



Remuneration and Allowances Act 1990

No. 71 of 1990

An Act relating to certain remuneration and allowances

[Assented to 20 June 1990]

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

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Remuneration and Allowances Act 1990*.

Commencement

2. (1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Part 3 commences on 1 July 1990.

PART 2—REMUNERATION AND ALLOWANCES

Operation of Part

3. This Part has effect in spite of:

- (a) anything in any Determination of the Remuneration Tribunal;
or

- (b) any provision of an Act, being a provision providing for the remuneration or allowances of the holder of an office to be determined by the Remuneration Tribunal (including section 21 of the *Industrial Relations Act 1988* as amended by Part 3); or
- (c) any provision in the *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984* that is inconsistent with this Part.

Remuneration and allowances of holders of judicial offices etc.

4. The holders of the offices specified in Schedule 1 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

Remuneration and allowances of Secretaries of Departments and holders of public offices

5. The holders of the offices specified in Schedule 2 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

Remuneration and allowances of Senators and Members of the House of Representatives

6. The holders of the offices specified in Schedule 3 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

Ministers and office holders of the Parliament

7. The holders of the offices specified in Schedule 4 are entitled to remuneration and allowances in accordance with the provisions of that Schedule.

Appropriation

8. The salaries and allowances payable under this Act are to be paid out of the Consolidated Revenue Fund, and the Fund is accordingly appropriated for that purpose.

**PART 3—AMENDMENTS OF INDUSTRIAL RELATIONS ACT
1988**

Principal Act

9. In this Part, “Principal Act” means the *Industrial Relations Act 1988*¹.

Remuneration and allowances of Presidential Members etc.

10. Section 21 of the Principal Act is amended:

- (a) by omitting subsections (1) and (2) and substituting the following subsections:

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“(1) The President, and each Deputy President, are to be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) The President is to receive travelling allowance at the same rates, and subject to the same conditions, as are applicable in relation to the Chief Judge of the Court.

“(2A) Each Deputy President is to receive travelling allowance at the same rates, and subject to the same conditions, as are applicable in relation to the Judges of the Court.”;

(b) by omitting from subsection (3) “and expenses of office allowance”.

SCHEDULE 1

Section 4

HOLDERS OF JUDICIAL AND OTHER OFFICES

1. In respect of the period starting on 1 January 1990 and ending on 30 June 1990, the holders of the offices specified in this Schedule are taken to have been, and to be, entitled to remuneration and allowances at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 11 of the Remuneration Tribunal dated 23 May 1990 had not been made.
2. In respect of periods from or after 1 July 1990, the holders of the offices specified in this Schedule are entitled to salary at the rates set out below with effect from the dates specified.

PART 1

Office	Rate per annum of Salary	
	from 1.7.90 \$	from 1.1.91 \$
Chief Justice of the High Court	170,503	180,733
Justice of the High Court	154,991	164,290

SCHEDULE 1—continued

PART 2

Office	Rate per annum of Salary	
	from 1.7.90 \$	from 1.1.91 \$
Chief Justice of the Federal Court	143,789	152,416
Chief Justice of the Family Court	143,789	152,416
Chief Justice of the Supreme Court of the Australian Capital Territory	136,031	144,193
Deputy Chief Justice of the Family Court	135,195	143,307
Judge of the Federal Court	131,734	139,638
Judge Administrator of the Family Court	131,734	139,638
Judge assigned to the Appeal Division of the Family Court	131,734	139,638
Senior Judge of the Family Court	131,734	139,638
Any other Judge of the Family Court	131,734	139,638
Judge of the Supreme Court of the Australian Capital Territory	131,734	139,638

SCHEDULE 1—continued

PART 3

Office	Rate per annum of Salary	
	from 1.7.90 \$	from 1.1.91 \$
President of the Administrative Appeals Tribunal	131,734	139,638
President of the Trade Practices Tribunal	131,734	139,638
President of the Law Reform Commission	131,734	139,638
Solicitor-General	The salary and allowances payable to a Judge of the Federal Court of Australia	

