



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 131 of 1974

An Act to amend the Parliamentary Salaries and Allowances Act, 1965-1966.

[Assented to 12th December, 1974]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Parliamentary Salaries and Allowances Act Amendment Act, 1974". Short titles.

(2) The Parliamentary Salaries and Allowances Act, 1965-1966, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Parliamentary Salaries and Allowances Act, 1965-1974".

2. Section 2 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "basic salary" and inserting in its place the following definition:—

"basic salary" means salary as a member, but does not include additional salary received by virtue of any ministerial office or by virtue of being an officer of Parliament or any allowances, fees or other emoluments;;

(b) by inserting in subsection (1) immediately after the definition of "member" the following definition:—

"metropolitan area" means the metropolitan area as determined by the Electoral Commission pursuant to the Electoral Districts (Redivision) Act, 1968-1969;;

(c) by striking out from subsection (1) the definition of "ministerial office";

and

(d) by striking out from the definition of "remuneration" in subsection (1) the word "salaries" and inserting in lieu thereof the passage "basic salary, additional salary received by virtue of any ministerial office or by virtue of being an officer of Parliament,".

Amendment of
principal Act,
s. 2—
Interpretation.

Amendment of
principal Act,
s. 3—
Parliamentary
Salaries
Tribunal.

3. Section 3 of the principal Act is amended by striking out from paragraph (e) of subsection (4) the passage "1936-1959" and inserting in lieu thereof the passage "1967, as amended".

Amendment of
principal Act,
s. 4—
Secretary of
Tribunal.

4. Section 4 of the principal Act is amended—

- (a) by striking out from subsection (4) the passage "1936-1959" and inserting in lieu thereof the passage "1967, as amended,";
- and
- (b) by striking out from subsection (4) the word "Commissioner" and inserting in lieu thereof the word "Board".

Amendment of
principal Act,
s. 5—
General powers
and functions
of the Tribunal.

5. Section 5 of the principal Act is amended by inserting in subsection (2) immediately after paragraph (c) thereof the following paragraph:—

- (d) determine what remuneration, in addition to the remuneration payable to him in his capacity as a member of Parliament and as a Minister of the Crown, should be paid to the person (if any) for the time being holding the office or performing the functions of Deputy Premier.

Enactment of
ss. 5a, 5b,
5c, 5d of
principal Act.

6. The following sections are enacted and inserted in the principal Act immediately after section 5 thereof:—

Basic salary.

5a. (1) The remuneration payable to a member shall include a basic salary.

(2) The basic salary of a member shall be payable to him from and including the day on which he commences to be a member and, except as provided in subsection (3) of this section, ceases to be payable on the day on which he ceases to be a member.

(3) Where a member ceases to be a member by reason of the dissolution of the House of Assembly or by the expiry of his term as a member by effluxion of time, he is, notwithstanding that he has ceased to be a member, entitled to continue to receive his basic salary until a successor is elected in his place.

Electorate
allowances.

5b. (1) A member of Parliament shall be entitled to receive an electorate allowance in addition to the basic salary payable to him but any electorate allowance payable to a member, other than a Minister of the Crown, pursuant to any determination of the Tribunal made after the first day of July, 1974, shall be fixed at such annual rate as the Tribunal may determine having regard to all relevant matters including—

- (a) the area of the member's electoral district and dispersion of population therein;
- (b) the effective means of travel available to the member within the member's electoral district and between that district and the City of Adelaide;
- and
- (c) the principal place of residence of the member and the extent to which it increases or decreases his expenses.

(2) The electorate allowance of a member shall be payable to him from and including the day on which he commences to be a member and, except as provided in subsection (3) of this section, ceases to be payable to him on the day on which he ceases to be a member.

(3) Where a member ceases to be a member by reason of the dissolution of the House of Assembly or by the expiry of his term as a member by effluxion of time, he is, notwithstanding that he has ceased to be a member, entitled to continue to receive his electorate allowance until a successor is elected in his place.

(4) As between members representing electoral districts within the metropolitan area all electorate allowances payable under this section shall be equal.

(5) As between members representing electoral districts outside the metropolitan area the Tribunal shall, as far as possible, having regard to all matters referred to in subsection (1) of this section, fix for members representing those electoral districts which have reasonably similar characteristics, electorate allowances that are equal.

