



Industrial Relations Amendment Act 1994

No. 46 of 1994

**An Act to amend the *Industrial Relations Act 1988*,
and for related purposes**

[Assented to 24 March 1994]

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Industrial Relations Amendment Act 1994*.

(2) In this Act, “**Principal Act**” means the *Industrial Relations Act 1988*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Qualifications for appointment

3. Section 10 of the Principal Act is amended by omitting paragraph (1)(a) and substituting the following paragraph:

“(a) the person:

- (i) is or has been a Judge of a court created by the Parliament; or
- (ii) has been a Judge of a court of a State or Territory; or
- (iii) has been enrolled as a legal practitioner of the High Court, or the Supreme Court of a State or Territory, for at least 5 years; and”.

Insertion of new section

4. After section 15 of the Principal Act the following section is inserted:

Appointment of a Judge as President not to affect tenure etc.

“15A.(1) The appointment of a Judge of a court created by the Parliament as the President, or service by such a Judge as President, does not affect:

- (a) the Judge’s tenure of office as a Judge; or
- (b) the Judge’s rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as the holder of his or her office as a Judge.

“(2) For all purposes, the Judge’s service as the President is taken to be service as a Judge.”.

Tenure of Commission members

5. Section 16 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) The first President of the Commission appointed after the commencement of this subsection may be appointed for a fixed term and, in that case, the person holds office as President until:

- (a) the term ends; or
 - (b) the person dies, resigns or is removed from office;
- whichever first happens.”.

Remuneration and allowances of Presidential Members etc.

6. Section 21 of the Principal Act is amended by inserting after subsection (1) the following subsections:

“(1A) If a person holds office as the President and as a Judge of a court created by the Parliament, he or she is not to be paid remuneration as President except as provided by subsection (1B).

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“(1B) If the salary payable to the person as a Judge is less than the salary that would be payable to the President under subsection (1), the person is to be paid an allowance equal to the difference between the Judge’s salary and the salary that would be payable to the President.”.

NOTE

1. No. 86, 1988, as amended. For previous amendments, see No. 109, 1988; No. 153, 1989 (as amended by No. 28, 1991); Nos. 37, 71 and 108, 1990; Nos. 19, 62 and 122, 1991; Nos. 52, 92, 94, 109, 132, 179, 196, 212 and 215, 1992; and Nos. 98, 104 and 109, 1993.

*[Minister’s second reading speech made in—
Senate on 2 March 1994
House of Representatives on 23 March 1994]*