PART 4

Office	Rate per annum of Salary		
	from 1.7.90 \$	from 1.1.91 \$	from 1.7.91 \$
Master, Supreme Court of the Australian Capital Territory	97,590	104,421	111,710
Judicial Registrar of the Family Court of Australia	88,988	96,463	104,729
Chief Magistrate, Australian Capital Territory	82,162	88,981	96,349
Magistrate, Australian Capital Territory	75,992	82,299	89,113

SCHEDULE 1—continued

PART 5

Office	Rate per annum of Salary
	from 1.7.90 \$
President, Industrial Relations Commission	143,789
Deputy President, Industrial Relations Commission	131,734
Commissioner, Industrial Relations Commission	92,214

3. Additional Remuneration

A Judge who is also Aboriginal Land Commissioner, Chairman of the Australian Electoral Commission, Chief Judge of the Supreme Court of Norfolk Island, President of the Administrative Appeals Tribunal, President of the Law Reform Commission or President of the Trade Practices Tribunal is to receive \$750 per annum in addition to the rate per annum of salary of the office of Judge.

4. High Court Canberra Allowance

An allowance at the rate of \$16,524 per annum is payable from 5 December 1989 to the Chief Justice and Justices of the High Court of Australia who do not establish their places of residence in Canberra.

5. Travelling Allowance

The rates and conditions of payment of travelling allowance for holders of offices specified in Parts 1 and 2 of clause 2, President of the Administrative Appeals Tribunal, President of the Trade Practices Tribunal, President of the Law Reform Commission, President of the Industrial Relations Commission and Deputy Presidents of the Industrial Relations Commission are as determined in Determination No. 3 of 1990 of the Remuneration Tribunal. The rates of payment of travelling allowance for Commissioners of the Industrial Relations Commission are as determined in Determination No. 18 of 1989 of the Remuneration Tribunal. Other office holders are to have the same rates and conditions of payment of travelling allowance as are determined in clause 4.1 of Part 4 of Determination No. 2 of 1990 of the Remuneration Tribunal.

SCHEDULE 1—continued

6. National Wage Case Adjustments

The rates of salary specified in clause 2 are to be adjusted in accordance with National Wage Case Decisions made by the Australian Industrial Relations Commission after the commencement of this Act.

SCHEDULE 2

Section 5

SECRETARIES OF DEPARTMENTS AND HOLDERS OF PUBLIC OFFICES

1. Subject to clause 2, in respect of the period starting on 1 January 1990 and ending on 30 June 1990, the holders of the offices specified in this Schedule are taken to have been, and to be, entitled to remuneration and allowances at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 12 of the Remuneration Tribunal dated 23 May 1990 had not been made.
2. (1) In respect of the period:
 - (a) starting when a holder of an office specified in this clause was appointed to that office; and
 - (b) ending on 30 June 1990;

the holder of that office is taken to have been, and to be, entitled to salary at the rate set out below.

Office	Rate per annum of Salary \$
Chairperson, Industry Commission	98,536
Executive Commissioner, Industry Commission	92,390
Commissioner, Industry Commission	88,533
Associate Commissioner, Industry Commission	82,333

(2) The rates and conditions of payment of travelling allowance for the Chairperson and Executive Commissioner of the Industry Commission are as determined in clause 4.1 of Part 4 of Determination No. 2 of 1990 of the Remuneration Tribunal.

SCHEDULE 2—continued

(3) The rates and conditions of payment of travelling allowance for a Commissioner or Associate Commissioner of the Industry Commission are as determined in Clause 4.2 of Part 4 of Determination No. 2 of 1990 of the Remuneration Tribunal.

3. With effect from 1 July 1990, the holders of the offices specified in this Schedule are entitled to salary at the rates set out below.

