



ANNO DECIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1965

No. 55 of 1965

An Act to make provision for the establishment of a tribunal to determine the remuneration of Ministers of the Crown, and officers and members of Parliament, to repeal the Payment of Members of Parliament Act, 1948-1963, and to amend^{the} the Constitution Act, 1934-1965.

[Assented to 23rd December, 1965.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Parliamentary Salaries and Allowances Act, 1965".

Short title and commencement.

(2) Sections 1, 2, 12, 13, 14, 15 and 17 shall come into force on the day on which this Act is assented to by the Governor.

(3) The other provisions of this Act shall come into force on the day or on the several days fixed by proclamation.

(4) The Governor may so fix different days for the coming into force of different parts or provisions of this Act.

2. (1) In this Act, unless the contrary intention appears—

Interpretation.

"basic salary" has the meaning assigned to that expression by paragraph 1 of the second schedule:

"determination" means a determination made by the Tribunal pursuant to this Act:

“Government Whip” means the member of the House of Assembly who is for the time being the Government Whip :

“House” means either House of Parliament :

“member” means a member of either House :

“ministerial office” means an office that is specified in the first schedule :

“Opposition Whip” means the member of the House of Assembly who is for the time being the Opposition Whip :

“remuneration” includes salaries, allowances, fees, and other emoluments :

“Tribunal” means the Parliamentary Salaries Tribunal established under this Act.

(2) For the purposes of this Act, a person is an officer of Parliament—

(a) if he is elected to hold one of the following offices—

President of the Legislative Council ;

Speaker of the House of Assembly ;

Chairman of Committees in the House of Assembly ;

or

(b) if he is a person who is for the time being—

Leader of the Opposition in the House of Assembly ;

Deputy Leader of the Opposition in the House of Assembly ;

Government Whip in the House of Assembly ;

Opposition Whip in the House of Assembly ;

Leader of the Opposition in the Legislative Council.

Parliamentary
Salaries
Tribunal.

3. (1) For the purposes of this Act there shall be a tribunal to be known as the Parliamentary Salaries Tribunal.

(2) The Tribunal shall consist of three members, who shall be appointed by the Governor.

(3) The Governor shall appoint a member to be Chairman of the Tribunal.

(4) Each member of the Tribunal shall be a person who is, or at any time before the date of his appointment has been—

- (a) a judge of the Supreme Court of this State or of any other State or of any Territory of the Commonwealth ;
- (b) a judge of a county court or district court established or constituted under the law of any State other than this State or of any Territory of the Commonwealth ;
- (c) a presidential member of the Commonwealth Conciliation and Arbitration Commission established by the Conciliation and Arbitration Act, 1904-1961 of the Commonwealth ;
- (d) a judicial member of an industrial court or court of industrial arbitration established or constituted under the law of any State or Territory of the Commonwealth ;
- (e) Chairman of the Public Service Board established under the Public Service Act, 1936-1959 ; or
- (f) Auditor-General.

(5) For the purposes of paragraph (d) of subsection (4) of this section, a person shall be deemed to be a judicial member of a court to which that paragraph relates if he is or is qualified for appointment as, a judge of the Supreme Court of any State or Territory of the Commonwealth or of a county court or district court established or constituted under the law of any State or Territory of the Commonwealth.

(6) (a) The members of the Tribunal shall hold office during the Governor's pleasure ;

(b) A member of the Tribunal shall be deemed to have vacated his office if he—

- (i) resigns his office ; or
- (ii) becomes permanently incapable of performing his duties.

(7) The members of the Tribunal shall be paid such remuneration, and such sums by way of travelling and other expenses, as the Governor may determine.

4. (1) The Governor may appoint a person as the secretary of the Tribunal (in this section referred to as "the secretary").

Secretary of
Tribunal.

(2) An officer of the Public Service may be appointed as the secretary, and may hold office as the secretary in conjunction with his other office.

(3) The secretary shall, subject to the general directions of the Tribunal, assist the Tribunal in the administration of this Act and the due exercise of the powers and functions of the Tribunal under this Act.

(4) The secretary may be paid, in respect of his services as secretary, such remuneration (if any) as the Governor may determine; but if the secretary is an officer or temporary employee to whom the Public Service Act, 1936-1959 applies, the Governor shall not determine the amount or rate of remuneration to be paid to him except on the recommendation of the Public Service Commissioner.

