Date Introduced: 23 August 1978
House: House of Representatives
Presented by: Hon. E. Ademann, Minister for the Northern Territory

Purpose

To remove all possible doubt as to the validity of payments of remuneration and allowances made to Members of the Legislative Assembly of the Northern Territory since 1 July 1978.

Background

This Bill is introduced at the specific request of the Northern Territory government and arises from the fact that section 65 of the Northern Territory (Self-government) Act 1978 provides that, as a transitional arrangement, the payment of remuneration and allowances to members of the Legislative Assembly shall be based on the relevant determination of the Remuneration Tribunal in force as at 30 June 1978. While Determination No. 10 of 1978 was made on 19 June 1978, payments made under that determination had effect only from 1 July 1978.

The argument proposes then that section 65 did not authorise the Northern Territory to make payments prescribed by Determination No. 10 and that such payments are illegal. Consequently, the view could be taken that all Members have vacated their offices by virtue of paragraph 21(2)(e) of the Northern Territory Self-government Act 1978. This section provides, inter alia, that a Member vacates his office if he takes any remuneration or allowance otherwise than in accordance with a Northern Territory law providing for such payments.

Main Provisions

Clause 3 of the Bill provides that paragraph 21(2)(e) of the Northern Territory (Self-government) Act 1978 does not apply and never has applied to remuneration and allowances received by a Member of the Legislative Assembly under Determination No. 10 of the Remuneration Tribunal expressed to have effect from 1 July 1978. In
addition the clause provides that a Member is not to be taken as vacating his office under paragraph 21(2)(e) by virtue of receiving such remuneration or allowances.

The Bill only covers the situation up to the date on which it comes into operation, which is the date of Royal Assent. From that date, payments cannot be made under the Remuneration Tribunal Determination and a Northern Territory enactment must be made. Until the Northern Territory enactment is in operation, it is understood that no payments will be made.

25 August 1978

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