



PARLIAMENTARY SALARIES AND ALLOWANCES.

—
 No. 27 of 1973.
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ANALYSIS.

1. Short title and commencement.
2. Repeal.
3. Interpretation.
4. Remuneration of members.
5. Apportionment.
6. Appropriation.

AN ACT to make provision with respect to the salaries and allowances to be paid to members of Parliament, to repeal the *Parliamentary Salaries and Allowances Act 1962*, and to repeal certain provisions of the *Public Works Committee Act 1914*, the *Subordinate Legislation Committee Act 1969*, and the *Public Accounts Committee Act 1970*. [27 June 1973.]

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:—

1—(1) This Act may be cited as the *Parliamentary Salaries and Allowances Act 1973*. Short title and commencement.

(2) This Act shall commence on a day to be fixed by proclamation (being not earlier than the first day of July 1973).

Repeal.

2—(1) The *Parliamentary Salaries and Allowances Act 1962* is repealed.

(2) Sections thirty-two and thirty-three of the *Public Works Committee Act 1914*, section thirteen of the *Subordinate Legislation Committee Act 1969*, and section ten of the *Public Accounts Committee Act 1970* are repealed.

Interpretation.

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

“basic salary” has the meaning assigned to that expression by paragraph 2 of the second schedule;

“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 or a member of the Executive Council to whom paragraph 7 of the second schedule relates.

(2) A reference in this Act to—

(a) an Act of another State or a provision of such an Act; or

(b) a determination made under such an Act,

includes a reference to that Act or provision, or to that determination, as amended from time to time and to any Act or provision of an Act of the relevant State or a determination under such an Act that is passed or made in substitution for the first-mentioned Act, provision, or determination.

(3) A reference in this Act to a Commonwealth Act includes a reference to that Act as amended from time to time and to any Commonwealth Act that is passed in substitution for that Act.

(4) A reference in this Act to an award under the *Public Service Tribunal Act 1958* includes a reference to that award as amended from time to time and to any award under that Act that is made in substitution therefor.

4—(1) The remuneration to be paid to members is payable at ^{Remuneration of members.} the rates prescribed in, and in accordance with the provisions of, the second, third, and fourth schedules.

(2) The—

(a) amount of any salary, fee, or allowance that is payable to a member under this Act; and

(b) amount determined as the Inter-State average for the purposes of paragraph 3 of the second schedule,

shall be calculated to the nearest dollar.

5 The *Apportionment Act* 1871 applies to and in relation to all ^{Apportionment.} remuneration that is payable by virtue of this Act as if the Crown were bound by that Act.

6 Salaries, fees, and allowances that are payable to a member ^{Appropriation.} under this Act are payable out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly).

THE FIRST SCHEDULE.

(Section 3.)

Ministerial Offices.

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

THE SECOND SCHEDULE.

(Section 4.)

SALARIES PAYABLE TO MEMBERS.

Part I—Basic salary.

1 In this Part of this schedule, “Inter-State average” means such amount as is equivalent to the average of the following amounts namely:—

(a) The amount of the salary that is for the time being payable by virtue of section twenty-eight of the Constitution Act 1902 of the State

of New South Wales to a member of the Legislative Assembly of that State (not being a member specified in section twenty-nine of that Act);

- (b) The amount of the salary that is for the time being payable by virtue of section six of the *Parliamentary Salaries and Superannuation Act* 1968 of the State of Victoria to a member of the Legislative Assembly of that State and referred to in that section as the salary payable to "Any other member of the Council or the Assembly";
- (c) The amount of the salary that is for the time being payable to a member of the Legislative Assembly of the State of Queensland by virtue of section four of the *Constitution Act Amendment Act* of 1896 of that State (being that salary as adjusted in pursuance of Part IV of the *Constitution Acts Amendment Act* of 1971 of that State);
- (d) The amount of the remuneration that is payable to a member of the House of Assembly of the State of South Australia by virtue of any determination for the time being in force under the *Parliamentary Salaries and Allowances Act, 1965-1966* of that State (being that part of the total remuneration so payable as is referred to in the determination as the basic salary payable to such a member); and
- (e) The amount of the remuneration that is payable to a member of the Legislative Assembly of the State of Western Australia by virtue of any determination for the time being in force under the *Parliamentary Salaries and Allowances Act, 1967* of that State (being that part of the total remuneration so payable as is referred to in the determination as the basic salary payable to such a member).

