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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE
SALARIES AND ALLOWANCES
TRIBUNAL**

SALARIES AND ALLOWANCES ACT 1975**DETERMINATIONS OF THE SALARIES AND ALLOWANCES TRIBUNAL**

Pursuant to Section 6(1) (a) (ab) & (b) and Section 6AA

19 August 2004

PREAMBLE**REMUNERATION OF MEMBERS OF PARLIAMENT**

The *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than twelve months, to inquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, a Parliamentary Secretary appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, and officers and Members of the Parliament. The Tribunal issued its last such determination on 20 August 2003.

The Tribunal has now completed a further review. The related inquiry was formally initiated in May 2004 when the Tribunal placed an advertisement in the "The West Australian" calling for submissions from interested individuals and organizations. This resulted in receipt of six written submissions, five of which were from Members of Parliament themselves. One was from the Premier on behalf of Government.

The Tribunal has carefully considered the views put forward and made those adjustments in this determination it considers necessary and appropriate at this time.

BASIC SALARY

The Tribunal specifically invited and received a submission from Government. In light of its subsequent reporting in the media and the associated comment generated, the Tribunal considers it useful to reiterate here the relevant full text of that 15 June 2004 submission—

"The Government supports the majority view of the Tribunal, stated in its 2003 determination, that the relativity between the basic salary of State and Federal Members requires adjustment. It is the strongly held position of the Labor Government that the basic salary of Western Australian Members of Parliament should be equal to the basic salary of Federal Members of Parliament, less an amount prescribed by regulation.

Most other Australian jurisdictions currently have legislative provisions linking the salaries of Members of Parliament to those applying in the Federal Parliament, less an amount in recognition of the differing parliamentary responsibilities. This Government considers a similar link between the salaries of Western Australian Members of Parliament and Federal parliamentary salaries will provide more consistency across jurisdictions in the adjustment to Members' salaries.

I am informed that the most recent determination of the Commonwealth Remuneration Tribunal, to come into effect on 1 July 2004, has resulted in the current salary of Western Australian Members of Parliament being slightly less than the salary that Federal Parliamentarians will receive. As it is the intention of the Government to set the basic salary of State Members at a prescribed amount less than their Federal counterparts, we are of the strong view that no increase should be granted to Members in the Tribunal's August 2004 determination.

Once salaries of State members are tied by legislation to Federal parliamentary salaries, a Salaries and Allowances Tribunal determination will not be required in relation to basic salary. However, it is the Government's intention that the Tribunal continue to make determinations in respect of allowances for Members and former Members, as these entitlements are largely unique to jurisdictions and dependent on a range of local influences."

The Tribunal has given careful consideration as part of its overall deliberations to this clear expression of the Government's views.

The Tribunal realizes that the arrangements for salary setting are ultimately governed by the relevant legislation. Whilst it may have its own views on the merits or otherwise of establishing a statutory mechanism as proposed—which under the current provision would result in the salary of a Western Australian Member effectively being determined by the reference salary applicable to a Band A Principal Executive Office position in the Commonwealth public sector—the Tribunal accepts that if the Government's intentions are implemented, the matter will no longer be in its domain.

At present however, responsibility for salary setting remains with the Tribunal, which feels bound to pursue its consideration of the issues relating to Members' salaries and allowances in line with its normal approach. To not do this would be an abrogation of its current statutory obligations. Accordingly, the Tribunal has continued to have regard to a wide range of factors, including those represented in the submissions, in assessing what, if any, adjustment should be made to the basic salary of a Member of Parliament. As in the past, these factors have included relevant economic indices published by the Australian Bureau of Statistics (in particular the March 2004 Wage Cost Index and the June Consumer Price Index), various public and private sector wage salary forecasts, actual salary movements of comparable positions across Australia (with parliamentary salaries across Australia generally increasing from 1 July 2004 by 3.9 per cent), as well as the Government's wages policy/outcomes for the WA public sector workforce and recent remuneration adjustments for other positions under the Tribunal's jurisdiction.

Weighing all these elements, the Tribunal has determined that a 3.6 per cent increase in the basic salary of a Member of Parliament is warranted. This will translate into a new base salary of \$109 816 per annum.

The Tribunal is committed to the fundamental principle, all things being equal, of determining salary for State Members at levels somewhat lower than their Federal counterparts. In that regard the

Tribunal indicated in its last determination that it recognized the need to reach an appropriate realignment of the salary relativities having regard to the respective legislative responsibilities of State and Federal Members. However, the Tribunal is faced with the historical reality of significantly diminished post-retirement benefits for Members of Parliament in this State, when compared to their peers in other jurisdictions—specifically in the areas of superannuation and travel entitlements. In the face of this, it is the view of the Tribunal that a final realignment cannot be achieved both quickly and equitably.

In the Tribunal's 2003 determination the difference between the salaries of Western Australian and Federal Members was reduced by \$1 260 per annum. The effect of the current percentage increase will be to reduce that gap still further from \$3 240 to \$3 046. The Tribunal believes it prudent to make the adjustment only marginal at this stage pending possible further decisions in the Federal arena. In that regard it is significant that changes have recently been made at the Federal level in relation to parliamentary superannuation arrangements, not unlike those made in Western Australia in 2000. These may result in consequential salary level adjustments for Federal Members. If and when there is any change in salary levels for Federal Members as a result of the changes in superannuation, the Tribunal will again review the relativities.

