

CONCURRENCE COPY

PARLIAMENTARY REMUNERATION TRIBUNAL (AMENDMENT) BILL, 1984

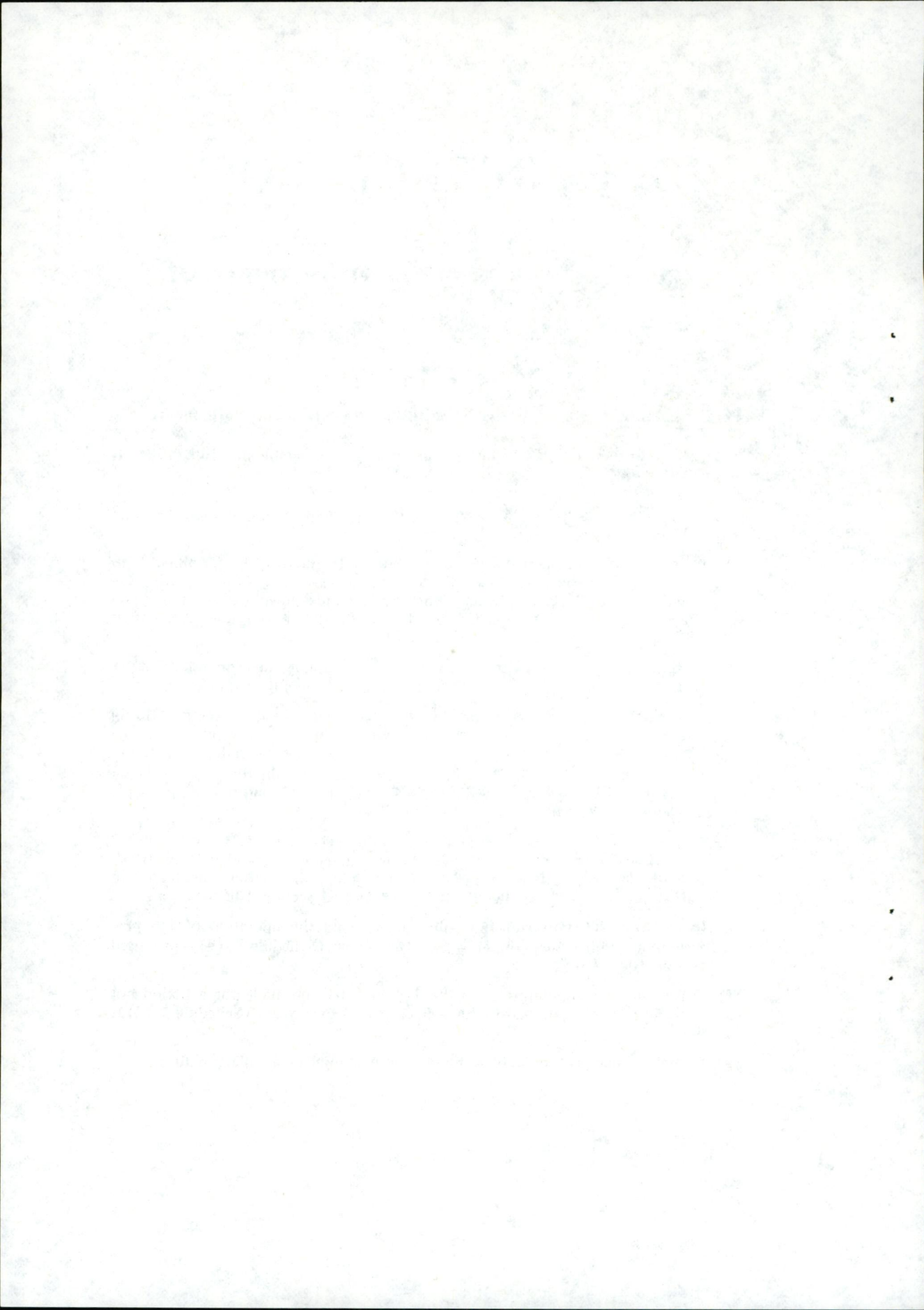
EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Statutory and Other Offices Remuneration (Amendment) Bill, 1984, is cognate with this Bill.

