

2024

**Legislative Assembly for the
Australian Capital Territory**

Remuneration Tribunal Amendment Bill 2024

Explanatory statement

Presented by
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Speaker
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REMUNERATION TRIBUNAL AMENDMENT BILL 2024

This explanatory statement relates to the *Remuneration Tribunal Amendment Bill 2024* (the Bill) as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

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

OVERVIEW OF THE BILL

The purpose of the Bill is to amend the *Remuneration Tribunal Act 1995* so that additional remuneration is payable to a Member of the Legislative Assembly (MLA) who acts in an 'office' for a continuous period of 60 days or more.

Under the Bill, an additional amount of remuneration is payable to an MLA acting in one or more of the following positions:

- Chief Minister;
- Minister;
- Speaker;
- an office mentioned in s 9(3) of the *Remuneration Tribunal Act 1995*, viz:
 - 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 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; and
 - the presiding member (however designated) of a committee of the Legislative Assembly.

CONSULTATION ON THE PROPOSED APPROACH

The Chief Minister, Leader of the Opposition, Leader of the ACT Greens, and the Standing Committee on Administration and Procedure have been consulted in the development of the Bill.

CONSISTENCY WITH HUMAN RIGHTS

The Bill does not engage rights under the *Human Rights Act 2004*.

CLAUSE NOTES

Clause 1 Name of Act—provides that the title of the Act is the *Remuneration Tribunal Amendment Act 2024* (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 9A—inserts, which provides that:

- additional remuneration is payable to an MLA acting in an ‘office’ (s 9A(1)(a)) for a continuous period of 60 days or more (s 9A(b));
- the additional amount of the remuneration is payable for the whole period the MLA acts in the office (s 9A(2));
- in a situation where the MLA would, apart from the subsection, be entitled to be paid 2 or more amounts, an MLA is to be paid only the higher or highest amount of additional remuneration (s 9A(3));
- an MLA **acts** in an office if the MLA exercises the functions of the office in accordance with:
 - any territory law or law of the Commonwealth that applies to the office; and
 - the instrument by which the member was appointed, engaged, authorised or requested to exercise the functions of the office.

Clause 5 Dictionary, note 2

Inserts the words ‘exercise’, ‘function’, and ‘Speaker’ at note 2 of the Dictionary of the *Remuneration Tribunal Act 1995*, each of which is defined in the *Legislation Act 2001*.