General powers and functions of the Tribunal.

5. (1) Subject to this Act, the Tribunal may—

(a) make such determinations; and

(b) submit to the Treasurer such recommendations,

as it is required or authorized by this Act to make or submit.

(2) At intervals of not more than three years, the Tribunal shall, after such inquiry as it thinks necessary—

(a) determine what remuneration should be paid to Ministers of the Crown and officers and members of Parliament;

(b) determine what remuneration, in addition to the remuneration payable to them in their capacity as members, should be paid to Ministers of the Crown.

(c) make such recommendations to the Treasurer as it thinks fit with respect to the additional allowances, fees or emoluments that are or should be payable to members of the following committees, that is to say, the Joint Committee on Subordinate Legislation, the Public Works Standing Committee, the Land Settlement Committee, the Industries Development Committee and the Select Committees of either or both Houses of Parliament.

(3) Without affecting the generality of the provisions of subsection (1) of this section, the powers conferred on the Tribunal by this section include the power to—

(a) determine that the remuneration payable to Ministers of the Crown and to officers and members of Parliament shall be the remuneration that was payable immediately before the making of the determination;

- (b) determine that any class or kind of remuneration payable at the date of the making of the determination shall, either generally or in particular cases—
- (i) cease to be payable ; or
 - (ii) be replaced by remuneration of some other class or kind ;
- (c) determine that, in addition to the remuneration payable at the date of the making of the determination, remuneration of some additional class or kind shall be payable, either generally or in particular cases ;
- (d) determine that any specified part of the remuneration payable to members shall be subject to adjustment in accordance with variations in the cost of living on such basis and according to such scale and method as may be determined by the Tribunal and specified in a determination ; and
- (e) fix the duration of a determination and vary a determination at any time during the continuance of that determination.
- (4) Subject to this section, a determination—
- (a) may be made so as to take effect on a date either before or after the date on which it is made ;
 - (b) may vary, either in whole or in part, or revoke, any previous determination ;
 - (c) shall in relation to remuneration payable to Ministers of the Crown and to officers and members of Parliament become payable by monthly instalments ; and
 - (d) shall remain in force until it is revoked or varied by a subsequent determination.

6. The Treasurer may at such times as he may consider necessary or expedient cause the Tribunal to be called together to commence an inquiry for the purposes of section 5 of this Act.

Treasurer may convene Tribunal at any time.

7. (1) For the purposes of the exercise and performance of its powers and functions under this Act, the Tribunal shall have and may exercise all the powers and authority conferred by the Royal Commissions Act, 1917, upon persons holding inquiries on commission.

Tribunal to have powers of Royal Commission, etc.

(2) Subject to this Act, the Tribunal may regulate its own procedure and may inform its mind on any matter in such manner as it thinks fit.

Treasurer to be notified of determination and determination to be published in the *Gazette*.

8. (1) Immediately upon the making of a determination the chairman of the Tribunal shall—

- (a) notify the Treasurer of that determination ;
- (b) forward to the Treasurer a signed copy of that determination ; and
- (c) publish immediately thereafter a copy of that determination in the *Gazette*.

(2) The determination shall take effect as from the day specified in the determination by the Tribunal as being the day on which the determination is to take effect.

Tribunal may prepare report on a determination and Treasurer shall cause such report to be laid before Parliament.

9. (1) The Tribunal shall prepare a report by way of explanation of a determination or of any recommendation or by way of giving reasons for making that determination or recommendation and the chairman shall send to the Treasurer two copies of each report.

(2) The Treasurer shall within fourteen days after the receipt of any report on a determination or recommendation if Parliament is then sitting or, if not, within fourteen days after the next sitting of Parliament, cause such report to be laid before both Houses of Parliament.

On whom determination to be binding.

10. A determination shall be binding upon the Crown and all officers and members of Parliament and shall have effect in relation to the remuneration of Ministers of the Crown and officers and members of Parliament notwithstanding anything to the contrary in any Act passed before the date on which the determination comes into force.

Determination to be final.

11. A determination shall not be challenged, reviewed, quashed, or called in question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by prohibition, mandamus, certiorari, or otherwise.

Remuneration of members.

