

TASMANIA

**PARLIAMENTARY SALARIES,
SUPERANNUATION AND ALLOWANCES
AMENDMENT BILL 2015**

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**PARLIAMENTARY SALARIES,
SUPERANNUATION AND ALLOWANCES
AMENDMENT BILL 2015**

*(Brought in by the Premier, the Honourable William Edward
Felix Hodgman)*

A BILL FOR

**An Act to amend the *Parliamentary Salaries,
Superannuation and Allowances Act 2012* and the *Industrial
Relations Act 1984***

Be it enacted by Her 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:

PART 1 – PRELIMINARY

1. Short title

*This Act may be cited as the *Parliamentary Salaries, Superannuation and Allowances Amendment Act 2015*.*

2. Commencement

This Act commences on 1 July 2015, but if this Act does not receive the Royal Assent by that date it is taken to have commenced on 1 July 2015.

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Part 2 – Industrial Relations Act 1984 Amended

**PART 2 – INDUSTRIAL RELATIONS ACT 1984
AMENDED**

3. Principal Act

In this Part, the *Industrial Relations Act 1984** is referred to as the Principal Act.

4. Long title amended

The long title of the Principal Act is amended by inserting “, to determine salaries, allowances and benefits for members of Parliament,” after “bargaining”.

5. Section 15 amended (General functions and powers of President)

Section 15(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (k) “section 50 of the *State Service Act 2000*.” and substituting “section 50 of the *State Service Act 2000*; and”;
- (b) by inserting the following paragraph after paragraph (k):
 - (l) appoint 2 Commissioners to constitute, together with the President, a Full Bench to

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Part 2 – Industrial Relations Act 1984 Amended

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perform the functions, and exercise the powers, conferred on the Commission under the *Parliamentary Salaries, Superannuation and Allowances Act 2012*.

6. Section 19AB inserted

After section 19AA of the Principal Act, the following section is inserted in Division 2:

19AB. Commission to determine remuneration, &c., of members of Parliament

A Full Bench of the Commission constituted in accordance with section 15(1)(1) is to perform the functions, and exercise the powers, conferred on the Commission under the *Parliamentary Salaries, Superannuation and Allowances Act 2012*.

7. Section 94 amended (Costs of administration)

Section 94 of the Principal Act is amended by inserting “or in performing the functions of the Commission under the *Parliamentary Salaries, Superannuation and Allowances Act 2012*” after “Act”.

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**PART 3 – PARLIAMENTARY SALARIES,
SUPERANNUATION AND ALLOWANCES ACT 2012
AMENDED**

8. Principal Act

In this Part, the *Parliamentary Salaries, Superannuation and Allowances Act 2012** is referred to as the Principal Act.

9. Part 1: Heading inserted

The Principal Act is amended by inserting the following heading before section 1:

PART 1 – PRELIMINARY

10. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *allowances and benefits*:

amending Act means the
*Parliamentary Salaries,
Superannuation and Allowances
Amendment Act 2015*;

- (b) by omitting “determined from time to time” from the definition of *basic salary*

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and substituting “payable to members of Parliament”;

- (c) by omitting the definition of *Committee*;
- (d) by inserting the following definition after the definition of *contributory scheme*:

determination means a determination contained in a report under section 3D;

- (e) by inserting the following definition after the definition of *parliamentary salary*:

President of the Commission means the person who is, under the *Industrial Relations Act 1984*, the President of the Commission;

- (f) by omitting the definition of *Second Committee*.

11. Parts 2 and 3 inserted

After section 3 of the Principal Act, the following Parts are inserted:

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**PART 2 – PERFORMANCE BY COMMISSION OF
FUNCTIONS UNDER THIS ACT**

3A. Functions of Commission

- (1) In addition to its functions under the *Industrial Relations Act 1984*, it is a function of the Commission –
 - (a) to inquire into, and report to the Parliament on, matters referred to in section 3C(1); and
 - (b) to inquire into, and report to the Parliament on, the matter referred to in section 3E(2) in accordance with section 3E(1); and
 - (c) to make determinations in respect of matters referred to in section 3C(1).
- (2) The Commission has the powers necessary to perform its functions under this Act.

3B. Method of inquiry by Commission

- (1) The Commission, in the performance of its functions –
 - (a) may inform itself as it sees fit; and

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- (b) may receive written or oral statements; and
 - (c) is not required to conduct any proceeding in a formal manner; and
 - (d) is not bound by the rules of evidence.
- (2) The Secretary of the Department responsible to the Minister in relation to the administration of this Act may, at the request of the President of the Commission, appoint a person or persons to assist the Commission in an inquiry.