PART 1

SECRETARIES OF DEPARTMENTS OF STATE

Salaries

Departments of State	Rate per annum of salary \$
Basic rate	111,004
The Secretary to the Department of Defence	126,848
The Secretary to the Department of the Prime Minister and Cabinet	126,848
The Secretary to the Department of the Treasury	126,848
The Secretary to the Department of Administrative Services	117,258
The Secretary to the Attorney-General's Department	117,258
The Secretary to the Department of the Arts, Sport, the Environment, Tourism and Territories	117,258
The Secretary to the Department of Community Services and Health	117,258
The Secretary to the Department of Employment, Education and Training	117,258
The Secretary to the Department of Industrial Relations	117,258

SCHEDULE 2—continued

Departments of State	Rate per annum of salary \$
The Secretary to the Department of Finance	117,258
The Secretary to the Department of Foreign Affairs and Trade	117,258
The Secretary to the Department of Immigration, Local Government and Ethnic Affairs	117,258
The Secretary to the Department of Industry, Technology and Commerce	117,258
The Secretary to the Department of Primary Industries and Energy	117,258
The Secretary to the Department of Social Security	117,258
The Secretary to the Department of Transport and Communications	117,258
The Secretary to the Department of Veterans' Affairs	117,258

PART 2

SECRETARIES OF PARLIAMENTARY DEPARTMENTS

Parliamentary Departments	Rate per annum of Salary \$
The Clerk of the Senate	99,949
The Clerk of the House of Representatives	99,949

SCHEDULE 2—continued

PART 3

FULL-TIME HOLDERS OF PUBLIC OFFICES

Office	Rate per annum of Salary \$
Chief of the Defence Force	126,848
Managing Director, Australian Broadcasting Corporation	126,848
Managing Director, Australian Trade Commission	126,848
Director of Public Prosecutions	124,367
Royal Commissioner, Royal Commission into Aboriginal Deaths in Custody	120,100
Auditor-General for Australia	117,258
Chairperson, Aboriginal and Torres Strait Islander Commission	117,258
Chairman, Australian Broadcasting Tribunal	117,258
Chairperson, Australian Telecommunications Authority	117,258
Chairman, Australian Wheat Board	117,258
Chairman, Trade Practices Commission	117,258
Chairperson, National Board of Employment, Education and Training	117,258
Chief Executive, Commonwealth Scientific and Industrial Research Organisation	Remuneration as determined in Determination No. 1 of 1990

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SCHEDULE 2—continued

Office	Rate per annum of Salary \$
Chief Executive Officer, Civil Aviation Authority	117,258
Commissioner, Australian Federal Police	117,258
Commissioner of Taxation	117,258
Commonwealth Ombudsman	117,258
Comptroller-General of Customs	117,258
First Parliamentary Counsel	117,258
General Manager, Health Insurance Commission	117,258
Principal Member, Superannuation Fund Investment Trust	117,258
Public Service Commissioner	117,258
Chairperson, Industry Commission	117,258
Australian Statistician	111,004
Chairman, Commonwealth Grants Commission	111,004
Chief Executive Officer, Aboriginal and Torres Strait Islander Commission	111,004
Chief Executive Officer, Federal Airports Corporation	111,004
Chief of Naval Staff	111,004
Chief of the General Staff	111,004
Chief of the Air Staff	111,004

SCHEDULE 2—continued

Office	Rate per annum of Salary \$
Deputy Managing Director, Australian Trade Commission	111,004
Deputy President (non-judicial), Administrative Appeals Tribunal	111,004
Executive Director, Australian Nuclear Science and Technology Organisation	111,004
Director-General, Australian Security Intelligence Organization	111,004
Director-General, Office of National Assessments	111,004
Human Rights Commissioner	111,004
Inspector-General of Intelligence and Security	111,004
Insurance and Superannuation Commissioner	111,004
Second Commissioner of Taxation	111,004
Member, National Crime Authority	111,004
Chairman, Albury-Wodonga Development Corporation	99,949
Commissioner for Community Relations	99,949
Deputy Chairperson, National Board of Employment, Education and Training	99,949
Electoral Commissioner	99,949

SCHEDULE 2—continued

Office	Rate per annum of Salary \$
Director, Australian Institute of Criminology	99,949
Executive Member, Pipeline Authority	99,949
Chief Executive, Parliament House Construction Authority	99,949
General Manager, Australia Council	99,949
Executive Commissioner, Industry Commission	99,949
Commissioner, Industry Commission	92,333
Associate Commissioner, Industry Commission	82,333

4. The rates of salary specified in clause 3 as applicable from 1 July 1990 are to be adjusted in accordance with National Wage Case Decisions made by the Australian Industrial Relations Commission after the commencement of this Act.
5. An annual leave loading is payable to Secretaries of Departments and holders of full-time Public Offices on the same terms and conditions applying to officers of the Australian Public Service.
6. Where a Secretary of a Department or a holder of a full-time Public Office holds an office located in a region or district which is classified for the purposes of District Allowance, the holder of the office is to be paid a District Allowance at the rates and on the conditions prescribed for officers of the Australian Public Service.

