

# DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL

## REMUNERATION OF MEMBERS OF PARLIAMENT

|   |           |
|---|-----------|
| PREAMBLE.....   | i         |
| Statutory context .....   | i         |
| Purpose of this Determination.....  | i         |
| Changes to Electoral Boundaries .....                                     | ii        |
| Provisions for Members of the 40 <sup>th</sup> Parliament.....            | ii        |
| <b>PART 1</b> <b>INTRODUCTORY MATTERS</b> .....                           | <b>1</b>  |
| 1.1   Short Title.....  | 1         |
| 1.2   Commencement.....   | 1         |
| 1.3   Content and intent.....   | 1         |
| 1.4   References to Dates.....  | 1         |
| 1.5   Terms Used .....  | 2         |
| <b>PART 2</b> <b>REMUNERATION</b> .....                                   | <b>3</b>  |
| 2.1   General.....  | 3         |
| 2.2   Base Remuneration.....  | 3         |
| 2.3   Additional Remuneration for Office Holders .....                    | 4         |
| 2.4   Salary Packaging.....   | 4         |
| <b>PART 3</b> <b>ELECTORATE ALLOWANCES</b> .....                          | <b>5</b>  |
| 3.1   General.....  | 5         |
| 3.2   Base Electorate Allowance.....                                      | 5         |
| 3.3   Additional Electorate Allowance.....                                | 5         |
| <b>PART 4</b> <b>COMMUNICATION ALLOWANCES</b> .....                       | <b>7</b>  |
| 4.1   Electorate Office Telephones.....                                   | 7         |
| 4.2   Teleconferencing.....   | 7         |
| 4.3   Parliament House Communications .....                               | 7         |
| <b>PART 5</b> <b>TRANSPORT ALLOWANCES</b> .....                           | <b>8</b>  |
| 5.1   Motor Vehicle Allowance.....  | 8         |
| 5.2   Air Charter Transport .....   | 8         |
| <b>PART 6</b> <b>ACCOMMODATION</b> .....                                  | <b>10</b> |
| 6.1   Accommodation – General Matters .....                               | 10        |
| 6.2   Base Accommodation Allowance.....                                   | 10        |
| 6.3   Regional Members: Allowance to attend sittings of Parliament .....  | 11        |
| 6.4   Regional Members: Additional Metropolitan Accommodation .....       | 12        |
| 6.5   Regional Office Holders: Additional Metropolitan Accommodation..... | 12        |
| 6.6   Office Holders on Official Business .....                           | 13        |
| 6.7   Members on Parliamentary Committee Business .....                   | 14        |
| <b>PART 7</b> <b>PARLIAMENTARY TRAVEL</b> .....                           | <b>15</b> |
| 7.1   Parliamentary travel .....  | 15        |
| <b>PART 8</b> <b>RESETTLEMENT ENTITLEMENT</b> .....                       | <b>16</b> |

## PREAMBLE

### ***Summary of Decisions in this Determination***

- No change to salary or electorate allowances
- Entitlement for provision of a motor vehicle replaced by a Motor Vehicle Allowance
- Charter Transport Allowance limited to air charter expenses
- Allowances generally adjusted to reflect changes to electoral boundaries
- Postage Allowance for Certain Office Holders abolished
- Parliamentary Travel Allowance replaced by annual allowance

### **Statutory context**

- (1) The *Salaries and Allowances Act 1975* (the Act) requires the Tribunal to inquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, Parliamentary Secretaries appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, members of committees, and officers and Members of the Parliament.
- (2) Section 8(a) of the Act provides that a determination relating to offices identified in sections 6(1)(a), 6(1)(ab) and 6(1)(b) must be issued within 12 months of the previous determination. The Tribunal's most recent determination in relation to the remuneration of Members of Parliament was issued on 20 April 2016.
- (3) By issuing this Determination, the Tribunal discharges its obligation under section 8(a).
- (4) When issuing determinations under sections 6(1)(a) and (ab), section 10A of the Act requires the Tribunal to consider specific information. Accordingly, in issuing this Determination, the Tribunal has considered the:
  - (a) *Public Sector Wages Policy Statement 2016*, which seeks to limit to 1.5% pay rises for public sector employees, consistent with the Department of Treasury's forecast of the Consumer Price Index in 2015-16; and
  - (b) financial position and fiscal strategy of the State, as stated in the Government's Financial Projections Statement and Government Financial Strategy Statement, published on 12 May 2016 within the Government's 2016 - 17 State Government Budget Papers.
- (5) The Tribunal consulted with its statutory adviser, Hon George Cash AM, who is appointed under Section 10(4)(a) of the Act to assist the Tribunal.

