

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 119

Issued by the authority of the Minister for Employment and Workplace Relations, and the Prime Minister

Workplace Relations Amendment (Work Choices) Act 2005

Public Service Act 1999

Workplace Relations Amendment (Work Choices) (Consequential Amendments) Amendment Regulations 2006 (No. 1)

Subitem 2(1) of Schedule 4 to the *Workplace Relations Amendment (Work Choices) Act 2005* (the Work Choices Act) provides that the Governor-General may make regulations amending Acts, being amendments that are consequential on, or otherwise relate to, amendments made by the Work Choices Act.

Regulation 3 of the Regulations provides that Schedule 1 to the Regulations amends the *Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1)*.

The Regulations amend the *Building and Construction Industry Improvement Act 2005* (the BCII Act) to correct a reference to the *Workplace Relations Act 1996* (the WR Act). Paragraph 42(1)(b) of the BCII Act provides that the reference in subsection 507(4) of the WR Act to 300 penalty units is to be read as a reference to 1,000 penalty units if the person is a body corporate. The references in the WR Act to 300 penalty units are in subsections 507(8), 508(6) and 509(4). Item [1] of the Regulations amends paragraph 42(1)(b) of the BCII Act to refer to those sections.

Item [2] of the Regulations amends the *Remuneration Tribunal Act 1973* to remove paragraph 3(4)(ga) of that Act. Paragraph 3(4)(ga) was inserted by the *Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1)*. The effect of the amendment is to ensure that the Chair, and members, of the Australian Fair Pay Commission (AFPC) are not excluded from the meaning of 'public office' in the *Remuneration Tribunal Act 1973*. This makes it clear that the Remuneration Tribunal may make relevant determinations for the Chair and members of the AFPC.

Item [3] of the proposed Regulations would amend the *Australian Federal Police Act 1979* (AFP Act) to correct references to Part numbers in the WR Act.

Items [4] - [7] of the Regulations amend the *Public Service Regulations 1999* (the PS Regulations), made under the *Public Service Act 1999* (the PS Act), in regard to the determination of remuneration and other terms and conditions of employment applying to Agency employees and correct references to relevant industrial instruments in the PS Regulations.

The Work Choices Act, the AFP Act and the PS Act specify no conditions that need to be satisfied 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 commence on the day after they are registered on the Federal Register of Legislative Instruments.