

## **TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 9)**

### **EXPLANATORY MEMORANDUM**

#### 1. General

Articles 42 and 58 of the draft Constitution provide that the remuneration, the pension and the other financial provisions for ministers and Members of Parliament shall be regulated by national ordinance.

It is proposed that members of people's representation, in addition to members of the executive authority, should receive a salary for their work as holders of political authority. Membership of Parliament should be regarded as a full-time job, for which a socially acceptable salary should be paid. This also encourages persons who work elsewhere and who aim for such membership to stand as candidates, knowing that they will not suffer financially for this. After all, this also concerns involving people in politics who would otherwise stay away. A salary as a person holding political authority, in particular as a people's representative, enables Members of Parliament to devote themselves fully to their tasks as such. For a correct match between the salaries of the various offices of persons who hold political authority, the remuneration for each of the positions as such is regulated in the national ordinance. The entitlements to medical expenses and to holidays and holiday allowances are also regulated in this ordinance.

The remuneration for ministers and Members of Parliament is taken into account in the budget. The draft budget must be adjusted on the basis of the remuneration amounts proposed in this draft national ordinance.

#### *Article 2*

In the country of the Netherlands Antilles, a new remuneration structure has recently been introduced, the principle being remuneration for ministers lying 25% above the maximum remuneration for national civil servants. On the basis of this, a State Secretary receives a salary amounting to 90% of that of a minister and an MP receives a salary amounting to 80% of the remuneration of a minister.

On the island of Sint Maarten, the maximum remuneration for civil servants currently amounts to ANG 17,039. On this basis, an amount of 15% above the maximum remuneration for civil servants is proposed for the Prime Minister, a sum of 10% above the maximum remuneration for civil servants for the President of Parliament, ministers and the Minister Plenipotentiary and a sum of 5% above the maximum remuneration for civil servants for Members of Parliament. In 2010, the salary of a Minister of the Netherlands Antilles, without supplements, is ANG 15,072. It should be borne in mind here that the cost of living in Sint Maarten is significantly higher than in Curaçao. In connection with this, reference can be made for the Upper Windward supplement of 16.3%. The regulation also includes an automatic adjustment mechanism for the adjustment of the remuneration for inflation, based on that of civil servants. Naturally, adjustments of a structural nature must always be made by national ordinance.

As soon as a person holding political authority transfers to a different political position, he qualifies for the remuneration accompanying that new position. Pursuant to the Constitution of Sint Maarten, the office of minister and Minister Plenipotentiary is not compatible with membership of Parliament. Nevertheless, after being admitted to Parliament, they may combine the two positions for a maximum of three months on the basis of the provisions of Articles 34(4) and 43(4). In such cases, the third paragraph provides that these persons receive the highest remuneration of both positions.

#### *Articles 3 and 4*

In the case of a person holding political authority, it is not only necessary to grant full-fledged remuneration but also to provide for the necessary secondary benefits. The position of a person holding political authority has a high representative character. For that reason, it is considered desirable that such persons be awarded a supplement for representation, taking special account of specific functions. These Articles also provide that persons holding political authority are entitled to

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first-class health insurance for themselves and their family. This means first-class medical treatment and nursing.

*Article 5*

In the event of the decease of a person holding political authority, a sum is paid to the widow or widower equal to three times the monthly income at the time of decease. Monthly income refers here to the remuneration and the supplement, as referred to in 3 which the person holding political authority enjoyed. If there are no such relations, relations such as minor children qualify for these benefits.

*Article 6*

This Article concerns the office of minister and Minister Plenipotentiary with regard to their holidays, as opposed to Members of Parliament; these have no holidays, as Parliament has recess periods.

*Article 7*

The purpose of the text of the first paragraph of this Article is to express that a person holding political authority is entitled to a holiday allowance on the same basis as civil servants. The same standards are applied here as those used for civil servants. This also means that each change that takes place in relation to the holiday entitlements of civil servants automatically applies to the rights to holiday allowances of persons holding political authority.

*Article 8*

This Article is consistent with Article 6.

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