

Queensland



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ELIZABETHAE SECUNDAE REGINAE

No. 32 of 1988

An Act to provide for salaries and additional salaries of members of the Legislative Assembly and of officers of the Crown who are members of the Legislative Assembly and for the future adjustment thereof, to amend the Parliamentary Contributory Superannuation Act 1970-1987 in certain particulars and for related purposes

[ASSENTED TO 21ST APRIL, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short Title. This Act may be cited as the *Parliamentary Members' Salaries Act 1988*.

2. Arrangement. This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—SALARY OF MEMBERS OF LEGISLATIVE ASSEMBLY (ss. 4-8);

PART III—ADDITIONAL SALARIES OF OFFICE HOLDERS IN ASSEMBLY (ss. 9-11);

PART IV—ADDITIONAL SALARIES OF MINISTERS OF THE CROWN (ss. 12-15);

PART V—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT (ss. 16-19).

3. Repeals and amendments. (1) A provision of an Act specified in the first column of the following Table is repealed or amended as specified in the second column of the Table opposite that Act.

(2) An Act as amended by this Act may be cited as specified in the third column of the following Table in relation to that Act.

TABLE

Title of Act	Repeal or Amendment	Citation of Amended Act
<i>Constitution Amendment Act 1971-1987</i>	the whole is repealed	
<i>Constitution Amendment Act 1896-1984</i>		<i>Constitution Act 1896-1988</i>
s. 3	amended by omitting subs. (1)	
ss. 4 and 5	repealed	

TABLE—*continued*

Title of Act	Repeal or Amendment	Citation of Amended Act
s. 6 (1) <i>Officials in Parliament Act 1896-1982</i>	amended by omitting the words “each member is entitled under the provisions of section four of this Act” and substituting the words “a member of the Legislative Assembly is entitled for the time being”	<i>Officials in Parliament Act 1896-1988</i>
ss. 6 and 7	repealed	

PART II—SALARY OF MEMBERS OF LEGISLATIVE ASSEMBLY

4. Salary entitlement of Legislative Assembly members. (1) Every member of the Legislative Assembly is entitled on and from the commencement of this Act to salary at the rate of \$47 315 per annum or, where some other rate per annum is determined for the time being under this Part, that other rate last so determined.

(2) The provisions of the *Constitution Act Amendment Act 1896-1988* that relate to the salary of a member of the Legislative Assembly apply to the salary to which a member is for the time being entitled under this Part.

5. Adjustment of members' salary. The annual rate of salary to which a member of the Legislative Assembly is for the time being entitled shall be varied from time to time so that it is at all times a rate that is \$500 per annum less than the annual rate of salary to which a member of the House of Representatives of the Parliament of the Commonwealth, who is not entitled to any additional salary, is entitled for the time being.

Every such variation shall take effect on and from the day on and from which the variation in the annual rate of salary payable to a member of the Parliament of the Commonwealth on which it depends becomes effective.

6. Application of provisions. The provisions of sections 4 and 5 apply in respect of members of the Legislative Assembly as presently constituted as well as in respect of the members of each Legislative Assembly hereafter to be summoned and chosen.

7. Notification of rate of salary. (1) As soon as is practicable after each variation in annual rate of salary required by section 5 to be made becomes effective the Governor in Council shall, by Order in Council, declare the annual rate of salary payable to a member of the Legislative Assembly pursuant to the variation.

(2) Every Order in Council made under subsection (1)—

(a) shall upon its publication in the Gazette be conclusive evidence of the matters contained therein;

and

(b) shall be laid before the Legislative Assembly within 14 sitting days after its publication in the Gazette.

8. Certain variations disregarded. Any variation that, immediately before the commencement of this Act, was required by Part IV of the *Constitution Act Amendment Act 1971-1987* to be made in the annual rate of salary payable to a member of the Legislative Assembly being a variation declared after 15 February 1988, shall not be made to that annual rate of salary.

PART III—ADDITIONAL SALARIES OF OFFICE HOLDERS IN ASSEMBLY

9. Rates of additional salaries. (1) In addition to the salary payable for the time being under Part II to members of the Legislative Assembly, on and from the commencement of this Act there shall be payable to—

(a) the Speaker of the Legislative Assembly, a salary at the rate of \$21 848 per annum or such other rate as is applicable for the time being in accordance with section 10;

(b) the Chairman of Committees of the Legislative Assembly, a salary at the rate of \$11 257 per annum or such other rate as is applicable for the time being in accordance with section 10;

(c) the Leader of the Opposition in the Legislative Assembly, a salary at the rate of \$21 848 per annum or such other rate as is applicable for the time being in accordance with section 10;

(d) the Deputy Leader of the Opposition in the Legislative Assembly, a salary at the rate of \$11 257 per annum or such other rate as is applicable for the time being in accordance with section 10;

(e) the Leader in the Legislative Assembly of a recognized political party, other than the Leader or Deputy Leader of the Opposition, a salary at the rate of \$11 257 per annum

or such other rate as is applicable for the time being in accordance with section 10;

- (f) the Government Whip in the Legislative Assembly, a salary at the rate of \$5 535 per annum or such other rate as is applicable for the time being in accordance with section 10;
- (g) the Opposition Whip in the Legislative Assembly, a salary at the rate of \$5 535 per annum or such other rate as is applicable for the time being in accordance with section 10;
- (h) the Government Deputy Whip in the Legislative Assembly, a salary at the rate of \$2 835 per annum or such other rate as is applicable for the time being in accordance with section 10.