### **Purpose of this Determination**

- (6) The Tribunal has issued this determination to confirm the remuneration and allowances payable to Members of the 40<sup>th</sup> Parliament of Western Australia, which will be established following the WA State General Election on 11 March 2017.
- (7) In order to make informed decisions regarding their candidacy in the Election, it is important that prospective Members have the opportunity to consider the levels of remuneration and the structure of allowances.

- (8) The Tribunal has sought to balance the competing tensions of accountability of public money and the associated administrative burden, both for Members and the administering agencies. Where the Tribunal considers there to be little benefit in maintaining a drawdown or claimable allowance, which tends to be more burdensome administratively, the Tribunal has preferred the allowance to be payable directly to Members.

### **Changes to Electoral Boundaries**

- (9) Section 16E of the *Electoral Act 1907* requires Western Australia's electoral boundaries to be set "as soon as practicable after the day that is 2 years after polling day for any subsequent general election for the Assembly."
- (10) The most recent review of boundaries was completed in 2015 by the Office of the Electoral Distribution Commissioners and will take effect from the 2017 State Election. The full report is available at <http://www.boundaries.wa.gov.au/have-your-say/2015-final-boundaries-region-and-district>.
- (11) While 50 of the 59 electoral districts will undergo boundary changes, the Tribunal has particularly noted the following changes:
- (a) The abolition of the regional district of Eyre, and the creation of an additional metropolitan district;
  - (b) The increased size of the regional districts of Albany, North West Central, Central Wheatbelt and Roe (formerly Wagin); and
  - (c) The regional districts of Central Wheatbelt and Roe becoming eligible for the Large District Allowance, as set out in section 16G of the *Electoral Act 1907*.

### **Provisions for Members of the 40<sup>th</sup> Parliament**

- (12) This Determination will come into effect on 12 March 2017, following the State General Election.

#### *Salary*

- (13) This Determination provides no change to the base salary or additional salary for office holders, which remain at the levels determined in *Members of Parliament Tribunal Determination No. 1 of 2016*, issued on 20 April 2016.

#### *Motor Vehicle Allowance*

- (14) This Determination provides that, after the next State General Election, there will be no longer be an entitlement to a private plated, government leased vehicle for Members. Instead, a motor vehicle allowance will be provided to all Members to address their motor vehicle needs.
- (15) Current Members who have an existing government lease and are returned to Parliament at the next State General Election will be entitled to continue the lease until its term expires. No new government leases are to be commenced.
- (16) This Determination provides Members with the capacity to make their own transport arrangements, according to their needs.

- (17) It is acknowledged that many Regional Members face higher vehicle costs than Metropolitan Members. As a result, a higher allowance will be available for Regional Members, reflecting their need to cover greater distances, for safety equipment and for hire cars from time to time.
- (18) The Tribunal considers the Allowance will be sufficient for Members to access a vehicle suitable to their needs.

#### *Revised Electorate Allowances*

- (19) In recognition of changes to electoral boundaries, the Tribunal has:
- (a) Increased the Additional Electorate Allowances for the Districts of Central Wheatbelt and Roe (from \$15,350 to \$17,500);
  - (b) Increased the Additional Electorate Allowances for the Agricultural Region (from \$17,500 to \$20,000);
  - (c) Increased the Charter Allowance for the Districts of Central Wheatbelt and Roe (from \$20,000 to \$25,000); and
  - (d) Increased the Base Accommodation Allowance for the District of Albany (from 30 to 40 nights).

#### *Charter Allowance*

- (20) Use of the Charter Allowance, provided to Regional Members, will be for air charter only.
- (21) In recent years, the Charter Allowance has been used increasingly to cover motor vehicle costs, such as over-benchmark costs on private motor vehicles, which was disallowed in the Tribunal's 2015 Determination, and for use of hire cars in the metropolitan area.
- (22) Use of the Charter Allowance for these purposes contradicted the original intent of the Charter Allowance, which was to enable Members of large electorates to be able to visit and represent their local communities.
- (23) The Tribunal has concluded it is appropriate to specify the uses of the Charter Allowance.

#### *Postage Allowance for Certain Office Holders*

- (24) The Tribunal has removed the "Postage Allowance for Certain Office Holders", which applied to the:
- (a) Leader of the Opposition in the Legislative Assembly;
  - (b) Leader of the Opposition in the Legislative Council;
  - (c) Leader of a recognised non-Government Party; and
  - (d) Deputy Leader of the Opposition in the Legislative Assembly.
- (25) The Tribunal considered this to be an outdated Allowance with little practical use in the current context. These expenses are more appropriately absorbed into general office budgets.