SCHEDULE 3

Section 6

SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

Salaries

1. (1) For the purposes of section 48 of the Constitution, the annual allowance payable to Senators and Members of the House of Representatives (in this Schedule called "salary") is as set out in this clause.

(2) In respect of the period starting on 1 January 1990 and ending on 30 June 1990, Senators and Members of the House of Representatives are taken to have been, and to be, entitled to salary and electorate allowance at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 13 of the Remuneration Tribunal dated 23 May 1990 had not been made.

(3) Subject to subclauses (4) to (6), the annual rate of salary payable to Senators and to Members of the House of Representatives (in this clause called the "Members of Parliament annual salary") is \$58,300 with effect from 1 July 1990.

(4) If, after 30 June 1990 but before 1 July 1991, the SES Band 1 annual salary is increased (otherwise than by the second stage increase under the Structural Efficiency Principle), the Members of Parliament annual salary is increased by the same proportion.

(5) On 1 January 1991, the Members of Parliament annual salary is increased by 6%.

(6) Whenever subclause (4) or (5) operates to increase the Members of Parliament annual salary:

- (a) the increase has effect from the date, or the date of the event, specified; and
- (b) the Members of Parliament annual salary as increased is taken to be the Members of Parliament annual salary for the purposes of any subsequent operation of either of those subclauses.

(7) From 1 July 1991, the Members of Parliament annual salary is equal to the SES Band 1 annual salary.

(8) In this clause:

"SES Band 1 annual salary" means the maximum annual rate of salary (not including any amounts in the nature of performance pay) payable to the holders of offices in the Senior Executive Service of the Australian Public Service having a classification of Band 1.

SCHEDULE 3—continued

Electorate allowance

2. A Senator or Member of the House of Representatives is to receive an electorate allowance as follows:

	Rate per annum of electorate allowance \$
Senator:	22,685
Member: electorate of less than 2,000 square kilometres	22,685
electorate of 2,000 square kilometres or more but less than 5,000 square kilometres	26,975
electorate of 5,000 square kilometres or more	32,895

Other allowances

3. A Senator or Member of the House of Representatives is also entitled to the allowances and entitlements provided for by Determination No. 14 of 1990 of the Remuneration Tribunal dated 23 May 1990, or by any subsequent Determination of the Remuneration Tribunal providing for equivalent allowances or entitlements or for any allowance in the nature of a Social Dislocation Allowance.

SCHEDULE 4

Section 7

MINISTERS AND OFFICE HOLDERS OF THE PARLIAMENT

1. In respect of the period starting on 1 January 1990 and ending on 30 June 1990, the holders of the offices specified in this Schedule are taken to have been, and to be, entitled to allowances and additional salary at the rates, and subject to the conditions, that would have been applicable to them from 1 January 1990 if Determination No. 15 of the Remuneration Tribunal dated 23 May 1990 had not been made.
2. In respect of periods after 30 June 1990, no expenses of office allowances are payable to Ministers of State or other office holders of the Parliament.

SCHEDULE 4—continued

3. With effect from 1 July 1990, the holders of the offices specified below are entitled to additional salary at the rates set out below.

