

Remuneration and Allowances Act 1990

No. 71, 1990

Compilation No. 22

Compilation date:	1 January 2018
Includes amendments up to:	Act No. 38, 2017
Registered:	12 January 2018

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Remuneration and Allowances Act 1990* that shows the text of the law as amended and in force on 1 January 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Prelimina	ry	1
1	Short title	1
2	Commencement	1
Part 2—Remunera	ation and allowances	2
3	Operation of Part	2
3A	Operation of Remuneration Tribunal Determination	3
4	Remuneration and allowances of holders of judicial offices etc.	3
5	Remuneration and allowances of Secretaries of Departments and holders of public offices	2
8	Appropriation	
8A	Regulations	
0	C	
Schedule 1—Hold	ers of Judicial and other offices	4
Part 1		4
Part 2		5
Part 3		6
Part 4		7
Part 5		8
Schedule 2—Secre	taries of Departments and holders of public	
offices		10
Part 1—Secretarie	es of Departments of State	12
Part 2—Secretarie	es of Parliamentary Departments	13
Part 3—Full-time	holders of public offices	14
Endnotes		17
Endnote 1—Ab	out the endnotes	17
Endnote 2—Ab	breviation key	19
Endnote 3—Leg	gislation history	20
Endnote 4—An	nendment history	24

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

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i

Section 1

An Act relating to certain remuneration and allowances

Part 1—Preliminary

1 Short title

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

2 Commencement

- (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.

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

1

Section 3

Part 2—Remuneration and allowances

3 Operation of Part

- (1) This Part has effect in spite of:
 - (a) anything in any Determination of the Remuneration Tribunal made on or before 1 June 1990; 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 *Workplace Relations Act 1996*); or
 - (c) any provision in the *Judicial and Statutory Officers* (*Remuneration and Allowances*) Act 1984 that is inconsistent with this Part.
- (2) Where, after 1 June 1990, the Remuneration Tribunal has made, or makes, a Determination that is inconsistent with a provision of this Act:
 - (a) subject to subsection (3), the Determination operates according to its terms in spite of the provision of this Act; and
 - (b) the provision of this Act ceases to operate.
- (3) A Determination referred to in subsection (2) that purports to take effect from a day earlier than 1 June 1990 takes effect on 1 June 1990.
- (4) Where a resolution disapproving of a Determination referred to in subsection (2) is passed as mentioned in subsection 7(8) of the *Remuneration Tribunal Act 1973*, the provision of the Act overridden by the Determination operates with effect from the day on which the resolution is passed.

2

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

3A Operation of Remuneration Tribunal Determination

Determination No. 12 of 1994 of the Remuneration Tribunal, dated 30 June 1994, does not operate on or after the date of commencement of this section.

4 Remuneration and allowances of holders of judicial offices etc.

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

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

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

8 Appropriation

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

8A Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

3

Schedule 1—Holders of Judicial and other offices

Section 4

- 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

	Rate per annum of Salary	
Office	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

4

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

	Rate per annum of Salary	
Office	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 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

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

5

	Rate per annum of Salary	
Office	from 1.7.90	from 1.1.91
	\$	\$
President of the Administrative Appeals Tribunal	131,734	139,638
President of the Australian Competition 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	

6

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Rate per annum of Salary			
Office	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

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

7

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

3. Additional Remuneration

A Judge who is also Aboriginal Land Commissioner, Chairperson 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 Australian Competition 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. <u>Travelling Allowance</u>

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 Australian Competition Tribunal, President of the Law Reform Commission, President of the Australian Industrial Relations Commission and Deputy Presidents of the Australian Industrial Relations Commission are as determined in

8

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Determination No. 3 of 1990 of the Remuneration Tribunal. The rates of payment of travelling allowance for Commissioners of the Australian 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.

6. Wage Adjustments

The rates of salary specified in clause 2 are to be adjusted in accordance with safety net review decisions relating to allowances made by the Australian Industrial Relations Commission after the commencement of this Act.

7. <u>Annual Leave Loading</u>

An annual leave loading is payable to:

- (a) the holder of an office specified in Part 4 of clause 2; and
- (b) the holder of an office of Commissioner, Australian Industrial Relations Commission;

on the same terms and conditions applying to persons engaged under the *Public Service Act 1999*.

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

9

Schedule 2—Secretaries of Departments and holders of public offices

Section 5

- 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.

Remuneration and Allowances Act 1990

Compilation No. 22

10

Compilation date: 1/1/18

(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.

