REPRESENTATION AMENDMENT BILL 1985

Date Introduced: 17 April 1985
House: House of Representatives
Presented by: Hon. M. Young, M.P., Special Minister of State

Short Digest of Bill

Purpose

To enable the 12 additional Senators elected on 1 December 1984 to receive salary and allowances from that date rather than from the day of the first meeting of the new Parliament (i.e. 21 February 1985) as is currently specified in the Representation Act 1983.

Background

The Representation Act 1983 (the Principal Act) was enacted following a recommendation by the majority of the Joint Select Committee on Electoral Reform, that the size of the Senate be increased. Section 3 of the Principal Act had the effect of increasing the number of Senators representing each State from 10 to 12. However, an increase in the size of the Senate meant a corresponding and automatic increase in the membership of the House of Representatives. Section 24 of the Constitution requires that the number of Members of the House of Representatives shall be, as near as practicable, twice the number of Senators representing the States.

Consequently, in the 1984 Federal election, 12 additional new Senators were elected to the Senate and 23 additional Members were placed in the lower house. Although these Members of Parliament were elected on 1 December 1984, only the new members of the House of Representatives received remuneration from that date. This is in accordance with sub-section 5(4) of the Parliamentary Allowances Act 1952.

The new Senators, on the other hand, are governed by sub-section 5(6) of the Principal Act which provides that the additional Senators are not to be remunerated until "the day of the first meeting of the Parliament after the first dissolution of the House of Representatives". The effect of this provision meant that the additional new Senators would not be paid until 21 February 1985, which was the first
meeting of the new Parliament since the dissolution prior to the 1984 election.

The Bill proposes to amend the Principal Act to allow additional new Members of both Houses of Parliament to be remunerated from 1 December 1984, the date of their election. This will alleviate the present disparity existing between new Members of the lower house and new Senators, with regard to the receipt of salaries and allowances.

Main Provisions

The proposed legislation will be entitled the Representation Amendment Act 1985 (sub-clause 1(1)) and it will come into operation on the day it receives the Royal Assent (clause 2).

Sub-section 5(6) of the Principal Act (Representation Act 1983) is amended by the Bill so that it will specifically refer to 1 December 1984 as being the date from which the twelve additional Senators will receive their salaries and allowances.

For further information, if required, contact:

2 May 1985

Law & Government Group
LEGISLATIVE RESEARCH SERVICE