

**PARLIAMENTARY REMUNERATION  
TRIBUNAL ACT.**

**New South Wales**



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 25, 1975.**

An Act to make provision for the establishment of a Tribunal to determine the remuneration to be paid to Ministers of the Crown, the holders of certain offices in Parliament and members of the Legislative Council and the Legislative Assembly; for this purpose to amend the Constitution Act, 1902, and to repeal the Parliamentary Allowances and Salaries Act, 1956, and certain other Acts; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

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**B**E it enacted by the Queen's Most Excellent Majesty, by No. 25, 1975 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:—

1. This Act may be cited as the "Parliamentary Remuneration Tribunal Act, 1975". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

(2) Section 15 and Schedule 2 shall commence on 1st January, 1976.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Chief Justice" means the Chief Justice of the Supreme Court of New South Wales;

"determination" means a determination made by the Tribunal under section 5 or 7;

"member" means a member of either House of Parliament;

"Parliamentary remuneration" means any remuneration payable to Ministers of the Crown, recognised office holders or members;

"remuneration" means remuneration by way of salary, allowances, fees or other emoluments payable in money but does not include travelling allowances in respect of travel outside Australia;

"Tribunal"

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No. 25, 1975      "Tribunal" means the Parliamentary Remuneration Tribunal established under this Act.

(2) A reference in this Act to a Judge is a reference to—

- (a) a retired Judge of a court of New South Wales;
- (b) a person who has retired from an office in which he served with the same status as a Judge of a court of New South Wales;
- (c) a Judge or a retired Judge of a court of another State or of the Commonwealth; or
- (d) a person who holds, or has retired from, an office in which he is serving or served with the same status as a Judge of another State or of the Commonwealth.

(3) A reference in this Act to a recognised office holder is a reference to the holder of an office for the time being specified in Schedule 1.

(4) The Governor may from time to time by regulation amend Schedule 1 by inserting therein words describing any office held by a member, whether or not he is a Minister of the Crown or the holder of a recognised office, which in his opinion should be a recognised office, or by omitting therefrom words describing any recognised office or any former recognised office.

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4. (1) For the purposes of this Act, there shall be a Tribunal to be known as the Parliamentary Remuneration Tribunal.

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(2) The Tribunal shall be a Judge appointed by the No. 25, 1975 Chief Justice on a part-time basis.

(3) Subject to this Act, the Tribunal shall hold office for a period of three years and shall be eligible for re-appointment.

5. (1) The Tribunal, not earlier than the first day of October and not later than the thirtieth day of November in each year shall, after such inquiry (which may be commenced before that first day of October but shall not be commenced before the first day of July in that year) as he thinks necessary, make a determination of what classes or kinds of remuneration should be paid in respect of the next following year to Ministers of the Crown, recognised office holders and members or any of them or any class of them and the rates of any such remuneration. <sup>Annual determination.</sup>

(2) Without limiting the generality of subsection (1), in performing the duty imposed upon him by that subsection the Tribunal may make any one or more of the following determinations :—

- (a) a determination that any class or kind of Parliamentary remuneration shall be at rates the same as or higher or lower than those at which it was payable immediately before the making of the determination;
- (b) a determination that any class or kind of Parliamentary remuneration payable at the date of the making of the determination shall—
  - (i) be payable to Ministers of the Crown, recognised office holders or members or any of them or any class of them who or

which

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which are or is not in receipt of remuneration of that class or kind at the time the determination is made;

(ii) be not payable to Ministers of the Crown, recognised office holders or members or any of them or any class of them who or which are or is in receipt of remuneration of that class or kind at the time the determination is made;

(iii) cease to be payable; or

(iv) be replaced by remuneration of some other class or kind;

(c) a determination that, in addition to any class or kind of Parliamentary remuneration payable at the time the determination is made, remuneration of some additional class or kind shall be payable to Ministers of the Crown, recognised office holders or members or any of them or any class of them.

(3) The Tribunal shall in each year, not earlier than the first day of October and not later than the thirtieth day of November, make a report to the Chief Justice of his determinations under this section.

Services,  
equipment,  
facilities,  
etc.

