

Remuneration and Allowances Alteration Act 1986

No. 105 of 1986

An Act relating to certain remuneration and allowances

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Remuneration and Allowances Alteration Act 1986

No. 105 of 1986

An Act relating to certain remuneration and allowances

[*Assented to 23 October 1986*]

The Parliament of Australia enacts:

## Part I—Preliminary

##### 1 Short title

 This Act may be cited as the *Remuneration and Allowances Alteration Act 1986*.

##### 2 Commencement

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

 (2) Parts II and III and section 14 shall be deemed to have come into operation on 1 July 1986.

## Part II—Modifications of determinations of the Remuneration Tribunal

##### 3 Allowances to be paid to office holders of the Parliament

 (1) Determination No. 7 of 1986 of the Remuneration Tribunal dated 6 June 1986 is modified by omitting paragraph 1 and substituting the following paragraph:

 **1.** Additional Salary and Expenses of Office Allowance.

| Office | Rate per annum of Additional Salary | Rate per annum of Expenses of Office Allowance |
| --- | --- | --- |
|  | $ | $ |
| Leader of the Opposition  | 26,261 | 12,068 |
| President of the Senate  | 26,261 | 9,901 |
| Speaker of the House of Representatives  | 26,261 | 9,901 |
| Deputy Leader of the Opposition  | 15,024 | 9,901 |
| Leader of the Opposition in the Senate  | 15,024 | 9,901 |
| Leader of the Third Party in the House of Representatives  | 10,015 | 9,901 |
| Leader of a recognised non-Government party of at least 5 members not otherwise specified herein  | 7,986 | 9,901 |
| Chairman of Committees in the Senate  | 7,986 | 2,041 |
| Chairman of Committees in the House of Representatives  | 7,986 | 2,041 |
| Deputy Leader of the Opposition in the Senate  | 7,571 | 2,041 |
| Government Whip in the House of Representatives  | 7,571 | 2,041 |
| Opposition Whip in the House of Representatives  | 6,624 | 2,041 |
| Government Whip in the Senate  | 6,211 | 2,041 |
| Opposition Whip in the Senate  | 6,211 | 2,041 |
| Chairman, Joint Committee of Public Accounts  | 5,915 | 2,041 |
| Chairman, Parliamentary Standing Committee on Public Works  | 5,915 | 2,041 |
| Chairman, Joint Committee on Foreign Affairs and Defence  | 5,915 | 2,041 |
| Third Party Whip in the House of Representatives  | 4,436 | Nil |
| Leader in the Senate of the National Party  | 4,436 | Nil |
| Chairman, Joint Committee on the Australian Capital Territory  | 2,218 | 2,041 |
| Chairman, Parliamentary Joint Committee on the National Crime Authority  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on Constitutional and Legal Affairs  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on Education and the Arts  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on Finance and Government Operations  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on Foreign Affairs and Defence  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on National Resources  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on Science, Technology and the Environment  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on Social Welfare  | 2,218 | 2,041 |
| Chairman, Senate Legislative and General Purpose Standing Committee on Industry and Trade  | 2,218 | 2,041 |
| Chairman, House of Representatives Standing Committee on Aboriginal Affairs  | 2,218 | 2,041 |
| Chairman, House of Representatives Standing Committee on Environment and Conservation  | 2,218 | 2,041 |
| Chairman, House of Representatives Standing Committee on Expenditure  | 2,218 | 2,041 |
| Chairman, House of Representatives Standing Committee on Transport Safety  | 2,218 | 2,041 |
| Chairman, House of Representatives Standing Committee on Procedure  | 2,218 | 2,041 |
| Deputy Government Whip in the House of Representatives  | 2,218 | Nil |
| Chairman of a Parliamentary Committee not otherwise specified herein  | 1,064 | Nil |
| Whip in the Senate of a recognised non-Government party of at least 5 members not otherwise specified herein  | 1,064 | Nil |
| Deputy Government Whip in the Senate  | 1,064 | Nil |
| Deputy Opposition Whip in the Senate  | 1,064 | Nil |
| Deputy Opposition Whip in the House of Representatives  | 1,064 | Nil |
| Deputy Chairman of Committees in the Senate  | 1,064 | Nil |
| Deputy Chairman of Committees in the House of Representatives  | 1,064 | Nil |

 (2) Paragraph 3 of Determination No. 7 of the Remuneration Tribunal dated 6 June 1986 shall be taken not to have applied in relation to the decision of the Australian Conciliation and Arbitration Commission given on 26 June 1986 in a National Wage Case.

