

## PARLIAMENTARY SALARIES AND ALLOWANCES.

No. 10 of 1962.

AN ACT to make provision with respect to the establishment of a tribunal to determine the remuneration to be paid to Ministers of the Crown and officers and members of Parliament and to repeal the *Parliamentary Salaries and Allowances Act 1955*. [19 April 1962.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title  
and com-  
mencement.

**1**—(1) This Act may be cited as the *Parliamentary Salaries and Allowances Act 1962*.

(2) Sections three, four, five, six, and seven of this Act shall commence on the first day of July 1964, and the remaining provisions of this Act shall commence on the day on which the Governor assents to this Act.

Interpre-  
tation.

**2**—(1) In this Act, unless the contrary intention appears—

- “basic salary” has the meaning assigned to that expression by paragraph 1 of the second schedule;
- “determination” means a determination made by the Tribunal pursuant to section five;
- “Government Whip” means the member of the House of Assembly who is for the time being recognized as the Government Whip;
- “House” means a House of Parliament;
- “member” means a member of either House;
- “ministerial office” means an office that is specified in the first schedule;
- “Opposition Whip” means the member of the House of Assembly who is for the time being recognized as the Whip of a political party that consists of at least ten members of that House, being a party of which no member is the holder of a ministerial office;
- “remuneration” includes salaries, allowances, fees, and other emoluments;
- “Tribunal” means the Parliamentary Salaries Tribunal established under this Act.

(2) For the purposes of this Act, a person is an officer of Parliament if he is the holder for the time being of the office of—

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

(3) For the purposes only of section eight, persons to whom paragraph (d) of subsection (3) of section five relates shall be deemed to be holders of ministerial offices.

**3**—(1) For the purposes of this Act there shall be a Parliamentary Salaries Tribunal. tribunal to be known as the Parliamentary Salaries Tribunal.

(2) The Tribunal shall consist of three members, of whom—

- (a) two (in this section referred to as the “appointed members”) shall be persons appointed by the Governor; and
- (b) one shall be the person for the time being holding office as the chairman of the Public Service Tribunal established under the *Public Service Tribunal Act 1958*.

(3) Of the appointed members of the Tribunal, one (who shall be appointed as the chairman of the Tribunal) shall be a person who is, or at any time before the date of his appointment has been—

- (a) a judge of the High Court of Australia;
- (b) a judge of the Supreme Court of this State or of any other State or of any Territory of the Commonwealth;
- (c) a judge of a county court or district court established or constituted under the law of any State other than this State or of any Territory of the Commonwealth;
- (d) a presidential member of the Commonwealth Conciliation and Arbitration Commission established by the *Conciliation and Arbitration Act 1904-1961* of the Commonwealth; or
- (e) a judicial member of an industrial court or court of arbitration established or constituted under the law of any State or Territory of the Commonwealth.

(4) For the purposes of paragraph (e) of subsection (3) of this section, a person shall be deemed to be a judicial member of a court to which that paragraph relates if he is, or is qualified for appointment as, a judge of the Supreme Court of any State or Territory of the Commonwealth or of a county court or district court established or constituted under the law of any State or Territory of the Commonwealth.

(5) The appointed members shall be appointed to hold office during the Governor's pleasure.

(6) The members of the Tribunal shall be paid such remuneration, and such sums by way of travelling and other expenses, as the Governor may determine.

Secretary of  
Tribunal.

**4**—(1) The Governor may appoint a person as the secretary of the Tribunal (in this section referred to as "the secretary").

(2) An officer of the Public Service or an officer appointed under the *Parliamentary Privilege Act* 1898 may be appointed as the secretary, and may hold office as the secretary in conjunction with his other office.

(3) The secretary shall, subject to the general directions of the Tribunal, assist the Tribunal in the administration of this Act and the due exercise of the powers and functions of the Tribunal under this Act.

(4) The secretary may be paid, in respect of his services as secretary, such remuneration (if any) as the Governor may determine; but if the secretary is an officer or temporary employee to whom the *Public Service Act* 1923 applies the Governor shall not determine the amount or rate of remuneration to be paid to him except on the recommendation of the Public Service Commissioner.

