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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE
SALARIES AND
ALLOWANCES TRIBUNAL**

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION
OF THE
SALARIES AND ALLOWANCES TRIBUNAL**

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

August 2006

PREAMBLE

The *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than twelve months, to enquire 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*, members of committees, and officers and Members of the Parliament (MPs). The Tribunal issued its last such determination on 18 August 2005. The Tribunal has now completed a further enquiry.

BACKGROUND

Historical Context

In this enquiry, the Tribunal has considered how parliamentary remuneration can most effectively be determined. In Western Australia the Tribunal has been charged with the setting of parliamentary remuneration since its inception in 1975. During this period, in a number of its determinations, the Tribunal has commented often along the lines of the role of a parliamentarian being unique. Members are not employees; they are not covered by any form of Work Agreement specifying such matters as remuneration, leave or allowances; they are elected not appointed; have no right of appeal, and their continuity of employment lies in the hands of the electors.

In reaching its determinations in the past, the Tribunal has considered from time to time parliamentary remuneration elsewhere in Australia, public service positions including Chief Executive Officers, non-parliamentary positions within the Parliament, movements in the State Basic Wage, private sector remuneration levels and work value. The Tribunal last carried out an extensive assessment of work value in 1999.

The Tribunal has always recognised that the Commonwealth Parliament is the superior legislature in Australia and that Members' salaries should reflect an appropriate differential, all things being equal. However, inevitably, all circumstances will not always be equal. In 1999 the Tribunal judged the circumstances were not equal.

The remuneration of a Federal Member is tied to the remuneration of a Principal Executive Officer, Band A in the Australian Public Service. Due to a stagnation in remuneration movements at the Commonwealth level, which, in the opinion of the Tribunal in 1999 was not in accordance with remuneration fixing elsewhere in the community, it determined that adherence to the link was inappropriate. From the 1999 determination until now the Western Australian parliamentary base remuneration has been higher than that of Federal Members. The reasons for the differential have been detailed in earlier determinations.

In 1999, the Tribunal also removed the then-existing post-retirement recreational travel benefits formerly available to Members in this State. The Tribunal then valued these travel benefits at \$10,000 per annum. This benefit was contrasted with the recreational travel benefits then available to qualifying retired Federal Members of up to 25 double return business class airfares to any destination in Australia per annum. This benefit remains and, if taken, has a value of approximately \$160,000 per annum.

The objective expressed in the 1999 determination, which was informed by the Tribunal's very comprehensive review of work value of Western Australian Members, was—

To determine a salary which remunerates Members for work performed while in office without any distortion for consequential issues.

This objective still pertains and is reflected in this determination.

Taking account of all factors, including submissions, conditions elsewhere, Members' expectations and movements in Federal salaries, the Tribunal considers the differentials directly related to Members' work have substantially disappeared. Hence this determination reverts to the position where the base remuneration of a Western Australian Member is below that of a Federal Member.

The current base remuneration of Federal, State and Territory parliamentarians and their linkage to the Federal base remuneration are set out in the table below.

Table 1

JURISDICTION	BASE REMUNERATION OF MP's \$	LINKAGE TO FEDERAL REMUNERATION \$
Commonwealth	118,950	N/A
New South Wales	118,450	500 less
Victoria	117,508	1442 less

JURISDICTION	BASE REMUNERATION OF MP's \$	LINKAGE TO FEDERAL REMUNERATION \$
Queensland	118,450	500 less
South Australia	116,950	2000 less
Tasmania	94,689	85.19 percent of
Northern Territory	115,950	3000 less
Australian Capital Territory	102,086	No linkage

Current Enquiry

Written submissions from interested individuals and organisations were invited in an advertisement placed in *The West Australian* on 2 June 2006. This process provides an opportunity for the members of the public, the Government, Members themselves or any other interested party to make a submission on the appropriate level of parliamentary remuneration. Nine submissions were received—from the Government, political parties, individual Members of Parliament and the general public.

Issues raised in more than one of the submissions were the need for additional funds to support telecommunications; the implications for air charter travel of the steep increases in the price of fuel; the need for retention of the \$6,950 per annum to Members in lieu of accessing a Government vehicle; the need to review some aspects of the accommodation guidelines; additional remuneration for holders of offices of the Parliament such as Parliamentary Secretaries and Chairs of Standing Committees, and the need for an augmented Electorate Allowance for those rapidly-expanding electorates where the number of electors significantly exceeds the quota.

The submission from the Government proposed that any increase in remuneration should be lower than that of the 7.02 percent awarded to Federal Members and should not exceed 4.0 percent. The Tribunal also was asked to consider the Government's wages policy which seeks outcomes *'that are economically and industrially sustainable, and that neither lead nor lag community outcomes generally'*.

