

NORTHERN TERRITORY OF AUSTRALIA

**LEGISLATIVE ASSEMBLY MEMBERS (MISCELLANEOUS
PROVISIONS) ACT 1987**

As in force at 15 March 2004

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 15 March 2004

LEGISLATIVE ASSEMBLY MEMBERS (MISCELLANEOUS PROVISIONS) ACT 1987

An Act to provide for the remuneration of and the payment of allowances to, and the reimbursement of certain expenses incurred by, a member of the Legislative Assembly elected after the Court of Disputed Returns declared the member's previous election void or that the member was not duly elected at the previous election, and for related purposes

1 Short title

This Act may be cited as the *Legislative Assembly Members (Miscellaneous Provisions) Act 1987*.

2 Continuation of remuneration, allowances and other entitlements for certain re-elected members

(1) Where:

- (a) a person was declared under section 131 of the *Electoral Act 2004* as elected at an election of members or a member of the Legislative Assembly (the **previous election**);
- (b) the Court of Disputed Returns under that Act declared that the person was not duly elected or that the previous election was void;
- (c) at an election held as a consequence of the Court's declaration the person was again declared under that Act as elected; and
- (d) the Speaker of the Legislative Assembly is satisfied that the declaration of the Court in relation to the previous election was not as the result of any fault of the person,

the person is entitled to the remuneration, allowances and other entitlements of a member of the Legislative Assembly to which he or she would have been entitled in respect of the relevant period if the declaration of the Court had not been made and the person had been sworn in as a member.

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- (2) In subsection (1) ***the relevant period*** is the period between the polling day of the previous election referred to in subsection (1)(a) and the polling day of the subsequent election referred to in subsection (1)(c).

3 Assessment of entitlement

- (1) Subject to section 4, the Speaker of the Legislative Assembly shall determine and certify for payment the amount which, in the Speaker's opinion, a person referred to in section 2 is entitled to receive in pursuance of that section.
- (2) In determining under subsection (1) the amount to which a person is entitled to receive, the Speaker shall ensure, as far as practicable, that it is sufficient to reimburse the person for such out-of-pocket expenses incurred as the person might reasonably have incurred had he or she been or continued to be a member of the Legislative Assembly.

4 Claim for reimbursement

- (1) As soon as practicable, but not later than 90 days, after a person is declared elected in the circumstances referred to in section 2(1)(c), the person shall submit to the Speaker of the Legislative Assembly, in such form and substantiated by such evidence as the Speaker requires, a claim for the reimbursement of expenses referred to in section 3(2).
- (2) The Speaker is not required to certify for payment any amount for the reimbursement of expenses for which a claim has not been submitted under and within the time specified in subsection (1).

5 Person to be deemed a member during interim period

For the purposes of the *Legislative Assembly Member's Superannuation Fund Act 1979* and the Trust under that Act, a person referred to in section 2 shall be deemed to be or have remained a member of the Legislative Assembly during the relevant period referred to in that section.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 It = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2**LIST OF LEGISLATION*****Legislative Assembly Members (Miscellaneous Provisions) Act 1987 (Act No. 43, 1987)***

Assent date	21 October 1987
Commenced	21 October 1987

Electoral (Consequential Amendments) Act 2004 (Act No. 12, 2004)

Assent date	1 March 2004
Commenced	15 March 2004 (s 2, s 2 <i>Electoral Act 2004</i> (Act No. 11, 2004) and Gaz S6, 15 March 2004)

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: ss 1, 2 and 5.

4**LIST OF AMENDMENTS**

It	amd No. 12, 2004, s 6
2	amd No. 12, 2004, s 6