General  
powers and  
functions of  
the Tribunal.

**5**—(1) Subject to this Act, the Tribunal may—

(a) make such determinations; and

(b) submit to the Governor such recommendations, as it is required or authorized by this Act to make or submit.

(2) At intervals of not more than three years, the Tribunal shall, after such inquiry as it thinks necessary, determine what remuneration should, in its opinion, be paid to Ministers of the Crown and to officers and members of Parliament and at what rates that remuneration should, in its opinion, be paid.

(3) Without affecting the generality of the provisions of subsection (1) of this section, the powers conferred on the Tribunal by this section include the power to—

(a) determine that the remuneration payable to Ministers of the Crown and to officers and members of Parliament shall continue to be payable at the same rates respectively as those at which it is payable immediately before the making of the determination;

- (b) determine that any class or kind of remuneration payable at the date of the making of the determination shall, either generally or in particular cases—
  - (i) cease to be payable; or
  - (ii) be replaced by remuneration of some other class or kind;
- (c) determine that, in addition to the remuneration payable at the date of the making of the determination, remuneration of some additional class or kind shall be payable, either generally or in particular cases;
- (d) determine that there shall be paid, in addition to the remuneration payable to them in their capacity as members, to each of not more than three persons (not being the holders of ministerial offices but being members of the Executive Council) to whom the Governor has, in pursuance of the *Ministers of the Crown Act* 1923, allocated the administration of any office or department or the performance of any duties, such remuneration as may be determined by the Tribunal and specified in a determination;
- (e) determine that any specified part of the remuneration payable to members shall be subject to adjustment in accordance with variations in the cost of living on such basis and according to such scale and method as may be determined by the Tribunal and specified in a determination; and
- (f) inquire into and make to the Minister such recommendations (if any) as it thinks fit with respect to—
  - (i) the rates of the allowances, fees, or emoluments that are, or in the opinion of the Tribunal should be, payable to members of select committees of either House or joint committees of both Houses (including committees established or constituted by or under an Act); and
  - (ii) the retiring allowances or pensions payable to members and former members and to their dependants.

(4) Notwithstanding anything in the foregoing provisions of this section, the Tribunal shall not make such a determination as is mentioned in paragraph (e) of subsection (3) of this section unless and until both Houses have, by resolution, affirmed the desirability of the making of such a determination.

(5) Subject to this section, a determination—

- (a) may be made so as to come into force on a date either before or after the date on which it is made;
- (b) if it alters any remuneration or rate of remuneration payable at the date of the making of the determination, or provides for the payment of remuneration of any class or kind not payable at that date, shall revoke any other determination in force at the date on which it is made;
- (c) shall be published in the *Gazette*, and upon being so published has effect as if it were enacted in this Act; and
- (d) continues in force until it is revoked by a subsequent determination.

(6) The date (if any) specified in a determination as the date on which it comes into force shall not be a date earlier than—

- (a) in the case of the first determination made under this Act, the date on which it is made; or
- (b) in the case of any subsequent determination, three years after the date on which the determination revoked by it came into force.

(7) A determination shall not be revoked until it has been in force for at least three years.

(8) The Tribunal may prepare such report (if any) by way of explanation of a determination or of the Tribunal's reasons for making it as the Tribunal thinks fit, and shall send to the Minister two copies of each report so prepared.

(9) The Minister shall cause to be laid upon the table of each House, within the first seven sitting days of the House after its receipt by him, a copy of any report sent to him pursuant to subsection (8) of this section.

(10) For the purposes of the exercise and performance of its powers and functions under this Act, the Tribunal has and may exercise all the powers and authority conferred by Division II of Part II of the *Evidence Act 1910* upon persons holding inquiries on commission.

Procedure of  
the Tribunal.

**6**—(1) The Minister shall cause the Tribunal to be duly constituted and to be called together to commence an inquiry for the purposes of section five—

- (a) in the case of the first inquiry to be made by the Tribunal for the purposes of that section, as soon as practicable after the commencement of this section; and
- (b) in the case of each subsequent inquiry for the purposes of that section, not later than three years after the date on which the immediately preceding inquiry commenced.

