

Remuneration Tribunals Amendment Act (No. 3) 1979

No. 136 of 1979

An Act to amend the *Remuneration Tribunals Act* 1973.

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

Short title,
&c.

1. (1) This Act may be cited as the *Remuneration Tribunals Amendment Act* (No. 3) 1979.¹

(2) The *Remuneration Tribunals Act* 1973² is in this Act referred to as the Principal Act.

Commence-
ment

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Interpret-
ation

3. Section 12A of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “institution of tertiary education” and substituting the following definitions:

“ ‘college of advanced education’ means an institution that is a college of advanced education for the purposes of the *Tertiary Education Commission Act* 1977 and includes—

- (a) the Australian Film and Television School;
- (b) the Australian Maritime College; and
- (c) any other institution prescribed for the purposes of this definition;

“ ‘Commonwealth institution of tertiary education’ means an institution of tertiary education established under a law of the Commonwealth or of a Territory;

“ ‘institution, of tertiary education’ means a university or a college of advanced education;” and

(b) by adding at the end of sub-section (1) the following definition:

“ ‘university’ means an institution that is a university for the purposes of the *Tertiary Education Commission Act* 1977 and includes any other institution prescribed for the purposes of this definition.”.

4. Section 12C of the Principal Act is amended—**Functions of
Tribunal**

- (a) by omitting from paragraph (a) “institutions of tertiary education established by the laws of the Commonwealth and of the Territories” and substituting “Commonwealth institutions of tertiary education”; and
- (b) by omitting from sub-paragraph (i) of paragraph (b) “institutions of tertiary education in the States or of institutions of tertiary education in the Territories other than institutions referred to in paragraph (a)” and substituting “institutions of tertiary education other than Commonwealth institutions of tertiary education”.

5. Section 12D of the Principal Act is repealed and the following sections are substituted:

“12D. (1) The Tribunal shall, whenever it thinks it desirable to do so, make, at the one time, determinations and reports in relation to all institutions of tertiary education as mentioned in section 12C.

**Inquiries,
determi-
nations and
reports in
relation to all
institutions
of tertiary
education**

“(2) Where the Tribunal inquires into the matters referred to in section 12C—

- (a) the Tribunal may also inquire into, and report on, any matter that is, or is considered by it to be, significantly related to any of the first-mentioned matters;
- (b) if the Minister, by a notice in writing given to the person constituting the Tribunal, requests the Tribunal to inquire into, and report on, a matter specified in the notice, being a matter that is, or is considered by the Minister to be, significantly related to any of the first-mentioned matters, the Tribunal shall inquire into, and report on, the matter specified in the notice; and
- (c) the Tribunal may also inquire into and report on—
 - (i) the salaries that should be paid to Vice-Chancellors, Principals or other chief executive officers, and other senior officers, of Commonwealth institutions of tertiary education and the dates as from which those salaries should be paid;
 - (ii) the rates of salaries, in relation to Vice-Chancellors, Principals or other chief executive officers, and other senior officers, of institutions of tertiary education other than Commonwealth institutions of tertiary education, that should be used as a basis for making grants in respect of recurrent expenditure in connection with those institutions and the dates as from which those rates of salaries should be so used; and

- (iii) any matter that is, or is considered by the Tribunal to be, significantly related to any of the matters referred to in sub-paragraphs (i) and (ii).

Determinations in relation to new Commonwealth institutions of tertiary education

“12DA. (1) Where a law of the Commonwealth or of a Territory establishes an institution of tertiary education and a determination in relation to that institution of tertiary education is not in force under this Part, the Tribunal shall inquire into and determine the salaries to be paid to the academic staff of that institution of tertiary education.

“(2) Nothing in sub-section 12D (1) requires the Tribunal to make determinations or reports in relation to all institutions of tertiary education by reason only that the Tribunal is required by sub-section (1) of this section to inquire into and determine the salaries to be paid to the academic staff of a particular institution of tertiary education.