In making this determination, the Tribunal has compared remuneration and allowances paid in Western Australia with those paid elsewhere in Australia, considered the submissions it received, noted the movements in a range of economic indicators for salaries and prices and taken advice from its Statutory Advisor.

BASE REMUNERATION

With effect from 1 July 2006 the Federal Remuneration Tribunal determined a basic 4.4 percent increase for senior public servants with other increases related to performance for a total of 7.02 percent. This 7.02 percent flowed automatically to Members of the Commonwealth Parliament.

Over recent years, the Tribunal has progressively reduced the differential between the base remuneration of Federal Members and those in Western Australia. This determination positions the base remuneration of Western Australian Members below that of Federal Members. However, in so doing, the Tribunal is not indicating that it is committed to the practice of the benchmark for the remuneration of Members of Parliament being an officer position in the Australian Public Service. Given its legislative mandate, the Tribunal will continue to take into account local circumstances in its determinations.

The Tribunal has determined a base remuneration for a Western Australian Member of Parliament of \$118,450 per annum with effect from 1 September 2006. This represents a 4.1percent increase. The base remuneration of Members of the Western Australian Parliament now will be \$500 less than that of Federal Members.

The table below details the new remuneration levels for office holders in the Western Australian Parliament and provides the comparative figures for the Commonwealth Parliament.

Table 2

STATE	REMUNERATION	COMMONWEALTH	REMUNERATION
Base	\$118,450	Base	\$118,950
Premier in conjunction with a ministerial office	\$274,804	Prime Minister	\$309,270
Deputy Premier in conjunction with a ministerial office	\$233,347	Deputy Prime Minister	\$243,848
Leader of the Government in the Legislative Council in conjunction with a ministerial office	\$225,055	Leader of the Government in the Senate	\$223,031
Minister of the Crown	\$213,210	Minister of the Crown (in Cabinet)	\$208,163
Leader of the Opposition	\$213,210	Leader of the Opposition	\$220,058

STATE	REMUNERATION	COMMONWEALTH	REMUNERATION
President of the Legislative Council	\$196,627	President of the Senate	\$208,163
Speaker of the Legislative Assembly	\$196,627	Speaker	\$208,163
Leader of the Opposition in the Legislative Council	\$171,753	Leader of the Opposition in the Senate	\$187,346
Deputy Leader of the Opposition	\$171,753	Deputy Leader of the Opposition	\$187,346
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")	\$171,753	Leader of a recognised non-Government party of a total of at least 5 Members of Parliament, sitting in either House, not otherwise specified	\$169,504
Parliamentary Secretary of the Cabinet	\$171,753	Parliamentary Secretary of the Cabinet	N/A
Chairman of Committees in either House (Deputy Speaker)	\$153,985	Chairman of Committees in either House	\$142,740
Government Whip in the Legislative Assembly	\$139,771	Chief Government Whip in the House of Representatives	\$149,877
Opposition Whip in the Legislative Assembly	\$139,771	Chief Opposition Whip in the House of Representatives	\$146,309
Government Whip in the Legislative Council	\$132,664	Chief Government Whip in the Senate	\$142,740
Opposition Whip in the Legislative Council	\$132,664	Chief Opposition Whip in the Senate	\$140,361

The Tribunal is mindful of the submissions addressing the need for Members holding some offices additional to those listed in the above table to receive additional remuneration—in particular, the offices of Parliamentary Secretaries and Committee Chairs were mentioned. The Commonwealth Parliament and some of the other states and territories remunerate the Chairs of Committees.

In this context, it must be noted that the Tribunal cannot remunerate Parliamentary Secretaries because of legislative prohibition (Section 44A(4) of the *Constitution Acts Amendment Act 1899*). There is also a legislative impediment to the Tribunal only remunerating Chairs of Committees (Section 6(1)(b) of the *Salaries and Allowances Act 1975*). In relation to any additional remuneration for committee work, legal advice obtained by the Tribunal indicates that any remuneration granted must be common to Chairs and committee members alike. This raises an issue of whether membership of committees is an integral part of Members' work and hence reflected in their base remuneration.

Notwithstanding these stated limitations of the legislation, the Tribunal notes the points made in a number of the submissions about the increasing time involved in committee work and the significance of the work. However, it has no substantiated information on the work value of the various offices. The Tribunal's decision is to make no changes in this determination to the number of office holders who receive additional remuneration. However, its intention is to seek an analysis of the work value of the offices in question and to review the remuneration issue in the short term.

ALLOWANCES

Electorate Allowance

The Tribunal, over recent years, has moved towards a more generic approach to the Electorate Allowance paid to Members to assist them in undertaking their duties. This trend is continued in this determination.

The Electorate Allowance, once paid, becomes the property and responsibility of the Member to expend as he/she sees fit. The objective of the more generic allowance is to provide Members with as much flexibility as possible within the limits of appropriate accountability.

The significant increase in the Electorate Allowance awarded in the 2005 determination particularly recognised the need of Members to be able to communicate more regularly and directly with their constituents. It also recognised the increases in the technologies available to Members by which they can communicate with their constituents more effectively and efficiently. Any technologies which serve the particular electorate's needs in a cost effective way are now available for Members to access through the enhanced Electorate Allowance. These include the use of commercial services for the distribution of letters, newsletters, parcels, broadcast fax stream service provision and electronic services including the building and maintenance of web sites, dial up or broadband internet connection charges, ISP fees, mobile and satellite telephones. The Tribunal has maintained the real value of the allowance through the increase granted in this determination.

At present, Members are entitled to reimbursement of the cost of rental of up to four telephone lines in their private residence(s) and 85 percent of all charges for calls. One submission sought payment of 100 percent of domestic telephone costs, suggesting that total costs would be reduced through participation in the State Government's contract with a supplier. The Tribunal weighed this suggestion against community expectations for accountability and has decided to make no change in this determination. The Tribunal sees no barrier to Members participating with a bulk supplier providing an appropriate contribution for private use is made.

The Tribunal reviewed the payment of \$6,950 to Members who choose not to access a Government vehicle or who are not entitled to do so because of a vehicle they receive for an office they hold. Such a payment was originally provided to assist Members to cover the cost of using their own vehicle for official parliamentary business, prior to their being provided with a Government vehicle. The quantum, when first set, was comparable with the cost of running a motor vehicle. This is no longer the case and each Member is now entitled to a motor vehicle; hence the original intent of the allowance no longer exists.

Generally the allowance has become regarded by Members as a *de facto* compensatory remuneration for office holders. Indeed, each submission which advocated the retention of the allowance represented it in this way. No submission was received which argued for the allowance to be retained for its original purpose. The Tribunal has determined to cease it with effect on and from the end of the first pay period after the issuing of this determination.

However, the Tribunal recognises that there may be individual Members who, for particular reasons, do not wish to access a Government vehicle. Accordingly, any Member who chooses to forego the entitlement of a vehicle, and who has no entitlement to a Government-funded vehicle from another source, will be entitled to an allowance of \$15,000 towards the cost of work-related travel.

Charter Transport Allowance

An adjustment of 10 percent has been made to the Charter Transport Allowance in recognition of the increased costs of air charter.

Additional Electorate Allowance

This allowance is granted to Members servicing the largest, most remote or least accessible electorates. The allowance has been increased by approximately CPI.

Several submissions have been received over the last 12 months advocating an additional Electorate Allowance for particular Members whose electorates are growing rapidly. The Tribunal has no detailed information on how the existing allowances have been used. This provides the Tribunal with difficulty in determining whether or not any augmentation of the allowance is warranted. When it has requested such information from particular Members, it has not been forthcoming. In the absence of such information, the Tribunal has not made any change to the Electorate Allowances of these Members.

Accommodation Allowance

The Tribunal is mindful that the number of nights of accommodation available to Members under Section 5 of Part 6 of the Schedule have not been reviewed for some years. In response to a Member's submission, this determination increases the number of nights per financial year from 80 to 120. The broader matter of the adequacy of all accommodation allowances will be considered by the Tribunal in the future.

The Tribunal, having regard to the circumstances outlined above and also taking account of the allowances and resources available to Members from other than the Tribunal, has determined to increase the Electorate Allowance from \$41,000 per annum to \$43,000 which is approximately CPI.

The determination will now issue.

Signed this 18th day of August 2006.

Professor M. C. WOOD,
Chairman.

J. A. S. MEWS,
Member.

M. L. NADEBAUM,
Member.

Salaries and Allowances Tribunal.

**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*, members of committees, officers and Members of the Parliament, as follows with effect from 1 September 2006, unless otherwise stated—

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[Entitlement administered by: # Parliamentary Departments, 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 on and from the day following the day on which the Member is elected as a Member and, except as provided by paragraph 1.2 of this Section, shall cease to be payable at the end of the day that the person ceases to be a Member.

