



No. 9 of 2023

## DETERMINATION OF THE REMUNERATION TRIBUNAL

### Accommodation Reimbursement and Allowances for Country Members of Parliament

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#### SCOPE OF DETERMINATION

1. This Determination applies to Members of Parliament who meet the eligibility criteria for a Part A or Part B accommodation reimbursement or allowance.

#### PURPOSE

2. The purpose of this Determination is to provide a mechanism for Country Members of Parliament who meet the eligibility criteria to make a claim for expenditure incurred when staying in Metropolitan Adelaide for the primary purpose of performing either parliamentary, electoral, community or ministerial duties.

#### INTERPRETATION

3. In this Determination, unless the contrary appears:

**“Actual Expenditure”** means an amount of money spent by a Member of Parliament.

**“Clerk of the House”** means a person who holds the office of, or is acting in the office of, either the Clerk of the Legislative Council or the Clerk of the House of Assembly.

**“Commercial Accommodation”** means short term (not permanent) accommodation in a commercial establishment such as a hotel, motel, serviced apartment, Airbnb or similar platform and must be a genuine arms-length commercial transaction.

**“Community Duties”** means any activities of the Member of Parliament in connection with their duty to be actively involved in community affairs, including attendance at community events and functions.

**“Electoral Duties”** means any activities of the Member of Parliament that support or serve their constituents. This includes the Member of Parliament’s duty to represent and assist their constituents in dealings with governmental and other public agencies and authorities.

**“Member of Parliament”** means a Member of the Parliament of South Australia, either of the Legislative Council or the House of Assembly.

**“Metropolitan Adelaide”** bears the same meaning as defined in the *Development Act 1993* (SA).

**“Ministerial Duties”** means activities undertaken by a Member of Parliament in relation to their role as a Minister.

**“Non-commercial Accommodation”** means accommodation with family or friends.

**“Parliamentary Duties”** means any activities that relate directly to a Member of Parliament’s role as a Member of Parliament. This includes duties in connection with sittings of Parliament or sittings as a Member on parliamentary committees.

**“Party Political Duties”** means activities of the Member of Parliament in connection with both their political party and their own, or another Member of Parliament’s, membership of the Parliament.

**“Principal Place of Residence”** means the Member of Parliament’s home residence where the Member of Parliament is enrolled to vote on the electoral roll.

**“Second Residence”** means a residence where a Member of Parliament resides other than the Member of Parliament’s principal place of residence. The second residence must be owned by the Member of Parliament and/or the Member of Parliament’s spouse, or the Member of Parliament and/or the Member of Parliament’s spouse must have a rental agreement for the second residence for a period of six months or more.

**“Spouse”** means a person with whom a Member of Parliament is married or is in a registered relationship under the *Relationships Register Act 2016* (SA).

**“Tribunal”** means the Remuneration Tribunal of South Australia established by the *Remuneration Act 1990* (SA).

## **PART A - GREATER THAN 75KMS FROM PARLIAMENT HOUSE**

### **4. Commercial Accommodation Reimbursement**

4.1. A Member of Parliament:

- 4.1.1. whose principal place of residence is greater than 75kms by road from Parliament House (by the most direct route); and
- 4.1.2. who has a requirement to stay in Metropolitan Adelaide overnight for the primary purpose of performing either parliamentary, electoral, community or ministerial duties (but not for the primary purpose of party political duties); and
- 4.1.3. who has incurred actual expenditure for staying overnight in commercial accommodation within Metropolitan Adelaide

is, upon complying with the requirements in Part C, entitled to be reimbursed for the actual amount paid for commercial accommodation up to a maximum amount of \$246 per night.

### **5. Second Residence Payment**

5.1. A Member of Parliament:

- 5.1.1. whose principal place of residence is greater than 75kms by road from Parliament House (by the most direct route); and
- 5.1.2. who has a requirement to stay in Metropolitan Adelaide overnight for the primary purpose of performing either parliamentary, electoral, community or ministerial duties (but not for the primary purpose of party political duties); and
- 5.1.3. who has incurred actual expenditure for staying overnight at a second residence in Metropolitan Adelaide

is, upon complying with the requirements in Part C, entitled to a payment of \$203 per night.

## **6. Non-commercial Accommodation Allowance**

### **6.1. A Member of Parliament:**

- 6.1.1. whose principal place of residence is greater than 75kms by road from Parliament House (by the most direct route); and
- 6.1.2. who has a requirement to stay in Metropolitan Adelaide overnight for the primary purpose of performing either parliamentary, electoral, community or ministerial duties (but not for the primary purpose of party political duties)

is, upon complying with the requirements in Part C, entitled to an allowance of \$89 per night.

