



TASMANIA

**PARLIAMENTARY SALARIES AND
ALLOWANCES AMENDMENT ACT (No. 2)
1996**

No. 44 of 1996

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**PARLIAMENTARY SALARIES AND
ALLOWANCES AMENDMENT ACT (No. 2)
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No. 44 of 1996

An Act to amend the *Parliamentary Salaries and Allowances Act 1973*

[Royal Assent 16 December 1996]

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

1. This Act may be cited as the *Parliamentary Salaries and Allowances Amendment Act (No. 2) 1996*.

Commencement

2. (1) Sections 1, 3, 4, 6 and this section commence on the day after the day on which this Act receives the Royal Assent.

(2) Sections 5, 7, 8 and 9 commence on the day on which the determination of the Committee under section 4A of the Principal Act (as inserted by this Act) takes effect.

Principal Act

3. In this Act, the *Parliamentary Salaries and Allowances Act 1973** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4. Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting after the definition of "Commission" the following definition:

"Committee" means the Committee of Review established by order-in-council dated 23 October 1996 to enquire into certain allowances and benefits to which members are entitled;

- (b) by omitting "Minister." from the definition of "Opposition Whip" and substituting "Minister;;

- (c) by inserting after the definition of "Opposition Whip" the following definition:

"terms of reference" means the terms of reference of the Committee.

* No. 27 of 1973. Amended by No. 10 of 1975, No. 82 of 1977, No. 86 of 1979, Nos. 14 and 99 of 1982, No. 21 of 1983, Nos. 13 and 30 of 1984, Nos. 37 and 74 of 1986, No. 22 of 1988, No. 91 of 1993, No. 15 of 1995 and No. 14 of 1996.

Section 4 amended (Remuneration of members)

5. Section 4(1) of the Principal Act is amended by omitting ", 2, and 3" and substituting "and 2".

Sections 4A and 4B inserted

6. After section 4 of the Principal Act, the following sections are inserted:

Publication of Committee's determination

4A. (1) The Committee must, within 14 days of making its report to the Governor in accordance with its terms of reference, cause a notice to be published in the *Gazette* in the form of a determination specifying its recommendations relating to the matters referred to in items 4, 5 and 6 of the terms of reference.

(2) The notice referred to in subsection (1) is to be the determination of the Committee.

(3) The determination of the Committee takes effect on the day on which the notice referred to in subsection (1) is published in the *Gazette*.

(4) For the purposes of the terms of reference, the remuneration payable to the chairperson and members of standing committees of the Parliament established by an enactment is taken to be an allowance.

Determination of Committee not subject to challenge

4B. The determination of the Committee under section 4A may not be challenged, reviewed, quashed or called into question before any court or in any legal proceedings in the nature of prohibition, mandamus, certiorari or otherwise.

Section 7 inserted

7. After section 6 of the Principal Act, the following section is inserted:

Abolition of certain allowances and benefits

7. (1) Any allowances and benefits to which a member or former member was entitled as a member or former member immediately before the commencement of the *Parliamentary Salaries and Allowances Amendment Act (No. 2) 1996*, other than in accordance with this Act, are abolished.

(2) No allowances and benefits may be provided to a member or former member as a member or former member other than in accordance with this Act.

(3) Subsections (1) and (2) do not apply to –

(a) a benefit to which a member or former member is entitled under any superannuation scheme, arrangement or agreement; and

- (b) a benefit to which a member is entitled under a personal accident and illness insurance policy; and
- (c) staff, office accommodation, equipment (including the capital and recurrent costs of that equipment), facilities and other resources provided to assist a member in the performance of the member's duties; and
- (d) the reimbursement of expenses incurred by a member in the course of –
 - (i) representing the Parliament, with the approval of the presiding officer of the Legislative Council and the presiding officer of the House of Assembly, at any conference, activity or event connected with the member's parliamentary duties; or
 - (ii) representing a House, with the approval of that House or the presiding officer of that House, at any conference, activity or event connected with the member's parliamentary duties.

Schedule 1 amended (Salaries payable to members)

8. Schedule 1 to the Principal Act is amended by inserting after clause 9 the following clause in Part III:

9A. Where the House of Assembly is dissolved or expires by effluxion of time, a person who is the holder of an office specified, pursuant to item 5 of the terms of reference, in the Committee's

determination under section 4A as being entitled to receive additional salary is entitled, notwithstanding the dissolution or expiry of that House, to receive the salary payable to the holder in accordance with the determination of the Committee under section 4A until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

Schedules 2 and 3 repealed and Schedule 2 substituted

9. Schedules 2 and 3 to the Principal Act are repealed and the following Schedule is substituted:

**SCHEDULE 2 – ALLOWANCES AND
BENEFITS TO WHICH MEMBERS ARE
ENTITLED**

Section 4

Allowances and benefits to which members are entitled

1. (1) Members are entitled to the allowances and benefits specified in the determination of the Committee under section 4A as adjusted from time to time.

(2) The allowances and benefits referred to in subclause (1) are to be adjusted in accordance with a mechanism established by the determination of the Committee under section 4A.

(3) Where a member of the House of Assembly ceases to be a member of that House by reason of the dissolution of that House or the expiry of that House by the effluxion of time, the member, notwithstanding the cessation of his or her

membership, continues to be entitled to receive any allowance or benefit specified in the determination of the Committee under section 4A until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

*[Second reading presentation speech made in:—
House of Assembly on 14 November 1996
Legislative Council on 19 November 1996]*