### *Parliamentary Travel*

- (26) In 2013, the Tribunal assumed responsibility for setting the Parliamentary Travel Allowance, previously known as the “Imprest Allowance”. This Allowance was provided to enable Members to undertake interstate or international travel, and to attend conferences or short courses.
- (27) The community reasonably expects Members to be well informed on issues that affect their local community and the State generally. It is therefore considered reasonable for Members to have opportunities to develop their understanding of issues relevant to their electorates or policy interests. The Tribunal considers this Allowance provides such opportunities.
- (28) This allowance was previously provided across the four year Parliamentary term, that is, Members could access a total of \$27,000 for use over four years. Essentially a Member could spend the entire allowance in a single trip or spread it out over the four year term.
- (29) The Tribunal considers it reasonable for Members to assess their own need to use this Allowance, and in order to reduce the administrative burden, has determined that the Allowance can be paid to Members as an Allowance, at \$6,750 per annum.

The Determination will now issue.

Signed on 1 December 2016.

W S Coleman AM  
CHAIRMAN

C A Broadbent  
MEMBER

B J Moore  
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

# DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL REMUNERATION OF MEMBERS OF PARLIAMENT

## PART 1 INTRODUCTORY MATTERS

*This Part deals with matters that are relevant to the Determination generally.*

### 1.1 Short Title

This Determination may be cited as the *Members of Parliament Tribunal Determination No. 2 of 2016*.

### 1.2 Commencement

This Determination comes into operation on 12 March 2017.

### 1.3 Content and intent

- (1) In accordance with section 6(1)(a), (ab), and (b) and section 6AA of the *Salaries and Allowances Act 1975*, this Determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, Parliamentary Secretaries appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, members of committees, and officers and Members of the Parliament.
- (2) This Determination fulfils the Tribunal's obligations under section 8 of the *Salaries and Allowances Act 1975* with respect to offices identified in section 6(1)(a), (ab) and (b) of the *Salaries and Allowances Act 1975*.
- (3) In accordance with section 10A of the *Salaries and Allowances Act 1975*, decisions by the Tribunal in relation to sections 6(1)(a) and (ab) have taken consideration of the:
  - (a) *Public Sector Wages Policy Statement 2016*, issued on 26 February 2016; and
  - (b) financial position and fiscal strategy of the State, as stated in the Government's Financial Strategy Statement and Government Financial Projections Statement, issued on 12 May 2016 within the Government's 2016 - 17 State Government Budget Papers.

### 1.4 References to Dates

- (1) In this Determination, a reference to "a year" or "per annum" relates to a financial year.
- (2) Where benefits or entitlements are provided with specific reference to "a financial year", these cease on and from 30 June each year and, unless otherwise specified in this Determination, no unexpended amount can be carried over to later financial years.

- (3) Allowances for one financial year, including those relating to travel, cannot be provided in advance for use in a later year.

## 1.5 Terms Used

In this Determination, unless the contrary intention appears –

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

**Leader of a recognised non-Government Party** means an officer of Parliament identified in section 4(2)(k) of the *Salaries and Allowances Act 1975*.

**Member** means a Member of the Parliament of Western Australia.

**Metropolitan Member** means a Member who represents:

- (a) any of the following electoral regions:
  - (i) the East Metropolitan Region,
  - (ii) the North Metropolitan Region,
  - (iii) the South Metropolitan Region, or
- (b) any electoral district contained within any of those electoral regions.

**Minor Party Whip** means an officer of Parliament identified in section 4(2)(l) of the *Salaries and Allowances Act 1975*.

**Official business** means the usual business of a Member of Parliament, which:

- (a) Includes business related to a Member's Parliamentary, electorate or office holder roles; and
- (b) Excludes party business, other than meetings of a Parliamentary political party, or of its executive or committees, or formal meetings of a political party.

**Regional Member** means a Member who represents:

- (a) any of the following electoral regions:
  - (i) the Agricultural Region,
  - (ii) the Mining and Pastoral Region,
  - (iii) the South West Region; or
- (b) any electoral district contained within any of those electoral regions.

**Term of Parliament** means a term of the Parliament of Western Australia, which:

- (a) for Members of the Legislative Assembly, is deemed to commence the day after a general election and conclude on the day of the general election following the dissolution or expiry of the Legislative Assembly;
- (b) for Members of the Legislative Council, is deemed to commence on 22 May following a general or conjoint election and conclude on 21 May in the year in which seats would ordinarily be vacated by the effluxion of time.