12. (1) Ministers of the Crown and officers and members of Parliament are entitled to be paid such remuneration calculated in such manner, and subject to such provisions, as may be determined by the Tribunal under and in accordance with this Act.

(2) Until otherwise determined by the Tribunal, the remuneration payable respectively to—

- (a) the holders of ministerial offices ;
- (b) officers of Parliament ; and
- (c) members of Parliament,

shall be the remuneration payable in accordance with the provisions of the second, third and fourth schedules respectively of this Act.

13. Subsections (3) and (4) of section 65 of the Constitution Act, 1934-1965 are repealed.

Repeal of Constitution Act, 1934-1965 s. 65 (3), (4)—
Numbers of Ministers and salaries payable.

14. The Constitution Act, 1934-1965, as amended by section 13 of this Act, may be cited as the "Constitution Act, 1934-1965".

Citation of Constitution Act, 1934, as amended.

15. All remuneration payable by virtue of the provisions of this Act or any determination made thereunder shall be payable out of the general revenue of the State. This Act without further appropriation shall be sufficient authority for the making of any such payment.

Appropriation.

16. Notwithstanding anything contained in this Act the Tribunal may vary the basic salary of members but no determination made by the Tribunal under the provisions of this Act shall provide for different rates of basic salary as between members.

No discrimination in basic salary between members.

17. The Acts specified in the fifth schedule of this Act are repealed to the extent specified in the third column of that schedule.

Repeal.

THE FIRST SCHEDULE.

Section 2.

MINISTERIAL OFFICES.

Premier and Treasurer.
Chief Secretary.
Minister of Works.
Attorney-General.
Minister of Education.
Minister of Local Government.
Minister of Labour and Industry.
Minister of Lands.
Minister of Agriculture.

THE SECOND SCHEDULE.

REMUNERATION OF MEMBERS GENERALLY.

PART I.—*Basic Salary.*

1. There is payable to each member an annual salary calculated at the rate of two thousand five hundred pounds a year (in this Act referred to as the "basic salary").

2. The basic salary payable to a member shall be calculated from the day on which he commences to be a member and, except as provided by paragraph 3 of this schedule, ceases to be payable on the day on which he ceases to be a member.

3. Where a member of the House ceases to be a member thereof by reason of the dissolution of the House of Assembly or by the expiry of his term by effluxion of time, he is, notwithstanding his cessation of membership, entitled to continue to receive his basic salary until a successor is elected in his place.

PART II.—*Electorate Allowances.*

4. In addition to the basic salary payable to him, there is payable to a member, other than a Minister of the Crown, in respect of the expenses of discharging his duties, an electorate allowance at the following annual rate—

- (a) if no part of the member's electoral district is more than fifty miles from the General Post Office at Adelaide—six hundred pounds ;
- (b) if the whole or a part of a member's electoral district is more than fifty miles from the General Post Office at Adelaide, but no part is more than two hundred miles from the General Post Office at Adelaide—eight hundred pounds ;
- (c) if the whole or a part of the member's electoral district is more than two hundred miles from the General Post Office at Adelaide—nine hundred and fifty pounds.

5. Every Minister of the Crown shall be entitled to receive an electorate allowance in respect of expenses incurred by him in discharging his duties as a member of Parliament at the rate of six hundred pounds a year.

6. Payment and allowances under this schedule are in addition to any other payments to which the Minister or other member is entitled under this or any other Act.

7. The electorate allowance payable to a member under paragraph 4 of this schedule shall be calculated from the day on which he commences to be a member and, except as provided by paragraph 8 of this schedule, ceases to be payable on the day on which he ceases to be a member.

8. Where a member of the House ceases to be a member thereof by reason of the dissolution of the House of Assembly or by the expiry of his term by effluxion of time, he is, notwithstanding the cessation of his membership, entitled to continue to receive the electorate allowance payable to him under paragraph 4 of this schedule until a successor is elected in his place.

PART III.—*General.*

9. The basic salary and electorate allowance payable to a member under the foregoing provisions of this schedule shall become payable by monthly instalments.

THE THIRD SCHEDULE.

Section 12.

REMUNERATION OF MINISTERS OF THE CROWN.

