

South Australia

PARLIAMENTARY REMUNERATION ACT 1990

An Act to make provision in relation to the remuneration of members of Parliament; and for other purposes.

*This Act is published under the Legislation Revision and Publication Act 2002 and incorporates all amendments in force as at **24 November 2003**.*

Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.

PARLIAMENTARY REMUNERATION ACT 1990

being

Parliamentary Remuneration Act 1990 No. 14 of 1990
[Assented to 12 April 1990]¹

as amended by

Parliamentary Committees Act 1991 No. 50 of 1991 [Assented to 21 November 1991]²

Parliamentary Committees (Miscellaneous) Amendment Act 1994 No. 18 of 1994 [Assented to 12 May 1994]³

Parliamentary Remuneration (Salary Rates Freeze) Amendment Act 1994 No. 84 of 1994 [Assented to 8 December 1994]

Parliamentary Remuneration (Basic Salary) Amendment Act 1995 No. 22 of 1995 [Assented to 20 April 1995]⁴

Parliamentary Remuneration (Supplementary Allowances and Benefits) Amendment Act 1996 No. 89 of 1996 [Assented to 12 December 1996]

Statutes Amendment (Ministers of the Crown) Act 1997 No. 69 of 1997 [Assented to 11 December 1997]⁵

Constitution (Parliamentary Secretaries) Amendment Act 2002 No. 29 of 2002 [Assented to 7 November 2002]

Aboriginal Lands Parliamentary Standing Committee Act 2003 No. 24 of 2003 [Assented to 24 July 2003]⁶

Parliamentary Remuneration (Powers of Remuneration Tribunal) Amendment Act 2003 No. 34 of 2003 [Assented to 31 July 2003]

River Murray Act 2003 No. 35 of 2003 [Assented to 31 July 2003]⁷

¹ Came into operation 19 April 1990: *Gaz.* 19 April 1990, p. 1136.

² Came into operation 11 February 1992: *Gaz.* 5 December 1991, p. 1668.

³ Came into operation 12 May 1994: *Gaz.* 12 May 1994, p. 1188.

⁴ Came into operation 1 July 1995: s. 2.

⁵ Part 6 (s. 11) came into operation 17 December 1997: *Gaz.* 17 December 1997, p. 1639.

⁶ Sched. (cl. 5) came into operation 18 September 2003: *Gaz.* 18 September 2003, p. 3599.

⁷ **Schedule (cl. 18) came into operation 24 November 2003: *Gaz.* 20 November 2003, p. 4203.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last reprint.*
- *For the legislative history of the Act see Appendix.*

SUMMARY OF PROVISIONS

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LEGISLATIVE HISTORY**

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Parliamentary Remuneration Act 1990*.

* * * * *

Interpretation

3. In this Act, unless the contrary intention appears—

"**basic salary**" means annual salary at a rate equal to \$2 000 less than the rate from time to time of Commonwealth basic salary;

"**benefits**" includes non-monetary benefits;

"**Commonwealth basic salary**" means the annual allowance by way of salary from time to time payable under the law of the Commonwealth to a member of the House of Representatives of the Parliament of the Commonwealth who is not entitled to any additional allowance for holding any office, or performing any function, in, or in relation to, that Parliament or that House.

Remuneration of members of Parliament

4. (1) The remuneration of a member of Parliament comprises—

- (a) the basic salary; and
- (b) if the member holds an office specified in the Schedule—additional annual salary at a rate equal to the percentage of the basic salary specified in the Schedule in relation to that office; and
- (c) such electorate allowances and other allowances, expenses and benefits as are determined from time to time by the Remuneration Tribunal.

(2) A person who holds more than one office as a Minister of the Crown may be paid additional salary and receive allowances, expenses and benefits in respect of one only of those offices.

(3) Additional salary must be calculated to the nearest dollar.

(4) The Remuneration Tribunal must, in determining electorate allowances and other allowances, expenses and benefits for members of Parliament, have regard not only to their parliamentary duties but also to—

- (a) their duty to be actively involved in community affairs; and
- (b) their duty to represent and assist their constituents in dealings with governmental and other public agencies and authorities.

(5) The electorate allowances and other allowances, expenses and benefits determined by the Remuneration Tribunal for members of Parliament may vary according to—

- (a) the office held by a member; or
- (b) the electorate represented by a member; or
- (c) the place at which a member usually resides; or
- (d) subject to section 4A(3), any other factor that the Tribunal considers relevant.

Non-monetary benefits

4A. (1) A determination of the Remuneration Tribunal, in accordance with section 4, with respect to the provision of non-monetary benefits for members of Parliament may—

- (a) provide for the provision (at the option of a member) of any article, motor vehicle, equipment or service to members; and
- (b) specify the terms and conditions which are to apply to the provision and use of such articles, motor vehicles, equipment or services; and
- (c) provide for the calculation and imposition of any contribution which the member is required to make towards the cost of providing the article, motor vehicle, equipment or service; and
- (d) make any other provision necessary to give effect to the determination.

(2) If the Remuneration Tribunal determines that a contribution is payable by a member of Parliament towards the cost of providing an article, motor vehicle, equipment or service, a member of Parliament may, in accordance with the determination of the Tribunal and despite any other provision of this Act, choose to pay the contribution by any of the following means, or by a combination of the following means:

- (a) by way of a salary sacrifice by the member;
- (b) by way of a reduction in the allowances and expenses that would otherwise be payable to the member;
- (c) by a direct payment by the member to the Treasurer.

