

FIRST PRINT

**PARLIAMENTARY REMUNERATION (AMENDMENT)
BILL 1992**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Parliament Management Bill 1992.

The objects of this Bill are:

- (a) to enable Members of Parliament to elect to take employment benefits on a salary-sacrifice basis; and
- (b) to establish a procedure for the approval of employment benefits and the determination of their cost; and
- (c) to include the Manager of Opposition Business in the Legislative Assembly in the list of recognised offices entitled to additional salary and an expense allowance under the Parliamentary Remuneration Act 1989 and to confer additional salary on the Deputy Leader in the Legislative Assembly of a non-government party; and
- (d) to make other consequential amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 gives effect to Schedule 1 which contains amendments to the Parliamentary Remuneration Act 1989.

Clause 4 gives effect to Schedule 2 which contains amendments to the Constitution Act 1902 and the Parliamentary Contributory Superannuation Act 1971.

Parliamentary Remuneration (Amendment) 1992

**SCHEDULE 1—AMENDMENT OF PARLIAMENTARY REMUNERATION
ACT 1989**

Employment benefits

Section 7A is inserted (Schedule 1 (1)) to enable employment benefits to be provided to Members of Parliament on a salary-sacrifice basis. Employment benefits are to be determined by the Parliament Commission and must be agreed to by the Parliamentary Remuneration Tribunal. The necessary powers are conferred on the Tribunal by amending section 9 (Schedule 1 (2)).

Recognised offices

The Parliamentary Remuneration Act 1989 is also amended (Schedule 1 (3)) to include the Manager of Opposition Business in the Legislative Assembly in the list of recognised offices, with an additional salary of 13% of basic salary and an expense allowance of 7%. The Deputy Leader in the Legislative Assembly of a non-government party of not fewer than 10 members (other than the Leader and Deputy Leader of the Opposition) is also to have an additional salary of 13%.

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS

Constitution Act 1902

The Constitution Act 1902 is amended to remove any doubt that a member of Parliament may receive employment benefits.

Parliamentary Contributory Superannuation Act 1971

The Parliamentary Contributory Superannuation Act 1971 is amended to treat the value of employment benefits received by a member of Parliament as salary.

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**PARLIAMENTARY REMUNERATION (AMENDMENT)
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NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Parliamentary Remuneration Act 1989 No. 160
4. Consequential amendment of other Acts

SCHEDULE 1—AMENDMENT OF PARLIAMENTARY REMUNERATION ACT
1989

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS

**PARLIAMENTARY REMUNERATION (AMENDMENT)
BILL 1992**

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Parliamentary Remuneration Act 1989 and certain other Acts with respect to the provision of employment benefits to Members of Parliament; and for other purposes.

Parliamentary Remuneration (Amendment) 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Parliamentary Remuneration (Amendment) Act 1992.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Parliamentary Remuneration Act 1989 No. 160

10 3. The Parliamentary Remuneration Act 1989 is amended as set out in Schedule 1.

Consequential amendment of other Acts

4. The Acts specified in Schedule 2 are amended as set out in that Schedule.

**SCHEDULE 1—AMENDMENT OF PARLIAMENTARY
REMUNERATION ACT 1989**

15

(Sec. 3)

(1) Section 7A:

After section 7, insert:

Employment benefits

20

7A. (1) A member (including a recognised office holder) is entitled to be provided with employment benefits if the member elects by notice in writing to the Parliament Commission to be provided with those employment benefits and if the Commission approves of that election.

25

(2) The cost of an employment benefit is to be as determined from time to time by the Parliament Commission, and the remuneration otherwise payable to the member is reduced by the cost of the benefit.

30

(3) For the purposes of this section, an employment benefit is a benefit that:

- (a) is or is to be provided to a member at the cost of the State; and
- (b) is of a private nature; and
- (c) is approved for the time being by the Parliament Commission on the recommendation of or with the concurrence of the Tribunal, either generally or in relation to any member or class of members.

(5) An election may be terminated at any time by the Parliament Commission or by the member with the approval of the Commission.

(6) This section has effect despite anything to the contrary in this or any other Act.

(2) **Section 9 (Functions of the Tribunal):**

Omit section 9 (b), insert instead:

(b) to make recommendations to the Parliament Commission or the Minister on matters referred to it by the Commission or the Minister relating to the provision of services, equipment or facilities to a member or recognised office holder; and

(c) to make recommendations to, or to concur or refuse to concur with, the Parliament Commission with regard to matters relating to employment benefits under section 7A or under the Parliamentary Contributory Superannuation Act 1971.

(3) Schedule 1 (Additional Salaries and Expense Allowances):

(a) After the matter relating to the Opposition Whip in the Legislative Assembly, insert:

**Manager of Opposition Business
in the Legislative Assembly**

(b) In the second column, opposite the words “Deputy Leader in the Legislative Assembly of such a recognised political party”, insert “13%”.

Parliamentary Remuneration (Amendment) 1992

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS

(Sec. 4)

Constitution Act 1902 No. 32

5 Section 13 (**Disqualifications**):

After section 13 (4B), insert:

(4C) Nothing in:

10 (a) subsection (1) applies so as to prevent a person from being elected or from sitting or voting as a Member of either House of Parliament; or

(b) subsection (2) requires or permits the seat of a Member of either House of Parliament to be declared to be, or to become or be, vacant,

15 on the ground that he or she elects or agrees to be provided with, or receives, employment benefits under the Parliamentary Remuneration Act 1989.

Parliamentary Contributory Superannuation Act 1971 No. 53

Section 3 (**Definitions**):

20 In the definition of "salary" in section 3, at the end of paragraph (c), insert:

; and

25 (d) amounts (if any) equal to the whole or part of the value of any employment benefit provided to him or her under the Parliamentary Remuneration Act 1989, as determined by the Parliament Commission on the recommendation of or with the concurrence of the Parliamentary Remuneration Tribunal,

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- (c) to include the Manager of Opposition Business in the Legislative Assembly in the list of recognised offices entitled to additional salary and an expense allowance under the Parliamentary Remuneration Act 1989 and to confer additional salary on the Deputy Leader in the Legislative Assembly of a non-government party; and
- (d) to make other consequential amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 gives effect to Schedule 1 which contains amendments to the Parliamentary Remuneration Act 1989.

Clause 4 gives effect to Schedule 2 which contains amendments to the Constitution Act 1902 and the Parliamentary Contributory Superannuation Act 1971.

Parliamentary Remuneration (Amendment) 1992

**SCHEDULE 1—AMENDMENT OF PARLIAMENTARY REMUNERATION
ACT 1989**

Employment benefits

Section 7A is inserted (Schedule 1 (1)) to enable employment benefits to be provided to Members of Parliament on a salary-sacrifice basis. Employment benefits are to be determined by the Parliament Commission and must be agreed to by the Parliamentary Remuneration Tribunal. The necessary powers are conferred on the Tribunal by amending section 9 (Schedule 1 (2)).

Recognised offices

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS

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No. , 1992

A BILL FOR

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The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Parliamentary Remuneration (Amendment) Act 1992.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Parliamentary Remuneration Act 1989 No. 160

3. The Parliamentary Remuneration Act 1989 is amended as set out in
10 Schedule 1.

Consequential amendment of other Acts

4. The Acts specified in Schedule 2 are amended as set out in that Schedule.

**SCHEDULE 1—AMENDMENT OF PARLIAMENTARY
REMUNERATION ACT 1989**

15

(Sec. 3)

(1) Section 7A:

After section 7, insert:

Employment benefits

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7A. (1) A member (including a recognised office holder) is entitled to be provided with employment benefits if the member elects by notice in writing to the Parliament Commission to be provided with those employment benefits and if the Commission approves of that election.

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(2) The cost of an employment benefit is to be as determined from time to time by the Parliament Commission, and the remuneration otherwise payable to the member is reduced by the cost of the benefit.

30

(3) For the purposes of this section, an employment benefit is a benefit that:

Parliamentary Remuneration (Amendment) 1992

SCHEDULE 1—AMENDMENT OF PARLIAMENTARY
REMUNERATION ACT 1989—*continued*

- (a) is or is to be provided to a member at the cost of the State; and
 - (b) is of a private nature; and 5
 - (c) is approved for the time being by the Parliament Commission on the recommendation of or with the concurrence of the Tribunal, either generally or in relation to any member or class of members.
- (4) The Parliament Commission may from time to time determine the terms and conditions on which, including the manner in which, employment benefits are to be provided. Any such determination is to be made on the recommendation of or with the concurrence of the Tribunal. 10
- (5) An election may be terminated at any time by the Parliament Commission or by the member with the approval of the Commission. 15
- (6) This section has effect despite anything to the contrary in this or any other Act.
- (2) Section 9 (**Functions of the Tribunal**): 20
 - Omit section 9 (b), insert instead:
 - (b) to make recommendations to the Parliament Commission or the Minister on matters referred to it by the Commission or the Minister relating to the provision of services, equipment or facilities to a member or recognised office holder; and 25
 - (c) to make recommendations to, or to concur or refuse to concur with, the Parliament Commission with regard to matters relating to employment benefits under section 7A or under the Parliamentary Contributory Superannuation Act 1971. 30
- (3) Schedule 1 (**Additional Salaries and Expense Allowances**):
 - (a) After the matter relating to the Opposition Whip in the Legislative Assembly, insert:

Manager of Opposition Business					
in the Legislative Assembly	13%	7%			

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 - (b) In the second column, opposite the words "Deputy Leader in the Legislative Assembly of such a recognised political party", insert "13%".

Parliamentary Remuneration (Amendment) 1992

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(4C) Nothing in:

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