ALLOWANCES

In recognition of cost-of-living increases since its last determination, the Tribunal has adjusted a number of the allowances available to Members. The June 2004 Consumer Price Index increase for Perth of 2.6 per cent is reflected in the new levels set for the electorate and air charter and hire allowances.

The Tribunal is continuing to keep under review the operation of the range of allowances currently provided. In particular, it is examining the option of introducing a discrete "communications allowance", similar to that available to Federal Members. Under that scheme a level of funding is provided to enable use of "...commercial services for the distribution of letters, newsletters and parcels and electronic services (including establishment and maintenance of websites)...". Introduction of such a scheme would have potential for impact on the quantum of the discretionary electorate allowance currently provided, out of which such activities must now be funded.

In that context the Tribunal is also reassessing the current basis for providing additional electorate allowance funds, which pertain mainly to non-metropolitan Members. The additional funding had its origin in the need to cover extra travelling and accommodation expenses related to servicing country electorates. However, with the separate and expanding provision now of specific purpose benefits, such as an electorate motor vehicle, the air charter and hire allowance, the metropolitan accommodation allowance and overnight accommodation allowances within the electorate, the rationale for continuation of the current approach warrants review.

The determination which follows does not make any changes to the overall structure of allowances presently available. It provides for the existing regime of allowances to apply to both pre- and post-redistribution electorates. However, the Tribunal will pursue adjustment of the framework in line with the above considerations, to have effect after the next State Election. In that regard the Tribunal would welcome any further submissions on this specific matter, which Members and others wish to make.

REDUNDANCY BENEFITS FOR MEMBERS OF PARLIAMENT

Under section 6AA of the *Salaries and Allowances Act*, the Tribunal is empowered to "...inquire into and determine the entitlements and benefits to be paid or provided to a member of Parliament if the member ceases to be a member...". Although expressed in discretionary terms, the Tribunal considers it is obliged formally to address the matter prior to the next State Election in light of the changed superannuation environment.

Section 6AA was inserted into the *Salaries and Allowances Act* by the Parliament at the time the Members' pension scheme was closed to new Members in 2000. One of the features of the closed scheme was that displaced Members had (and continue to have for those still covered by the scheme) immediate access to funds regardless of age—that is, to either a sum based on their own contributions if they did not qualify for the pension, a pension or commutation of their pension into a lump sum. Under the replacement scheme applicable to new Members entering Parliament after October 2000, the Superannuation Guarantee employer contribution is paid into a fund, which is not accessible until at least age 55. Those new Members under the age of 55 who are not re-elected at the next State Election will face the situation of having no immediate access to funds.

The Tribunal resolved to consider this matter concurrently with its annual review of Members' remuneration and accordingly included the term of reference in its advertisement in May calling for public submissions. The *Salaries and Allowances Act* describes any such entitlement/benefit in terms of a "redundancy benefit" and that is the basis upon which the Tribunal has undertaken its inquiry.

In response to the advertisement the Tribunal received fourteen submissions. These were mainly from members of the public and overwhelmingly rejected the concept of redundancy payments for unsuccessful Members. A number forcefully made the point that community standards should apply—particularly as they relate to or involve issues of job security and term or contract employment. Furthermore, it was contended that the term redundancy would normally only be applicable in situations where a person becomes surplus to work requirements in the face of a function or functions ceasing—clearly not the usual case when a Member is not re-elected.

Against these arguments, the Tribunal considered the views expressed in the 1998 Parliamentary and Judicial Superannuation Review Committee's "Report on Parliamentary and Judicial

Superannuation Arrangements in Western Australia”, which was a precursor to the changes occurring in 2000 to parliamentary superannuation. Relevant sections of that Report indicated—

“...The Committee noted that when the Members of Parliament Fund Act was passed in 1941 its principal purpose was to provide a measure of financial assistance to Members of Parliament who ceased for other than voluntary reasons. Parliamentary superannuation schemes established subsequently retained this concept and included provisions allowing exiting Members access to their accrued entitlements...

...The Committee is aware that senior public sector employees whose remuneration is set by the Tribunal are entitled to an annual loading of 20 per cent where their employment contracts effectively mean they have non-secure tenure of Office.

The Committee considers that Members of Parliament are in a similar situation with regard to tenure and should receive an appropriate lump sum payment upon involuntary exit from Parliament....”

The Tribunal is aware that in other jurisdictions overseas, arrangements that might be taken to be a form of redundancy payment are in place. For example, in the United Kingdom a “Resettlement Grant” is made available to any person who ceases to be a Member of Parliament at a General Election. This is to assist with the cost of adjusting to “non-parliamentary life”. The amount is based on age and length of service and varies between fifty and one hundred per cent of the annual salary payable to a Member of Parliament at the time of the Dissolution. In New Zealand, Members who retire or are unsuccessful at a General Election receive 3 months of the salary applicable to a backbench Member. Likewise in Canada, a severance allowance is payable to a Member of the Federal Parliament not re-elected at a General Election.