(3) Except as provided by subsection (2), a determination of the Remuneration Tribunal must not provide for any reduction in the electorate allowances and other allowances and expenses payable to members of Parliament by reason of the provision of any non-monetary benefits to members.

(4) In making a determination with respect to the provision of non-monetary benefits for members of Parliament, the Remuneration Tribunal must have regard to any non-monetary benefits provided under the law of the Commonwealth to senators or members of the House of Representatives of the Parliament of the Commonwealth, and to the terms and conditions on which such benefits are provided.

(5) A determination of the Remuneration Tribunal with respect to the provision of motor vehicles to members of Parliament must specify a motor vehicle, or range of motor vehicles, that will constitute the standard motor vehicle to be provided to members in accordance with the determination.

(6) A member of Parliament who is, in accordance with a determination of the Remuneration Tribunal, entitled to be provided with a motor vehicle may request the provision of a motor vehicle that is other than a standard motor vehicle specified in the determination, provided that any extra cost involved in the provision of such a motor vehicle is to be borne by the member in accordance with guidelines determined by the Remuneration Tribunal (and is payable in a manner determined under those guidelines).

Cessation of entitlement to remuneration

5. The entitlement of a member of Parliament to remuneration under this Act does not cease by reason of the fact that he or she has ceased to be a member—

- (a) on the dissolution of the House of which he or she is a member; or
- (b) on the expiry of the member's term by the effluxion of time,

but such entitlement does cease—

- (c) in the case of the additional salary and allowances, expenses and benefits in respect of an office specified in the schedule—when the person ceases to hold that office; and
- (d) in the case of other remuneration—when a successor is elected as a member of Parliament in his or her place.

Payment from Consolidated Account

6. A member of Parliament is entitled to the remuneration fixed by or under this Act and this section is sufficient authority for the payment from the Consolidated Account of the amounts required for that purpose.

Ability to provide other allowances and benefits

6A. This Act does not limit or affect the ability of the Parliament or the Crown to provide allowances and other benefits that are additional or supplementary to the awards of the Remuneration Tribunal under this Act.

Regulations

7. The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

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Schedule—Additional salary

Office held	Percentage of basic salary
Premier	100
Deputy Premier	85
Leader of the Government in the Legislative Council	85
Minister of the Crown not referred to above—	
if a member of Executive Council	75
if not a member of Executive Council	41
President of the Legislative Council	75
Speaker of the House of Assembly	75
Chairman of Committees in the House of Assembly	37.5
Leader of the Opposition in the House of Assembly	75
Deputy Leader of the Opposition in the House of Assembly	60
Parliamentary Secretary to a Minister	20
Government Whip in the House of Assembly	18
Opposition Whip in the House of Assembly	18
Leader of the Opposition in the Legislative Council	60
Deputy Leader of the Opposition in the Legislative Council	10
Government Whip in the Legislative Council	10
Opposition Whip in the Legislative Council	10
Members of the Aboriginal Lands Parliamentary Standing Committee (other than the Presiding Member)	10
Presiding Member of the Economic and Finance Committee	17
Other members of the Economic and Finance Committee	12
Presiding Member of the Environment, Resources and Development Committee	17
Other members of the Environment, Resources and Development Committee	12
Presiding Member of the Legislative Review Committee	14
Other members of the Legislative Review Committee	10
Presiding Member of the Public Works Committee	14
Other members of the Public Works Committee	10
Presiding Member of the Social Development Committee	14
Other members of the Social Development Committee	10
Presiding Member of the Statutory Authorities Review Committee	14
Other members of the Statutory Authorities Review Committee	10
Presiding Member of the Natural Resources Committee (unless a Minister)	14
Other members of the Natural Resources Committee (unless a Minister)	10

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Parliamentary Remuneration (Supplementary Allowances and Benefits) Amendment Act 1996, s. 3)

Application of amendment

3. The amendment made to the principal Act by this Act operates both prospectively and retrospectively.

(Transitional provision from Parliamentary Remuneration (Powers of Remuneration Tribunal) Amendment Act 2003, Sched. cl. 2)

2. The President of the Remuneration Tribunal must, within two months after the commencement of this Act, convene a sitting of the Tribunal for the purpose of reviewing any determination of the Tribunal that is in force under the *Parliamentary Remuneration Act 1990* at the commencement of this Act.

Legislative History

(entries in bold type indicate amendments incorporated since the last reprint)

Section 2:	omitted under <i>Legislation Revision and Publication Act 2002</i> 31.7.03
Section 3:	definition of "basic salary" substituted by 84, 1994, s. 2; 22, 1995, s. 3 definition of "benefits" inserted by 34, 2003, s. 3
Section 4(1):	amended by 34, 2003, s. 4(1)
Section 4(2):	amended by 34, 2003, s. 4(2)
Section 4(4):	amended by 34, 2003, s. 4(3)
Section 4(5):	substituted by 34, 2003, s. 4(4)
Section 4A:	inserted by 34, 2003, s. 5
Section 5:	substituted by 34, 2003, s. 5
Section 6:	amended by 34, 2003, s. 6
Section 6A:	inserted by 89, 1996, s. 2
Schedule:	amended by 50, 1991, Sched. Pt. 2; 18, 1994, Sched. cl. 3; 69, 1997, s. 11; 29, 2002, s. 5; 24, 2003, Sched. cl. 5; 35, 2003, Sched. cl. 18