

Explanatory Memorandum

General Information

The purpose of this Act is to change the definition of “small party” status, and to enable the Salaries and Allowances Tribunal to determine an allowance in respect of the office of the Parliamentary Secretary, Chairman, Deputy Chairman or a member of committees of a House or joint committees of both Houses.

Clause 1 – Short title

The short title of this amendment Act is the *Parliamentary Legislation Amendment Act 2006*.

Clause 2 – Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

Clause 3

The amendments in Part 2 are to the *Constitution Acts Amendment Act 1899*.

Clause 4

Clause 4 amends section 44A of the *Constitution Acts Amendment Act 1899* to enable the Salaries and Allowances Tribunal to determine an allowance in respect of the office of Parliamentary Secretary pursuant to section 6 of the *Salaries and Allowances Act 1975*.

Clause 5

The amendments in Part 3 are to the *Salaries and Allowances Act 1975*.

Clause 6

The amendment to section 4 (2)(k) of the *Salaries and Allowances Act 1975* alters the definition of a “small party” in the Legislative Assembly from a party which is comprised of at least 5 members in the Legislative Assembly only, to be a party with 5 or more Parliamentary Members in total. This provides for a more inclusive definition of small party status for the purposes of a party leader qualifying for an allowance for staffing and other resources.

Clause 7

This clause amends section 6 of the Act to ensure that anyone elected to the Council at the next general election will not be entitled to any payment before the commencement date of his or her term on 22 May next following the election unless they were a member of the Council immediately prior to the election or were declared elected following a re-count to fill a term that expired immediately before that 22 May. It also extends the ability of the Salaries and Allowances Tribunal to inquire into, and determine, the remuneration to be paid or provided to the Chairman, Deputy Chairman or a member of committees of a House or joint committees of both Houses.