

South Australia

# **Parliamentary Remuneration (Restoration of Provisions) Amendment Act 2004**

An Act to amend the *Parliamentary Remuneration Act 1990*.

---

## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Amendment provisions

### **Part 2—Amendment of *Parliamentary Remuneration Act 1990***

- 3 Amendment of section 4A—Non-monetary benefits
- 4 Repeal of section 4B
- 5 Amendment of section 6A—Ability to provide other allowances and benefits

### **Schedule 1—Transitional provisions**

---

**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Parliamentary Remuneration (Restoration of Provisions) Amendment Act 2004*.

### **2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Parliamentary Remuneration Act 1990***

### **3—Amendment of section 4A—Non-monetary benefits**

- (1) Section 4A(2)—delete "choose" and substitute:
    - elect
  - (2) Section 4A(3)—delete:
    - or the provision of any monetary reimbursement in accordance with subsection (5)(b)
-

- (3) Section 4A(4)—delete "(and must, in determining the terms and conditions which are applicable to a non-monetary benefit, adopt, so far as is reasonably possible, the same terms and conditions as are applicable to the same or a similar non-monetary benefit provided under the law of the Commonwealth to senators and members of the House of Representatives of the Parliament of the Commonwealth)" and substitute:
- , and to the terms and conditions on which such benefits are provided
- (4) Section 4A(5)—delete subsection (5) and substitute:
- (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.

#### **4—Repeal of section 4B**

Section 4B—delete the section

#### **5—Amendment of section 6A—Ability to provide other allowances and benefits**

Section 6A—after its present contents (now to be designated as subsection (1)) insert:

- (2) If the Parliament or the Crown offers to provide any allowance or benefit to a member of Parliament under this section and it is a condition of that offer that the member pay a contribution towards the cost of providing the allowance or benefit—
- (a) the provision of the allowance or benefit must be at the option of the member; and
- (b) the member may, despite any other provision of this Act, elect to pay the contribution by any of the following means, or by a combination of the following means:
- (i) by way of a salary sacrifice by the member;
- (ii) by way of a reduction in the allowances and expenses that would otherwise be payable to the member;
- (iii) by a direct payment by the member to the Treasurer.
- (3) For the purposes of the definition of *basic salary* in section 5(1) of the *Parliamentary Superannuation Act 1974*, the salary to which a member is entitled under this Act includes the amount of any contribution that the member makes towards the cost of providing an allowance or benefit by way of a salary sacrifice under subsection (2).

## **Schedule 1—Transitional provisions**

The requirement, under Schedule 1 of the *Parliamentary Remuneration (Non-monetary Benefits) Amendment Act 2004*, for the Remuneration Tribunal to make a determination, within 4 months after the commencement of that Act, as specified in that Schedule is revoked (and any determination made in accordance with that requirement is void and of no effect).