(2) For the purposes of subsection (1) a recognized political party is one of which 10 members at least are members of the Legislative Assembly and none of such members is an Officer of the Crown declared under *The Officials in Parliament Act of 1896*, as amended and in force for the time being, capable of being elected a member of the Legislative Assembly.

10. Adjustment of additional salary. For the purpose of adjusting from time to time the annual rate of additional salary payable to the holder of an office under section 9, a variation to be made in accordance with section 5 in the annual rate of salary for the time being payable to a member of the Legislative Assembly under section 4 shall be reduced to a percentage of that rate of salary and the annual rate of additional salary shall be varied by the same percentage.

Every such variation in additional salary shall take effect on and from the day on and from which the variation in salary payable under section 4 takes effect.

11. Application of provisions. The provisions of sections 9 and 10 apply in respect of the holders of offices referred to in section 9 in the Legislative Assembly as presently constituted as well as in respect of the holders of such offices in each Legislative Assembly hereafter to be summoned and chosen.

PART IV—ADDITIONAL SALARIES OF MINISTERS OF THE CROWN

12. Interpretation. In this Part the expression “Officer” means one of the Officers of the Crown liable to retire from office on political grounds declared under *The Officials in Parliament Act of 1896*, as amended and in force for the time being, capable of being elected members of the Legislative Assembly.

13. Rates of additional salaries. (1) In addition to the salary payable for the time being under Part II to members of the Legislative Assembly, on and from the commencement of this Act there shall be payable to—

- (a) the Officer who is recognized as the Premier of Queensland, a salary at the rate of \$49 506 per annum or such other

rate as is applicable for the time being in accordance with section 14;

- (b) the Officer who is recognized as the Deputy for the Premier of Queensland, a salary at the rate of \$35 978 per annum or such other rate as is applicable for the time being in accordance with section 14;
- (c) the Officer who is recognized as the Leader of the House, a salary at the rate of \$33 943 per annum or such other rate as is applicable for the time being in accordance with section 14;
- (d) each other Officer, a salary at the rate of \$29 282 per annum or such other rate as is applicable for the time being in accordance with section 14.

(2) An Officer referred to in subsection (1) who is authorized and empowered under section 8 of the *Officials in Parliament Act 1896-1982* to act in the office of an Officer to whom a higher annual rate of additional salary is payable under subsection (1) shall be paid additional salary at the higher rate applicable under that subsection to that office, in lieu of the rate of additional salary otherwise payable to him under that subsection, in respect of any continuous period of 30 days or more during which he so acts.

(3) The additional salaries payable under subsection (1) are a charge upon and shall be paid from the Consolidated Revenue Fund, which is hereby appropriated accordingly.

14. Adjustment of additional salary. For the purpose of adjusting from time to time the annual rate of additional salary payable to an Officer under section 13, a variation to be made in accordance with section 5 in the annual rate of salary for the time being payable to a member of the Legislative Assembly under section 4 shall be reduced to a percentage of that rate of salary and the annual rate of additional salary shall be varied by the same percentage.

Every such variation in additional salary shall take effect on and from the day on and from which the variation in salary payable under section 4 takes effect.

15. Only one additional salary payable. If a person is an Officer referred to in two or more of paragraphs (a), (b), (c) and (d) of section 13 he is entitled to only one of the additional salaries prescribed by that section in relation to the offices held by him.

PART V—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT

16. Citation. (1) In this Part the *Parliamentary Contributory Superannuation Act 1970-1987* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Parliamentary Contributory Superannuation Act 1970-1988*.

17. Amendment of s. 5. Meaning of terms. Section 5 of the Principal Act is amended in subsection (1) by inserting in the definition "basic salary", after the word "payable" the words "under section 4 of the *Parliamentary Members' Salaries Act 1988* or".

18. Amendment of s. 17. Members' superannuation benefit. Section 17 of the Principal Act is amended—

(a) in subsection (1), by omitting the definition of the expressions "A" and "B" and substituting the following definition:—

"A is an amount determined by multiplying the basic salary in force immediately prior to the time at which he ceased to be a member by the value

$$.5 + \left[\frac{.025}{12} \times (t - 96) \right], \text{ the symbol } t$$

having a value of 240 or a less number, being the number of complete months during which the member received salary as a member;

B is the total salary received by that person;"

(b) in subsection (2), by omitting paragraphs (a) and (b) and substituting the following paragraphs and words:—

"(a) in the case of a person who ceases to be a member as a result of a cause referred to in paragraph (b) of subsection (1), to a sum equivalent to three and one-third times the amount of deductions made under this Act from salary in respect of that person;

or

(b) in any other case, to a sum equivalent to two and one-sixth times the amount of deductions made under this Act from salary in respect of that person,

less, in either case, any amount previously paid to him, under this subsection that has not been repaid into the Fund."

19. Amendment of s. 20. Benefit of widows of members other than continuing members. Section 20 of the Principal Act is amended—

(a) in paragraph (a), by—

(i) omitting from the formula for "A" the expression ".309" and substituting the expression ".375";

(ii) omitting the definition of the expression "D" and substituting the following definition:—

"D represents the total salary received by the member;"

(b) in paragraph (b), by omitting the formula for the value of "I" and substituting the following formula:—

$$.5 + \left[\frac{.025}{12} \times (t - 96) \right] "$$