 (3) The determination of the Remuneration Tribunal referred to in this section as modified by this section has effect as if it were a determination of the Remuneration Tribunal.

##### 4 Allowances to be paid to members of the Parliament

 (1) Determination No. 8 of 1986 of the Remuneration Tribunal dated 6 June 1986 is modified by omitting paragraph 1 and substituting the following paragraph:

 **1.** Allowance by way of basic salary

| Office | Rate per annum of basic salary |
| --- | --- |
| Senator or member of the House of Representatives  | $45,543 |

 (2) Paragraph 2 of Determination No. 8 of the Remuneration Tribunal dated 6 June 1986 shall be taken not to have applied in relation to the decision of the Australian Conciliation and Arbitration Commission given on 26 June 1986 in a National Wage Case.

 (3) The determination of the Remuneration Tribunal referred to in this section as modified by this section has effect as if it were a determination of the Remuneration Tribunal.

##### 5 Entitlements of members of the Parliament

 (1) Determination No. 11 of 1986 of the Remuneration Tribunal dated 6 June 1986 is modified:

 (a) by omitting paragraph 7.1;

 (b) by omitting from sub-subparagraph 7.2(d)(ii) ‘, or nominee as defined,’;

 (c) by omitting from sub-subparagraph 7.2(d)(iii) ‘, spouse, or nominee as defined,’ and substituting ‘or spouse’;

 (d) by omitting from subparagraph 7.3(c) ‘or nominee’; and

 (e) by omitting from paragraph 7.4 ‘or nominee’.

 (2) The determination of the Remuneration Tribunal referred to in this section as modified by this section has effect as if it were a determination of the Remuneration Tribunal.

## Part III—Amendments of the Judicial and Statutory Officers (Remuneration and Allowances) Act 1984

##### 6 Principal Act

 The *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984* is in this Part referred to as the Principal Act.

##### 7 Salaries and expenses of office allowances

 (1) Section 3 of the Principal Act is amended:

 (a) by omitting paragraphs (1)(a), (b) and (c) and substituting the following paragraphs:

 ‘(a) the rate per annum of the salary applicable to the office on and after 1 July 1986 is the rate per annum specified in column 2 of the Schedule in relation to the office; and

 (b) the rate per annum of the expenses of office allowance applicable to the office is the rate per annum specified in column 3 of the Schedule in relation to the office.’;

 (b) by omitting from subsection (2) ‘3’ and substituting ‘2’;

 (c) by omitting from subsections (5) and (6) ‘$564’ and substituting ‘$616’; and

 (d) by omitting from paragraph (8)(b) ‘$1,984’ and substituting ‘$2,167’.

 (2) Subsection 3(2) of the Principal Act shall be taken not to have applied in relation to the decision of the Australian Conciliation and Arbitration Commission given on 26 June 1986 in a National Wage Case.

##### 8 Travelling allowances payable to Justices of the High Court

 Section 4 of the Principal Act is amended:

 (a) by omitting from sub-subparagraph (4)(a)(i)(A) ‘$155’ and substituting ‘$165’; and

 (b) by omitting from sub-subparagraph (4)(a)(i)(B) ‘$110’ and substituting ‘$115’.

##### 9 Additional allowance payable to certain Justices of the High Court

 Section 5 of the Principal Act is amended by omitting from subsection (1) ‘$10,640’ and substituting ‘$11,715’.

##### 10 Travelling allowances payable to holders of certain offices

 Section 6 of the Principal Act is amended:

 (a) by omitting from sub-subparagraph (4)(a)(i)(A) ‘$140’ and substituting ‘$145’; and

 (b) by omitting from sub-subparagraph (4)(a)(i)(B) ‘$105’ and substituting ‘$110’.