The object of this Bill is to amend the Parliamentary Remuneration Tribunal Act, 1975 ("the Act"), so as—

- (a) to require the Parliamentary Remuneration Tribunal ("the Tribunal") to make special determinations of parliamentary remuneration as soon as practicable after the Industrial Commission hands down decisions in State Wage Cases under section 57 of the Industrial Arbitration Act, 1940 (Schedule 1 (4)—proposed section 5B (2));
 - (b) to suspend the power of the Tribunal to make annual determinations under section 5 of the Act (Schedule 1 (4)—proposed section 5B (1));
 - (c) to require the Tribunal, in making a special determination referred to in paragraph (a) above, to have regard to the amount determined by the Industrial Commission by which rates of wages payable under awards are to be varied and to adopt the Principles of wage fixation for the time being adopted by that Commission as a general ruling or declaration of principle (Schedule 1 (9)—proposed section 10B);
 - (d) to require the Tribunal in making determinations under sections 5A and 7 of the Act (in connection with new parliamentary offices and the redistribution of electorates) to have regard to and adopt the matters mentioned in paragraph (c) above (Schedule 1 (9)—proposed section 10B);
 - (e) to empower the Governor-in-Council to suspend the operation of the provisions mentioned in paragraphs (a)–(d) above (Schedule 1 (9)—proposed section 10C);
 - (f) to provide that appointments as the Tribunal may be made for a period not exceeding 3 years, instead of for a fixed period of 3 years (Schedule 1 (2)); and
 - (g) to make other provisions of a minor, consequential or ancillary nature.
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**PARLIAMENTARY REMUNERATION TRIBUNAL
(AMENDMENT) BILL, 1984**

No. , 1984.

A BILL FOR

An Act to amend the Parliamentary Remuneration Tribunal Act, 1975, so as to provide for the remuneration of Ministers of the Crown, the holders of certain offices in Parliament and members of Parliament to be determined in line with decisions of the Industrial Commission of New South Wales in State Wage Cases, and for other purposes.

[MR WRAN—9 *May*, 1984.]

See also Statutory and Other Offices Remuneration (Amendment) Bill, 1984.

Parliamentary Remuneration Tribunal (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Parliamentary Remuneration Tribunal (Amendment) Act, 1984".

Principal Act.

2. The Parliamentary Remuneration Tribunal Act, 1975, is referred to 10 in this Act as the Principal Act.

Amendment of Act No. 25, 1975.

3. The Principal Act is amended in the manner set forth in Schedule 1.

Saving.

4. The amendment made by this Act to section 4 of the Principal Act 15 applies to a term of office of the Parliamentary Remuneration Tribunal commencing on or after, but not before, the date of assent to this Act.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

20 (1) (a) Section 3 (1), definition of "determination"—
After "5A", insert ", 5B".

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 3 (1), definition of "Tribunal"—

Omit "Act.", insert instead "Act;".

5 (c) Section 3 (1), definition of "wages decision"—

After the definition of "Tribunal", insert:—

"wages decision" means a determination of the Industrial Commission of New South Wales under section 57 of the Industrial Arbitration Act, 1940, of—

10

(a) the amount; or

(b) the method by which an amount may be determined,

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by which rates of wages in awards made under that Act shall be varied, following a decision of the Australian Conciliation and Arbitration Commission.

(2) Section 4 (3)—

Omit "a period of 3 years", insert instead "such period, not exceeding 3 years, as is specified in the instrument of appointment of the Tribunal".

20 (3) Section 5A (1)—

After "section 5", insert "or 5B".

(4) Section 5B—

After section 5A, insert:—

Special determinations: wages decisions (on or after 4th April, 1984).

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5B. (1) While this section has effect, section 5 does not have effect.

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (2) As soon as practicable after the making of a wages decision, the Tribunal shall, after such inquiry as the Tribunal thinks necessary, make a determination of what classes or kinds of remuneration should be paid to Ministers of the Crown, recognised office holders and members or any of them or any class of them as on and from a day to be specified in the determination and the rates of any such remuneration.

10 (3) A determination under this section may contain only provisions of a kind that may be included in a determination under section 5.

15 (4) The Tribunal shall, as soon as practicable after making a determination under this section, make a report to the Chief Justice of the determination.

20 (5) The reference in this section to a wages decision is a reference to a wages decision made on or after 4th April, 1984, but does not include a reference to a decision prescribed by the regulations under this Act as a decision to which this section does not apply.

