



No. 7 of 2020

REPORT OF THE REMUNERATION TRIBUNAL
REIMBURSEMENT OF EXPENSES APPLICABLE TO THE ELECTORATE OF MAWSON
– TRAVEL TO AND FROM KANGAROO ISLAND BY FERRY AND AIRCRAFT

INTRODUCTION

1. Section 14 of the *Remuneration Act 1990* (“the Act”) provides that the Remuneration Tribunal (“the Tribunal”) has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.
2. Section 3A(2) of the *Parliamentary Remuneration Act 1990* (“the PR Act”) confers jurisdiction upon the Tribunal to make a Determination or perform any other function required by the PR Act.
3. 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.
4. Section 4(2)(a) of the PR Act provides that the Tribunal must, in determining electorate allowances and other remuneration for members of Parliament, have regard not only to their parliamentary duties, but also to:
 - 4.1. Their duty to be actively involved in community affairs; and
 - 4.2. Their duty to represent and assist their constituents in dealings with governmental and other public agencies and authorities.

BACKGROUND

5. The previous Determination in relation to the reimbursement of expenses for travel to and from Kangaroo Island is Determination 8 of 2019. That Determination applies to the specific circumstances of the electorate of Mawson, where travel by ferry or aircraft is routinely required to move around the electorate for the purposes of parliamentary business.
6. In 2019, as a result of the Tribunal’s annual review, and following submissions from the Member for Mawson, the Tribunal amended the terms of its Determination for the electorate of Mawson so that travel expenditure could be met by *ferry* or *air* travel between Kangaroo Island and the Fleurieu Peninsula, provided that no additional cost is borne by the State by doing so. Prior to this change, only ferry travel to and from the island was permissible under the relevant Determination.

7. In 2019, no increase was applied to the amount of the reimbursement entitlement provided by the Determination.

PROCEDURAL HISTORY

8. 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.
9. Section 10(4) of the Act provides that the Honourable Premier of South Australia (“the Premier”), as the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
10. The Tribunal wrote to the Premier, as the Minister responsible for the Act, and the Members of Parliament on 22 June 2020, notifying of the Tribunal’s intention to conduct its annual review of Determinations for Members of Parliament. The Tribunal invited written submissions with a closing date of 23 July 2020.
11. Additionally, on 22 June 2020, a notice of the review was placed on the Tribunal’s public website.
12. On 4 August 2020, the Tribunal convened for the purpose of hearing oral submissions.

SUBMISSIONS

13. On 23 July 2020, a written submission was received from Mr Leon Bignell, MP, which is summarised below:
 - 13.1. That the spending cap on air and ferry travel to and from Kangaroo Island be removed;
 - 13.2. For an uncapped per diem rate to be established to and from the Fleurieu Peninsula and Kangaroo Island;
 - 13.3. That the bushfires and subsequent economic collapse on Kangaroo Island be taken into account by the Tribunal.
 - 13.4. On 4 August 2020, Mr Bignell made short oral submissions in support of his written submissions.
14. No other submissions were received by the Tribunal in relation to the review to which this Report relates.

CONSIDERATION

15. In reviewing this entitlement, the Tribunal has had due regard to the necessary statutory considerations under section 4(2)(a) of the PR Act. Those considerations include the nature of parliamentary duties, the duty for Members of Parliament to be actively involved in community affairs, and the duty for Members of Parliament to represent and assist their constituents in dealings with governmental and other public agencies and authorities.
16. The maximum amount of ferry or air travel expense reimbursement, between Kangaroo Island and the Fleurieu Peninsula, applicable to the electorate of Mawson, as provided for by Determination 8 of 2019¹, is currently \$3,380 per annum.
17. The Tribunal is conscious of the circumstances in relation to the recent bushfires on Kangaroo Island and the requirement for the Member for Mawson to attend to such

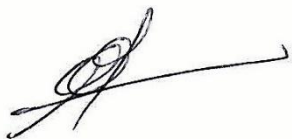
¹ *Remuneration Tribunal Determination 8 of 2019 – Reimbursement of Expenses Applicable to the Electorate of Mawson – Travel to and from Kangaroo Island by Ferry and Aircraft*

issues arising within the electoral boundaries of the electorate of Mawson, and more specifically, on Kangaroo Island, since the previous review of this entitlement.

18. Whilst the Tribunal is sympathetic to the recent events occurring on Kangaroo Island, the Tribunal has also noted that expenses in relation to ferry and air travel incurred above the \$3,380 per annum maximum entitlement may be met by the Member for Mawson under the terms of various other allowances provided to the Member for Mawson, such as the Electorate Allowance, which is paid directly to the member. Further, the Member has not provided substantive evidence of travel frequency or even travel arrangements.
19. The Tribunal notes that, in 2018, the Electorate Allowance applicable to the electorate of Mawson was increased from \$16,325 to \$35,202. In the making of that Determination, the Tribunal took into account changes to the State's electoral boundaries, including the change which caused Kangaroo Island to be located within the electorate of Mawson.
20. In considering the appropriateness of the maximum amount of this entitlement, the Tribunal has given due regard to the cost of journeys between Fleurieu Peninsula and Kangaroo Island for the relevant period.

CONCLUSION

21. The Tribunal is not persuaded that the maximum amount of expense reimbursement available under this entitlement ought to be increased on this occasion, nor is the Tribunal persuaded that per diems should be established. In the Tribunal's view, the current method of providing this entitlement to the Member continues to be appropriate.
22. Accordingly, the terms of Determination 8 of 2019² shall continue to apply. That Determination shall remain in force until further Determination by the Tribunal.



Matthew O'Callaghan
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 7th day of September 2020.

² *Remuneration Tribunal Determination 8 of 2019* – Reimbursement of Expenses Applicable to the Electorate of Mawson – Travel to and from Kangaroo Island by Ferry and Aircraft