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**PART 3 – INQUIRIES, REPORTS AND
DETERMINATIONS BY COMMISSION**

3C. Inquiries by Commission

- (1) The Commission must, from time to time as provided by this Part, inquire into the following matters:
 - (a) the amount of the basic salary to be paid to each member of Parliament;
 - (b) the kinds of, and amounts of, any additional salary to be paid to each person holding an office specified in Table 1 of clause 1(2) of Part 2 of Schedule 1;
 - (c) the kinds of, and amounts of, any additional salary to be paid to each person holding the office specified in Table 2 of clause 1(4) of Part 2 of Schedule 1r another office of a member of Parliament for the purposes of section 3D(2)(c);
 - (d) the kinds of, and amounts of, the allowances and benefits to be paid to each member of Parliament.

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- (2) If the Commission inquires into a matter referred to in subsection (1), the Commission may also inquire into any other matter that is, or is considered by it to be, related to the first-mentioned matter, including whether it ought to include in a determination an office for the purposes of section 3D(2)(c).
 - (3) The Minister, by notice in writing to the Commission, may require the Commission to inquire into a matter specified in the notice, being a matter that is, or is considered by the Minister to be, related to a matter referred to in subsection (1).
 - (4) The Commission must, if it receives a notice from the Minister under subsection (3) in relation to a matter, inquire into the matter.
 - (5) The Minister must ensure that, as soon as practicable after he or she gives to the Commission a notice under subsection (3), a copy of the notice is laid before both Houses.

3D. Contents of reports

- (1) The Commission must, after conducting an inquiry in accordance with section 3C(1), prepare a report that includes –

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- (a) the information the Commission thinks fit in respect of the inquiry; and
 - (b) the Commission's recommendations in relation to the matters specified in section 3C(1); and
 - (c) if the report is in respect of an inquiry conducted in accordance with section 3E(1) – the results of the inquiry included as part of that inquiry in accordance with section 3E(2); and
 - (d) a determination that includes the relevant matters; and
 - (e) any other matter into which the Commission has inquired in accordance with section 3C(2) or pursuant to a notice from the Minister under section 3C(3).
- (2) For the purposes of subsection (1)(d), the relevant matters to be included in a determination are –
- (a) the amount of the basic salary to be paid to each member of Parliament; and
 - (b) the kinds of, and amounts of, any additional salary to be paid to

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each person holding an office specified in Table 1 of clause 1(2) of Part 2 of Schedule 1; and

- (c) the kinds of, and amounts of, any additional salary to be paid to each person holding the office specified in Table 2 of Table 1 of clause 1(4) of Part 2 of Schedule 1 or an office that the Commission decides to include, for the purposes of this paragraph, in the determination; and
- (d) the kinds of, and amounts of, the allowances and benefits to be paid to each member of Parliament; and
- (e) the date on which the determination is to take effect; and
- (f) the date on which the determination is to cease to have effect; and
- (g) the date, not less than 12 months after the date on which the determination is to take effect, before which –

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- (i) a further inquiry is to be made in accordance with section 3C(1); and
 - (ii) a report in relation to the inquiry is to be provided to both Houses under section 3F(1).
- (3) The date specified in a determination under subsection (2)(e) may be a date –
- (a) before the date on which the report containing the determination is provided to the Clerk of either House under section 3F(1); or
 - (b) before the date that is 10 sitting-days after the report containing the determination is tabled in both Houses under section 3F(2).

3E. When inquiries and reports to be made

- (1) The Commission must before 1 March 2016 –
- (a) in accordance with section 3C(1), inquire into the matters referred to in section 3C(1); and
 - (b) provide to both Houses under section 3F(1) a report, in

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accordance with section 3D(1), in
relation to the inquiry.

- (2) The inquiry and report referred to in subsection (1) is to include an inquiry and report into the report of the tribunal, established under clause 4(1) of Part 1 of Schedule 1, as in force immediately before the day on which the amending Act commences, that was tabled in each House in accordance with clause 4(3) of Part 1 of that Schedule as so in force.
- (3) The Commission must, before the date specified, in accordance with section 3D(2)(g) in a determination that is in effect under section 3H, as the date by which the next report in relation to the matters referred to in subsection (1) is to be provided to both Houses under section 3F(1) –
 - (a) inquire, in accordance with section 3C(1), into the matters referred to in section 3C(1); and
 - (b) provide to both Houses under section 3F(1) a report, in accordance with section 3D(1), in relation to the inquiry.
- (4) If a determination is disallowed by both Houses under section 3G, the Commission must, before 12 months

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after the date on which both Houses disallow the determination –

- (a) inquire, in accordance with section 3C(1), into the matters referred to in section 3C(1); and
- (b) provide to both Houses under section 3F(1) a report, in accordance with section 3D(1), in relation to the inquiry.