6. The Tribunal shall, after such inquiry as he thinks necessary, make recommendations to the Minister on such matters referred by the Minister to the Tribunal relating to—

(a) the provision of services, equipment or facilities for Ministers of the Crown, recognised office holders or members or any of them or any class of them; or

(b)

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- (b) any matter connected with the Parliamentary remuneration payable to Ministers of the Crown, recognised office holders or members or any of them or any class of them. No. 25, 1975

7. (1) The Tribunal shall, as soon as practicable but not later than two months after any distribution of electoral districts carried out under and in accordance with the Parliamentary Electorates and Elections Act, 1912, and after such inquiry as he thinks necessary, make a determination as to whether, as a result of the distribution, any alteration is necessary or desirable to any Parliamentary remuneration or to any determination made under section 5 that is not in force. Determination on distribution of electorates.

(2) The Tribunal shall, as soon as practicable after making a determination under subsection (1), make a report to the Chief Justice of his determination.

8. (1) The Chief Justice shall as soon as practicable after receipt of a report referred to in section 5 (3) or 7 (2) forward it to the Minister. Publication of Tribunal's reports.

(2) The Minister shall as soon as practicable after receipt of the report cause a copy of it to be laid before each House of Parliament.

9. (1) A determination—

- (a) made under section 5 shall, subject to any alteration made by a determination made under section 7, come into force on the first day of January in the year next following that in which the determination is made; or

Effect of determinations.

(b)

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(b) made under 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) A determination made under section 5 shall, subject to any alteration made by a determination made under section 7, continue in force until a subsequent determination made under section 5 comes into force, or a subsequent determination made under section 5 which is subject to any alteration made by a determination made under section 7 comes into force, whichever first happens.

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

Method of  
inquiry by  
Tribunal.

**10.** (1) In the performance of the functions of the Tribunal—

- (a) the Tribunal may inform himself in such manner as he thinks fit;
- (b) the Tribunal may receive written or oral submissions;
- (c) the Tribunal is not required to conduct any proceeding in a formal manner; and
- (d) the Tribunal is not bound by the rules of evidence.

(2) Without affecting the generality of the provisions of subsection (1), the Tribunal may invite submissions from the President of the Legislative Council, the Speaker of the Legislative Assembly, Ministers of the Crown, recognised office holders, members, officers of the Legislature, members and officers of statutory bodies and Departments of the Government and any other person.

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(3) The Minister may, if he thinks fit, appoint a No. 25, 1975 person or persons to assist the Tribunal in any inquiry.

**11.** (1) The Tribunal and any person appointed under section 10 (3) shall be paid such fees and allowances as, from time to time, are fixed by the Governor on the recommendation of the Minister made after consultation by the Minister with the Chief Justice and the Attorney-General.

Fees and allowances payable to Tribunal.

(2) The fees and allowances payable to—

- (a) the Tribunal shall be fixed before the appointment of the Tribunal; or
- (b) any person appointed to assist the Tribunal shall be fixed before his appointment,

and may be varied in respect of any year commencing on the first day of July before that day.

**12.** (1) Ministers of the Crown, recognised office holders and members shall be entitled to be paid such remuneration calculated at such rates and in such manner, and subject to such provisions, as may be specified in a determination that is in force.

Payment of Parliamentary remuneration.

(2) Any payment to which any person is entitled under subsection (1) or any part of any such payment not drawn by him or on his behalf within twenty-eight days after the payment becomes due and payable to him shall revert to the Treasury and become part of the Consolidated Revenue Fund.

(3) A determination shall not be challenged, reviewed, quashed or called into question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by proceedings in the nature of prohibition, mandamus, certiorari, or otherwise.

(4)



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No. 25, 1975 (4) All remuneration payable by virtue of any determination under this Act is payable out of the Consolidated Revenue Fund, which, to the necessary extent, is appropriated accordingly.

Vacation of office. **13.** (1) The person holding office as the Tribunal shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his fees or allowances as the Tribunal or of his estate for their benefit;
- (c) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or longer, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- (e) if he resigns his office by writing under his hand addressed to the Governor; or
- (f) if, on the recommendation of the Chief Justice, he is removed from office by the Governor.

(2) The Governor may, on the recommendation of the Chief Justice, remove a person holding office as the Tribunal or a person appointed under section 10 (3) from office.

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**14.** The Governor may make regulations under this Act No. 25, 1975 for or with respect to prescribing all matters which are necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act. Regulations.

**15.** (1) Each Act mentioned in Schedule 2 is, to the extent therein expressed, hereby repealed. Repeals and amendments.

(2) The Constitution Act, 1902, is amended—

- (a) by omitting sections 17G, 17H, 28 and 28A and the Fifth Schedule;
- (b) by omitting from section 29 (1) the words “such Member shall be entitled to the said salary, or any portion thereof,” and by inserting instead the words “Member of the Legislative Assembly shall be entitled to any remuneration payable under the Parliamentary Remuneration Tribunal Act, 1975”;
- (c) by omitting section 29 (1) (a);
- (d) by omitting from section 29 (1) (b) the word “other”;
- (e) by omitting from section 29 (2) the words “section twenty-eight of this Act” and by inserting instead the words “the Parliamentary Remuneration Tribunal Act, 1975”.

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SCHEDULE 1

Sec. 3.

RECOGNISED OFFICES

- (a) President of the Legislative Council.
- (b) Speaker of the Legislative Assembly.
- (c) Leader of the Government in the Legislative Council.
- (d) Deputy Leader of the Government in the Legislative Council.
- (e) Chairman of Committees in the Legislative Council.
- (f) Chairman of Committees in the Legislative Assembly.
- (g) Leader of the Opposition in the Legislative Council.
- (h) Deputy Leader of the Opposition in the Legislative Council.
- (i) Leader of the Opposition in the Legislative Assembly.
- (j) Deputy Leader of the Opposition in the Legislative Assembly.
- (k) Government Whip in the Legislative Council.
- (l) Opposition Whip in the Legislative Council.

(m)

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- (m) Government Whip in the Legislative Assembly.
  - (n) Opposition Whip in the Legislative Assembly.
  - (o) Leader in the Legislative Assembly (other than the Leader of the Opposition or the Deputy Leader of the Opposition) of a recognised political party not less than ten members of which are members of the Legislative Assembly and of which no member is the holder of any office of profit specified in the Second Schedule to the Constitution Act, 1902.
  - (p) Deputy Leader in the Legislative Assembly of a recognised political party referred to in paragraph (o).
  - (q) Whip in the Legislative Assembly of a recognised political party not less than ten members of which are members of the Legislative Assembly.

**Sec. 15 (1).**

**SCHEDULE 2**

**REPEALS**

Short title of Act.	Extent of Repeal.
Parliamentary Representatives Allowance Act, 1912.	The unrepealed portion.
Parliamentary Electorates and Elections Act, 1912.	Section 188.
Parliamentary Representatives Allowance and Ministers' Salaries (Amendment) Act, 1920.	The unrepealed portion.
Parliamentary Allowances and Salaries Act, 1947.	The unrepealed portion.
Constitution Amendment (Legislative Council Members Allowances) Act, 1948.	The whole.
Parliamentary Allowances and Salaries Act, 1951.	The unrepealed portion.
Parliamentary Allowances and Salaries Act, 1956.	The whole.
Parliamentary Allowances and Salaries Act, 1959.	The unrepealed portion.
Parliamentary Allowances and Salaries (Amendment) Act, 1963.	The whole.
Parliamentary Allowances and Salaries (Amendment) Act, 1966.	The whole.

Short

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Short title of Act.	Extent of Repeal.	No. 25, 1975
Parliamentary Allowances and Salaries (Further Amendment) Act, 1966.	The whole.	
Constitution (Amendment) Act, 1968.	Sections 2 (a) and 3.	
Parliamentary Allowances and Salaries (Amendment) Act, 1969.	The whole.	
Parliamentary Allowances and Salaries (Amendment) Act, 1971.	The whole.	
Parliamentary Allowances and Salaries (Amendment) Act, 1974.	The whole.	
Parliamentary Allowances and Salaries (Amendment) Act, 1975.	The whole.	

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