A scheme consistent with the above approaches was recommended by the Commonwealth Remuneration Tribunal in August 2003. This proposed a benefit called a resettlement grant for those Members of the Federal Parliament who joined the Parliament after the November 2001 election (and so were affected by the 2001 changes to the *Parliamentary Contributory Superannuation Act 1948*) and retired involuntarily. It comprised a one-off lump sum equivalent to eight weeks of the basic parliamentary salary and was intended to assist Members to—

“...re-establish themselves in the community (for example, updating skills and qualifications, relocation expenses, purchasing IT equipment, updating professional libraries, and preparing job applications and resumes)...”

The recommendation was not adopted by the Federal Government.

Notwithstanding the views expressed in the 1998 Report and the examples of compensatory measures put in place in other jurisdictions, the Tribunal is not convinced of the need at this time to provide for redundancy benefits for Members of the Western Australian Parliament. It is the view of the Tribunal that apart from responsibility for legislating and holding government to account, the broad range of skills and experience required of Members of Parliament are similar to those needed in other parts of the workforce. Hence the conditions applying to Members should be consistent with broad community practices.

The Tribunal is accordingly issuing a determination to specify that no redundancy benefits are payable.

The determinations will now issue.

Signed this 19th day of August 2004

Professor M C Wood
CHAIRMAN
SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews
MEMBER

M L Nadebaum
MEMBER

DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL**Pursuant to Section 6(1) (a) (ab) and (b) of the Salaries and Allowances Act 1975**

Pursuant to the provisions of the *Salaries and Allowances Act 1975*, the Salaries and Allowances Tribunal ("the Tribunal") determines the remuneration to be paid to Ministers of the Crown, the Parliamentary Secretary of Cabinet, a Parliamentary Secretary appointed under Section 44A (1) of the Constitution Acts Amendment Act 1899, officers and members of the Parliament, as follows with effect from 1 September 2004, unless otherwise stated—

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[Entitlement administered by: # Parliamentary Services Department, Parliament House

* State Administration, Department of the Premier & Cabinet

PART 1—PAYMENT OF REMUNERATION**Section 1—General**

1.1 The remuneration payable to a Member under this determination shall be calculated and appropriately adjusted from the day on which the Member is elected as a Member and, except as provided by paragraph 1.2 of this Section, cease to be payable as from the day on which the person ceases to be a Member.

1.2 Where a Member of the Legislative Assembly ceases to be a Member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time, the Member is, notwithstanding that Member's cessation of membership, entitled to continue to receive the remuneration provided in

this determination until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

1.3 Where the Legislative Assembly is dissolved or expires by effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by effluxion of time was the Chairman of Committees in the House (Deputy Speaker) or is the holder of the office of—

- 1.3.1 Leader of the Opposition in that House;
- 1.3.2 Leader of a recognised non-Government Party (as defined in Section 2 of Part 2 of this determination);
- 1.3.3 Deputy Leader of the Opposition in that House;
- 1.3.4 Government Whip in that House; or
- 1.3.5 Opposition Whip in that House

is entitled to receive the salary payable to that office holder by virtue of Section 2 of Part 2 of this determination until—

- 1.3.6 that person ceases to be a Member by reason of an event other than the dissolution or expiry by effluxion of time of the Legislative Assembly, or
- 1.3.7 another person is elected or appointed to the office held by that person,

whichever event shall first occur.

1.4 Remuneration payable under Parts 2, 4, 6 (Section 5) and 7 of this determination shall be paid by equal instalments on the last day of each month and becomes thereupon the property of the Member.

1.5 In this determination where reference is made in the text to "...a year..." or "...per annum...", this should be taken to mean a financial year. Where benefits or entitlements are provided with specific reference in the text to "...a financial year...", these cease on 30 June each year and no carryover of any unexpended portion is permitted. Accordingly, the advance purchasing of relevant benefits such as those relating to travel in one financial year to be utilised in another financial year is not permitted.

1.6 Where a variation is applicable due to the electoral redistribution, the relevant adjustment to have effect immediately after the next State General Election is shown *in italics*.

PART 2—SALARY

Section 1—Basic Salary of Members of Parliament

1.1 There is payable to each Member of Parliament an annual basic salary calculated at the rate of \$109 816 per annum.

Section 2—Additional Salary of Ministers of the Crown, Parliamentary Secretary of the Cabinet and Officers of the Parliament

2.1 In addition to the basic salary payable to a Member under Section 1 of this Part there is payable to the person for the time being holding the office specified in the table hereunder an additional salary per annum calculated as a percentage of the basic salary, namely:—

Office held	% of basic salary	Add. salary	Total salary
Premier in conjunction with a ministerial office	132	\$144,957	\$254,773
Deputy Premier in conjunction with a ministerial office	97	\$106,522	\$216,338
Leader of the Government in the Legislative Council in conjunction with a ministerial office	90	\$ 98,834	\$208,650
Ministerial office	80	\$ 87,853	\$197,669
Leader of the Opposition in the Assembly	80	\$ 87,853	\$197,669
President of the Legislative Council	66	\$ 72,479	\$182,295
Speaker of the Legislative Assembly	66	\$ 72,479	\$182,295
Leader of the Opposition in the Legislative Council	45	\$ 49,417	\$159,233
Deputy Leader of the Opposition in the Legislative Assembly	45	\$ 49,417	\$159,233
The person who not being a Minister of the Crown is the leader of a party in the Legislative Assembly of at least five Members other than a party whose Leader is the Premier or the Leader of the Opposition (referred to in this determination as the "Leader of a recognised non-Government Party")	45	\$ 49,417	\$159,233
Parliamentary Secretary of the Cabinet	45	\$ 49,417	\$159,233
Chairman of Committees in either House (Deputy Speaker)	30	\$ 32,945	\$142,761
Government Whip in the Legislative Assembly	18	\$ 19,767	\$129,583

Office held	% of basic salary	Add. salary	Total salary
Opposition Whip in the Legislative Assembly	18	\$ 19,767	\$129,583
Government Whip in the Legislative Council	12	\$ 13,178	\$122,994
Opposition Whip in the Legislative Council	12	\$ 13,178	\$122,994

2.2 If a person holds more than one office, that person shall be paid an additional salary under this Section in respect of only one of those offices.