(5) Section 7 (1)—

After “section 5”, insert “, 5A or 5B”.

(6) Section 7A—

After “5A (3)”, insert “, 5B (4)”.

25 (7) (a) Section 8 (1)—

After “5A (3)”, insert “, 5B (4)”.

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 8 (3)—

After section 8 (2), insert:—

5 (3) A determination shall as soon as practicable after it is made be published in the Gazette.

(8) Section 9—

Omit the section, insert instead:—

Operation of determinations.

- 10 9. (1) Subject to this Act, a determination made under—
- (a) section 5—shall come into force on 1st January in the year next following that in which the determination is made;
 - 15 (b) section 5A—shall come into force, or be deemed to have come into force, on the date of commencement of the amendment inserting the reference to the office (being the office to which the determination relates) into Schedule 1, or such later day as the Tribunal specifies in the determination;
 - 20 (c) section 5B—shall come into force, or be deemed to have come into force, on the day specified in the determination as the day on which the determination is, or is to be deemed, to come into force; and
 - 25 (d) section 7—shall come into force on the day appointed for the taking of the poll for the general election next following the distribution of electorates as a consequence of which the determination was made.

(2) Subject to this Act, a determination shall continue in force until another determination made under section 5 or 5B comes into force.

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (3) A determination made under section 5, 5A or 5B has effect subject to any subsequent alteration that was made by a determination made under section 7 and that is in force.

(4) A determination made under section 5 shall not come into force if, after it was made and before it would, but for this subsection, have come into force, a determination made under section 5B comes into force.

10 (5) Where a determination is made under section 5B in consequence of the making of a wages decision, no alteration of parliamentary remuneration shall be effected thereby before—

15 (a) the day as on and from which rates of wages in awards made under the Industrial Arbitration Act, 1940, are varied in consequence of the wages decision; or

(b) where any of those rates are so varied as on and from different days—the earlier or earliest of those days.

(9) Sections 10B, 10C—

After section 10A, insert:—

20 **Application of quantum and principles determined in State Wage Cases.**

10B. The Tribunal in making a determination under section 5A, 5B or 7 shall—

25 (a) have regard to the most recent determination of the Industrial Commission of New South Wales under section 57 of the Industrial Arbitration Act, 1940, of—

(i) the amount; or

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) the method by which an amount may be determined,
- 5 by which rates of wages in awards made under that Act shall be varied; and
- (b) adopt, as far as practicable, the principles of wage fixation for the time being adopted as a general ruling or declaration of principle, by that Commission, in connection
- 10 with awards made under that Act.

Suspension of sections 5B and 10B.

- 10c. (1) The Governor may, by order published in the Gazette, declare that sections 5B and 10B are suspended either until a specified date or until further notice is given by order published in the Gazette.
- 15 (2) While a declaration under this section is in force, sections 5B and 10B do not have effect.

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**PARLIAMENTARY REMUNERATION TRIBUNAL
(AMENDMENT) ACT, 1984, No. 61**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 61, 1984.

An Act to amend the Parliamentary Remuneration Tribunal Act, 1975, so as to provide for the remuneration of Ministers of the Crown, the holders of certain offices in Parliament and members of Parliament to be determined in line with decisions of the Industrial Commission of New South Wales in State Wage Cases, and for other purposes [Assented to, 19th June, 1984.]

See also Statutory and Other Offices Remuneration (Amendment) Act, 1984.

Parliamentary Remuneration Tribunal (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Parliamentary Remuneration Tribunal (Amendment) Act, 1984".

Principal Act.

2. The Parliamentary Remuneration Tribunal Act, 1975, is referred to in this Act as the Principal Act.

Amendment of Act No. 25, 1975.

3. The Principal Act is amended in the manner set forth in Schedule 1.

Saving.

4. The amendment made by this Act to section 4 of the Principal Act applies to a term of office of the Parliamentary Remuneration Tribunal commencing on or after, but not before, the date of assent to this Act.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 3 (1), definition of "determination"—
After "5A", insert ", 5B".

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) Section 3 (1), definition of "Tribunal"—

Omit "Act.", insert instead "Act;".

