



No. 18 of 2022

DETERMINATION OF THE REMUNERATION TRIBUNAL

Accommodation Expense Reimbursement and Allowances for Country Members of Parliament

SCOPE OF DETERMINATION

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

INTERPRETATION

2. In this Determination, unless the contrary appears:

“Overnight Accommodation Costs” means costs incurred by a Member that have a direct nexus to the provision of overnight accommodation for the Member, including booking fees and transactions fees.

“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, as the case may be.

“Commercial Accommodation” means short term (not permanent) accommodation in a commercial establishment such as a hotel, motel or serviced apartment and must be a genuine arms-length commercial transaction. Commercial Accommodation does not include AirBnB or other “sharing economy” type accommodation.

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

“Country Member” means a Member of Parliament who is eligible for the payment of an accommodation reimbursement or allowance under the terms of this Determination.

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

“House of Parliament” means either the Legislative Council or the House of Assembly, as the case may be.

“Incurred/incurs Actual Expenditure” means an amount of money spent by a Member.

“Member” or “Member of Parliament” means a Member of the Parliament of South Australia (except where used in relation to a Tribunal Member).

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

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

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

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

“Second Residence” means a residence where a Member resides other than the Member’s usual place of residence. That residence must be owned by the Member and/or the Member’s Spouse, or the Member and/or the Member’s Spouse must have a rental agreement for the second residence for a minimum period of six months or more.

“Signed Declaration” means a statutory declaration made by the Member confirming that a second residence is maintained by the Member in Metropolitan Adelaide, including the address of that second residence.

“Spouse” means a person with whom a Member is married, or a person with whom a Member is in a relationship, as a couple, between two adults, who meet certain eligibility criteria for entry into a registered relationship under the *Relationships Register Act 2016*.

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

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

PART A - ELIGIBILITY CRITERIA AND ENTITLEMENT

3. Part A Eligibility Criteria

- 3.1. A Member of either House of Parliament whose usual place of residence is greater than 75km by road from the General Post Office at Adelaide (by the most direct route); and
- 3.2. The Member has incurred actual expenditure for overnight accommodation costs in relation to:
 - 3.2.1. Commercial accommodation in Metropolitan Adelaide; or
 - 3.2.2. Renting or owning, either jointly or severally by the Member and/or the Member’s Spouse, a second residence in Metropolitan Adelaide; and
- 3.3. The Member 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).

4. Part A Entitlement

- 4.1. Commercial Accommodation Expense Reimbursement:
 - 4.1.1. The Member shall be entitled to be paid an expense reimbursement in relation to commercial accommodation, based on the actual rate of the Member’s expenditure, up to a maximum amount of \$242 for each eligible night.
 - 4.1.2. Prior to payment of the reimbursement, the Member must provide to the Clerk of the House:

- 4.1.2.1. a receipt as evidence of the amount of actual expenditure for each eligible night; and
 - 4.1.2.2. a claim form confirming any relevant particulars that the Clerk of the House deems necessary to ensure compliance with the terms of this Determination.
- 4.2. Second Residence Accommodation Allowance:
 - 4.2.1. The Member shall be entitled to be paid a second residence accommodation allowance at the rate of \$194 for each eligible night.
 - 4.2.2. Prior to payment of the allowance, the Member must provide to the Clerk of the House:
 - 4.2.2.1. a signed declaration confirming that a second residence is maintained by the Member in Metropolitan Adelaide, including the address of that second residence; and
 - 4.2.2.2. a certificate of title or rental agreement showing the Member and/or the Member's Spouse as the registered owner or tenant of the second residence; and
 - 4.2.2.3. a claim form confirming any relevant particulars that the Clerk of the House deems necessary to ensure compliance with the terms of this Determination.
 - 4.2.3. The Member must notify the Clerk of the House within 30 days of a change of circumstances in relation to their second residence, which includes establishing, changing or ceasing to maintain the second residence.
 - 4.2.4. If a Member's usual place of residence or second residence is rented out (i.e. rented to a person in exchange for a monetary payment or pecuniary benefit of any kind) for any period within a financial year, then the Member will not be entitled to a second residence allowance for that financial year. This clause (4.2.4) will come into operation commencing from the 2021/22 financial year.
- 4.3. Maximum Amount of Reimbursement and Allowance Payable under Part A:
 - 4.3.1. A maximum cap of 135 nights, per Member, per financial year, applies to the combined total of all Part A reimbursements and allowances, commencing from financial year 2020/21.
 - 4.3.2. A member is not entitled to receive both a commercial accommodation expense reimbursement and a second residence accommodation allowance for the same night.
 - 4.3.3. 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 – ELIGIBILITY CRITERIA AND ENTITLEMENT

5. Part B Eligibility Criteria

- 5.1. A Member of either House of Parliament whose usual place of residence is less than 75km by road from the General Post Office at Adelaide (by the most direct route), but is outside of Metropolitan Adelaide; and

- 5.2. The Member has incurred actual expenditure for overnight accommodation costs in relation to commercial accommodation within Metropolitan Adelaide; and
- 5.3. The Member 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).

6. Part B Entitlement

- 6.1. Commercial Accommodation Expense Reimbursement:
 - 6.1.1. The Member shall be entitled to be paid an expense reimbursement in relation to commercial accommodation, based on the actual rate of the Member's expenditure, up to a maximum amount of \$242 for each eligible night.
 - 6.1.2. Prior to payment of the reimbursement, the Member must provide to the Clerk of the House:
 - 6.1.2.1. a receipt as evidence of the amount of actual expenditure for each eligible night; and
 - 6.1.2.2. a claim form confirming any relevant particulars that the Clerk of the House deems necessary to ensure compliance with the terms of this Determination.
- 6.2. No entitlement for second residence under Part B:
 - 6.2.1. There is no entitlement to an allowance or reimbursement for a Member's second residence under Part B.
- 6.3. Maximum Amount of Reimbursement under Part B:
 - 6.3.1. A maximum cap of 15 nights, per Member, per financial year, applies to the total of all Part B reimbursements commencing from financial year 2020/21.
 - 6.3.2. 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.

DATE OF OPERATION

7. This Determination operates from 1 January 2023. It supersedes Determination 6 of 2021.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated: 14 December 2022