

SALARIES AND ALLOWANCES TRIBUNAL

FORMER PREMIERS, MINISTERS AND MEMBERS OF PARLIAMENT

DETERMINATION ISSUED PURSUANT TO SECTION 6B OF THE SALARIES AND ALLOWANCES ACT 1975

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PREAMBLE

Summary of Decisions in this Determination

- Cessation of benefits provided to former Members of Parliament elected before 1999
- Reduces entitlements provided to former Premiers
- Confirms decision that benefits will not be provided to former Members of Parliament elected after 1999

- (1) This Determination ceases the provision of benefits to former Members of Parliament.
- (2) Benefits for former Premiers will be significantly reduced and limited to costs arising from their capacity as a former Premier.
- (3) The Tribunal's consideration of this area evolved from its review of remuneration, entitlements and allowances provided to current Members of Parliament, which was completed in 2016.
- (4) The Tribunal became responsible for former Members' benefits in 1987, at which time a number of benefits were already being provided. In a series of decisions since 1996, the Tribunal has steadily reduced the benefits available to Ministers, Officeholders and Members once they left Parliament.
- (5) In 1999, the Tribunal determined that future Members of Parliament would not have any post-parliamentary entitlement.
- (6) However, at that time the Tribunal also considered it appropriate to recognise Members and former Members who already had met certain eligibility criteria based on length of service and offices held. While future Members received no benefits, those Members who had already qualified would continue to receive them.
- (7) That decision did not arise from any legal right held by eligible former Members, but represented the view that their public service should continue to be recognised under the terms that stood when they were in Parliament. The Tribunal has reviewed the continuation of these benefits to former Members and, having regard to current standards, the Tribunal considers there is insufficient justification for those benefits to be maintained. The cessation of post-parliamentary benefits will therefore extend to all Members, including those who became eligible before 1999.
- (8) While the cost of providing benefits to former Members has been relatively low, such arrangements are now out of step with community expectations.

- (9) Continued provision of benefits for these former Members also reflects an outdated approach. For example, eligible former Members were entitled to rail travel, but this was introduced when Australia's rail systems were owned by the Government and, in effect, the former Member simply occupied an otherwise empty seat at minimal cost. Those eligible also were able to convert the rail benefit to a return airfare within Australia. With the Government's reduced involvement in rail over time, the nature of this benefit has significantly changed and is no longer appropriate.
- (10) In assessing the equity of this decision, eligible former Members have had access to these benefits for an average of around 25 years, including almost 18 years since the decision to end post-parliamentary benefits for new Members. The Tribunal also noted that Members elected before 2001 were included in the Parliamentary Pension Scheme, which was closed to subsequently elected Members.
- (11) The Tribunal has, in a separate Determination, provided scope for current Members of Parliament to travel as a means of educating and informing themselves, with the aim of enhancing their capacity to address issues affecting the state. However, there is no similar benefit that can be derived from travel entitlements provided to former Members of Parliament. The general travel provisions have been removed.
- (12) While this Determination ceases the benefits provided generally to former Members, there is an exception for those who have served in the office of Premier, due to the status of the office and potential for many former Premiers to have a continued role in representing the state and working in the community.
- (13) Nevertheless, some benefits provided to former Premiers are no longer appropriate.
- (14) Under past arrangements, former Premiers were offered an office, staff and a government vehicle with a driver for a period of time following their departure from Parliament. They also were able to claim specified expenses, such as phone calls and travel in certain circumstances.
- (15) The Tribunal notes that recent Premiers have often not claimed these benefits.
- (16) This Determination significantly reduces the scale of benefits available to former Premiers, but reasonably maintains their capacity to claim costs arising directly from their former role.
- (17) In future, direct support will be limited to claiming the costs of administrative assistance immediately following their Parliamentary careers, and support to attend official functions in their capacity as a former Premier.
- (18) The Determination will now issue.

PART 1 INTRODUCTORY MATTERS

1.1 Short title

This determination may be cited as the *Former Members of Parliament Determination No. 1 of 2017*.

1.2 Commencement

This determination comes into operation on 27 February 2017.