- (c) Section 3 (1), definition of "wages decision"—

After the definition of "Tribunal", insert:—

"wages decision" means a determination of the Industrial Commission of New South Wales under section 57 of the Industrial Arbitration Act, 1940, of—

(a) the amount; or

(b) the method by which an amount may be determined,

by which rates of wages in awards made under that Act shall be varied, following a decision of the Australian Conciliation and Arbitration Commission.

- (2) Section 4 (3)—

Omit "a period of 3 years", insert instead "such period, not exceeding 3 years, as is specified in the instrument of appointment of the Tribunal".

- (3) Section 5A (1)—

After "section 5", insert "or 5B".

- (4) Section 5B—

After section 5A, insert:—

Special determinations: wages decisions (on or after 4th April, 1984).

5B. (1) While this section has effect, section 5 does not have effect.

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) As soon as practicable after the making of a wages decision, the Tribunal shall, after such inquiry as the Tribunal thinks necessary, make a determination of what classes or kinds of remuneration should be paid to Ministers of the Crown, recognised office holders and members or any of them or any class of them as on and from a day to be specified in the determination and the rates of any such remuneration.

(3) A determination under this section may contain only provisions of a kind that may be included in a determination under section 5.

(4) The Tribunal shall, as soon as practicable after making a determination under this section, make a report to the Chief Justice of the determination.

(5) The reference in this section to a wages decision is a reference to a wages decision made on or after 4th April, 1984, but does not include a reference to a decision prescribed by the regulations under this Act as a decision to which this section does not apply.

(5) Section 7 (1)—

After “section 5”, insert “, 5A or 5B”.

(6) Section 7A—

After “5A (3)”, insert “, 5B (4)”.

(7) (a) Section 8 (1)—

After “5A (3)”, insert “, 5B (4)”.

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 8 (3)—

After section 8 (2), insert:—

(3) A determination shall as soon as practicable after it is made be published in the Gazette.

(8) Section 9—

Omit the section, insert instead:—

Operation of determinations.

9. (1) Subject to this Act, a determination made under—

- (a) section 5—shall come into force on 1st January in the year next following that in which the determination is made;
- (b) section 5A—shall come into force, or be deemed to have come into force, on the date of commencement of the amendment inserting the reference to the office (being the office to which the determination relates) into Schedule 1, or such later day as the Tribunal specifies in the determination;
- (c) section 5B—shall come into force, or be deemed to have come into force, on the day specified in the determination as the day on which the determination is, or is to be deemed, to come into force; and
- (d) section 7—shall come into force on the day appointed for the taking of the poll for the general election next following the distribution of electorates as a consequence of which the determination was made.

(2) Subject to this Act, a determination shall continue in force until another determination made under section 5 or 5B comes into force.

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) A determination made under section 5, 5A or 5B has effect subject to any subsequent alteration that was made by a determination made under section 7 and that is in force.

(4) A determination made under section 5 shall not come into force if, after it was made and before it would, but for this subsection, have come into force, a determination made under section 5B comes into force.

(5) Where a determination is made under section 5B in consequence of the making of a wages decision, no alteration of parliamentary remuneration shall be effected thereby before—

- (a) the day as on and from which rates of wages in awards made under the Industrial Arbitration Act, 1940, are varied in consequence of the wages decision; or
- (b) where any of those rates are so varied as on and from different days—the earlier or earliest of those days.

(9) Sections 10B, 10C—

After section 10A, insert:—

Application of quantum and principles determined in State Wage Cases.

10B. The Tribunal in making a determination under section 5A, 5B or 7 shall—

- (a) have regard to the most recent determination of the Industrial Commission of New South Wales under section 57 of the Industrial Arbitration Act, 1940, of—
 - (i) the amount; or

Parliamentary Remuneration Tribunal (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(ii) the method by which an amount may be determined,

by which rates of wages in awards made under that Act shall be varied; and

(b) adopt, as far as practicable, the principles of wage fixation for the time being adopted as a general ruling or declaration of principle, by that Commission, in connection with awards made under that Act.

Suspension of sections 5B and 10B.

10c. (1) The Governor may, by order published in the Gazette, declare that sections 5B and 10B are suspended either until a specified date or until further notice is given by order published in the Gazette.

(2) While a declaration under this section is in force, sections 5B and 10B do not have effect.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 19th June, 1984.*

