

EXPLANATORY STATEMENT

STATUTORY RULES 1984 No 37

PRICES SURVEILLANCE ACT 1983 PRICES SURVEILLANCE AUTHORITY (REMUNERATION AND ALLOWANCES) REGULATIONS

These regulations prescribe rates of remuneration and allowances payable to members of the Prices Surveillance Authority, and the allowances and expenses to be paid to witnesses summoned to appear at inquiries held by the Authority.

Section 45 of the Prices Surveillance Act 1983 (the Act) provides as follows:

"45. (1) The Governor-General may make regulations, not inconsistent with this Act, 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.

(2) Regulations providing for allowances and expenses for the purposes of section 39 may provide for those allowances and expenses by reference to a scale of expenses for witnesses who attend before a court specified in the regulations."

Section 8 of the Act provides as follows:

"8. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(2) A member shall be paid such allowances as are prescribed.

(3) Sub-sections (1) and (2) have effect subject to the Remuneration Tribunals Act 1973.

(4) The Chairman may direct and control travel by the other members of the Authority in connection with their duties as members.

(5) A member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General."

Section 39 of the Act provides as follows:

"39. A witness summoned under this Act to appear at an inquiry is entitled to be paid -

(a) in a case where the witness was summoned on the application of a person - by that person; or

(b) in any other case - by the Commonwealth,

such allowances for his travelling and other expenses as are prescribed."

As the Remuneration Tribunal had not issued a determination to provide for the remuneration of members of the Prices Surveillance Authority it was necessary to make regulations to take effect from the commencement of the Act until the Remuneration Tribunal issued a determination. The regulations prescribe rates of remuneration and allowances for the members of the Authority which are in accordance with the indicative determination issued by the Remuneration Tribunal.

In addition the regulations prescribe, for the purposes of section 39 of the Act, allowances for travel and other expenses for persons summoned to appear as witnesses at inquiries conducted by the Authority. In pursuance of sub-section 45(2) of the Act the prescribed allowances are the same as those contained in the Federal Court Rules for a person appearing as a witness before the Federal Court of Australia.

As the Act had not come into operation, the proposed regulations were made in pursuance of section 4 of the Acts Interpretation Act 1901. That section provides that where an Act, which has not yet come into operation, confers a power to make regulations then unless the contrary intention appears, the regulations may be made before the Act comes into operation but they shall not take effect until the Act comes into operation.

Details of the proposed regulations are at attachment A.

ATTACHMENT A

DETAILS OF PROPOSED REGULATIONS

Regulations 1 and 2 provide the citation and interpretation for the regulations.

Regulation 3 provides that the Chairman of the Prices Surveillance Authority shall for the purposes of sub-section 8(1) of the Act receive remuneration at the rate of \$63,936 per annum.

Regulation 4 provides that the Chairman shall for the purposes of sub-section 8(2) of the Act receive an annual allowance at the rate of \$2750 per annum.

Regulation 5 provides that part-time members shall for the purposes of sub-section 8(1) of the Act receive remuneration at the rate of \$214 per day for each day on which they are engaged in the performance of their duties.

Regulation 6 provides that where a member is absent from his ordinary place of residence in the performance of his duties a travelling allowance for the purposes of sub-section 8(2) of the Act shall be paid at the following rates:

- (a) for each overnight stay in a capital city - \$120; or
- (b) for any other overnight stay - \$90.

Regulation 7 provides that for the purposes of section 39 of the Act a witness summoned under the Act to appear at an inquiry shall be paid such allowances for his travelling expenses and other expenses as he would be entitled to be paid under the scale of expenses for witnesses specified in the Federal Court Rules if he were a witness appearing before the Federal Court of Australia.

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