(6) In addition to any other determination that, but for this subsection, the Tribunal is otherwise authorized to make, after the commencement of the Parliamentary Salaries and Allowances Act Amendment Act, 1974, and before the election of Members of the Legislative Council pursuant to Section 14 of the Constitution Act, 1934-1974, that next follows that commencement, the Tribunal shall determine an electorate allowance for each Member of Parliament being a Member of the Legislative Council on the basis that the electoral district of that Member comprises the whole State and such a determination shall, on and from the day that next follows that election, take effect in lieu of the determination in respect of the electorate allowances for each member of the Legislative Council that was in force immediately before that day and in making a determination provided for by this subsection the Tribunal shall—

(a) pay regard to such matters contained in this Act and any other matters as, in its opinion, are relevant to the basis of representation of Members of the Legislative Council that will obtain after that election;

and

(b) disregard any matters contained in this Act as are, in its opinion, not so relevant,

and the Tribunal shall publish its reasons for having regard to or, as the case requires, disregarding any such matters.

(7) The electorate allowance payable to a Minister of the Crown shall be fixed at such annual rate as the Tribunal may determine having regard to all relevant matters.

5c. (1) In addition to the basic salary and electorate allowance payable to him under this Act, there shall be payable—

Remuneration
of Ministers of
the Crown.

(a) to the person for the time being holding the office of Premier;

(b) to the person for the time being the leader of the Government in the Legislative Council;

and

- (c) to each person (other than the persons referred to in paragraphs (a) and (b)) for the time being holding the office of a Minister of the Crown,

an additional salary and an expense allowance calculated in each case as the Tribunal determines.

(2) If a person holds more than one office as Minister of the Crown he shall be paid an additional salary under this section in respect of one only of those offices.

(3) There shall be paid to the person (if any) for the time being holding the office or performing the functions of Deputy Premier such remuneration, in addition to the remuneration payable to him in his capacity as a member and as Minister of the Crown, as the Tribunal shall from time to time determine.

Remuneration
of Officers of
Parliament.

5d. (1) In addition to the basic salary and electorate allowance payable to him under this Act, there shall be payable—

- (a) to the person for the time being holding the office of President of the Legislative Council;
 - (b) to the person for the time being holding the office of Speaker of the House of Assembly;
 - (c) to the person for the time being holding the office of chairman of committees in the House of Assembly;
 - (d) to the person who is, for the time being, Leader of the Opposition in the Legislative Council;
 - (e) to the person who is, for the time being, Deputy Leader of the Opposition in the House of Assembly;
 - (f) to the person who is, for the time being, the Government Whip in the House of Assembly;
- and
- (g) to the person who is, for the time being, the Opposition Whip in the House of Assembly,

an additional salary and where the Tribunal considers it appropriate an expense allowance calculated at such rate in each case as the Tribunal determines.

(2) In addition to the basic salary and electorate allowance payable to him under this Act, there shall be payable to the person who is, for the time being, Leader of the Opposition in the House of Assembly an additional salary and an allowance in respect of expenses incurred or to be incurred by him as such at the same rate as is determined by the Tribunal for a Minister of the Crown.

(3) The amounts payable to a person referred to in subsection (1) or (2) of this section shall continue to be paid to him after the expiration of his term of office as a member until—

- (a) a successor is elected as a member in his place;
- or

- (b) another person is elected or appointed to the position in respect of which those amounts are payable,

whichever first occurs.

7. Section 12 of the principal Act is amended by striking out subsection (2) and inserting the following subsections in its place:—

Amendment of
principal Act,
s. 12—
Remuneration
of members.

(2) For the purposes of determining any allowance payable to a member in respect of the expenses of discharging his duties, the duties of the member shall be deemed to include—

(a) acting as agent for his constituents in their dealings with the Government and with officers of the Government and other persons;

(b) keeping in touch, as occasion requires, with his constituents and attending functions and gatherings in his electoral district;

and

(c) possessing reasonable means of transport for carrying out his duties.

(3) A Minister of the Crown whose electoral district is outside the metropolitan area shall be entitled to such additional remuneration or allowances as the Tribunal shall determine in respect of his ministerial duties and the Tribunal shall determine such additional remuneration or allowances having regard, where appropriate, and in addition to all other relevant matters, to—

(a) any frequent or sustained absences of the Minister from his home by reason of his ministerial duties;

and

(b) any expenses incurred by the Minister in frequent and regular travelling to and from his electoral district by reason of his ministerial duties.

(4) A person who is for the time being Leader of the Opposition in the House of Assembly whose electoral district is outside the metropolitan area shall be entitled to such additional remuneration or allowances as the Tribunal shall determine in respect of his official duties and the Tribunal shall determine such additional remuneration or allowances having regard, where appropriate, and in addition to all other relevant matters, to—

(a) any frequent or sustained absences of the Leader from his home by reason of his official duties;

and

(b) any expenses incurred by the Leader in frequent and regular travelling to and from his electoral district by reason of his official duties.

8. The first schedule, the second schedule, the third schedule and the fourth schedule to the principal Act are repealed.

Repeal of
first, second,
third and fourth
schedules of
principal Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor