

EXPLANATORY STATEMENT

Select Legislative Instrument 2008 No. 221

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

Remuneration Tribunal Act 1973

*Remuneration Tribunal (Members' Fees and Allowances) Amendment
Regulations 2008 (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.

Under section 4 of the Act, the Governor-General appoints the three part-time members of the Tribunal, one of whom is also appointed as President of the Tribunal. Section 12 of the Act provides that a member of the Tribunal shall be paid such fees and allowances as are prescribed.

The Regulations increase the annual fees payable to the President and other members of the Tribunal.

The *Remuneration Tribunal (Members' Fees and Allowances) Regulations 2005* prescribe the level of remuneration for the President and the Members of the Tribunal. The current amounts are \$72,170 and \$34,910 respectively. The Regulations increase the level of remuneration by 4.3% to \$75,273 for the President and \$36,411 for the Members of the Tribunal. The new fees commence from 25 November 2007, which is twelve months from the last increase.

The increases are consistent with recent increases to the salaries of part-time Public Office Holders. The President and Members of the Tribunal are part-time appointments and so their positions are closely aligned to those of part-time Public Office Holders.

An assessment was made under guidelines issued by the Office of Best Practice Regulation, which indicated that a regulation impact statement (RIS) was not required for these Regulations because the amendments are of a minor or machinery nature and do not substantially alter existing arrangements.

Consultation, on this matter took place internally within the relevant areas of the Department of Education, Employment and Workplace Relations. Wider consultation was not undertaken as it would not be appropriate to consult with the Tribunal itself. The

fee was calculated having regard to the increases that had taken place for other officers who were of the same status (i.e., other public office holders).

In addition, section 18 of the *Legislative Instruments Act 2003* provides that consultation may not be appropriate where the instrument is of a minor or machinery nature and does not substantially alter existing arrangements, or it relates to employment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on 25 November 2008.