Determinations and reports in relation to new categories or classes of academic staff

“12DB. (1) Where the Tribunal is satisfied that—

- (a) a category or class of academic staff has been created in relation to an institution of tertiary education; and
- (b) that category or class of academic staff did not, immediately before its creation in relation to that institution of tertiary education, exist in relation to any other institution of tertiary education,

the following provisions of this section apply.

“(2) If the category or class of academic staff was created in relation to a Commonwealth institution of tertiary education, the Tribunal shall—

- (a) inquire into and determine—
 - (i) the salaries to be paid to academic staff of that institution of tertiary education included in that category or class of academic staff; and
 - (ii) the salaries to be paid to any academic staff of any other Commonwealth institution of tertiary education subsequently included in that category or class of academic staff; and
- (b) inquire into and report to the Minister on—
 - (i) the rates of salaries, in relation to any academic staff of institutions of tertiary education other than Commonwealth institutions of tertiary education subsequently included in that category or class of academic staff, that should be used as a basis for making grants in respect of recurrent expenditure in connection with those institutions; and
 - (ii) the dates as from which those rates of salaries should be so used.

“(3) If the category or class of academic staff was created in relation to an institution of tertiary education other than a Commonwealth institution of tertiary education, the Tribunal shall—

(a) inquire into and report to the Minister on—

(i) the rates of salaries, in relation to academic staff of that institution of tertiary education included in that category or class of academic staff, and the rates of salaries, in relation to any academic staff of any other institutions of tertiary education (not being Commonwealth institutions of tertiary education) subsequently included in that category or class of academic staff, that should be used as a basis for making grants in respect of recurrent expenditure in connection with those institutions; and

(ii) the dates as from which those rates of salaries should be so used; and

(b) inquire into and determine the salaries to be paid to any academic staff of Commonwealth institutions of tertiary education subsequently included in that category or class of academic staff.

“(4) Nothing in sub-section 12D (1) requires the Tribunal to make determinations or reports in relation to all institutions of tertiary education by reason only that the Tribunal is required by sub-section (2) or (3) of this section to make determinations and reports in relation to academic staff of institutions of tertiary education who are included in a particular category or class of academic staff.

“12DC. (1) The Tribunal may, if it thinks it desirable to do so, in relation to a particular category or class of academic staff of institutions of tertiary education—

(a) inquire into and determine the salaries to be paid to academic staff of Commonwealth institutions of tertiary education who are included in that category or class of academic staff; and

(b) inquire into and report to the Minister on—

(i) the rates of salaries, in relation to academic staff of institutions of tertiary education other than Commonwealth institutions of tertiary education who are included in that category or class of academic staff, that should be used as a basis for making grants in respect of recurrent expenditure in connection with those institutions; and

(ii) the dates as from which those rates of salaries should be so used.

“(2) The power of the Tribunal to make determinations and reports under sub-section (1) may be exercised in relation to a category or class of academic staff of universities, in relation to a category or class of academic staff of colleges of advanced education or in relation to a category

Determinations and reports in relation to particular categories or classes of academic staff

or class of academic staff of both universities and colleges of advanced education.

“(3) Nothing in sub-section 12D (1) requires the Tribunal to make determinations or reports in relation to all institutions of tertiary education by reason only that the Tribunal decides in pursuance of sub-section (1) of this section to make determinations and reports in relation to academic staff of institutions of tertiary education who are included in a particular category or class of academic staff.

Determinations and reports of the Tribunal

“12DD. (1) 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.

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

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

“(4) 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.

“(5) Salaries to which a determination that is in force applies shall, notwithstanding the provisions of any law of the Commonwealth or of a Territory, the provisions of any instrument having effect by virtue of such a law or the provisions of any contract, be paid in accordance with the determination.”.

NOTES

1. Act No. 136, 1979; assented to 23 November 1979.
2. Act No. 215, 1973, as amended. For previous amendments *see* Act No. 80, 1974; No. 96, 1975; Nos. 60 and 178, 1978; and Nos. 26, 108 and 155, 1979.