4) (f) “(da) or” after “paragraph”;
- (d) by omitting from paragraph (4) (f) “or” (last occurring); and
- (e) by inserting after paragraph (4) (f) the following paragraph:
  - “(fa) an office of member of the Aboriginal Corporation of the National Aboriginal Conference; or”.

### **Inquiries and determinations by Tribunal**

13. (1) Section 7 of the Principal Act is amended—

- (a) by inserting in sub-section (7) “(other than a determination referred to in section 7A)” after “determination” (first occurring);
- (b) by omitting from paragraph (9) (a) “and” (last occurring);
- (c) by inserting after paragraph (9) (a) the following paragraphs:

- “(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*;

- “(ab) in the case of remuneration or allowances payable to a person who holds—

- (i) an office that, within the meaning of the *Norfolk Island Act 1979*, is an office of member of the Legislative Assembly, member of the Executive Council or executive member; or

- (ii) an office in or in connection with the Legislative Assembly of Norfolk Island that can be held only by a member of that Assembly,

be paid in accordance with the determination out of the Public Account of Norfolk Island established under section 47 of the *Norfolk Island Act 1979*;

- “(ac) in the case of remuneration or allowances payable to a person who holds an office of member of the Aboriginal

Corporation of the National Aboriginal Conference—be paid in accordance with the determination out of funds under the control of the Corporation that are lawfully available to pay the remuneration or allowances; and”;

- (d) by inserting in sub-section (11) “, an incorporated company referred to in paragraph 3 (4) (da)” after “corporation” (first occurring); and
- (e) by inserting after sub-section (11) the following sub-section:

“(11A) For the purposes of sub-section (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.”.

(2) Where the remuneration or allowances payable to a person holding an office referred to in paragraph 7 (9) (aa) of the Principal Act as amended by this Act in respect of any period before the commencement of this section has or have been paid out of public moneys of the Northern Territory within the meaning of Part V of the *Northern Territory (Self-Government) Act 1978*, then, notwithstanding anything to the contrary in the Principal Act or the *Northern Territory (Self Government) Act 1978*—

- (a) that payment shall be deemed to have been as valid and effectual as it would have been if the amendment made by paragraph (1) (c) had been in force at the time when the payment was made; and
- (b) payment of remuneration or allowances in respect of that period, or any part of that period, is not required to be made out of the Consolidated Revenue Fund.

(3) Where the remuneration or allowances payable to a person holding an office referred to in paragraph 7 (9) (ab) of the Principal Act as amended by this Act in respect of any period before the commencement of this section has or have been paid out of the Public Account of Norfolk Island established under section 47 of the *Norfolk Island Act 1979*, then, notwithstanding anything to the contrary in the Principal Act or the *Norfolk Island Act 1979*—

- (a) that payment shall be deemed to have been as valid and effectual as it would have been if the amendment made by paragraph (1) (c) had been in force at the time when the payment was made; and
- (b) payment of remuneration or allowances in respect of that period, or any part of that period, is not required to be made out of the Consolidated Revenue Fund.

(4) Where the remuneration or allowances payable to a person holding an office referred to in paragraph 7 (9) (ac) of the Principal Act as amended by this Act in respect of any period before the commencement of this section has or have been paid out of funds under the control of the Aboriginal Corporation of the National Aboriginal Conference, then, notwithstanding anything to the contrary in the Principal Act or in a law of the Commonwealth appropriating amounts for the purposes of the Corporation—

- (a) that payment shall be deemed to have been as valid and effectual as it would have been if the amendment made by paragraph (1) (c) had been in force at the time when the payment was made; and
- (b) payment of remuneration or allowances in respect of that period, or any part of that period, is not required to be made out of the Consolidated Revenue Fund.

14. After section 7 of the Principal Act the following section is inserted:

**Determinations relating to certain Norfolk Island public office holders**

“7A. (1) In this section—

‘Deputy President’ means the Deputy President of the Legislative Assembly;

‘Legislative Assembly’ means the Legislative Assembly of Norfolk Island;

‘Minister’ means the Minister for the time being administering the *Norfolk Island Act 1979*;

‘President’ means the President of the Legislative Assembly.

“(2) Where the Tribunal makes a determination under sub-section 7 (3) relating to remuneration or allowances payable to a person who holds—

- (a) an office that, within the meaning of the *Norfolk Island Act 1979*, is an office of member of the Legislative Assembly, member of the Executive Council or executive member; or
- (b) an office in or in connection with the Legislative Assembly that can be held only by a member of that Assembly,

the Tribunal shall furnish a copy of the determination to the Minister.

“(3) The Minister shall furnish a copy of a determination furnished to him under sub-section (2) to the President or, if there is no President or the President is absent from Norfolk Island, the Deputy President.

“(4) The President or the Deputy President, as the case may be, shall cause a copy of a determination furnished to him under sub-section (3) to be laid before the Legislative Assembly within the period of 2 months after the determination is received by him.

“(5) If the Legislative Assembly, within the period of 2 months after a copy of a determination has been laid before that Assembly, 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 the day on which the resolution was passed or any period after that day.

“(6) If, before the expiration of the period of 2 months after a copy of a determination has been laid before the Legislative Assembly—

- (a) the Assembly holds its last meeting before a general election; and

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(b) at the expiration of that meeting the Assembly has not passed a resolution disapproving of the determination, the copy of the determination shall, for the purposes of sub-section (5), be deemed to have been laid before the Assembly at the first meeting of the Assembly held after the general election.”

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**NOTES**

1. No. 14, 1973, as amended. For previous amendments, see Nos. 203 and 216, 1973; No. 8, 1975; Nos. 83, 170 and 182, 1976; Nos. 81 and 111, 1977; No. 166, 1978; No. 140, 1979; No. 164, 1980; No. 121, 1981; and No. 26, 1982.
2. No. 1, 1952, as amended. For previous amendments, see No. 1, 1956; No. 18, 1959; Nos. 1 and 71, 1964; No. 93, 1966; No. 1, 1967; No. 102, 1968; No. 43, 1971; Nos. 14 and 216, 1973; No. 82, 1978; No. 141, 1979; No. 165, 1980; and No. 121, 1981.
3. No. 215, 1973, as amended. For previous amendments, see No. 80, 1974; No. 96, 1975; Nos. 60 and 178, 1978; Nos. 26, 108, 136 and 155, 1979; No. 160, 1980; and Nos. 61, 74 and 176, 1981.