**Tribunal** means the Salaries and Allowances Tribunal.

## **PART 2      REMUNERATION**

### **2.1      General**

- (1) Remuneration payable to a Member under this Determination shall be calculated on and from the day following the day on which the Member is elected as a Member and, except as provided by section 2.1(2) and Part 8, shall cease to be payable at the end of the day on which a person ceases to be a Member.
- (2) A person who ceases to be a Member by reason of the dissolution or expiry of the Legislative Assembly is entitled to receive the remuneration provided in this Determination up to and including the date of the election following that dissolution or expiry.
- (3) A person who, immediately before the dissolution or expiry of the Legislative Assembly, is a Member of the Legislative Assembly and holds an office referred to in section 2.1(4) is entitled to receive the base remuneration paid to a Member, and the additional remuneration provided for in section 2.3 in respect of that office, until whichever of the following occurs first:
  - (a) they cease to be a Member, other than by the dissolution or expiry by the effluxion of time of the Legislative Assembly;
  - (b) another person is elected or appointed to the office.
- (4) The offices referred to in section 2.1(3) are as follows:
  - (a) Leader of the Opposition;
  - (b) Deputy Leader of the Opposition;
  - (c) Leader of a recognised non-Government party;
  - (d) Chairman of Committees (Deputy Speaker);
  - (e) Government Whip;
  - (f) Opposition Whip;
  - (g) Minor Party Whip.
- (5) Remuneration under Parts 2 and 3 of this Determination shall be paid in equal instalments either monthly or twice-monthly, so becoming the property of the Member. Remuneration relating to part of a pay period should be calculated on a pro-rata basis.

### **2.2      Base Remuneration**

A Member of Parliament shall be paid a base remuneration of \$156,536 per annum.

## 2.3 Additional Remuneration for Office Holders

- (1) In addition to the base remuneration paid to a Member, a Member holding one of the following offices shall be paid additional remuneration so that the total remuneration per annum paid to the officeholder is the relevant amount stated in the Table:

| <i>Office Held</i>  | <i>Total Remuneration</i> |
|---|---------------------------|
| Premier   | \$355,681                 |
| Deputy Premier  | \$302,878                 |
| Leader of the Government in the Legislative Council         | \$292,317                 |
| Minister of the Crown                                       | \$277,230                 |
| Leader of the Opposition in the Legislative Assembly        | \$277,230                 |
| President of the Legislative Council                        | \$256,109                 |
| Speaker of the Legislative Assembly                         | \$256,109                 |
| Leader of the Opposition in the Legislative Council         | \$239,514                 |
| Deputy Leader of the Opposition in the Legislative Assembly | \$224,427                 |
| Leader of a recognised non-Government party                 | \$224,427                 |
| Parliamentary Secretary of the Cabinet                      | \$224,427                 |
| Chairman of Committees in either House (Deputy Speaker)     | \$201,796                 |
| Government Whip in the Legislative Assembly                 | \$183,693                 |
| Opposition Whip in the Legislative Assembly                 | \$183,693                 |
| Parliamentary Secretary                                     | \$179,167                 |
| Government Whip in the Legislative Council                  | \$179,167                 |
| Opposition Whip in the Legislative Council                  | \$174,641                 |
| Chairman of a Standing Committee                            | \$171,623                 |
| Minor Party Whip  | \$170,114                 |
| Deputy Chairman of a Standing Committee                     | \$167,852                 |
| Member of a Standing Committee                              | \$167,097                 |

- (2) A person holding more than one office -
- (a) shall be paid additional remuneration under this Part in respect of only one of those offices; and
  - (b) if the additional remuneration is not the same for all of the offices held, shall be paid the additional remuneration relating to the highest paid office.

## 2.4 Salary Packaging

Salary packaging contributions may be made within the limits prescribed in the "Guidelines for Salary Packaging in the WA Public Sector 2012 - Amended". A copy of these guidelines can be found at: <https://www.commerce.wa.gov.au>. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

## **PART 3 ELECTORATE ALLOWANCES**

### **3.1 General**

- (1) A Member is entitled to an Electorate Allowance to assist in the effective representation of their electorate.
- (2) The Electoral Allowance may be used at the Member's discretion, but shall not be used for campaigning, electioneering or political party promotion.