Section 3—Salary Packaging

3.1 Contributions to superannuation may be made on a salary sacrifice basis within the limits prescribed in the “Guidelines For Salary Packaging In The WA Public Sector”. A copy of these guidelines can be found at <http://www.doplar.wa.gov.au/public/circular/1198attach.html>. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

PART 3—EXPENSE ALLOWANCE PAYABLE TO PARLIAMENTARY SECRETARY

Section 1—Expense of Office Allowance

1.1 In addition to the salary payable under Part 2 of this determination there shall be payable to a Parliamentary Secretary appointed under Section 44A (1) of the Constitution Acts Amendment Act 1899 an expense of office allowance of \$1,822 per financial year.

1.2 Claims for reimbursement of expenditure incurred must be accompanied by certification that the expense was incurred in connection with the office of Parliamentary Secretary.

PART 4—ELECTORATE ALLOWANCES

Section 1—General

1.1 In consideration of the obligations of a Member effectively to service the needs of an electorate and to undertake parliamentary duties the amounts specified in this Part are provided in the form of an electorate allowance, to be utilized as the Member sees fit.

1.2 The Tribunal in determining the relevant amounts has not taken into account the cost of activities, such as campaigning, electioneering or political party promotion.

1.3 The motor vehicle provided to Members under Section 4 of this Part forms part of the electorate allowance and not part of a salary package. The Tribunal has determined that the motor vehicle can be used for private purposes and from time to time it is expected that electorate staff or a family member will use the vehicle. Use of the Government owned motor vehicle by other persons, unless for emergency purposes, is not supported.

Section 2—Basic Electorate Allowance

2.1 In addition to the salary payable under Part 2 of this determination there is payable to a Member an electorate allowance of \$35,300 per annum, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of this Part.

Section 3—Additional Electorate Allowance

3.1 In recognition of the increased expenditure incurred by Members servicing large and/or non-Metropolitan electorates, the following amounts shall be paid in addition to the basic electorate allowance provided under Section 2 of this Part.

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
Metropolitan Regions		\$ 2,350
	Roleystone, <i>Serpentine-Jarrahdale</i> and Swan Hills	\$ 2,350
	Wanneroo	\$11,650 <i>NIL</i>
South West Region		\$10,150
	Mandurah	\$ 650
	Albany, Bunbury, Dawesville, <i>Leschenault</i> and Mitchell	\$ 1,700
	<i>Murray</i> and Vasse	\$ 3,450
	<i>Capel</i> , Collie, <i>Collie-Wellington</i> and Murray-Wellington	\$ 5,250
	Stirling and Warren Blackwood	\$ 8,800
Agricultural Region		\$13,850
	Geraldton	\$ 1,700
	Avon and Wagin	\$ 8,800
	Greenough, Merredin, Moore and Roe	\$12,350

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
Mining and Pastoral Region		\$19,600
	Kalgoorlie	\$ 1,700
	Burrup, <i>Central Kimberley Pilbara</i> , Eyre, Kimberley, <i>Murchison-Eyre</i> , Ningaloo, <i>North West Coastal</i> and Pilbara	\$18,550

Section 4—Motor Vehicle

4.1 Every Member of Parliament, with the exception of those Members who as a result of an office held are supplied with a Government owned motor vehicle under arrangements not covered by this determination, shall be entitled to the supply of a Government owned private plated motor vehicle for parliamentary, electorate and private use within Western Australia.

4.2 Members who choose not to access a vehicle under this entitlement, or who are not entitled to do so as a result of the exception specified in paragraph 4.1 of this Section, shall receive an amount of \$6,950 per annum in lieu thereof.

4.3 A Member, who is supplied with a Government owned motor vehicle as a result of an office held, may make application to the Tribunal for the issue of an electorate motor vehicle (in lieu of the monetary amount). The application should detail the reasons why a second vehicle is required and provide certification that the principal use of the vehicle will be for electorate purposes.

4.4 Motor vehicles issued to Members through this provision shall be of a standard, the cost of which does not exceed the more expensive of a Ford Futura or Commodore Acclaim (6 cylinder), fitted with an automatic transmission, power steering, cruise control, air conditioning, ABS, driver's airbag and tow-bar, with all running and maintenance costs for up to three years or eighty thousand kilometres met by the State.

4.5 Members representing the Mining and Pastoral Region or any District contained therein can apply to the Tribunal for the issue of a four wheel drive vehicle in lieu of that mentioned in paragraph 4.4 of this Section, provided that the vehicle will be used predominantly in the Region or District to which the Member has been elected. Four-wheel drive vehicles shall be of a standard, the cost of which does not exceed the more expensive of the Toyota Landcruiser 100 GXL Manual 4.2 Litre Diesel Wagon or the Nissan Patrol ST Manual 3.0 Litre Diesel.

