

EXPLANATORY STATEMENT

STATUTORY RULES 1988. No 43

JUDICIAL AND STATUTORY OFFICERS (REMUNERATION AND ALLOWANCES) REGULATIONS (AMENDMENT)

Issued with the authority of the Minister for Industrial Relations

Section 8 of the Judicial and Statutory Officers (Remuneration and Allowances) Act 1984 provides, so far as it is relevant, that the Governor-General may make regulations prescribing remuneration and expenses of office allowance of an Australian Public Service officer appointed to hold a statutory office in a full-time capacity.

On 5 June 1987, the Governor-General appointed Mr Keith William Pearson as Director of the Australian War Memorial (Executive Council Minute No 10 by the Minister for Veterans' Affairs refers).

Before his appointment Mr Pearson was Deputy Secretary, Senior Executive Level 5, in the Department of Veterans' Affairs and had been acting as Director of the Australian War Memorial since January 1987 when the position of Director became vacant.

The level of remuneration for the office of Director of the Australian War Memorial is less than that for the office of Deputy Secretary, Senior Executive Level 5, Department of Veterans' Affairs. Consistent with the Government's long-standing policy, this regulation provides that Mr Pearson continues to receive the remuneration to which he was entitled as Deputy Secretary, Department of Veterans' Affairs. This action was foreshadowed when Mr Pearson was appointed Director of the Australian War Memorial.

As the appointment took effect on 5 June 1987, the regulation provision takes effect from that date. This retrospective effect is permitted by section 48 of the Acts Interpretation Act 1901 as it does not adversely affect any person other than the Commonwealth.

Regulation 1 provides that regulation 2 shall be deemed to have come into operation on 5 June 1987.

Regulation 2 amends the Judicial and Statutory Officers (Remuneration and Allowances) Regulations by adding at the end regulation 3. This provides that where a person appointed to hold the office of Director of the Australian War Memorial was, immediately before the appointment, an officer of the Australian Public Service having a classification of Senior Executive Level 5, the person shall be paid, during the period of the appointment to the office of Director of the Australian War Memorial, in lieu of the remuneration and expenses of office allowance payable in respect of that office, remuneration and expenses of office allowance at such rates as are applicable to an officer of the Australian Public Service having a classification of Senior Executive Level 5.