EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 31

Minute No. 05 of 2007 – Minister for Transport and Regional Services for the Minister for Employment and Workplace Relations

Subject - Remuneration Tribunal Act 1973

Remuneration Tribunal (Miscellaneous Provisions) Amendment Regulations 2007 (No. 1)

The Remuneration Tribunal Act 1973 (the Act) establishes the Remuneration Tribunal (the Tribunal) as an independent statutory authority responsible for reporting on and determining the remuneration, allowances and entitlements of key Commonwealth office holders. These include members of the Parliament, Judges of Federal Courts and Territory Supreme Courts, most full-time and part-time holders of public offices and Principal Executive Offices.

Section 13 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Remuneration Tribunal (Miscellaneous Provisions) Amendment Regulations 2007 (No. 1) exclude the Inspector of Transport Security from the jurisdiction of the Tribunal for a period of time. Subsection 3(4) of the Act defines ‘public office’, and lists a number of offices or appointments which are not to be treated as a ‘public office’. In particular, paragraph 3(4)(v) of the Act provides in part that a reference to a ‘public office’ does not include an appointment which has been prescribed for the purposes of the paragraph. The effect of this provision is that designated appointments may be removed from the jurisdiction of the Tribunal.


Currently, the Inspector of Transport Security is employed under contract with the Australian Government Department of Transport and Regional Services. The Inspector of Transport Security Act 2006, which received Royal Assent on 7 December 2006, provides a statutory basis for the Inspector of Transport Security. The exclusion of the Inspector of Transport Security’s remuneration from determination by the Tribunal allows for a smooth transition from the current contractually-based arrangements to a statutory basis for the employment of the Inspector.

The Act specifies no conditions that need to be met before the power to make the Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the Legislative Instruments Act 2003.
The Regulations will commence on the day on which section 25 of the Inspector of Transport Security Act 2006 commences (a day to be fixed by Proclamation or six months after that Act received Royal Assent).

The Inspector of Transport Security Act 2006 was drafted in consultation with Australian Government agencies, state and territory governments and key industry stakeholders, who were made aware that several operational regulations would be required. For this reason no additional consultation was carried out for the Remuneration Tribunal (Miscellaneous Provisions) Regulations 2007 (No. 1), particularly as the Regulations will affect the Office of the Inspector of Transport Security and not external bodies.

Authority: Section 13 of the Remuneration Tribunal Act 1973