2 There is payable to each member a salary (in this Act referred to as "the basic salary") at the rate of—

- (a) seven thousand two hundred dollars a year; or
- (b) the Inter-State average (as determined pursuant to paragraph 3 of this schedule),

whichever is the greater.

3—(1) For the purposes of this schedule, there shall be a committee (in this paragraph referred to as "the salaries committee") consisting of—

- (a) the Government Statistician;
- (b) the Clerk of the Legislative Council; and
- (c) the Clerk of the House of Assembly.

(2) As soon as is practicable after the fifteenth day of June in each year (other than the year 1973) the salaries committee shall calculate the Inter-State average, as at that day.

(3) The calculation of the Inter-State average to be made in respect of the year 1973 shall be made as soon as is practicable after the commencement of this Act.

(4) When it has calculated the Inter-State average, the salaries committee shall, without delay, give to the Auditor-General a report specifying—

- (a) the amount of the Inter-State average; and
- (b) the method of calculation used by the committee and the matters to which the committee had regard in connection with the making of the calculation.

(5) On receipt of a report under sub-paragraph (4) of this paragraph, the Auditor-General shall determine the amount that, in his opinion, is the true Inter-State average and shall cause a notice to be published in the *Gazette* specifying the amount so determined.

(6) For the purpose of making a determination under sub-paragraph (5) of this paragraph, the Auditor-General may, in his absolute discretion—

- (a) accept the calculation made by the salaries committee; or
- (b) himself make such calculation as he thinks fit, either in addition to, or in substitution for, the committee's calculation.

(7) On the publication in the *Gazette* of the notice referred to in sub-paragraph (5) of this paragraph—

- (a) the amount specified in the notice becomes the amount at the rate of which the basic salary is payable, as if that amount were expressly prescribed as such in this schedule; and
- (b) all instalments of basic salary paid on or after the first day of July in the year in which the notice is published shall be calculated accordingly.

(8) In this paragraph, "year" means the period of twelve months beginning on the first day of January and ending on the following thirty-first day of December.

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

5 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 his basic salary until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

Part II—Additional salary payable to the Premier, the Deputy Premier, and the Ministers of the Crown.

6—(1) In addition to the basic salary payable to him, there is payable to the person holding an office that is specified in the first column of the following table an additional salary comprising such percentage of the amount of the

basic salary for the time being as is specified opposite to that office in the second column of that table, namely:—

FIRST COLUMN. Office.	SECOND COLUMN. Percentage of basic salary of which the additional salary is comprised.
	%
Premier	125
Deputy Premier	85
A ministerial office	70

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

7—(1) Subject to this paragraph, in addition to the basic salary payable to him, there is payable to each of such persons (not exceeding three) 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, an additional salary calculated at the rate of seventy per cent of the amount of the basic salary for the time being.

(2) For the purposes of sub-paragraph (1) of this paragraph, the number of members of the Executive Council to whom an additional salary is payable pursuant to that sub-paragraph is—

(a) two, if either the Premier or the Deputy Premier is not the holder of a ministerial office; or

(b) one, if neither the Premier nor the Deputy Premier is the holder of a ministerial office,

and that sub-paragraph shall be read accordingly.

Part III—Additional salary payable to officers of Parliament.

8—(1) In addition to the basic salary payable to him, there is payable to the person holding an office that is specified in the first column of the following table an additional salary comprising such percentage of the amount of the basic salary for the time being as is specified opposite to that office in the second column of that table, namely:—

FIRST COLUMN. Office.	SECOND COLUMN. Percentage of the basic salary of which the additional salary is comprised.
	%
<i>Legislative Council—</i>	
President	33½
Leader for the Government	70
Chairman of Committees	20
Deputy Leader for the Government	11
<i>House of Assembly—</i>	
Speaker	33½
Chairman of Committees	20
Leader of the Opposition	70
Deputy Leader of the Opposition ..	17
Government Whip	6
Opposition Whip	6

(2) No salary is payable under this paragraph to a person who is the holder of the office of Leader for the Government, or the office of Deputy Leader for the Government, in the Legislative Council at any time while that person is in receipt of a salary under paragraph 6 or paragraph 7 of this schedule.