4.6 Members representing the South West, Agricultural or Mining and Pastoral Regions and any District contained therein are entitled to have "Roo" bars and / or electronic animal deterrent devices, radiator insect screens, window tinting and driving lights fitted to the supplied vehicle at no additional cost to them.

4.7 Where a Member travels 40,000 kilometres or more per year and elects to retain the provided vehicle for 80,000 kilometres, the cost of the vehicle shall be determined by comparing the cost to Government of two standard vehicles over 40,000 kilometres against the Member's vehicle over 80,000 kilometres.

4.8 Where a Member requires for operational or personal reasons a model of vehicle, the cost of which exceeds the benchmarks specified in paragraphs 4.4 and 4.5 or on the basis referred to in paragraph 4.7 of this Section, all additional costs (including Goods and Services Tax, Fringe Benefits Tax and insurance) shall, subject to there being sufficient funds, be met from the Member's basic electorate allowance under Section 2 of this Part or the air charter and hire allowance under Section 2 of Part 5. In that event, the relevant allowance shall immediately be reduced proportionately.

PART 5—TRAVELLING ALLOWANCES

Section 1—Motor Vehicle Allowance

1.1 Where a Member elects not to access a Government owned private plated motor vehicle under Section 4 of Part 4, and uses a privately owned vehicle to travel—

1.1.1 between the Member's residence and Perth, or to a place for the purposes listed in subparagraph (b) hereunder, the Member shall be paid a motor vehicle allowance at current Public Service rates for the shortest practicable route, provided such travel

- (a) is not less than 100 kilometres return, and
- (b) is for the purpose of attending—
 - (i) a sitting of Parliament or a meeting of that Member's parliamentary political party, or
 - (ii) a meeting of a parliamentary committee of which that Member is a Member, or
 - (iii) an official government, parliamentary or vice regal function

but such allowance shall be limited to kilometres travelled in excess of 100.

Where, in the opinion of the Tribunal as the case may require, a scheduled commercial air service could have been used for the travel referred to in the previous paragraph, the motor vehicle allowance payable under this section shall not exceed the value of the commercial air fare.

- 1.1.2 between the Member's residence and the nearest airport in order to travel to and from Perth by aircraft for the purposes listed in subparagraph (b) of paragraph 1.1.1 of this Section, the Member shall be paid an allowance under this Section for the motor vehicle travel in excess of 100 kilometres return.

Section 2—Air Charter And Hire Allowance

2.1 Members representing the under mentioned electorates shall, except where scheduled airlines are operating at reasonably convenient times, be entitled at Government cost to use "charter transport" within or for the service of their electorates (within Western Australia) and to undertake parliamentary duties, but such cost shall not exceed the amounts specified hereunder, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of Part 4, with effect from 1 July 2004.

ELECTORATE REGION	DISTRICT	PER FINANCIAL YEAR
Mining and Pastoral Region		\$28,400
	<i>Central Kimberley-Pilbara, Eyre, Murchison-Eyre, Ningaloo and Pilbara</i>	\$28,400
	<i>Burrup, Kimberley and North West Coastal</i>	\$19,350
Agricultural Region		\$19,350
	<i>Greenough, Merredin, Moore and Roe</i>	\$15,550
	<i>Avon and Wagin</i>	\$ 6,450
South West Region		\$15,550
	<i>Stirling & Warren Blackwood</i>	\$ 6,450

2.2 "Charter transport" includes charter aircraft, drive yourself vehicles, hire of driver, hire of taxis and such other modes of transport as may be approved as appropriate in the circumstances by the Tribunal. In the case of taxi hire whilst in Perth or the electorate on parliamentary and/or electorate business, this provision is made available to ensure the Member has transport whilst the motor vehicle provided under Section 4 of Part 4 is in a different location i.e., the electorate or Perth.

2.3 Where a Member uses air charter facilities to travel between two or more towns serviced by commercial air services (regular public transport) and there is no direct service between those towns, the total cost of the charter shall be met from consolidated revenue. However, the provision available to the Member shall only be debited with the difference between the cost of a business class fare (or where a business class is not available then the full economy fare) on a commercial flight and that charged by the air charter company.

2.4 Where through necessity a charter itinerary involves travel into the Northern Territory or South Australia, Tribunal approval is required prior to the payment being accepted as a debit to this provision.

2.5 With effect from 1 July 2004, Members representing the electoral districts of Albany, Geraldton and Kalgoorlie shall be entitled to draw upon the charter provision, to a maximum of \$6,450 per financial year for the purpose of hiring motor vehicles (including taxi hire) whilst in Perth or the electorate on parliamentary and/or electorate business. This provision is made to ensure the Member has transport whilst the motor vehicle provided under Section 4 of Part 4 is in a different location i.e., the electorate or Perth. At the Member's discretion, the entitlement may be drawn upon for the purchase or lease of a vehicle, provided the Member provides certification that the principal use of the vehicle will be for electorate or parliamentary purposes in Perth.