3F. Tabling of report

- (1) A report that is required under this Part to be provided to Parliament is to be provided by the President of the Commission to the Clerk of each House.
- (2) The Clerk of a House to which a report is provided under subsection (1) is to table the report on the first sitting-day of that House after the day on which the report is provided to the Clerk.

3G. House may disallow determination

A House before which a report is tabled under section 3F(2) may, within 10 sitting-days or a longer period allowed by a resolution of the House, disallow a determination contained in the report.

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3H. When determination takes effect

- (1) A determination, contained in a report that is tabled under section 3F(2), comes into effect on the day specified in the determination as the day on which it is to take effect, unless the determination is disallowed by both Houses under section 3G within –
 - (a) 10 sitting-days after the report is tabled in both Houses; or
 - (b) a longer period allowed by a resolution of either House under section 3G.

- (2) A determination may come into effect on the date specified in the determination as the date on which the determination is to take effect, even though the date is a date that is –
 - (a) before the date on which the report containing the determination is provided to the Clerk of either House under section 3F(1); or
 - (b) before the date that is 10 sitting-days, or a longer period allowed by a resolution of a House under section 3G, after the report containing the determination is

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tabled in both Houses under
section 3F(2).

3I. Notice of determination

- (1) As soon as practicable after the period in which a determination may be disallowed under section 3G has expired without the determination being disallowed by both Houses under that section, the President of the Commission is to ensure that there is published in the *Gazette* a notice setting out the determination.
- (2) A notice under subsection (1) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

12. Part 4: Heading inserted

The Principal Act is amended by inserting the following heading before section 4:

**PART 4 – ENTITLEMENT TO, &C., SALARIES,
ALLOWANCES AND BENEFITS**

13. Part 5: Heading inserted

The Principal Act is amended by inserting the following heading after section 9:

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PART 5 – MISCELLANEOUS

14. Section 10A inserted

After section 10 of the Principal Act, the following section is inserted in Part 5:

10A. Regulations

The Governor may make regulations for the purposes of this Act.

15. Schedule 1 amended (Salaries Payable to Members of Parliament)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting in clause 2(1) of Part 1 “as in force immediately before the day on which the amending Act commences or is taken to have commenced” after “clause 3(1)”;
- (b) by inserting in clause 2(2) of Part 1 “as in force immediately before the day on which the amending Act commences or is taken to have commenced” after “clause 3(2)”;
- (c) by omitting from clause 2(3) of Part 1 “on and from 1 July 2014” and substituting “for the 2014-2015 financial year”;

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(d) by inserting the following subclauses after subclause (3) in clause 2 of Part 1:

(4) The basic salary that is determined to have effect for the 2015-2016 financial year is \$120 835.

(5) The basic salary that is determined to have effect for a period after the 2015-2016 financial year is –

(a) the basic salary specified in the provision, for the purposes of section 3D(2)(a), that is included in a determination, in relation to the period, that has taken effect under section 3H; or

(b) if –

(i) a determination in relation to the period has not been laid before both Houses; or

(ii) a determination in relation to the period has been laid before both

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Houses but the period in which it may be disallowed by a House under section 3G has not expired; or

- (iii) a determination in relation to the period has been disallowed by both Houses under section 3G –

the basic salary to which a member of Parliament was entitled under the most recent determination that was or is in effect under section 3H.

- (e) by omitting clauses 3 and 4 from Part 1;
- (f) by omitting from clause 1(1) of Part 2 “subclause (3)” and substituting “subclause (4)”;
- (g) by omitting subclauses (2) and (3) from clause 1 of Part 2 and substituting the following subclauses:
- (2) The additional salary payable to a member of Parliament holding an office specified in Table 1 of this subclause is to be, for the 2015-

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2016 financial year, the
percentage, of the basic salary,
specified opposite the office in
Schedule 4.