1.2 Where a Member of the Legislative Assembly ceases to be a Member by reason of the dissolution of that House or the expiry by the effluxion of time, the Member is, notwithstanding that Member's cessation of membership, entitled to continue to receive the remuneration provided in this determination up to and including the date of the election following the dissolution or expiry of that House.

1.3 Where the Legislative Assembly is dissolved or expires by the effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by the 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 remuneration 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 the 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 or before 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 and from 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.

PART 2: REMUNERATION

SECTION 1: BASE REMUNERATION OF MEMBERS OF PARLIAMENT

1.1 There is payable to each Member of Parliament an annual base remuneration equal to the base remuneration payable to a member of the Federal Parliament less \$500.00

SECTION 2: ADDITIONAL REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY SECRETARY OF THE CABINET AND OFFICERS OF THE PARLIAMENT

2.1 In addition to the base remuneration 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 additional remuneration per annum calculated as a percentage of the base remuneration, namely—

Office held	Percent of base remuneration	Additional remuneration	Total remuneration
Premier in conjunction with a ministerial office	132	\$156,354	\$274,804
Deputy Premier in conjunction with a ministerial office	97	\$114,897	\$233,347
Leader of the Government in the Legislative Council in conjunction with a ministerial office	90	\$106,605	\$225,055
Minister of the Crown	80	\$94,760	\$213,210
Leader of the Opposition in the Assembly	80	\$94,760	\$213,210
President of the Legislative Council	66	\$78,177	\$196,627
Speaker of the Legislative Assembly	66	\$78,177	\$196,627
Leader of the Opposition in the Legislative Council	45	\$53,303	\$171,753
Deputy Leader of the Opposition in the Legislative Assembly	45	\$53,303	\$171,753

Office held	Percent of base remuneration	Additional remuneration	Total remuneration
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	\$53,303	\$171,753
Parliamentary Secretary of the Cabinet	45	\$53,303	\$171,753
Chairman of Committees in either House (Deputy Speaker)	30	\$35,535	\$153,985
Government Whip in the Legislative Assembly	18	\$21,321	\$139,771
Opposition Whip in the Legislative Assembly	18	\$21,321	\$139,771
Government Whip in the Legislative Council	12	\$14,214	\$132,664
Opposition Whip in the Legislative Council	12	\$14,214	\$132,664

2.2 If a person holds more than one office, that person shall be paid additional remuneration 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:

www.docep.wa.gov.au/lr/LabourRelations/Content/Publicpercent20Sector/Resources/Circulars/Pages/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 remuneration 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 The Expense of Office Allowance is to be utilised as the Member sees fit to discharge the duties of Parliamentary Secretary.

1.3 Claims for reimbursement of expenditure incurred must be submitted within 90 days from the date that the expenditure was incurred and must be accompanied by certification that the expense was incurred in connection with the Office of Parliamentary Secretary. 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.

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 utilised 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 remuneration package. The Tribunal has determined that the motor vehicle can be used for private purposes and from time to time it is anticipated that electorate staff or a family member will use the vehicle. Use of a Government owned motor vehicle by other persons, unless for emergency purposes, is not supported.

SECTION 2: BASE ELECTORATE ALLOWANCE

2.1 In addition to the remuneration payable under Part 2 of this determination there is payable to a Member an Electorate Allowance of \$43,000 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 the largest or most remote or least easily accessible electorates, the following amounts shall be paid in addition to the base Electorate Allowance provided under Section 2 of this Part.

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
South West Region		\$8,400
	Stirling and Warren-Blackwood	\$6,900
Agricultural Region		\$12,400
	Avon and Wagin	\$ 6,900
	Greenough, Merredin, Moore and Roe	\$10,800
Mining and Pastoral Region		\$18,600
	Central Kimberley-Pilbara, Kimberley, Murchison-Eyre, and North West Coastal	\$17,500

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 Any Member who foregoes the entitlement in paragraph 4.1 of this Section and has no other entitlement to access a Government supplied vehicle shall be paid an amount of \$15,000 per annum.

4.3 A Member, representing the South West, Agricultural and Mining and Pastoral Region or any District contained therein, 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. 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 South West, Agricultural and 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 or any other equipment which will contribute to the Member's safety 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 base Electorate Allowance under Section 2 of this Part or the Charter Transport Allowance under Section 2 of Part 5. In that event, the relevant allowance shall immediately be reduced proportionately.

4.9 Where through necessity, use of the vehicle involves travel into the Northern Territory or South Australia, Tribunal approval is required prior to such usage.

PART 5: TRAVELLING ALLOWANCE

SECTION 1: MOTOR VEHICLE

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: CHARTER TRANSPORT ALLOWANCE

2.1 "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.

2.2 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 2006.

