

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Remuneration Tribunal Amendment Bill 2021

EXPLANATORY STATEMENT

**Presented by
Ms Joy Burch MLA
Speaker**

Remuneration Tribunal Amendment Bill 2021

Introduction

This explanatory statement relates to the Remuneration Tribunal Amendment Bill 2021. It has been prepared to assist the reader of the bill and to inform debate on it.

It does not form part of the bill and has not been endorsed by the Assembly.

The statement must be read in conjunction with the bill and is not meant to be a comprehensive description. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this task being for the courts.

Overview

The purpose of the bill is to amend provisions of the *Remuneration Tribunal Act 1995* (the Act) in order that the position of ‘Whip in the Legislative Assembly of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 4 members of the Legislative Assembly are members of the party’ is declared to be an ‘office’ pursuant to s 73 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth).

Section 73 of the Self-Government Act provides for the remuneration and allowances for certain ‘offices’, including the Chief Minister, Deputy Chief Minister, Ministers, Presiding Officer, justices and magistrates.

Section 73(1)(g) of the Self-Government Act provides that ‘an office declared by enactment’ is also an ‘office’ to which the section applies. Section 73(2) of the Self-Government Act provides that, subject to certain other provisions, a person is, in respect of services in an ‘office’, to be paid such remuneration and allowances:

- if they are determined or specified by or under an enactment—as so determined or specified; or
- in any other case—as are determined by the Remuneration Tribunal.

The following offices have previously been declared, pursuant to s 73(1) of the Self-Government Act, at s 9(3) of the Remuneration Tribunal Act:

- Leader of the Opposition in the Legislative Assembly;
- Deputy Leader of the Opposition in the Legislative Assembly;
- Government Whip in the Legislative Assembly;
- Opposition Whip in the Legislative Assembly;

- the presiding member (however designated) of a committee of the Legislative Assembly.

Section 9(2) of the Remuneration Tribunal Act provides that:

The tribunal must, from time to time as provided by this division, inquire into, and determine, the remuneration and allowances to be paid, and other entitlements to be granted, to members of the Legislative Assembly other than Ministers because of their membership of the Legislative Assembly or because of their holding particular offices, or exercising particular functions, in relation to the Legislative Assembly.

By declaring the 'Whip in the Legislative Assembly of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 4 members of the Legislative Assembly are members of the party' an 'office' for the purposes of s 73(1) of the Self-Government Act, the Remuneration Tribunal would be required to inquire into, and determine, the remuneration and allowances to be paid, and other entitlements to be granted to a Member of the Legislative Assembly arising from the member holding that particular office.

Rights issues

No rights issues are engaged by the bill.

CLAUSE NOTES

Clause 1 Name of Act—provides that the title of the Act is the *Remuneration Tribunal Amendment Act 2021* (the Act).

Clause 2 Commencement—provides that the Act will commence the day after its notification day.

Clause 3 Legislation amended—provides that the *Remuneration Tribunal Act 1995* is amended by the Act.

Clause 4 New section 9 (3) (da)—inserts the following new section:

(da) the Whip in the Legislative Assembly of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 4 members of the Legislative Assembly are members of the party.

It provides that the position is an ‘office’ pursuant to s 73 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth).

Clause 5 New section 9 (4)—provides that in this section the term ‘registered party’ has the meaning given it under the *Electoral Act 1992*, dictionary.