



No. 10 of 2018

REPORT OF THE REMUNERATION TRIBUNAL
2018 REVIEW OF ELECTORATE ALLOWANCES FOR MEMBERS OF THE PARLIAMENT
OF SOUTH AUSTRALIA

INTRODUCTION

1. Section 14 of the *Remuneration Act 1990* ("the Act") provides that additional jurisdiction may be conferred on the Remuneration Tribunal ("the Tribunal") by any other Act, or by proclamation of the Governor. Section 3A of the *Parliamentary Remuneration Act 1990* ("the PR Act") confers jurisdiction on the Remuneration Tribunal to make a determination or perform any other function required by the PR Act.
2. Section 4(1)(c) of the PR Act provides that electorate allowances form part of the remuneration of members of Parliament. Section 8(2) of the Act requires the Tribunal to review previous Determinations of remuneration under the Act at least once in each year.

BACKGROUND

3. Electorate allowances are provided to members of Parliament to meet the costs of discharging their duties in the electoral district the member represents.
4. In 2017, the Tribunal conducted its annual review of electorate allowances for members of the Parliament, with no adjustment made to the levels of those allowances.

PROCEDURAL HISTORY

5. Section 10(2) of the Act, requires that before the making of a Determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or persons of that class, a reasonable opportunity to make submissions.
6. The Tribunal wrote to the Premier, as the Minister responsible for the Act, and the members of Parliament on 5 July 2018, notifying of the Tribunal's intention to review electorate allowances, and invited submissions with a closing date of 8 August 2018. A notice of the review was also placed on the Tribunal's public website.

SUBMISSIONS

7. The Tribunal received three submissions. A summary of those submissions and the Tribunal's consideration thereof is provided below.

8. Member for Mawson

The member for Mawson submitted that, as a consequence of the redistribution of State's electoral boundaries in 2018, the size (area) of the electoral district of Mawson has been altered from a 249 km² electorate to a 5371 km² electorate, which now includes Kangaroo Island and part of regional South Australia.

The Tribunal considers that the changes to the electorate of Mawson, as submitted by the member for Mawson, are a relevant consideration for the Tribunal's decision in determining an appropriate level of electorate allowance for that electorate. Accordingly, within the accompanying Determination, the Tribunal will provide for the electoral district of Mawson to attract a level of electorate allowance that is equivalent to the amount payable for regional electoral districts with similar characteristics to that of Mawson.

9. Member for Wright

The Tribunal received a submission from the member for Wright in relation to costs incurred as a result of temporary disruption to the location of the member's electorate office. For apparently administrative reasons, the electorate office of the member was temporarily relocated some 25 kilometres outside the boundaries of the electorate from the original location, subsequent to the 2018 election.

The member took steps to facilitate notification to the constituents of this change and to make arrangements for more convenient opportunities for meetings and consultations with the electors and the community which would not require extensive travel to and from the temporary location by them.

The member for Wright seeks reimbursement of the costs of the notification. A breakdown of printing and postage costs to effect the notification is included with the member's submission. The Tribunal considers that the provision of this service to the constituents in the electorate for these unusual and limited circumstances is not unreasonable and that the expenses incurred are properly characterised as expenditure for the purpose of efficiently discerning and representing the interests of the persons and the communities within the electorate.

Accordingly, a discrete amount effectively reimbursing this expenditure will be separately provided for in the Determination of the electorate allowance applicable to the electorate of Wright. The entitlement in this respect will be limited to the circumstances referred to above and will be non-recurring.

10. The Hon Connie Bonaros MLC

The Tribunal received a submission from the Hon Connie Bonaros expressed to be on behalf of herself and the Hon Frank Pangallo MLC. The submission proposed that the Tribunal should determine an allowance for a member of the Legislative Council for the purpose of staff accompanied travel. It was submitted that members of the Legislative Council represent all of the electors of South Australia, accordingly, it is submitted, it is necessary and appropriate for members of the Legislative Council to travel throughout the State to consult with citizens and their community representatives and organisations, in order to properly represent their interests in the Parliament. It was submitted that it is appropriate that a Legislative Councillor be accompanied by a staff member for this purpose.

There is no submission in relation to the relevant travel of the member of the Legislative Council. The issue before the Tribunal is therefore limited to the merit of providing an allowance for a staff member to travel with a Legislative Councillor, on parliamentary business, outside the metropolitan area. There is currently no such provision within any Determination of the Tribunal applicable to the entitlements of members of the Parliament. The Tribunal considers that the jurisdiction and power to provide such an allowance for this purpose would arise under the *Parliamentary Remuneration Act 1990*, if it were persuaded of the merit of doing so. The mechanism would be to include an

amount within the electorate allowance determined for members of the Legislative Council.

While the submission expresses an affirmative and favourable view of the merit of such staff accompanied travel, on behalf of the authors, the grounds upon which this view has been arrived at were not set out or explained in detail, beyond the desirability of such accompanied travel as an *"incentive"* for members of the Legislative Council *"to engage more effectively"* with their electorate. While the merit of travel by Legislative Councillors for the stated purposes is unexceptional, the role and function that the presence of a staff member would play in the circumstances referred to is not explained such that it can be understood how the incentive referred to would arise.

While the submission refers to specific considerations relevant to the political party SA Best and the party's policy platform regarding consultations in regional and rural areas, we do not consider that advantages to the various political parties and their priorities, which no doubt will be perceived variously by them from time to time, is relevant to our considerations.

The Tribunal's focus is upon the entitlements of members of the Parliament and the performance of their parliamentary duties as representatives of the electors. A consequence of this view is that, in the relevant circumstances, any allowance of the kind sought would, in our view, have to be considered in respect of all of the members of the Legislative Council. Notably, no like submission is before us on behalf of any other members of the Council. Nor are we aware of any previous submission for such an allowance. While the submission does not identify an amount of allowance, the cost of a general allowance of this kind would have to be considered by the Tribunal. No costing or cost analysis is contained within the submission.

As we are unable to discern the objective merit in a general principle that members of the Legislative Council require the assistance of staff when travelling outside the metropolitan area for the purpose of political consultations, or the cost of any such provision, the Tribunal has decided not to include this consideration in respect of our Determination providing the electorate allowance for members of the Legislative Council.

CONCLUSION

11. Electorate allowances are provided to members of Parliament for the purpose of discharging duties in the electoral district the member represents.
12. The Tribunal considers it appropriate for an economic adjustment to be applied to the electorate allowances for members of Parliament at this time. Accordingly, the Tribunal has had regard to the Consumer Price Index¹, as published by the Australian Bureau of Statistics, in the making of the accompanying Determination.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 28th day of November 2018.

¹ Australian Bureau of Statistics, Consumer Price Index (Series 6401.0), All Groups, Adelaide, for the year ending September 2018.