

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1989 No 146**

#### **Remuneration Tribunal (Miscellaneous Provisions) Regulations (Amendment)**

**(Issued by the Authority of the  
Minister for Industrial Relations)**

Section 13 of the Remuneration Tribunal Act 1973 (the Act) provides that the Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

On 1 July 1989, Mr Patrick Lionel Dodson was appointed as a Royal Commissioner on the Aboriginal and Torres Straight Islanders Deaths in Custody inquiry. Because of work commitments in respect of his previous position as Director, Central Land Council, Mr Dodson's employment, until 31 July 1989, as a Royal Commissioner was on a part-time basis. A daily fee was negotiated for the period 1 July to 31 July 1989. Since 1 August 1989, Mr Dodson has been paid at the remuneration level set by the Remuneration Tribunal in Determination No 19 of 1988.

Under subsection 7(3) of the Act, the Remuneration Tribunal shall determine the remuneration to be paid to holders of public office. Mr Dodson's office as a Commissioner is a public office as defined in paragraph 3(4)(a) of the Act. To facilitate Mr Dodson's remuneration in accordance with the agreed terms and conditions referred to above, it was necessary to exempt the period of his appointment from 1 July to 31 July 1989 from the operation of the Act. If this was not done, the whole of Mr Dodson's appointment would have attracted payment at the rate specified in Determination No 19 of 1988.

Paragraph 3(4)(v) of the Act provides that a reference to a public office does not include a reference to an office or appointment, or an office or appointment included in a class of offices or appointments, prescribed by the regulations for the purposes of this paragraph.

Regulation 5 of the Remuneration Tribunal (Miscellaneous Provisions) Regulations prescribes offices and appointments for the purposes of paragraph 3(4)(v). The effect of such a prescription is to exclude the relevant office or appointment from the operation of the Act.

Regulation 5 has been amended to include a reference to the appointment of Patrick Lionel Dodson as a Royal Commissioner on the Aboriginal and Torres Straight Islanders Deaths in Custody inquiry during the period 1 July to 31 July 1989.