2.6 Charges shall only be levied against this Section if the Member undertakes the travel claimed.

2.7 Claims for reimbursement or accounts received in respect of travel undertaken using this provision must be submitted within 90 days from the date that the travel is undertaken. In exceptional circumstances the Tribunal may approve an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

Section 3—Taxi Fare Allowance

3.1 A Member shall be entitled to claim reimbursement of taxi fares necessarily incurred when travelling to or from any airport or helipad in the Metropolitan area or the Perth Rail Terminal to or from Parliament House or the Member's residence in the Metropolitan area, for the purpose of attending a sitting of Parliament, attending party meetings or meetings of parliamentary committees.

PART 6—ACCOMMODATION ALLOWANCES

Section 1—General

1.1 For the purposes of this Part the allowances are only claimable where overnight accommodation is involved and they include incidental expenses such as meals.

1.2 Claims made must be accompanied by certification that the expense was incurred on official Government, electorate and/or parliamentary business.

1.3 In the case of commercial accommodation, a receipt must accompany claims.

1.4 "Commercial accommodation" means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.

1.5 Where a Member claiming under Section 6 of this Part secures overnight accommodation, either travelling from or to any of his or her places of residence for the purposes outlined in each Section, travels for part of a day, reimbursement will be made in accordance with the following formulae—

1.5.1 if departure from any place of residence is—

before 8.00am	- 100 per cent of the daily rate.
8.00am or later but prior to 1.00pm	- 90 per cent of the daily rate.
1.00pm or later but prior to 6.00pm	- 75 per cent of the daily rate.
6.00pm or later	- 50 per cent of the daily rate.

1.5.2 if arrival back at any place of residence is—

8.00am or later but prior to 1.00pm	- 10 per cent of the daily rate.
1.00pm or later but prior to 6.00pm	- 25 per cent of the daily rate.
6.00pm or later but prior to 11.00pm	- 50 per cent of the daily rate.
11.00pm or later	- 100 per cent of the daily rate.

1.6 Claims made under paragraph 1.5 of this Section in respect of the entitlement granted in Section 6 of this Part form part of the annual entitlement.

A claim for accommodation allowances under this Part must be submitted within 90 days from the date the travel is completed. In exceptional circumstances the Tribunal may approve an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted payment against the claim will not be made.

1.7 For the purposes of guidance in the use of entitlements under this Part, it is pointed out the Tribunal would envisage the maintenance of a residence to involve an arrangement, under which a legal right to ongoing occupancy by the Member exists, founded on ownership of the relevant property by that Member (or his or her spouse or de facto partner) or a formal tenant's rental or leasing agreement entered into by that Member.

Section 2—Expenses of Office Holders on Official Business

2.1 The actual costs of accommodation incurred by the holders of offices mentioned in this Section should be debited to the Corporate Credit Card provided to the particular office holder. The rates contained in Section 7 of this Part are deemed to be indicative of the reasonable travelling costs. Where the costs reasonably and properly incurred exceed the indicative rates and have been debited to an official Corporate Credit Card, the actual costs shall be met.

2.2 The indicative daily accommodation allowances provided to the Premier, a Minister of the Crown, the Parliamentary Secretary of the Cabinet and Parliamentary Secretaries appointed under Section 44A(1) of the Constitution Acts Amendment Act 1899, when travelling within Australia on official duty as the holder of that position, who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres of the Perth GPO, are contained in Section 7 of this Part.

2.3 The Deputy Premier when travelling within Australia on duty representing the Premier shall be entitled to the same indicative allowances, and on the same basis, as the Premier.

2.4 Opposition and Third Party Leaders: The indicative accommodation allowance provided to the Leader of the Opposition in the Legislative Council, the Leader of the Opposition in the Legislative Assembly and the Leader of a recognised non-Government Party (as defined in Section 2 of Part 2), when travelling within Australia on duty as such Leader, shall be the same, and on the same basis, as a Minister and so also shall the Deputy Leader of the Opposition in the Legislative Assembly when travelling within Australia on duty whether for and in the place of the Leader or as such Deputy Leader only.

2.5 Temporary Appointments: The indicative accommodation allowance for a Member who, for the time being, is appointed to act in lieu of the permanent occupant in any of the positions referred to in paragraphs 2.2, 2.3 or 2.4 of this Section, shall for the time he or she is acting in that position be the same, and on the same basis, as payable to the permanent occupants.

2.6 Members: The indicative accommodation allowance for a Member (not being the holder of an office referred to in paragraphs 2.2, 2.3 or 2.4 of this Section) in securing overnight accommodation when travelling on duty within Australia, as an official representative of the Government shall be the same, and on the same basis, as the rate set for a Minister.

2.7 Members deputising—

2.7.1 On behalf of the Premier: The indicative accommodation allowance for a Member who, at the written request of the Premier, deputises for the Premier at a function, and who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres from any place of residence of that Member, is the same rate, and on the same basis, prescribed for a Minister.

2.7.2 On behalf of the Leader of the Opposition in the Legislative Assembly, or the Leader of a recognised non-Government Party (as defined in Section 2 of Part 2): The indicative accommodation allowance for a Member who at the written request of the above mentioned Leader, deputises for the Leader at a function, and who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres from any place of residence of that Member is the same rate, and on the same basis, prescribed for a Minister.

Section 3—Expenses of Members on Parliamentary Committee Business

3.1 The indicative accommodation allowance for a Member in securing overnight accommodation when travelling on duty within Australia, as an official representative of a parliamentary committee or delegation including a member of a committee of a House or a joint committee of Houses, shall be the same, and on the same basis, as the rate set for a Minister.

