

EXPLANATORY STATEMENT

1989 No. 239

**INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY REGULATIONS
(AMENDMENT)**

Section 36 of the Inspector-General of Intelligence and Security Act 1986 provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted to be prescribed by the Act or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 27(1) of the Act provides that the Inspector-General shall be paid such remuneration as is determined by the Remuneration Tribunal, but if no determination of that remuneration is in operation, the Inspector-General shall be paid such remuneration as is prescribed.

Subsection 27(2) of the Act provides that the Inspector-General be paid such allowances as are prescribed.

Regulation 3 of the Inspector-General of Intelligence and Security Regulations provides for the remuneration and allowances of a full-time Inspector-General. Regulation 3 is unnecessary as the Remuneration Tribunal has subsequently determined the remuneration payable to a full-time Inspector-General including a travelling allowance and an expenses of office allowance (Determination Number 19 of 1988).

Subsection 26(4) of the Act provides that the Inspector-General may be appointed on a full-time or part-time basis.

Subsection 26(5) of the Act provides that a person who has attained the age of 65 years shall not be appointed to the office of Inspector-General on a full-time basis and a person shall not be appointed to that office on a full-time basis for a period that extends beyond the day on which the person will attain the age of 65 years.

The full-time appointment of the Inspector-General, Mr Neil Donald McInnes, ended on 5 September 1989. Mr McInnes has been re-appointed for four months from 6 September 1989 during which time it is proposed to appoint a suitably qualified replacement.

Mr McInnes attained the age of 65 years on 6 September 1989 and he was appointed on a part-time basis.

As the regulations and the Remuneration Tribunal determination do not provide for the remuneration and allowances of a part-time Inspector-General, the regulations have been amended accordingly.

Details of the proposed amendments to the Regulations are:

Regulation 1 defines the Principal Regulations as the Inspector-General of Intelligence and Security Regulations.

Regulation 2 repeals Regulation 3 of the Principal Regulations and substitutes a new regulation providing for remuneration for an Inspector-General appointed on a part-time basis at a rate equal to two-fifths of the remuneration that would be payable to a full-time appointee and providing for a travelling allowance at the rate that would be payable to a full-time appointee and an expenses of office allowance at the rate equal to two-fifths of that payable to a full-time appointee.