



DETERMINATION OF THE REMUNERATION TRIBUNAL OF SOUTH AUSTRALIA

MEMBERS OF PARLIAMENT TRAVEL ENTITLEMENT AND RULES

INTRODUCTION

1. Scope of Determination

The Determination applies to a Member of the Parliament of South Australia.

2. Members of Parliament Travel Entitlement and Rules

A Member shall be entitled to an entitlement in respect of travel, as set out in this Determination.

ENTITLEMENT AND RULES

1. Definitions

For the purposes of the Entitlement and Rules part of this Determination:

- (a) "Basic Allowance" in relation to any year means the Basic Allowance of a Member determined in accordance with Rule 3.
- (b) "Domestic partner" means a domestic partner of a Member as defined in the *Members of Parliament (Register of Interests) Act 1983*.
- (c) "Domestic travel" means travel within South Australia or Australia, but for House of Assembly Members does not include travel within their electorate.
- (d) "Member" means a Member of the Legislative Council or the House of Assembly, and includes the Presiding Officers and Ministers of the Crown.
- (e) "Presiding Officer" means the Speaker of the House of Assembly or the President of the Legislative Council.
- (f) "Remuneration Tribunal" means the Remuneration Tribunal as established by the *Remuneration Act 1990*.
- (g) "Spouse" means the spouse of a Member as defined by the *Members of Parliament (Register of Interests) Act 1983*.
- (h) "Year" means the period commencing on 1 July and ending on the subsequent 30 June.

2. Entitlement

(1) Subject to these rules, every Member shall be entitled to expend on:

- (a) domestic travel; and
- (b) overseas travel;

an amount up to but not exceeding the amount of the Basic Allowance which is available to the Member at the date of travel.

(2) Such expenditure may be incurred for the purpose of undertaking studies and investigations of matters of interest, attending conferences, meetings, community events or other events related to his or her duties and responsibilities as a Member of Parliament or which involve the Member because he or she is a Member of Parliament.

3. Basic Allowance

(1) The Basic Allowance for 2011-2012 shall be \$12,500.

(2) For subsequent years the Basic Allowance shall be a sum (calculated to the nearest multiple of \$100) that bears to \$12,500 the same proportion as the Consumer Price Index for Adelaide June quarter of the immediately preceding year bears to the Consumer Price Index for Adelaide for the June quarter, 2011.

(3) Any Basic Allowance not expended in a given year may be carried forward to the next succeeding year but any part of the Basic Allowance, which is not spent in the second year, shall be forfeited.

(4) Paragraph (3) of this rule shall apply to and include an amount carried forward into the financial year 2011-2012.

(5) The annual entitlement of a Member shall become available in full to the Member on 1 July each year. Where a Member is elected for the first time (or is re-elected following a break of service) then if the Member is elected between 1 July and 31 December, he or she shall be entitled to the full Basic Allowance for that year. If the Member is elected between 1 January and 30 June, he/she shall be entitled to 50 per cent of the Basic Allowance for that year.

4. Credit in Advance

(1) A Member may at any time obtain funding in advance against the prospective entitlement of the Member for the next succeeding year. The amount available shall not exceed the amount available in respect of the current year. Any additional entitlement, which may be determined as a result of any alternation to the Basic Allowance, shall become available to the Member on 1 July in the next succeeding year.

(2) Expenditure against a Member's entitlement shall be charged against the oldest balance of entitlement first.

5. Expenses

Subject to these rules, the Basic Allowance may be expended on scheduled domestic travel or overseas travel services of any kind (including hire cars, taxis and chartered services). The Basic Allowance may also be expended on conference or seminar fees when associated with a travel claim under these rules.

6. Spouse or domestic partner

- (1) Travel expenses incurred by a spouse or domestic partner when accompanying a Member may in approved circumstances be charged to the Basic Allowance.
- (2) No more than half of the Basic Allowance shall be expended on the travel of a Member's spouse or domestic partner.
- (3) Where the Member is accompanied by a member of his or her staff in lieu of a spouse or domestic partner, the charge to the Basic Allowance shall be subject to the same limit as applies under paragraph (2) of this rule.
- (4) The circumstances in respect of which the Presiding Officer may approve of the travel expenses of a spouse or domestic partner being a charge to the Basic Allowance are where the Member's spouse or domestic partner is formally invited to attend an official community event in South Australia or parliamentary function in South Australia, Australia or overseas, with the Member.
- (5) No approval from the Presiding Officer is required where the Member is accompanied by a member of his or her staff in lieu of a spouse or domestic partner unless the member of staff is also a spouse or domestic partner, in which case the requirements of paragraph (4) of this rule applies.

7. Extraordinary Circumstances

- (1) Where a Member has special physical or medical needs that require assistance to enable the Member to undertake domestic or overseas travel, the Member may apply in writing to the Remuneration Tribunal for approval for the cost of a carer's travel expenses to be charged to the Basic Allowance.
- (2) The maximum charge available under paragraph (1) of this rule will be no more than half of the Basic Allowance.
- (3) Where a Member's spouse or domestic partner or member of staff has special physical or medical needs that require assistance to enable him or her to undertake domestic or overseas travel, the Member may apply in writing to the Remuneration Tribunal for approval for the cost of a carer's travel expenses to be charged to the Basic Allowance.
- (4) Any approval of the Remuneration Tribunal granted in terms of this rule must be provided by the Remuneration Tribunal in writing to the applicant, and such letter of approval shall be evidence that the travel expenses will be a charge on the Member's Basic Allowance in accordance with these rules.
- (5) The maximum charge available under paragraph (3) of this rule will be no more than half of the Basic Allowance.

8. Application for Travel and Per Diem Allowance

- (1) Any application for per diem allowance in Australia or overseas, and application for travel shall be submitted in writing to the relevant Presiding Officer in the form as approved by the Presiding Officers, and shall contain the following information:
 - (a) a proposed itinerary (which clearly indicates the number of days to be spent on Parliamentary business); and
 - (b) a statement of objectives for the proposed travel.

- (2) Where the approval of the relevant Presiding Officer has been obtained, Members are not required to seek approval of variations in the proposed itinerary other than those which are of significance.
- (3) Where an application is made for travel expenses of a spouse or domestic partner to be met from the Basic Allowance, the application for travel shall include satisfactory evidence that the Member and spouse or domestic partner have been formally invited to a parliamentary function or community event.
- (4) When a staff member accompanies a Member on travel, the conditions of travel and per diem allowance claimed by the staff member against the Basic Allowance should be the same as if the staff member were a public servant travelling with the Member.

9. Per Diem Overseas

- (1) Where a Member travels overseas, the Member shall be entitled to claim against the Basic Allowance a per diem allowance, provided that no such allowance shall be claimed in respect of any other person accompanying the Member, other than a staff member who is not the Member's spouse or domestic partner.
- (2) The amount of the per diem allowance is an amount equal to 125 per cent of the daily allowance fixed in respect of Ministers of the Crown travelling interstate, as determined from time to time by the Remuneration Tribunal.

10. Per Diem within Australia

Where a Member undertakes domestic travel, then the Member shall be entitled to claim against the Basic Allowance a per diem allowance equal to the amount available to Ministers of the Crown who travel within Australia on official business as determined from time to time by the Remuneration Tribunal. No such allowance shall be claimed in respect of a person, other than a staff member who is not the Member's spouse or domestic partner, who travels with the Member.

11. Fringe Benefits Tax Declaration

- (1) Where a Member travels overseas, he or she shall execute and lodge, with the Clerk of the House of which he or she is a Member, a declaration in the form as approved by the Presiding Officers.
- (2) In the event of a declaration being subsequently disallowed by the Australian Taxation Office, or if a Member has not lodged a declaration within 60 days of his or her return to Australia, the Member shall be required to repay in full the expenditure to which the declaration relates, before any further entitlement may be expended.

