

1999

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**MINISTERS OF STATE AND OTHER LEGISLATION
AMENDMENT BILL 1999**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Finance and Administration, the
Hon John Fahey MP)

Ministers of State and Other Legislation Amendment Bill 1999

GENERAL OUTLINE

The purpose of this Bill is to amend the *Ministers of State Act 1952* to allow for the appointment of Parliamentary Secretaries under section 64 of the *Constitution* and to increase the limit on the sum appropriated from the Commonwealth Consolidated Revenue Fund in respect of Ministerial salaries.

FINANCIAL IMPLICATIONS

The effect of this change is to increase the maximum sum payable under section 66 of the *Constitution* by \$678,000. There will be, however, an offsetting reduction of up to \$120,000 per annum in expenses of office for Parliamentary Secretaries.

NOTES ON CLAUSES

Clause 1: Short title

This clause cites the Act as the *Ministers of State and Other Legislation Amendment Act 1999*.

Clause 2: Commencement

The commencement of the Act will occur on a date to be proclaimed.

Clause 3: Schedules

Provides that each Act specified in a Schedule to the Act is to be amended or repealed as set out in the applicable Schedule.

Schedule 1: Amendment of the *Ministers of State Act 1952*

Item 1 of Schedule 1 amends the *Ministers of State Act 1952* by repealing section 4 of that Act, which provided that:

‘[t]he number of Ministers of State shall not exceed 30’;

and substituting the following:

‘[t]he number of the Ministers of State must not exceed:

- (a) in the case of those designated, when appointed by the Governor-General, as Parliamentary Secretary – 12; and
- (b) in the case of those not so designated – 30.’

The Governor-General may appoint up to 12 persons as Parliamentary Secretaries in accordance with sections 64 and 65 of the Constitution. When giving a direction for the purposes of section 65, the Governor-General may direct that the Parliamentary Secretaries may be further identified, for example: Parliamentary Secretary – Finance and Administration.

Item 2 of Schedule 1 amends section 5 of the *Ministers of State Act 1952* by omitting the figure \$1,622,000 and substituting the figure \$2,300,000. When so amended, section 5 of that Act will provide:

‘[t]he annual sum payable under section 66 of the Constitution for the salaries of the Ministers of State must not exceed \$2,300,000 in a financial year.’

Schedule 2: Repeal of the *Parliamentary Secretaries Act 1980*

Item 1 of Schedule 2 repeals the *Parliamentary Secretaries Act 1980*. This Act will no longer provide the basis for the appointment of Parliamentary Secretaries.

Item 2 of Schedule 2 saves the amendments to the *Remuneration Tribunal Act 1973* made by section 5 of the *Parliamentary Secretaries Act 1980*. Some of these amendments are, however, affected by Schedule 3.

Schedule 3: Amendment of the *Remuneration Tribunal Act 1973*

Items 1 to 5 omit words or repeal paragraphs and subsections in the *Remuneration Tribunal Act 1973* which include redundant references to Parliamentary Secretaries - including the limitation on the Remuneration Tribunal's powers to determine allowances (other than by way of reimbursement) for Parliamentary Secretaries. These consequential amendments are required following the repeal of the *Parliamentary Secretaries Act 1980*.

Schedule 4: Amendment of the *Freedom of Information Act 1982*

Item 1 of Schedule 4 repeals the definition of 'Minister' in subsection 4(1) of the *Freedom of Information Act 1982* ('the FOI Act'), which is required following the repeal of the *Parliamentary Secretaries Act 1980*. This amendment makes no difference to the application of the FOI Act, as Parliamentary Secretaries appointed under section 64 of the Constitution will automatically be caught by the definition of Minister wherever it appears in that Act.

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