(2) On the making of an inquiry for the purposes of section five, the Tribunal may regulate its own procedure and may inform its mind on any matter in such manner as it thinks fit.

**7—**(1) A determination is binding upon the Crown and all members, and has effect, in relation to the remuneration of members, notwithstanding anything to the contrary in any enactment passed before the date on which it comes into force. Effect of  
determina-  
tions.

(2) Where no date is specified in a determination as the date on which the determination is to come into force, the determination comes into force on the date on which it is made.

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

**8—**(1) Members are entitled to be paid such remuneration, calculated at such rates and in such manner, and subject to such provisions, as may be determined by the Tribunal under and in accordance with this Act. Remuneration  
of members.

(2) Until otherwise determined by the Tribunal, the remuneration payable respectively to—

- (a) the holders of ministerial offices;
- (b) officers of Parliament; and
- (c) members generally,

is payable at the rates prescribed in, and in accordance with the provisions of, the second, third, and fourth schedules respectively.

**9** The provisions of the *Apportionment Act 1871* apply to and in relation to all remuneration payable by virtue of this Act as if the Crown were bound by that Act. Apportion-  
ment of  
payments.

**10** All remuneration payable by virtue of this Act or any determination thereunder is payable out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly). Appropriation.

**11** The *Parliamentary Salaries and Allowances Act 1955* is repealed. Repeal.

## THE FIRST SCHEDULE.

(Section 2.)

### *Ministerial offices.*

Chief Secretary.  
Attorney-General.  
Treasurer.  
Minister for Lands and Works.  
Minister for Agriculture.  
Minister for Education.

## THE SECOND SCHEDULE.

(Section 8.)

### REMUNERATION OF MEMBERS GENERALLY.

#### *Part I—Basic Salary.*

1. There is payable to each member an annual salary calculated at the rate of one thousand eight hundred and fifty pounds a year (in this Act referred to as the "basic salary").

2. The basic salary payable to a member shall be calculated from the day on which he is elected as a member and, except as provided by paragraph 3 of this schedule, ceases to be payable on the day on which he ceases to be a member.

3. Where a member of the House of Assembly ceases to be a member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time, he is, notwithstanding his cessation of membership, entitled to continue to receive his basic salary until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

*Part II—Electorate Allowances.*

4. In addition to the basic salary payable to him, there is payable to a member, in respect of the expenses of discharging his duties, an electorate allowance at the appropriate rate specified in the second column of the table set forth hereunder opposite the name of the electoral division that the member represents in the House of which he is a member, namely:—

FIRST COLUMN. Name of electoral division.	SECOND COLUMN. Rate of electorate allowance per year.
<i>Legislative Council Divisions—</i>	
Buckingham .....	£ 285
Cornwall .....	385
Derwent .....	460
Gordon .....	500
Hobart .....	275
Huon .....	440
Launceston .....	385
Macquarie .....	500
Meander .....	575
Mersey .....	440
Monmouth .....	525
Newdegate .....	275
Pembroke .....	460
Queenborough .....	250
Russell .....	550
South Esk .....	550
Tamar .....	500
West Devon .....	385
Westmorland .....	385
<i>House of Assembly Divisions—</i>	
Bass .....	750
Braddon .....	850
Denison .....	550
Franklin .....	725
Wilmot .....	875

5. The electorate allowance payable to a member under paragraph 4 of this schedule shall be calculated from the day on which he is elected as a member and, except as provided by paragraph 6 of this schedule, ceases to be payable on the day on which he ceases to be a member.

6. Where a member of the House of Assembly ceases to be a member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time, he is, notwithstanding the cessation of his membership, entitled to continue to receive the electorate allowance payable to him under paragraph 4 of this schedule until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

*Part III—General.*

7. The basic salary and electorate allowance payable to a member under the foregoing provisions of this schedule shall be paid by equal monthly instalments on the last day of each month.

## THE THIRD SCHEDULE.

(Section 8.)