1.3 Content and intent

- (1) This determination provides for the entitlements and benefits to be paid or provided to Former Premiers, former Ministers of the Crown and Former Members of the Legislative Assembly or Legislative Council of the State, as prescribed in section 6B of the *Salaries and Allowances Act 1975* ('the Act').
- (2) This Determination replaces previous Determinations issued by the Tribunal pursuant to section 6B of the Act in relation to Former Premiers, former Ministers of the Crown and former members of the Legislative Assembly or Legislative Council of the State.
- (3) Any inconsistencies between this Determination and all previous Determinations issued by the Tribunal pursuant to section 6B of the Act are resolved in favour of this Determination.

1.4 References to dates

In this Determination, a reference to "a year" or "per annum" relates to a financial year.

1.5 Terms used

In this determination, unless the contrary intention appears -

Former Member means a person who previously served as a Member of the Legislative Council or Legislative Assembly in the Parliament of Western Australia.

Former Minister means a person who previously occupied the office of Minister of the Crown, as defined in section 4 of the Act.

Former Premier means a person who previously occupied the office of Premier of Western Australia.

Tribunal means the Salaries and Allowances Tribunal.

1.6 General conditions

Entitlements provided in this Determination:

- (a) must not be used for commercial purposes; and
- (b) are not transferable.

PART 2: FORMER MINISTERS AND FORMER MEMBERS

2.1 Cessation of benefits for those elected before 15 December 1999

Post-parliamentary benefits provided to Former Ministers or Former Members elected before 15 December 1999 shall cease upon commencement of this determination.

2.2 No benefits for those elected after 15 December 1999

No post-parliamentary benefits shall be provided to Former Ministers or Former Members elected after 15 December 1999.

PART 3: FORMER PREMIERS

3.1 General

- (1) This Part applies to a person who has occupied the office of Premier of Western Australia.
- (2) Entitlements in this Part apply to a person who has served more than one year in the office of Premier.
- (3) In this Part, “**official function**” means a function to which a person is invited in their capacity as a Former Premier.
- (4) Unless otherwise stated, a Former Premier may claim the entitlements provided in this Part upon application to the Director General, Department of the Premier and Cabinet, including reasonable evidence regarding:
 - (a) the official function; and
 - (b) expenses anticipated or already incurred.

3.2 Entitlement to administrative assistance

- (1) A Former Premier who ceases to be a Member of Parliament within six months of ceasing to hold the office of Premier, is entitled to claim administrative assistance for a period of six months.
- (2) Administrative assistance may be provided to a maximum value of \$25,000.

3.3 Access to vehicles

- (1) A Former Premier shall be entitled to a car and driver from the Government Garage for transportation to and from an official function in the Perth metropolitan region.
- (2) In the event it is not practicable to use a car and driver from the Government Garage, a Former Premier shall be entitled to reimbursement for the cost of a private taxi for transportation, including when an official function is held in regional Western Australia or interstate.
- (3) Reimbursement under section 3.2(2) shall not exceed \$1,000 per annum.

3.4 Travel

A Former Premier who is invited to attend an official function:

- (a) within Australia, is entitled to claim reimbursement of travelling and accommodation costs; and
- (b) held overseas, must apply to the Tribunal to determine whether associated costs of travelling and accommodation shall be met by the Government.

3.5 Ancillary arrangements for certain Former Premiers

- (1) This section applies only to a person who ceased to occupy the office of Premier of Western Australia before the commencement of this Determination.

Travel

- (2) Former Premiers whose primary residence is in Western Australia shall be entitled to one return journey by air within Australia with a maximum cost equivalent to a full economy return air fare from Perth to Sydney.

Cessation of Telephone Benefits

- (3) If a Former Premier who, on the day this Determination commences, is being reimbursed for costs associated with rental and calls on one private telephone, in accordance with Section 5 of the Determination issued on 23 August 2001, then that benefit:
 - (a) may continue on the same terms until 30 June 2017; and
 - (b) will cease on and from 1 July 2017.

PART 4: TRANSITIONAL ARRANGEMENTS

4.1 Transitional arrangements

A Former Premier, Former Minister of the Crown or Former Member who, before the commencement of this Determination, has obtained approval from the Director General, Department of the Premier and Cabinet, to use benefits to which they were then entitled, but has yet to use that benefit, shall be entitled to proceed with using the benefits in accordance with the approval.

Signed on 27 February 2017.

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL