



No. 4 of 2017

REPORT OF THE REMUNERATION TRIBUNAL
REIMBURSEMENT OF EXPENSES APPLICABLE TO THE ELECTORATE OF MAWSON
- TRAVEL BY FERRY

INTRODUCTION

1. The *Remuneration Act 1990* (“the Act”) was introduced to establish an independent tribunal to determine the remuneration payable to members of the judiciary, and the remuneration or part of the remuneration payable in respect of certain other offices. Section 14 of the Act provides that additional jurisdiction may be conferred on the Tribunal by any other Act, or by proclamation of the Governor. The Tribunal has jurisdiction under section 3A of the *Parliamentary Remuneration Act 1990* (“the PR Act”) to make a determination or perform any other function required by the PR Act.
2. Section 3A(3) of the PR Act provides that the Tribunal may make a different provision according to the member, the electorate, the House of Parliament or the circumstances to which the Determination is to apply.

BACKGROUND

3. The last Determination in relation to the reimbursement of expenses for ferry travel between Kangaroo Island and the Fleurieu Peninsula is Determination 5 of 2015. This Determination applies to the specific circumstances within the electorate of Finnis, as it then was, where ferry travel by sea is routinely required to move around the electorate for the purposes of parliamentary business.
4. Since the making of Determination 5 of 2015, that Determination has been reviewed by the Tribunal in 2016¹ and 2017², resulting in no adjustment being made to the level of the reimbursement. The Tribunal reported accordingly.
5. Following the redistribution of the State’s electoral boundaries, which took effect on 17 March 2018, the electorate within which Kangaroo Island is situated is the electorate of Mawson.

PROCEDURAL HISTORY

6. On 9 April 2018, the Member for Mawson wrote to the Tribunal seeking urgent consideration of a Determination for the electorate of Mawson, in similar terms to the Determination made for the electorate of Finnis, when Kangaroo Island was situated within that electorate.

¹ *Remuneration Tribunal Report 18 of 2016 – Reimbursement of Expenses Applicable to the Electorate of Finnis*

² *Remuneration Tribunal Report 12 of 2017 - Reimbursement of Expenses Applicable to the Electorate of Finnis*

7. Section 10(2) of the Act, requires that before the making of a Determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or persons of that class, a reasonable opportunity to make submissions.
8. The Tribunal, by letters dated 18 April 2018, wrote to the Member for Mawson, providing notification of the Tribunal's intention to make a Determination for the electorate of Mawson, in similar terms as the ferry travel Determination for the electorate of Finniss. The Tribunal also invited the Premier, as the Minister responsible for the Act, to make submissions in the public interest. The Tribunal fixed the closing date for submissions for 27 April 2018.

SUBMISSIONS

9. The Member for Mawson submitted that:
 - The electorate of Mawson has now increased considerably in size, accommodating much of the previous area held by the electorate of Finniss, including Kangaroo Island. Accordingly, the level of the electorate allowance applicable to the electorate of Mawson should be generally reviewed immediately;
 - The Member for Mawson is required to incur significant travel and accommodation costs in serving the electorate effectively; and
 - It is appropriate that Determination 5 of 2015 be changed to refer solely to the electorate of Mawson.
10. The Crown Solicitor's Office, on behalf the Premier, submitted that:
 - The Honourable Premier does not wish to make any submissions, save and except, rather than referring to a specifically named electorate, the Determination instead refers to the electorate that encompasses Kangaroo Island.

CONCLUSION

11. On and from 17 March 2018, Kangaroo Island is no longer situated within the electorate of Finniss, and now falls within the electorate of Mawson. The Tribunal is of the view that the previous entitlement to reimbursement of ferry travel expenses applicable to the electorate of Finniss, ought to apply to the electorate of Mawson, from the date which the changes to electoral boundaries took effect.
12. The maximum amount of ferry travel expense reimbursement, which applied to the electorate of Finniss prior to the redistribution of the State's electoral boundaries, is fixed in Determination 5 of 2015. The amount of reimbursement is based on expenses actually and necessarily incurred, by the member, for the purposes of travel by ferry between Kangaroo Island and the Fleurieu Peninsula, for electoral purposes. The maximum amount of reimbursement is currently capped at \$3,380. The Tribunal considers that the current maximum amount of reimbursement continues to be appropriate. The Tribunal will issue the accompanying Determination accordingly.
13. The Tribunal intends to further consider the consequential effects of the redistribution of the State's electoral boundaries, having regard to the changes that apply to all of the House of Assembly electoral districts, as part of the annual review of the Tribunal's Electorate Allowances Determination³ in the later part of 2018.

³ Remuneration Tribunal Determination 17 of 2016 – Electorate Allowances for Members of the Parliament of South Australia



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 3rd day of May 2018