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**ASSEMBLY MEMBERS AND STATUTORY OFFICERS
(REMUNERATION AND OTHER ENTITLEMENTS)
AMENDMENT BILL 2017
SERIAL NO.**

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

CHIEF MINISTER

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.

The purpose of this Bill is to remove the power of the Legislative Assembly to disallow all or part of the determinations made by the Remuneration Tribunal relating to the entitlements of Members of the Legislative Assembly and to remove two superfluous phrases in section 5 (Minister's power) which restrict the operation of the section contrary to Parliament's intention.

NOTES ON CLAUSES

Clause 1. Short Title

The Bill when passed may be cited as the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Bill 2017*.

Clause 2. Commencement

Part 3 is taken to have commenced on 1 January 2017.

The Act commences on the date fixed by the Administrator in the Gazette.

Clause 3. Act amended

This Act amends the *Assembly Members and Statutory Officer (Remuneration and Other Entitlements Act)*.

Clause 4. Section 5 amended

Clause 4 amends Section 5 of the Act to remove references to section 4 regarding the Minister's power to determine entitlements for Members of the Legislative Assembly, which were inadvertently left in section 4 when it was amended in 2016, and which restrict the operation of the section contrary to Parliament's intention.

Clause 5. Section 21 amended

Clause 5 amends section 21 of the Act to remove the disallowance provision and reinforce the independence of the entitlement-setting process, by removing the ability of the Legislative Assembly to modify or negate those determinations that relate to the entitlements of Members of the Legislative Assembly.

Clause 6. Determinations revoked

Clause 6 revokes two section 5 determinations made by the Chief Minister on 23 May 2016 in relation to an additional salary of Office for the Deputy Leader of the Opposition and the retirement allowance. These determinations did not lapse when Remuneration Tribunal Determination No. 2 of 2016 commenced on 1 January 2017.

The amended Act formally revokes those determinations.

The purpose of these revocations is to avoid a possible interpretation that these determinations remain in effect, when it was intended they be replaced by the Remuneration Tribunal Determination No. 2 of 2016, given that the Remuneration Tribunal has now determined these matters.

The following determinations by the Minister are now revoked:

- (a) the determination made by instrument entitled "Determination of Entitlement" dated 23 May 2016, in respect of Assembly members on ceasing to be a member; and
- (b) the determination made by instrument entitled "Determination of Entitlement" dated 23 May 2016, in respect of the Assembly member holding the Office of Deputy Leader of the Opposition.

Clause 7. Repeal of Act

This clause provides for the repeal of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* on the day after it commences.