9 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 payable to him under this schedule until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

Part IV—General provisions relating to salaries.

10 A salary or an additional salary that is payable under the foregoing provisions of this schedule shall be paid by equal instalments on the fifteenth and last days of each month.

THE THIRD SCHEDULE.

(Section 4.)

REMUNERATION OF MEMBERS OF CERTAIN STANDING COMMITTEES.

1 In this schedule, "standing committee" means any of the following committees, namely:—

- (a) The Parliamentary Standing Committee on Public Works;
- (b) The Parliamentary Standing Committee of Public Accounts; and
- (c) The Parliamentary Standing Committee on Subordinate Legislation.

2 There is payable to a member of a standing committee, by way of remuneration for his services as a member thereof, for each day on which he attends a summoned meeting of the committee at which a quorum is present, a sitting fee calculated according to the following scale, namely:—

- (a) In the case of the Chairman of the committee, at the rate of 0·12 per cent of the annual amount of the basic salary for the time being; and
- (b) In the case of any other member of the committee, at the rate of 0·10 per cent of that annual amount.

THE FOURTH SCHEDULE.

(Section 4.)

ALLOWANCES PAYABLE TO MEMBERS.

Part I—Interpretation.

1 In this schedule—

"Rate A" means the daily rate at which a travelling allowance is payable, by virtue of the relevant award, to a permanent head of a department, in respect of travel within this State and referred to in the award as applying only where he is away from his normal place of residence overnight;

"Rate B" means the daily rate at which a travelling allowance is payable, by virtue of the relevant award, to a permanent head of a department, in respect of travel outside this State and referred to in the award as applying only where he is away from his normal place of residence overnight;

"relevant award" means the Public Service (Conditions of Service) Principal Award No. 3 made under the *Public Service Tribunal Act* 1958 and published in the *Gazette* on the first day of December 1970.

Part II—Electorate allowances.

2—(1) In addition to the basic salary payable to him, there is payable to each member, in respect of the expenses of discharging his duties, an electorate allowance comprising such percentage of the amount of basic salary for the time being as is specified in the second column of the following table opposite to 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. Percentage of basic salary of which electoral allowance is comprised.
	%
<i>Legislative Council Divisions—</i>	
Buckingham	13
Cornwall	12
Derwent	18½
Gordon	26
Hobart	11
Huon	18½
Launceston	12
Macquarie	20
Meander	22
Mersey	17
Monmouth	24
Newdegate	11
Pembroke	13
Queenborough	11
Russell	26
South Esk	26
Tamar	18½
West Devon	17
Westmorland	14
<i>House of Assembly Divisions—</i>	
Bass	26
Braddon	30
Denison	15
Franklin	21
Wilmot	35

(2) The electorate allowance payable to a member under this paragraph shall be paid by equal instalments on the fifteenth and last days of each month.

3 The electorate allowance payable to a member under paragraph 2 of this schedule shall be calculated from the day on which he is elected as a member and, except as provided by paragraph 4 of this schedule, ceases to be payable on the day on which he ceases to be a member.

4 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 2 of this schedule until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

Part III—Entertainment allowances.

5 There is payable to the person holding an office that is specified in the first column of the following table an entertainment allowance comprising such percentage of the annual amount of the basic salary for the time being as is specified opposite to that office in the second column of that table, namely:—

FIRST COLUMN. Office.	SECOND COLUMN. Percentage of basic salary of which entertainment allowance is comprised.
	%
Premier	12
President of the Legislative Council	5
Speaker of the House of Assembly	5

Part IV—Travelling allowances.