1. (1) In addition to the basic salary and electorate allowance payable by virtue of the second schedule there is payable—

(a) to the person for the time being holding the offices of Premier and Treasurer—

(i) an additional salary calculated at the rate of two thousand five hundred pounds a year; and

(ii) an expense allowance calculated at the rate of seven hundred pounds a year;

(b) to the person for the time being holding the office of Chief Secretary—

(i) an additional salary calculated at the rate of one thousand eight hundred and fifty pounds a year; and

(ii) an expense allowance calculated at the rate of six hundred pounds a year;

(c) to each person (other than the Premier and Treasurer and the Chief Secretary) for the time being holding a ministerial office an additional salary calculated at the rate of one thousand six hundred pounds per year and an expense allowance calculated at the rate of five hundred pounds a year.

(2) If a person holds more ministerial offices than one he shall be paid a salary under this paragraph in respect of one only of those offices.

2. The salary payable by virtue of paragraph 1 of this schedule shall become payable in monthly instalments.

THE FOURTH SCHEDULE.

REMUNERATION OF OFFICERS OF PARLIAMENT.

1. In addition to the basic salary and electorate allowance payable to him by virtue of the second schedule, there is payable—

- (a) to the person for the time being holding the office of President of the Legislative Council, a salary calculated at the rate of one thousand and fifty pounds a year ;
- (b) to the person for the time being holding the office of Speaker of the House of Assembly, a salary calculated at the rate of one thousand and fifty pounds a year ;
- (c) to the person for the time being holding the office of chairman of committees in the House of Assembly, a salary calculated at the rate of five hundred and twenty-five pounds a year ;
- (d) to the person who is for the time being Leader of the Opposition in the Legislative Council, an allowance of three hundred pounds in respect of expenses ;
- (e) to the member of the House of Assembly who is for the time being the Leader of the Opposition—
 - (i) a salary calculated at the rate of one thousand and fifty pounds a year ; and
 - (ii) an allowance in respect of expenses calculated at the rate of three hundred pounds a year ;

- (f) to the member of the House of Assembly who is for the time being the Deputy Leader of the Opposition, a salary calculated at the rate of four hundred pounds a year ;
- (g) to the person who is for the time being the Government Whip, House of Assembly, a salary calculated at the rate of three hundred pounds a year ; and
- (h) to the person who is for the time being the Opposition Whip, House of Assembly, a salary calculated at the rate of three hundred pounds a year.

2. The salary payable to a person by virtue of paragraph 1 of this schedule shall become payable by monthly instalments.

3. The amounts payable by virtue of paragraph 1 of this schedule to a person holding an office mentioned in subparagraphs (a), (b) or (c) or to a person referred to in subparagraphs (d), (e), (f), (g) or (h) of that paragraph, shall continue to be paid to him after the expiration of his term of office as member of Parliament until—

- (a) a successor is elected as a member in his place ; or
- (b) another person is elected or appointed to the position held by him being a position referred to in paragraph 1 of this schedule,

whichever first occurs.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

Section 17.

THE FIFTH SCHEDULE.

ACTS REPEALED.

Reference to Act.	Citation of Act.	Extent of Repeal.
No. 9 of 1948 ...	Payment of Members of Parliament Act, 1948	The whole
No. 5 of 1951 ...	Payment of Members of Parliament Act Amendment Act, 1951	The whole
No. 41 of 1953 ..	Payment of Members of Parliament Act Amendment Act, 1953	The whole
No. 49 of 1957 ..	Payment of Members of Parliament Act Amendment Act, 1957	The whole
No. 52 of 1958 ..	Payment of Members of Parliament Act Amendment Act, 1958	The whole
No. 4 of 1951 ...	Constitution Act Amendment Act, 1951	The whole
No. 3 of 1955 ...	Statutes Amendment (Public Salaries) Act, 1955	So far as it affects the Payment of Members of Parliament Act, 1948
No. 8 of 1960 ...	Statutes Amendment (Public Salaries) Act, 1960	So far as it affects the Payment of Members of Parliament Act, 1948 and subsection (3) of section 65 of the Constitution Act, 1934
No. 52 of 1963 ..	Statutes Amendment (Public Salaries) Act, 1963	So far as it affects the Payment of Members of Parliament Act, 1948 and subsection (3) of section 65 of the Constitution Act, 1934