Office	Rate per annum of Additional Salary \$
Leader of the Opposition	48,343
President of the Senate	45,337
Speaker of the House of Representatives	45,337
Deputy Leader of the Opposition	31,817
Leader of the Opposition in the Senate	31,817
Leader of the Third Party in the House of Representatives	25,791
Leader of a recognised non-Government party of at least 5 members not otherwise specified herein	23,348
Chairman of Committees in the Senate	12,440
Chairman of Committees in the House of Representatives	12,440
Deputy Leader of the Opposition in the Senate	11,942
Government Whip in the House of Representatives	11,942
Opposition Whip in the House of Representatives	10,802
Government Whip in the Senate	10,305
Opposition Whip in the Senate	10,305

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SCHEDULE 4—continued

Office	Rate per annum of Additional Salary \$
Third Party Whip in the House of Representatives	5,337
Leader in the Senate of the National Party	5,337
Deputy Government Whip in the House of Representatives	2,669
Whip in the Senate of a recognised non-Government party of at least 5 members not otherwise specified herein	1,279
Deputy Government Whip in the Senate	1,279
Deputy Opposition Whip in the Senate	1,279
Deputy Opposition Whip in the House of Representatives	1,279
Deputy Chairman of Committees in the Senate	1,279
Deputy Chairman of Committees in the House of Representatives	1,279
<u>Chairmen of Parliamentary Committees</u>	
Chairman, Joint Committee of Public Accounts	9,949
Chairman, Parliamentary Standing Committee on Public Works	9,949

SCHEDULE 4—continued

Office	Rate per annum of Additional Salary \$
Chairman, Joint Committee on Foreign Affairs, Defence and Trade	9,949
Chairman, Joint Standing Committee on Electoral Matters	6,310
Chairman, Parliamentary Joint Committee on the National Crime Authority	6,310
Chairman, Parliamentary Joint Committee on the Australian Security Intelligence Organization	6,310
Chairman, Senate Legislative and General Purpose Standing Committee on Community Affairs	6,310
Chairman, Senate Legislative and General Purpose Standing Committee on Employment, Education and Training	6,310
Chairman, Senate Legislative and General Purpose Standing Committee on Environment, Recreation and the Arts	6,310
Chairman, Senate Legislative and General Purpose Standing Committee on Finance and Public Administration	6,310
Chairman, Senate Legislative and General Purpose Standing Committee on Foreign Affairs, Defence and Trade	6,310

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SCHEDULE 4—continued

Office	Rate per annum of Additional Salary \$
Chairman, Senate Legislative and General Purpose Standing Committee on Industry, Science and Technology	6,310
Chairman, Senate Legislative and General Purpose Standing Committee on Infrastructure	6,310
Chairman, Senate Legislative and General Purpose Standing Committee on Legal and Constitutional Affairs	6,310
Chairman, House of Representatives Standing Committee on Aboriginal Affairs	6,310
Chairman, House of Representatives Standing Committee on Community Affairs	6,310
Chairman, House of Representatives Standing Committee on Environment, Recreation and the Arts	6,310
Chairman, House of Representatives Standing Committee on Employment, Education and Training	6,310
Chairman, House of Representatives Standing Committee on Finance and Public Administration	6,310

SCHEDULE 4—continued

Office	Rate per annum of Additional Salary \$
Chairman, House of Representatives Standing Committee on Industry, Science and Technology	6,310
Chairman, House of Representatives Standing Committee on Transport, Communications and Infrastructure	6,310
Chairman, House of Representatives Standing Committee on Legal and Constitutional Affairs	6,310
Chairman, House of Representatives Standing Committee on Procedure	6,310
Chairman of a Parliamentary Committee not otherwise specified in this clause	1,738

4. Whenever the annual rate of salary payable to Senators and Members of the House of Representatives is increased under Schedule 3 (including where it is increased after 1 July 1991 because of an increase in the SES Band 1 annual salary as defined in that Schedule), the rate per annum of additional salary payable to the holders of offices specified in clause 3 is increased by the same proportion.
5. Whenever clause 4 operates to increase the rate of additional salary payable to the holders of offices specified in clause 3:
 - (a) the increase has effect from the date of the increase in the annual rate of salary payable to Senators and Members of the House of Representatives; and
 - (b) the rate per annum of additional salary as increased is taken to be the rate of additional salary for the purposes of any subsequent operation of that clause.
6. In this Schedule:

“parliamentary committee” means a committee concerned with public affairs rather than the domestic affairs of Parliament.

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NOTE

1. No. 86, 1988, as amended. For previous amendments, see No. 109, 1988; No. 153, 1989; and No. 37, 1990.
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*[Minister's second reading speech made in—
House of Representatives on 31 May 1990
Senate on 1 June 1990]*