## **7. Part A Claim Limit**

- 7.1. A Member of Parliament may claim up to 135 nights, per financial year, for any Part A claims, or combination of Part A claims, made within a financial year.
- 7.2. If a Member is not a Member of Parliament for a whole financial year, the maximum number of nights per financial year available under Part A shall be reduced on a pro-rata basis, based on the number of days served as a Member of Parliament in the relevant financial year, as a proportion of the total number of days in that financial year. The pro-rata amount shall be rounded to the nearest whole number.

## **PART B - LESS THAN 75KM FROM PARLIAMENT HOUSE**

### **8. Commercial Accommodation Reimbursement**

#### **8.1. A Member of Parliament:**

- 8.1.1. whose principal place of residence is less than 75kms by road from Parliament House (by the most direct route), but is outside of Metropolitan Adelaide; and
- 8.1.2. who has a requirement to stay in Metropolitan Adelaide overnight for the primary purpose of performing either parliamentary, electoral, community or ministerial duties (but not for the primary purpose of party political duties); and
- 8.1.3. who has incurred actual expenditure for staying overnight in commercial accommodation within Metropolitan Adelaide

is, upon complying with the requirements in Part C, entitled to be reimbursed for the actual amount paid for commercial accommodation up to a maximum amount of \$246 per night.

### **9. Part B Claim Limit**

- 9.1. A Member of Parliament may claim up to 15 nights, per financial year, for Part B claims.
- 9.2. If a Member is not a Member of Parliament for a whole financial year, the maximum number of nights per financial year available under Part B shall be reduced on a pro-rata basis, based on the number of days served as a Member of Parliament in the relevant financial year, as a proportion of the total number of days in that financial year. The pro-rata amount shall be rounded to the nearest whole number.

## **PART C - EVIDENCE REQUIREMENTS**

### **10. Commercial Accommodation Reimbursement**

10.1. To receive a commercial accommodation reimbursement, under Part A or Part B, a Member of Parliament must provide to the Clerk of the House:

- 10.1.1. a signed statutory declaration stating the suburb, town or nearest town as appropriate of the Member of Parliament's principal place of residence and confirming it is greater than 75kms from Parliament House (by the most direct

route) for Part A or less than 75kms from Parliament House but outside Metropolitan Adelaide (by the most direct route) for Part B; and

- 10.1.2. a receipt as evidence of the amount of actual expenditure for each night of commercial accommodation; and
- 10.1.3. a claim form confirming any relevant particulars that the Clerk of the House deems necessary to ensure compliance with this Determination.

## **11. Second Residence Payment**

- 11.1. To receive a second residence payment, under Part A, a Member of Parliament must provide the Clerk of the House with a signed statutory declaration confirming:
  - 11.1.1. a second residence is maintained by the Member of Parliament in Metropolitan Adelaide; and
  - 11.1.2. the suburb, town or nearest town as appropriate of the second residence; and
  - 11.1.3. the suburb, town or nearest town as appropriate of the Member of Parliament's principal place of residence and confirming it is greater than 75kms from Parliament House (by the most direct route); and
  - 11.1.4. a certificate of title evidencing the Member of Parliament and/or the Member of Parliament's spouse as the registered owner and confirming their principal place of residence or second residence is not commercially rented out; or
  - 11.1.5. a rental agreement evidencing the Member of Parliament and/or the Member of Parliament's spouse as the tenant of the second residence.
- 11.2. A Member of Parliament must provide a claim form confirming any relevant particulars that the Clerk of the House deems necessary to ensure compliance with this Determination.

## **12. Non-commercial Accommodation Allowance**

- 12.1. To receive a non-commercial accommodation allowance, under Part A, a Member of Parliament must provide to the Clerk of the House:
  - 12.1.1. a signed statutory declaration stating the suburb, town or nearest town as appropriate of the Member of Parliament's principal place of residence and confirming it is greater than 75kms from Parliament House (by the most direct route); and
  - 12.1.2. a claim form confirming any relevant particulars that the Clerk of the House deems necessary to ensure compliance with this Determination.

## **13. Change of Circumstances**

- 13.1. If a Member of Parliament has provided a statutory declaration in relation to their principal place of residence or second residence and their circumstances change, then the Member of Parliament is responsible for notifying the Clerk of the House, by way of signed statutory declaration, of a change of circumstances within 30 days of such change occurring.
- 13.2. A change of circumstances includes establishing, changing or ceasing to maintain a second residence.
- 13.3. For the avoidance of doubt, there is no entitlement to a second residence payment or other claim under this Determination from the date eligibility ceases.

**DATE OF OPERATION**


14. This Determination operates from 1 January 2024. It supersedes Determination 18 of 2022.



Matthew O'Callaghan  
**PRESIDENT**



Deborah Black  
**MEMBER**



Peter de Cure AM  
**MEMBER**

Dated: 5 December 2023