Table 1

Premier

Deputy Premier

Minister

Secretary to Cabinet

Legislative Council

President

Leader for the Government

Chair of Committees

Deputy Leader for the Government

House of Assembly

Speaker

Chair of Committees

Leader of the Opposition

Deputy Leader of the Opposition

Government Whip

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Opposition Whip

- (3) The additional salary payable to a member of Parliament holding an office specified in Table 1 of subclause (2) is to be, for a period after the 2015-2016 financial year –
- (a) the additional salary (which may be expressed as a percentage of the basic salary or as an amount), in relation to the office, that is specified in the provision, for the purposes of section 3D(2)(b), that is included in a determination, in relation to the period, that has taken effect under section 3H; or
 - (b) if –
 - (i) a determination in relation to the period has not been laid before both Houses; or

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(ii) a determination in relation to the period has been laid before both Houses but the period in which it may be disallowed by a House under section 3G has not expired; or

(iii) a determination in relation to the period has been disallowed by both Houses under section 3G –

the additional salary to which a person holding the office was entitled under the most recent determination that was or is in effect under section 3H.

(4) The additional salary payable to a member of Parliament holding the office specified in Table 2 of this subclause is to be, for the 2015-2016 financial year, the percentage, of the basic salary, specified opposite the office in Schedule 5.

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Table 2
House of Assembly

Leader of a recognised non-government
party, other than the Opposition

- (5) The additional salary payable to a member of Parliament holding the office specified in Table 2 of subclause (4) or an office determined by the Commission for the purposes of section 3D(2)(c) is to be, for a period after the 2015-2016 financial year –
- (a) the additional salary (which may be expressed as a percentage of the basic salary or as an amount), in relation to the office, that is specified in the provision, for the purposes of section 3D(2)(c), that is included in a determination, in relation to the period, that has taken effect under section 3H; or
 - (b) if –

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- (i) a determination in relation to the period has not been laid before both Houses; or
- (ii) a determination in relation to the period has been laid before both Houses but the period in which it may be disallowed by a House under section 3G has not expired; or
- (iii) a determination in relation to the period has been disallowed by both Houses under section 3G –

the additional salary to which a person holding the office was entitled under the most recent determination that was or is in effect under section 3H.

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16. Schedule 2 amended (Allowances and Benefits to Which Members of Parliament are Entitled)

Clause 1 of Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting subclause (1);
- (b) by omitting from subclause (2) “amount” and substituting “amounts”;
- (c) by omitting from subclause (2) “at the commencement of this Act” and substituting “for the 2015-2016 financial year”;
- (d) by omitting subclauses (3), (4), (5) and (6) and substituting the following subclause:

(3) The amounts of the allowances and benefits payable to members of Parliament for a period after the 2015-2016 financial year are –

- (a) the amounts of the allowances and benefits (which may be expressed as a percentage of the basic salary or as an amount) specified in the provisions, for the purposes of section 3D(2)(d), that are

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included in a determination, in relation to the period, that has taken effect under section 3H; or

(b) if –

(i) a determination in relation to the period has not been laid before both Houses; or

(ii) a determination in relation to the period has been laid before both Houses but the period in which it may be disallowed by a House under section 3G has not expired; or

(iii) a determination in relation to the period has been disallowed by both Houses under section 3G –

the amounts of the allowances and benefits to

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which a member of Parliament was entitled under the most recent determination that was or is in effect under section 3H.

17. Schedule 5 amended (Relevant Provisions for Purposes of Clause 1(4) of Part 2 of Schedule 1)

Schedule 5 to the Principal Act is amended as follows:

- (a) by omitting from the heading “**OF NOTICE**”;
- (b) by omitting from the heading “**CLAUSE 1(3)**” and substituting “**CLAUSE 1(4)**”.

18. Schedule 6 amended (Relevant Provisions for Purposes of Clause 1(2) of Schedule 2)

Schedule 6 to the Principal Act is amended as follows:

- (a) by omitting from the heading “**OF NOTICE**”;
- (b) by omitting from clause 1 “\$14 423” and substituting “\$15 305”;
- (c) by omitting from clause 1 “, and is to be adjusted by the same percentage movement and from the same operative

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date as applies to the basic salary from
time to time”;

- (d) by omitting subclauses (1) and (2) from
clause 2 and substituting the following :

The Electorate Allowances on the
commencement of the amending
Act are –

Legislative Council

Group 1	Apsley	\$48 473 per annum
Group 2	Murchison	\$44 644 per annum
	Western Tiers	
Group 3	Derwent	\$38 266 per annum
	Huon	
Group 4	Montgomery	\$35 716 per annum
	Rumney	
Group 5	Mersey	\$30 614 per annum
	Rosevears	
	Windermere	
	Elwick	
	Nelson	
	Launceston	

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Pembroke

Hobart

House of Assembly

Bass	\$42 094 per annum
Braddon	\$45 920 per annum
Denison	\$30 614 per annum
Franklin	\$36 991 per annum
Lyons	\$51 024 per annum

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Part 4 – Concluding Provision

PART 4 – CONCLUDING PROVISION

19. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences or is taken to have commenced.