

EXPLANATORY STATEMENT

Select Legislative Instrument 2009 No. 325

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

Remuneration Tribunal Act 1973

*Remuneration Tribunal (Members' Fees and Allowances) Amendment
Regulations 2009 (No. 1)*

The *Remuneration Tribunal Act 1973* (the Act) established 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, 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 by the Regulations.

The *Remuneration Tribunal (Members' Fees and Allowances) Regulations 2005* currently prescribes the fees payable to the President as \$75,273 and to a Member as \$36,411. The fees of the President and Remuneration Tribunal are reviewed annually.

The Regulations increase the level of remuneration from \$75,273 to \$77,531 for the President and from \$36,411 to \$37,503 for Members of the Tribunal. This 3 per cent increase is in line with the salary adjustments payable to Public Office Holders, Principal Executive Offices and Departmental Secretaries.

The new fees commence from 25 November 2009, which is twelve months from the last increase.

An assessment was made under guidelines issued by the Office of Best Practice Regulations, 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.

In addition, section 18 of the Legislative Instrument Act 2003 provides that consultation may not be appropriate when 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 purpose of the *Legislative Instruments Act 2003*.

The Regulations commence on 25 November 2009.