##### 11 Travelling allowances payable to members of the Inter-State Commission

 Section 6A of the Principal Act is amended:

 (a) by omitting from subparagraphs (2)(a)(i) and (b)(i) ‘$95’ and substituting ‘$100’;

 (b) by omitting from subparagraph (2)(a)(ii) ‘$140’ and substituting ‘$145’;

 (c) by omitting from subparagraph (2)(a)(iii) ‘$105’ and substituting ‘$110’;

 (d) by omitting from subparagraph (2)(b)(ii) ‘$110’ and substituting ‘$115’; and

 (e) by omitting from subparagraph (2)(b)(iii) ‘$85’ and substituting ‘$89’.

##### 12 Allowance payable to Solicitor-General

 (1) Section 7 of the Principal Act is amended by omitting from subsection (1) ‘at the rate of $10,640 per annum’ and substituting ‘at such rate as is determined by the Remuneration Tribunal’.

 (2) If no determination made after the commencement of this section by the Remuneration Tribunal is in force for the purposes of subsection 7(1) of the Principal Act as amended by this Act, the rate of the allowance payable by virtue of that subsection shall be $11,715 per annum.

##### 13 Schedule

 The Schedule to the Principal Act is repealed and the following Schedule is substituted:

**‘Schedule**

Subsection 3(1)

| Column 1 | Column 2Rate per annum of salary | Column 3Rate per annum of expenses of office allowance |
| --- | --- | --- |
|  | $ | $ |
| PART I |  |  |
| Chief Justice of the High Court  | 122,883 | 6,191 |
| Justice (other than Chief Justice) of the High Court  | 111,652 | 5,569 |
| PART II |  |  |
| Chief Judge of the Federal Court of Australia  | 103,064 | 5,569 |
| Chief Justice of the Supreme Court of the Australian Capital Territory  | 97,117 | 5,569 |
| Chief Judge of the Family Court of Australia  | 94,476 | 5,569 |
| Chairman of the Commonwealth Grants Commission  | 94,476 | 5,569 |
| Judge (other than the Chief Judge) of the Federal Court of Australia  | 94,476 | 4,953 |
| Judge (other than the Chief Justice) of the Supreme Court of the Australian Capital Territory  | 94,476 | 4,953 |
| President of the Inter-State Commission  | 94,476 | 4,953 |
| Senior Judge of the Family Court of Australia  | 85,028 | 4,332 |
| Judge (other than the Chief Judge or a Senior Judge) of the Family Court of Australia  | 80,304 | 4,332’. |

## Part IV—Miscellaneous

##### 14 Exclusion of subsection 7(8) of the *Remuneration Tribunals Act 1973*

 Subsection 7(8) of the *Remuneration Tribunals Act 1973* does not apply in relation to a determination of the Remuneration Tribunal referred to in section 3 or 4 of this Act or in relation to such a determination as modified by this Act.

15 Recovery of overpayments

 (1) Where:

 (a) a person has been paid an amount by way of:

 (i) parliamentary salary; or

 (ii) parliamentary superannuation benefit; and

 (b) the amount so paid exceeds the amount that the person would have been entitled to be paid if Part II had been enacted, and had come into operation, on 1 July 1986;

the person is liable to pay to the Commonwealth the amount of the excess.

 (2) Where a person is liable to pay an amount to the Commonwealth under subsection (1):

 (a) the amount may be recovered, as a debt due to the Commonwealth, by action in a court of competent jurisdiction; and

 (b) the amount may be deducted from any other amount that is payable to the person by way of parliamentary salary or parliamentary superannuation benefit, as the case requires.

 (3) In this section:

***parliamentary salary*** means an allowance paid to a member of the Parliament, being:

 (a) an allowance of the kind referred to as basic salary in paragraph 1 of Determination No. 8 of 1986 of the Remuneration Tribunal dated 6 June 1986; or

 (b) an allowance of the kind referred to as additional salary in paragraph 1 of Determination No. 7 of 1986 of the Remuneration Tribunal dated 6 June 1986.

***parliamentary superannuation benefit*** means a retiring allowance, annuity or other benefit payable under the *Parliamentary Contributory Superannuation Act 1948*.