ELECTORATE REGION	DISTRICT	PER FINANCIAL YEAR
Mining and Pastoral Region		\$32,400
	Central Kimberley-Pilbara, Murchison-Eyre and North West Coastal	\$32,400
	Kimberley	\$22,000
	Kalgoorlie*	\$7,400
Agricultural Region		\$22,000
	Greenough, Merredin, Moore and Roe	\$17,600
	Avon and Wagin	\$7,400
	Geraldton*	\$7,400
South West Region		\$17,600
	Albany*, Stirling and Warren-Blackwood	\$7,400

* Members representing these electoral Districts shall be entitled to draw upon the charter provision, to the maximum indicated, 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 (including the associated running costs), provided the Member certifies that the principal use of the vehicle will be for electorate or parliamentary purposes in 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 Charges shall only be levied against this Section if the Member undertakes the travel claimed.

2.6 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 ALLOWANCE**SECTION 1: GENERAL**

1.1 For the purposes of this Part the allowances are only claimable where overnight accommodation is involved and meals.

1.2 Claims made must be accompanied by certification that the expense was incurred on official Government, parliamentary committee and/or electorate 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 percent of the daily rate.
8.00am or later but prior to 1.00pm	- 90 percent of the daily rate.
1.00pm or later but prior to 6.00pm	- 75 percent of the daily rate.
6.00pm or later	- 50 percent 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 percent of the daily rate.
1.00pm or later but prior to 6.00pm	- 25 percent of the daily rate.
6.00pm or later but prior to 11.00pm	- 50 percent of the daily rate.
11.00pm or later	- 100 percent 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 partner) or a formal tenant's rental or leasing agreement entered into by that Member.

SECTION 2: EXPENSES OF OFFICE HOLDERS ON OFFICIAL GOVERNMENT 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 accommodation 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 of the Crown 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 of the Crown.

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 of the Crown.

- 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 of the Crown.

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 of the Crown. 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.

4.4 A claim shall not be made under this Section for a purpose covered by Section 5 of this Part.

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 120 nights at the Perth rate 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 WA North of the 26th parallel rate 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, Capel, Collie-Wellington, Greenough, Merredin, Moore, Murray, Roe, Stirling, Vasse, Wagin and Warren-Blackwood	60 nights
Central Kimberley- Pilbara, Kimberley, Murchison-Eyre and North West Coastal	80 nights
Regions—Mining and Pastoral, Agricultural and Southwest	100 nights

SECTION 7: ACCOMMODATION ALLOWANCE—RATES OF PAYMENT

7.1 Commercial accommodation—

	PREMIER	MINISTERS OF THE CROWN, OFFICE HOLDERS	MEMBERS
Perth	NIL	NIL	\$210
WA North of the 26th parallel	\$455	\$440	As per the rates in the Public Service Award 1992—Schedule—Locality North of 26 degrees South Latitude
WA South of the 26th parallel	\$300	\$210	\$175
Sydney	\$425	\$350	\$300
Melbourne	\$400	\$380	\$280
Brisbane, Adelaide	\$330	\$310	\$260
Darwin	\$330	\$310	\$250
Hobart, Canberra	\$330	\$310	\$230
Other Areas	\$300	\$220	\$185

7.2 Non-commercial accommodation—

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

PART 7: TELEPHONE ALLOWANCE

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 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.

1.3 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 partner) or a formal tenant’s rental or leasing agreement entered into by that Member.

SECTION 2: PRIVATE RESIDENCE(S)

2.1 Every Member of Parliament (other than Ministers of the Crown, 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 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 85 percent of all charges for calls incurred by that Member.

2.2 Every Member of Parliament (other than Ministers of the Crown, 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, 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 of up to three telephone lines.

2.3 Where a Member reasonably maintains more than one residence by reasons of membership of Parliament an additional line shall be reimbursed however the charges for calls on this line shall be included within the 85 percent reimbursement in Section 2.1.

2.4 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 OFFICE(S)

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 up to five approved telephone lines in that Member's electorate office.

SECTION 4: PARLIAMENT HOUSE

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 he/she 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 audio or video conferencing costs must certify the topic of the conference and its relevance to the role of the Member as a Member of the Western Australian Parliament.

SECTION 6: POSTAL SERVICES FOR CERTAIN OFFICE HOLDERS

6.1 The holders of the following offices shall receive an annual allowance in consideration of the need to purchase postal services 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

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

6.3 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: 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 18th day of August 2006.

Professor M. C. WOOD,
Chairman.
Salaries and Allowances Tribunal.

J. A. S. MEWS,
Member.

M. L. NADEBAUM,
Member.



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