

EXECUTIVE COUNCIL

PUBLIC

Title: Members' Remuneration (Amendment) Bill 2017

Paper Number: 126/17

Date: 30 August 2017

Responsible Director: Attorney General

Report Author: Legislative Drafter

Portfolio Holder: MLA Roger Edwards

Reason for paper: This paper is submitted to Executive Council:
For Bill approval

Publication: Yes

Previous papers: 145/13 – Members Remuneration
75/17 – Members Remuneration and Allowance Review 2017
75/17A – Addendum to EXCO Report 75/17

List of Documents: Appendix A - Members Remuneration (Amendment) Bill 2017

1. Recommendations

1.1 Honourable Members are recommended to approve the draft Members Remuneration (Amendment) Bill 2017 attached as Appendix A and to instruct the Attorney General to publish the Bill in the Gazette, thereby commencing the legislative process as first reading.

1.2 Honourable Members are recommended to authorise the Attorney General to correct any typographical and minor drafting errors found in the Bill prior to the publication in the Gazette.

2. Additional Budgetary Implications

None

3. Executive Summary

- 3.1 Honourable Members are asked to approve the draft legislative amendments which give effect to the recommendations of the Assembly Remuneration Panel with respect to the remuneration package for the Legislative Assembly that will be elected in November 2017.
- 3.2 These amendments address the recommendations from the review by the Independent Panel which require legislative change. The other change has already been given effect by the Finance Ordinance 2017 and those that are not legislative will be addressed in the relevant administrative documents which provide for them.

4. Background and Links to Islands Plan and Directorate Business Plan/s

- 4.1 During 2013 a review of the remuneration package for the incoming Assembly was done. As a result of that the Members Remuneration Ordinance was amended to give effect to the recommendations of that review (ExCo Paper 145/13).
- 4.2 Another review was carried out for the oncoming Assembly and the results of that review presented to Honourable Members through ExCo Paper 75/17 dated 17th May 2017. That Paper contains an appendix which details the recommendations of the Assembly Remuneration Panel. That paper, together with an Addendum Paper 75/17A, were approved by Executive Council and the Bill at Appendix A gives effect to some of these recommendations.

5. Proposals, Options and Reasons for Recommending Relevant Option

5.1 Proposed option:

The proposed legislative amendments are appended (Appendix A). The preferred option is to amend the Members Remuneration Ordinance 2009 to give effect to the approved recommendations, as it is the only option that will accomplish this.

6. Resource Implications

6.1 Financial Implications

None

6.2 Human Resource Implications

None

6.3 Other Resource Implications

None

7. Legal Implications

- 7.1 The required amendments to the current legislation are as appended to this document.

8. Environmental & Sustainability Implications

None

9. Significant Risks

None

10. Consultation

10.1 Review Panel consulted with interested parties, considered written submissions received from the public and ad hoc informal comments received from the public.

11. Communication

11.1 The Bill will be published in the Gazette.

DRAFT: 14.07.2017

Members' Remuneration (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Members' Remuneration Ordinance
4. Amendment of section 4A — Resettlement grant
5. Amendment of Schedule — Amounts payable to Members

MEMBERS' REMUNERATION (AMENDMENT) BILL 2017

(No: of 2017)

(assented to: 2017)

(commencement: in accordance with section 2)

(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Members' Remuneration Ordinance 2009 to provide for revised benefits and entitlements for Members of the Legislative Assembly.

BE IT ENACTED by the Legislature of the Falkland Islands

1. Title

This Ordinance is the Members' Remuneration (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Amendment to Members Remuneration Ordinance

This Part amends the Members Remuneration Ordinance 2009.

4. Section 4A amended — Resettlement grant

Section 4A of the Members Remuneration Ordinance is amended by replacing "one month's salary" with "two months' salary".

5. Schedule amended — Amounts payable to Members

The Schedule to the Members' Remuneration Ordinance is amended as follows —

(a) under paragraph 10(5) —

(i) by replacing sub-paragraph (a) as follows —

“(a) meals (other than those pre-booked at the accommodation) including the costs arising out of a person's meal where there is a justifiable reason to entertain that person (and that person must not be another Member or a Falklands Islands government officer);”

(ii) by adding a new sub-paragraph immediately after sub-paragraph (5)(d) —

“(e) tips that are consistent with the tipping levels in a jurisdiction, given by a Member when that Member is dining alone or with another Member or a Falkland Islands government officer (*other than where a service charge is already included in the invoice*);

(b) by replacing paragraph 10(9) as follows —

“(9) A Member may only travel by air in a premium class (such as Premium Economy, Club, Business, Executive or similar) —

(a) the whole journey for which the scheduled flying time exceeds eight hours; or

(b) where it is not possible for the Member to arrive at the destination more than 24 hours before the start of the first business approved by the Governor that the Member is due to undertake after arriving.”; and

(c) by replacing paragraph 14(d) as follows —

“(d) for broadband internet monthly service either —

(i) £75 per month for Stanley;

(ii) £175 per month for Camp; or

(iii) if lower, the amount actually incurred in respect of the monthly fee for such service; and”.

OBJECTS AND REASONS

This Bill amends the Members' Remuneration Ordinance to provide for new benefits (allowances and claims for expenses, and travel benefits) for Members of the Legislative Assembly.

Clauses 1 and 2 provide for the title and commencement;

Clause 3 amends section 4A of the Ordinance to increase the resettlement allowance to 2 months' salary instead of one month's salary as currently provided for

Clause 4 amends the Schedule under paragraph 10 as follows:

- to include in the claims that a Member can make, the cost of meals that a Member pays for (which were not pre-booked with the accommodation) including those paid for another person dining with the Member provided that person is not another Member or an FIG officer;
- to allow Members to be refunded for tips given when dining alone, with another Member or with an FIG officer. This must be where a service charge is not included in the bill/invoice) and a tip claimed for must be consistent with the tipping level of the particular jurisdiction where it is given;
- to allow Members to travel by air in a premium class (such as Premium Economy, Club, Business, Executive or similar) where the scheduled flying time of the whole journey is more than 8 hours OR where it is not possible for the Member to arrive at the destination more than 24 hours before the start of the first business approved by the Governor; and
- to increase the monthly allowance for broadband internet service from £33 to £75 for Members in Stanley and £175 for Members in Camp (to include intranet charges).