The rates contained in Section 7 of this Part should be deemed to be indicative of the reasonable costs that can be claimed. Where the costs reasonably and properly incurred exceed the indicative rates, the actual costs shall be met.

Section 4—Expenses of Members on Parliamentary or Parliamentary Political Party Business

4.1 In order to provide all Members with the ability to travel to a place within Western Australia for Parliamentary purposes or to attend a parliamentary party meeting, Members shall be entitled to claim reimbursement of accommodation expenditure to a maximum of 8 nights per financial year. The rates contained in Section 7 of this Part should be deemed to be indicative of the reasonable costs that can be claimed. Where the costs reasonably and properly incurred exceed the indicative rates, the actual costs shall be met.

4.2 This provision does not impact on or replace any allowance provided by the Treasurer determined under Section 11A of the Salaries and Allowances Act 1975.

4.3 For the purposes of guidance in the use of this entitlement it is pointed out that—

4.3.1 If the purpose of the travel were that of promoting lay Party political business (for example, campaigning or fundraising activity or pursuing the development of local branches of the Party) its use would not generally be considered appropriate.

It is recognised however that separation of roles is not always clear-cut, as lay Party political business may often involve policy formulation activity, which then translates into or informs the Member's stance on matters raised in Parliament.

4.3.2 Ultimately therefore, the matter of claiming the entitlement (where a meeting of Parliamentary Party colleagues is not involved) is one for judgement by the Member, who should be satisfied and able to demonstrate that the activity has direct relevance to the performance of his or her functions in the Parliament.

Section 5—Metropolitan Expenses of Members Representing Regions or Districts Therein

5.1 In consideration of metropolitan accommodation and related expenses associated with—

- 5.1.1 sittings of that Member's House of Parliament
- 5.1.2 meetings of committees of which that Member is a member
- 5.1.3 attendance at official government, parliamentary or vice regal functions
- 5.1.4 any other official duties pertaining to parliamentary or electorate matters

there shall be payable to a Member who maintains a place of residence in or adjacent to and represents the Mining and Pastoral, Agricultural or South West Region, or any District contained within those Regions, an amount per annum based on 80 nights at Rate A set out in Section 7.1 of this Part. The amount shall be reduced proportionately to the extent that the residence is maintained for any period less than the full year.

5.2 Where a Member referred to in paragraph 5.1 of this Section also maintains for the purposes of the Member's parliamentary role a place of residence in the Metropolitan Regions, the allowance shall be paid on the same basis as though that Member resided solely in or adjacent to the District or Region to which he or she has been elected. In this circumstance the allowance is granted to cover costs associated with maintaining residences in both areas.

5.3 Where a Member referred to in paragraph 5.1 of this Section has a residence or residences solely in the Metropolitan Regions, that Member shall not be entitled to receive the allowance contained in this Section.

Section 6—Members' Expenses within the Electorate

6.1 In addition to that applying in Section 5 of this Part Members representing the District or Regions listed in paragraph 6.2 of this Section may claim accommodation and associated expenses in accordance with either the commercial or non-commercial levels contained in Rate B set out in Section 7 of this Part for each overnight stay at a place in or adjacent to their electorate, but not within a radius of 50 kilometres of any residence of the Member.

6.2 The maximum number of nights claimable per financial year shall be—

Avon, <i>Capel</i> , Collie, <i>Collie-Wellington</i> , Greenough, Merredin, Moore, <i>Murray</i> , Roe, Stirling, Vasse, Wagin, Warren Blackwood and Murray-Wellington	60 nights
<i>Central Kimberley-Pilbara</i> , Burrup, Eyre, Kimberley, <i>Murchison-Eyre</i> , Ningaloo <i>North West Coastal</i> and Pilbara	80 nights
Regions—Mining and Pastoral, Agricultural and Southwest	100 nights

Section 7—Accommodation Allowance—Rates of Payment

7.1 Commercial accommodation—

	PREMIER	MINISTERS, OFFICE HOLDERS	MEMBERS
Perth	NIL	NIL	Rate A—\$175
WA North of the 26th parallel	\$355	\$340	Rate B as per the rates in the Public Service Award 1992—Schedule I—for Towns North of the 26th parallel
WA South of the 26th parallel	\$300	\$210	Rate B—\$175
Sydney	\$425	\$350	\$285
Melbourne Brisbane	\$360	\$340	\$255
Adelaide Darwin Hobart Canberra	\$310	\$290	\$215
Other Areas	\$300	\$220	\$180

7.2 Non-commercial accommodation—

Claims made in respect of non-commercial accommodation shall be paid at 40 per cent of the applicable commercial rate contained in the above table.

PART 7—POSTAGE ALLOWANCES**Section 1—Office Holders**

1.1 The holders of the following offices shall receive an annual allowance in consideration of the need to purchase postal facilities for the office held.

OFFICE HOLDER	RATE PER ANNUM
Leader of the Opposition in the Legislative Assembly	\$10,000
Leader of the Opposition in the Legislative Council	\$ 7,500
Leader of a recognised non-Government Party (as defined in Section 2 of Part 2)	\$ 7,500
Deputy Leader of the Opposition in the Legislative Assembly	\$ 5,000

1.2 The Tribunal in determining the relevant amounts has not taken into account the cost of activities, such as campaigning, electioneering or political party promotion.