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

11

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
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

12

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Part 2—Secretaries of Parliamentary Departments

Rate per annum of Salary \$
99,949
99,949

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

13

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
Chair, Australian Wheat Board	117,258
Chairperson, Australian Competition and Consumer 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
Chief Executive Officer, Civil Aviation Authority	117,258
Commissioner, Australian Federal Police	117,258
Commissioner of Taxation	117,258
Commonwealth Ombudsman	117,258
First Parliamentary Counsel	117,258
Principal Member, Superannuation Fund Investment Trust	117,258
Public Service Commissioner	117,258
Chairperson, Industry Commission	117,258
Australian Statistician	111,004

14

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Office	Rate per annum of Salary \$
Chairperson, 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 Navy	111,004
Chief of Army	111,004
Chief of Air Force	111,004
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 Organisation	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
Commissioner for Community Relations	99,949
Deputy Chairperson, National Board of Employment, Education and Training	99,949
Electoral Commissioner	99,949
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

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

15

Schedule 2 Secretaries of Departments and holders of public offices Part 3 Full-time holders of public offices

Office	Rate per annum of Salary
	\$
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:

- (a) wage-setting decisions of the Australian Fair Pay Commission; or
- (b) if the Australian Fair Pay Commission has not yet made its first wage-setting decision—the Statement of Principles enunciated by the Australian Industrial Relations Commission in its 2005 Safety Net Review Decision.
- 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 persons engaged under the *Public Service Act 1999*.
- 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.
- 7. The rates and conditions of payment of travelling allowance for the holders of offices specified in clause 3 are as determined in Part 4 of Determination No. 2 of 1990 and in Part 1 of Determination No. 18 of 1989 of the Remuneration Tribunal.

16

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

17

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

18

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	<pre>par = paragraph(s)/subparagraph(s)</pre>
C[x] = Compilation No. x	/sub-subparagraph(s)
Ch = Chapter(s)	pres = present
def = definition(s)	prev = previous
Dict = Dictionary	(prev) = previously
disallowed = disallowed by Parliament	Pt = Part(s)
Div = Division(s)	r = regulation(s)/rule(s)
ed = editorial change	reloc = relocated
exp = expires/expired or ceases/ceased to have	renum = renumbered
effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = Legislation Act 2003	Sch = Schedule(s)
LIA = Legislative Instruments Act 2003	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given	SLI = Select Legislative Instrument
effect	SR = Statutory Rules
(md not incorp) = misdescribed amendment	Sub-Ch = Sub-Chapter(s)
cannot be given effect	SubPt = Subpart(s)
mod = modified/modification	<u>underlining</u> = whole or part not
No. = Number(s)	commenced or to be commenced

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

19

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Remuneration and Allowances Act 1990	71, 1990	20 June 1990	s 9 and 10: 1 July 1990 (s 2(2)) Remainder: 20 June 1990 (s 2(1))	
Remuneration and Allowances (Amendment) Act 1990	72, 1990	20 June 1990	20 June 1990 (s 2)	_
Industrial Relations Legislation Amendment Act (No. 2) 1990	108, 1990	18 Dec 1990	s 32–38: 18 Dec 1990 (s 2(1))	_
Remuneration and Allowances Legislation Amendment Act 1992	52, 1992	22 June 1992	s 15: 22 June 1992 (s 2(1)) s 16 and 17(1): 20 June 1990 (s 2(3)) s 17(2): 1 July 1990 (s 2(4))	_
Industrial Relations Legislation Amendment Act (No. 2) 1994	158, 1994	15 Dec 1994	Sch 2: 15 Dec 1994 (s 2(1))	_
Competition Policy Reform Act 1995	88, 1995	20 July 1995	s. 77: 6 Nov 1995 (s 2(2) and gaz 1995, No S423)	—
Workplace Relations and Other Legislation Amendment Act 1996	60, 1996	25 Nov 1996	Sch 19 (item 42): 25 Nov 1996 (s 2(1))	
as amended by				
Workplace Relations and Other Legislation Amendment Act (No. 2) 1996	77, 1996	19 Dec 1996	Sch 3 (items 1, 2): 25 Nov 1996 (s 2(4))	_

