

## PARLIAMENTARY REMUNERATION BILL 1989

### NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to establish a new system for fixing Parliamentary remuneration. Under the new system:

- (a) all Members of Parliament will receive a basic salary (which is set at \$500 less than the salary for the time being paid to a back bench Member of the House of Representatives);
- (b) Ministers and other recognised office holders will receive an additional salary and expense allowance (which are expressed as percentages of the basic salary), if provided for in Schedule 1 to the proposed Act; and
- (c) all Members of Parliament will receive additional allowances, as determined by the Parliamentary Remuneration Tribunal.

The Bill repeals the Parliamentary Remuneration Tribunal Act 1975 and the Parliamentary Remuneration Tribunal (Special Provisions) Act 1989 and makes consequential amendments to the Parliamentary Contributory Superannuation Act 1971.

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### PART 1 - PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on 1 July 1990. Some provisions are to commence on assent, but only for the limited purpose of enabling the making of an annual determination with effect from 1 July 1990.

Clause 3 contains definitions used in the proposed Act. One of the definitions is that of "recognised office holder", which is defined as the holder of an office for the time being specified in Schedule 1 to the proposed Act (including Ministers).

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**PART 2 - PARLIAMENTARY REMUNERATION**

Clause 4 defines "basic salary" for the purposes of the proposed Act. It is set at \$500 less than the salary for the time being paid to a back bench Member of the House of Representatives.

Clause 5 provides that a Member who is not a recognised office holder is entitled to the basic salary.

Clause 6 provides that a recognised office holder is entitled to the basic salary, and (if provided for in Schedule 1 to the proposed Act) an additional salary and an expense allowance.

Clause 7 provides that Members and recognised office holders are also entitled to additional allowances, as determined by the Parliamentary Remuneration Tribunal.

**PART 3 - PARLIAMENTARY REMUNERATION TRIBUNAL**

Clause 8 establishes the Parliamentary Remuneration Tribunal.

Clause 9 states the functions of the Tribunal, which are as follows:

to make determinations of additional allowances; and

to make recommendations as to the provision of services, equipment or facilities,

for Members and recognised office holders.

Clause 10 contains general provisions as to determinations. Subclause (1) empowers the Tribunal to fix the classes, rates and conditions of additional allowances. Subclause (2) contemplates that additional allowances cover any emoluments in money, except travelling allowances for travel outside Australia. Subclause (3) expressly authorises a determination to amend or revoke a previous determination. Subclause (4) expressly authorises a determination to have a differential operation. Subclause (5) specifies the 2 kinds of determinations that may be made, i.e. annual and special determinations.

Clause 11 provides for the making of annual determinations as regards additional allowances. These take effect from 1 July in each year.

Clause 12 provides for the making of special determinations, as directed by the Minister.

Clause 13 requires the Tribunal to make a report of its determination.

Clause 14 empowers the Tribunal to conduct inquiries.

**PART 4 - MISCELLANEOUS**

Clause 15 contains machinery provisions regarding the payment of Parliamentary remuneration.

Clause 16 defines, for the purposes of the proposed Act, the times when a person is to be regarded as becoming and ceasing to be a Member.

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**Clause 17** makes it clear that retrospective changes in salary etc. are possible, and deals with the case where it is not possible to determine what the basic salary is at any time.

**Clause 18** provides that determinations of the Tribunal are not to be the subject of judicial review.

**Clause 19** repeals the Parliamentary Remuneration Tribunal Act 1975 and the Parliamentary Remuneration Tribunal (Special Provisions) Act 1989 and makes appropriate transitional provisions. Additional allowances are to be payable at the old rates, pending fresh determinations under the proposed Act.

**Clause 20** is a formal provision giving effect to the Schedule of amendments to the Parliamentary Contributory Superannuation Act 1971.

**Clause 21** enables the Governor to make regulations for the purposes of the proposed Act.

### **SCHEDULES**

**Schedule 1** lists the recognised office holders, and their additional salaries and expense allowances, expressed as percentages of the basic salary.

**Schedule 2** contains provisions relating to the appointment and tenure of office of the person appointed as the Tribunal, and enables the Minister to appoint a person to assist the Tribunal in any inquiry.

**Schedule 3** makes consequential amendments to the Parliamentary Contributory Superannuation Act 1971.

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