1.3 The allowances provided to office holders in this Part shall be adjusted proportionately in accordance with any percentage variation in the basic minimum first class letter rate as fixed by Australia Post. The said increase is to operate from the date on which such increased postal rates commence.

PART 8—TELEPHONE ALLOWANCES**Section 1—General**

1.1 In this Part, “calls” include all charges (other than international telegrams and calls) as usually included on normal accounts rendered to subscribers.

1.2 “Standard telephone” and “approved telephone” refers to the telephones considered appropriate from time to time by the Director General, Department of the Premier and Cabinet.

1.3 The telephone facilities are provided to both the electorate office and residence. It is accepted that use of these telephones by electorate staff and family members will occur. The use of the office telephones by persons other than staff, unless for Parliamentary and electorate purposes, is not supported by this determination.

1.4 For the purposes of guidance in the use of entitlements under this Part, it is pointed out the Tribunal would envisage the maintenance of a residence to involve an arrangement, under which a legal right to ongoing occupancy by the Member exists, founded on ownership of the relevant property by that Member (or his or her spouse or de facto partner) or a formal tenant’s rental or leasing agreement entered into by that Member.

Section 2—Private Residence

2.1 Every Member of Parliament (other than Ministers, the President of the Legislative Council, the Speaker of the Legislative Assembly, the Leader of the Opposition in the Legislative Assembly and the Chairman of Committees (Deputy Speaker), and any others whose private telephone rentals and calls are paid in full from public funds under arrangements not dealt with by this determination)

shall receive payment by way of reimbursement of the rental and 85 per cent of all charges for calls incurred by that Member in respect of—

- 2.1.1 One standard telephone in that Member's private residence or, where that Member reasonably maintains more than one residence by reasons of membership of Parliament, in each such residence. The rental charges levied for additional telephone sockets shall be included in the reimbursement of rental.
- 2.1.2 One additional telephone line for the use of a facsimile machine; and
- 2.1.3 One additional telephone line for the purposes of computing equipment. Charges for access to computer communications will only be reimbursed where the connection has been made in accordance with contracts provided through the Department of the Premier and Cabinet.

2.2 Reimbursement for additional telephone lines provided under paragraphs 2.1.2 and 2.1.3 is restricted to one residence.

2.3 Claims for reimbursement must be submitted within 90 days from the date that an account is received. In exceptional circumstances the Tribunal may approve an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

Section 3—Electorate Offices

3.1 Every Member of Parliament provided with an electorate office shall receive as an allowance payment of the rental and all charges for calls incurred by that Member in respect of five approved telephone lines in that Member's electorate office to be used for—

- 3.1.1 Telephones
- 3.1.2 Facsimile
- 3.1.3 Modem connection

Section 4—Parliament House Telephone Charges

4.1 In so far as a Member of Parliament pays or is charged for any telephone calls and / or use of teleconferencing facilities made by the Member from Parliament House, that Member shall receive as an allowance payment of all such charges.

Section 5—Telecard / Teleconferencing

5.1 Where a Member uses a Telecard and seeks to obtain reimbursement through either the electorate office or residential telephone accounts, the Member is to certify that the Member made the calls for electorate or parliamentary purposes. The use of the Telecard is for occasional purposes and not general daily use.

5.2 Members claiming for teleconferencing costs must certify the topic of the conference and its relevance to the role of the Member as a Western Australian Member.

PART 9—REGIONAL SITTINGS OF THE PARLIAMENT

Section 1—General

1.1 Claims for reimbursement under this Part shall be subject generally to the conditions set out in Section 1 of Part 6.

1.2 For the purposes of this Part the rates contained in Section 7 of Part 6 should be deemed to be indicative of the reasonable accommodation costs that can be claimed. Where the costs reasonably and properly exceed the indicative rates, the actual costs shall be met.

Section 2—Sittings of the Parliament other than in Perth

2.1 Subject to paragraph 2.2 of this Section, where a sitting of either House of the Parliament is held at a location other than Parliament House in Perth, Members are entitled to reimbursement of all costs or expenses incurred for the purposes of—

2.1.1 Travel to and from the location of the sitting. Use of charter aircraft (other than through the Government's air charter arrangements) is not permitted unless the location of the sitting is not serviced by regular air services.

2.1.2 Travel, accommodation and meals at the location of the sitting for the following periods—

- (a) the duration of the sitting
- (b) up to two nights prior to the commencement of the sitting
- (c) up to two nights after the sitting ceases.

2.2 The reimbursement provided by this determination shall be reduced to the extent that the expenses of Members are entitled to be reimbursed or paid from any other source, including any provision or arrangement of the Parliament or Executive Government, or any determination dealing with fares made by the Treasurer under section 11A of the Salaries and Allowances Act 1975.

Signed this 19th day of August 2004

Professor M C Wood
CHAIRMAN
SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews
MEMBER

M L Nadebaum
MEMBER

DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL**Pursuant to Section 6AA of the Salaries and Allowances Act 1975**

Pursuant to Section 6AA(1) of the *Salaries and Allowances Act 1975*, the Salaries and Allowances Tribunal determines that no redundancy entitlements and benefits are to be provided to a Member of Parliament if the Member ceases to be a Member.

Signed this 19th day of August 2004

Professor M C Wood

CHAIRMAN

SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews

MEMBER

M L Nadebaum

MEMBER