20

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Defence Legislation Amendment Act (No. 1) 1997	1, 1997	19 Feb 1997	Sch 2 (items 48, 87, 113): 19 Feb 1997 (s 2(1))	_
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Sch 2 (items 1144– 1148): 1 Jan 1998 (s 2(2))	_
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 772–775): 5 Dec 1999 (s 2(1), (2) and gaz 1999, No S584)	_
Australian Security Intelligence Organisation Legislation Amendment Act 1999	161, 1999	10 Dec 1999	Sch 3 (items 1, 54, 55): 10 Dec 1999 (s 2(2))	_
Intelligence Services (Consequential Provisions) Act 2001	153, 2001	1 Oct 2001	s 4 and Sch 1 (items 5– 9): 29 Oct 2001 (s 2)	s 4 and Sch 1 (items 7–9)
Parliamentary Superannuation and Other Entitlements Legislation Amendment Act 2004	87, 2004	25 June 2004	Sch 2 (items 4–6): 26 June 2004 (s 2)	_
Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005	45, 2005	1 Apr 2005	Sch 1 (items 119, 120) and Sch 4: 1 July 2005 (s 2(1) items 2, 10)	Sch 4
Human Services Legislation Amendment Act 2005	111, 2005	6 Sept 2005	Sch 2 (item 710): 1 Oct 2005 (s 2(1) item 7)	_

Endnote 3—Legislation history

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

21

Endnotes

Endnote 3—Legislation histor	V
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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Superannuation Legislation Amendment (Simplification) Act 2007	15, 2007	15 Mar 2007	Sch 1 (items 276, 406(1)–(3)): 15 Mar 2007 (s 2(1) item 1)	Sch 1 (item 406(1)–(3))
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 4 (items 443–445): 4 July 2008 (s 2(1) item 64)	_
Remuneration and Other Legislation Amendment Act 2011	75, 2011	25 July 2011	Sch 2 (items 8–16, 21): 5 Aug 2011 (s 2(1) item 3)	Sch 2 (item 21)
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Sch 6 (item 62): 22 Sept 2012 (s 2(1) item 37)	_
Albury-Wodonga Development Corporation (Abolition) Act 2014	117, 2014	11 Nov 2014	Sch 1 (item 3): 1 Jan 2015 (s 2(1) item 2) Sch 1 (items 8–25): 12 Nov 2014 (s 2(1) item 3)	Sch 1 (items 8– 25)
as amended by Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 17): 5 Mar 2016 (s 2(1) item 2)	_
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 6 (items 27F–27J) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	_

22

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Customs and Other Legislation Amendment (Australian Border Force) Act 2015	41, 2015	20 May 2015	Sch 7 (item 2) and Sch 9 1 July 2015 (s 2(1) items 2, 7)	9: Sch 9
as amended by				
Australian Border Force Amendment (Protected Information) Act 2017	115, 2017	30 Oct 2017	Sch 1 (item 26): 1 July 2015 (s 2(1) item 2)	_
Courts Administration Legislation Amendment Act 2016	24, 2016	18 Mar 2016	Sch 5 (item 11): 1 July 2016 (s 2(1) item 7) Sch 6: 18 Mar 2016 (s 2(1) item 9)	Sch 6
Statute Law Revision (Spring 2016) Act 2016	67, 2016	20 Oct 2016	Sch 1 (item 33): 17 Nov 2016 (s 2(1) item 2)	_
Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017	38, 2017	19 May 2017	Sch 1 (items 54–56) and Sch 3 (items 1–3, 11): 1 Jan 2018 (s 2(1) items 3, 5)	Sch 3 (items 1–3, 11)
Number and year	FRLI regist	ration	Commencement	Application, saving and transitional provisions
50, 2006	17 Mar 2006 (F2006L0082		Sch 8: 27 Mar 2006 (r 2(b))	_

Endnote 3—Legislation history

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18

23

Provision affected	How affected
Part 2	
s 3	am No 72, 1990; No 52, 1992; No 60, 1996; No 75, 2011; No 67, 2016; No 38, 2017
s 3A	ad No 158, 1994
s 6	rs No 75, 2011
	rep No 38, 2017
s 7	rep No 38, 2017
s 8	am No 87, 2004
s 8A	ad No 146, 1999
Part 3	rep No 136, 2012
s 9	rep No 136, 2012
s 10	rep No 136, 2012
Schedule 1	
Schedule 1	am No 108, 1990; No 52, 1992; No 88, 1995; No 146, 1999; SLI 2006 No 50; No 73, 2008; No 24, 2016
Schedule 2	
Schedule 2	am No 72, 1990; No 88, 1995; No 1, 1997; No 152, 1997; No 146, 1999; No 161, 1999; No 45, 2005; No 111, 2005; SLI 2006 No 50; No 73, 2008; No 117, 2014; No 41, 2015
Schedule 3	am No 72, 1990; No 158, 1994; No 146, 1999; No 87, 2004; No 15, 2007; No 75, 2011; No 36, 2015
	rep No 38, 2017
Schedule 4	am No 158, 1994; No 152, 1997; No 161, 1999; No 153, 2001
	rep No 38, 2017

Endnote 4—Amendment history

24

Remuneration and Allowances Act 1990

Compilation No. 22

Compilation date: 1/1/18