## REMUNERATION OF MINISTERS OF THE CROWN.

1.—(1) In addition to the basic salary and electorate allowance payable to him by virtue of the second schedule, there is payable—

- (a) to the person for the time being holding the office of Premier in conjunction with a ministerial office—
  - (i) a salary calculated at the rate of two thousand two hundred pounds a year; and
  - (ii) an entertainment allowance calculated at the rate of three hundred and fifty pounds a year;
- (b) to the person for the time being holding the office of Deputy Premier in conjunction with a ministerial office, a salary of one thousand four hundred pounds a year;
- (c) to each person (other than the Premier and the Deputy Premier) for the time being holding a ministerial office, a salary calculated at the rate of one thousand two hundred pounds a year; and
- (d) to each of such persons (not exceeding three at any one time) as the Governor may direct, not being the holders of ministerial offices, but being members of the Executive Council to whom the Governor has, in pursuance of the *Ministers of the Crown Act 1923*, allocated the administration of any office or department or the performance of any duties, a salary calculated at the rate of eight hundred pounds a year.

(2) If a person holds more ministerial offices than one, he shall be paid a salary under this paragraph in respect of one only of those offices.

2. The salary payable by virtue of paragraph 1 of this schedule shall be paid by equal instalments twice monthly, on the fifteenth and last days of each month.

## THE FOURTH SCHEDULE.

(Section 8.)

## REMUNERATION OF OFFICERS OF PARLIAMENT.

1.—(1) In addition to the basic salary and electorate allowance payable to him by virtue of the second schedule, there is payable—

- (a) to the person for the time being holding the office of President of the Legislative Council, a salary calculated at the rate of six hundred and fifty pounds a year;
- (b) to the person for the time being holding the office of Speaker of the House of Assembly, a salary calculated at the rate of six hundred and fifty pounds a year;
- (c) to any person for the time being holding the office of chairman of committees in either House, a salary calculated at the rate of three hundred and fifty pounds a year;
- (d) to the person for the time being holding the office of deputy chairman of committees in the Legislative Council (but so long only as that person is acting as chairman of committees during any period during which the chairman of committees acts as Deputy President of the Council), a salary calculated at the rate of one hundred and seventy-five pounds a year;
- (e) to the person for the time being holding the office of Government Leader in the Legislative Council, a salary calculated at the rate of one thousand one hundred pounds a year;



- (f) to the person for the time being holding the office of Deputy Government Leader in the Legislative Council, a salary calculated at the rate of three hundred and twenty-five pounds a year;
- (g) to the member of the House of Assembly who is for the time being the Leader of the Opposition—
  - (i) a salary calculated at the rate of one thousand one hundred pounds a year; and
  - (ii) a travelling allowance calculated at the rate of two hundred pounds a year;
- (h) to the member of the House of Assembly who is for the time being the Deputy Leader of the Opposition, a salary calculated at the rate of three hundred and fifty pounds a year;
- (i) to the Government Whip, a salary calculated at the rate of one hundred and seventy-five pounds a year; and
- (j) to the Opposition Whip, a salary calculated at the rate of one hundred and seventy-five pounds a year.

(2) No salary is payable under this paragraph to the person who is for the time being the holder of the office of Government Leader in the Legislative Council at any time while that person is in receipt of a salary under the provisions of the third schedule.

2. The salary payable to a person by virtue of paragraph 1 of this schedule shall be paid by equal monthly instalments on the last day of each month.

3. Where the House of Assembly is dissolved or expires by effluxion of time, a person who is the holder of the office of—

- (a) Leader of the Opposition in that House;
- (b) Deputy Leader of the Opposition in that House;
- (c) Government Whip; or
- (d) Opposition Whip,

is entitled, notwithstanding the dissolution or expiry of that House, to receive the salary and allowance (if any) payable to him by virtue of paragraph 1 of this schedule until the date fixed for the taking of the poll next following the dissolution or expiry of that House.

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## ACTS INTERPRETATION.

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No. 11 of 1962.

AN ACT to amend the *Acts Interpretation Act 1931*.  
[10 May 1962.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title  
and citation.

**1**—(1) This Act may be cited as the *Acts Interpretation Act 1962*.

(2) The *Acts Interpretation Act 1931*, as subsequently amended, is in this Act referred to as the Principal Act.