6—(1) There is payable to the person holding an office that is specified in the first column of the following table, in respect of the expenses incurred by him in travelling on official duties or Parliamentary duties, where he is away from his home overnight, a travelling allowance comprising such percentage of Rate A or of Rate B, as the case may be, as is specified opposite to that office in the second column of that table, namely:—

FIRST COLUMN. Office.	SECOND COLUMN. Percentage of Rate A or Rate B of which travelling allowance is comprised.
<i>Travel within the State</i>	
Premier	115% of Rate A
A ministerial office	100% of Rate A
Member of Executive Council to whom paragraph 7 of the second schedule relates	100% of Rate A
Leader for the Government in the Legislative Council	100% of Rate A
Leader of the Opposition	100% of Rate A
<i>Travel outside the State</i>	
Premier	115% of Rate B
A ministerial office	105% of Rate B
Member of Executive Council to whom paragraph 7 of the second schedule relates	105% of Rate B
Leader for the Government in the Legislative Council	105% of Rate B
Leader of the Opposition	105% of Rate B

(2) There is payable to the holder of an office that is specified in the first column of the table set forth in sub-paragraph (1) of this paragraph, in respect of travel on official duties or Parliamentary duties to or from his Hobart office or his home, where he is not away from his home overnight, a travelling allowance calculated at the rate of fifty per cent of Rate A.

(3) The allowance referred to in sub-paragraph (2) of this paragraph is payable whether the travel takes place within or outside the State.

(4) Where a member is away from his home overnight for the purpose of attending—

(a) a sitting of the House of which he is a member; or

(b) a meeting of the political party of which he is a member,

there is payable to him a travelling allowance calculated at a rate equal to Rate A.

(5) An allowance payable under sub-paragraph (1) or sub-paragraph (4) of this paragraph shall comprise an amount calculated at the full daily rate in respect of each day or part of a day during which the member is away from his home.

7—(1) A travelling allowance is payable to each private member who has been appointed to serve on a Select Committee of the House of which he is a member, or on a Joint Committee of both Houses, or who is a member of a standing committee (within the meaning of the third schedule)—

(a) for each day during which he attends a meeting of that Committee; and

(b) for each day on which he travels for the purpose of so attending or for the purpose of returning to his home after so attending.

(2) A travelling allowance under sub-paragraph (1) of this paragraph comprises—

(a) where the member is away from his home overnight, such percentage of Rate A or of Rate B, as the case may be, as is specified in the second column of Part I of the following table; or

(b) where the member is not away from his home overnight, such percentage of Rate A as is specified in the second column of Part II of that table.

TABLE.

Part I—Overnight travel.

FIRST COLUMN. Case in which allowance payable.	SECOND COLUMN. Percentage of Rate A or Rate B of which allowance is comprised.
1. Where the member does not travel outside the State	100% of rate A
2. Where the member travels outside the State	100% of Rate B

Part II—Day time travel.

FIRST COLUMN. Case in which allowance payable.	SECOND COLUMN. Percentage of Rate A of which allowance is comprised.
1. Travel within the State where the distance travelled to and from the meeting place is—	
(a) more than 25 miles	50% of Rate A
(b) 25 miles or less	25% of Rate A
2. Travel outside the State where the distance travelled to and from the meeting place is—	
(a) more than 25 miles	50% of Rate B
(b) 25 miles or less	25% of Rate B

(3) In this paragraph, “private member” means a member other than the holder of an office that is specified in the first column of the table set forth in sub-paragraph (1) of paragraph 6 of this schedule.

Part V—Residential allowances.

8—(1) Where the home of a person to whom this paragraph applies is situated at such a place that it is not reasonably practicable for that person to return to his home each day from his office or from the House of which he is a member, there is payable to that person, in respect of each day during which he is away from his home overnight, a residence allowance calculated at a rate equal to Rate A.

(2) This paragraph applies to a person who is—

- (a) the holder of the office of Premier, Deputy Premier, Leader for the Government in the Legislative Council, or Leader of the Opposition, or of a ministerial office; or
- (b) a member of the Executive Council to whom paragraph 7 of the second schedule relates.

Part VI—Telephone allowances.

9 There is payable to each member, by way of reimbursement of expenses, an allowance comprising an amount equal to the rental payable by him under the Commonwealth regulations in respect of one telephone installed at his home as shown in each periodical telephone account received by the member.