12. Repayment

- (1) If a Member shall die or for any other reason shall cease to be a Member of the Parliament, then the Member shall not be required to repay any part of the Basic Allowance in respect of the current year.
- (2) Where the Member has received an advance against the entitlement of a future year, then the Member or his or her legal personal representatives shall make arrangements with the appropriate Presiding Officer to repay the amount of the advance in full.
- (3) Where a Member has received a per diem allowance and dies or returns early from domestic or overseas travel, then the Member or his or her legal personal representatives shall make arrangements with the appropriate Presiding Officer to repay the overpaid per diem allowance.

13. Report

- (1) Where a Member claims an allowance for themselves and/or a travelling companion for scheduled overseas travel of any kind or per diem allowance of more than three nights duration in respect of domestic travel, the Member shall prepare and deliver a report to the appropriate Presiding Officer for lodgement with the appropriate Clerk of either House of Parliament within 90 days of the completion of the travel to which the report relates.
- (2) The report shall include –
 - (a) a statement of the objectives of the Member's travel;
 - (b) the names of organisations or Parliaments visited;
 - (c) reference to any documents or publications obtained or considered to be of interest as a Member of Parliament;
 - (d) brief summaries of the study areas pursued in the places visited;
 - (e) a summary of the results achieved; and
 - (f) any recommendations arising from the travel.
- (3) If the report is not delivered to the Presiding Officer within 90 days, or if the Presiding Officer is not satisfied that the requirements of these rules (including Rule 2(2)) have been met, no further entitlements may be expended (for travel of any kind) until a report is delivered and the Presiding Officer is so satisfied. For the purpose of being so satisfied the Presiding Officer may require a Member to provide a statutory declaration on the matters in respect of which the Presiding Officer remains to be satisfied.

14. Bookings

- (1) Except as expressly provided herein, all travel arrangements shall be made through the Government appointed travel agency and a Member shall not be paid any per diem allowance unless a booking has been made with the Government-appointed travel agency or the Presiding Officer is satisfied the Government-appointed travel agency cannot complete the travel arrangements and has given approval for the Member to make alternative arrangements.
- (2) Where the Government-appointed travel agency is unable to complete the travel arrangements requested by the member prior to the Member's departure, then with the prior approval of the appropriate Presiding Officer, the Member may make alternative arrangements.
- (3) Where the Member is required to vary or undertake further travel arrangements whilst outside of South Australia and it is not reasonably practicable to have made such travel arrangements prior to the Member's departure from South Australia, the Member may make such travel arrangements other than through the Government-appointed travel agency provided that where the Member, following completion of travel, subsequently claims the cost of such travel against the Basic Allowance, the Member shall first produce the used travel coupons to the appropriate Presiding Officer.

15. Amount Available

As soon as practicable after 1 July in any year, the Clerk of each House shall inform each Member of the entitlements available to the Member pursuant to these rules.

16. Declaration

Upon the election or re-election of each Member and before any part of the Basic Allowance is made available, each Member shall execute and lodge with the Clerk of the House of which he or she is a Member, a Declaration in the form as approved by the Presiding Officers stating that he or she has read, understood, and shall comply with the rules.

17. Gold Pass

- (1) Every Member shall be entitled to the continued use of the Gold Pass for travel on trains, buses, trams and any Government owned transport throughout Australia. The benefits of the Gold Pass shall only be applicable to the Member personally and not to any person accompanying the Member.
- (2) Every Member shall be entitled to the provision of travel throughout Australia on rail transport that is Government owned or privately owned by Great Southern Railways. Either a Member's spouse or domestic partner, when travelling to the other States is entitled to two (2) return journeys in a Calendar Year.
- (3) In accordance with the service provider's conditions of booking, a cancellation fee may apply and in such cases Members are responsible for the payment of those fees.

OPERATIVE DATE

1. This Determination shall operate on and from 9 March 2012.
2. Any travel arrangements that were approved by a Presiding Officer on or before 9 March 2012, will be taken to be an approval for the purposes of the entitlement and rules contained in this Determination, notwithstanding that approval had been given in accordance with the Members of Parliament Travel Rules that applied before this Determination.



D.R. Prior

PRESIDENT



J.A. Obst

MEMBER



D.J. Smythe

MEMBER

9 March 2012