### **3.2 Base Electorate Allowance**

- (1) In addition to the base remuneration specified in Part 2, a Member shall be paid a Base Electorate Allowance of \$78,000 per annum.
- (2) It is intended that this Allowance will be used for expenses incurred to assist with serving the electorate, including:
  - (a) information and communication technology, including mobile phone use, newsletters and internet publications;
  - (b) awards and support for community groups or individuals;
  - (c) hospitality and entertainment associated with a Member's official business;
  - (d) advertising, other than for the purposes of campaigning, electioneering or political party promotion;
  - (e) safety equipment for motor vehicles
  - (f) costs associated with Electoral Management Systems; and
  - (g) stationery and printing.
- (3) Upon a Member's election to a District or Region for which they have not been the immediately previous Member, the Member may apply to the administering agency for advance provision of an amount equivalent to three months of their Base Electorate Allowance to assist in the establishment of an electorate office.

### **3.3 Additional Electorate Allowance**

- (1) Members representing a region or district listed in the Table in section 3.3(3) are entitled to an Additional Electorate Allowance according to the size and complexity of the Region or District they represent.
- (2) This Allowance is provided to assist eligible Members in undertaking electorate business, including for vehicle safety equipment when considered necessary by the Member.

(3) The Additional Electorate Allowance is as follows –

| <i>ELECTORAL DISTRICT / REGION</i>                              | <i>ADDITIONAL ALLOWANCE PER YEAR</i> |
|---|--------------------------------------|
| Mining and Pastoral Region                                      | \$25,350                             |
| Kalgoorlie, Kimberley, North West Central and Pilbara Districts | \$23,900                             |
| Agricultural Region   | \$20,000                             |
| Central Wheatbelt, and Roe Districts                            | \$17,500                             |
| Moore District  | \$15,350                             |
| South West Region   | \$12,250                             |
| Warren-Blackwood District                                       | \$10,400                             |

## **PART 4      COMMUNICATION ALLOWANCES**

### **4.1      Electorate Office Telephones**

- (1) A Member is entitled to the payment by the administering agency of all charges, other than for international calls, in relation to five telephone lines in their electorate office.
- (2) Electorate office telephones are to be used for official business only.

### **4.2      Teleconferencing**

A Member may be reimbursed for the cost of using audio or video-conferencing facilities, subject to providing to the administering agency certification that demonstrates that the use related to official business.

### **4.3      Parliament House Communications**

A Member charged for using Parliament House facilities for telephone calls, or audio or video-conferencing facilities, shall be reimbursed for all such charges, provided the use related to official business.

## PART 5 TRANSPORT ALLOWANCES

### 5.1 Motor Vehicle Allowance

- (1) A Member is entitled to a Motor Vehicle Allowance to satisfy all of their motor vehicle requirements, including taxis and hire cars.
- (2) This entitlement is in addition to a Member's remuneration under Part 2.
- (3) The allowance shall be paid monthly or twice-monthly.
- (4) The Motor Vehicle Allowance is based upon the size of each electorate and is as follows –

| ELECTORAL REGION / DISTRICT  | ALLOWANCE PER ANNUM |
|--|---------------------|
| Central Wheatbelt, Kalgoorlie, Kimberley, Moore, North West Central, Pilbara, Roe and Warren-Blackwood Districts | \$42,000            |
| Agricultural, Mining and Pastoral and South West Regions   | \$42,000            |
| Albany, Collie-Preston, Geraldton, Murray-Wellington and Vasse Districts   | \$32,000            |
| All other electorate Districts and Regions   | \$25,000            |

- (5) Subject to section 5.1(6), private plated vehicles will not be provided to Members.
- (6) A Member who, at the time this Determination takes effect, has been supplied with a Government leased private plated motor vehicle shall:
  - (a) continue under the terms and conditions of that lease until its expiry;
  - (b) not commence a new lease; and
  - (c) upon the expiry of that lease, be eligible only to the Motor Vehicle Allowance, calculated on a pro rata basis to reflect the period of their eligibility within that financial year.

### 5.2 Air Charter Transport

- (1) Members representing Regions or Districts specified in the Table shall be entitled to use charter transport not exceeding the amounts specified per annum –

| ELECTORAL REGION / DISTRICT                                     | ALLOWANCE PER ANNUM |
|---|---------------------|
| Kalgoorlie, Kimberley, North West Central and Pilbara Districts | \$45,000            |
| Mining and Pastoral Region                                      | \$35,000            |
| Agricultural Region   | \$30,000            |
| Central Wheatbelt, and Roe Districts                            | \$25,000            |
| Moore District  | \$20,000            |
| South West Region   | \$20,000            |
| Albany, Geraldton and Warren-Blackwood Districts                | \$8,000             |

- (2) This Allowance may be used for charter aircraft only.
- (3) This Allowance does not apply when an airline provides a service to and from the relevant destination that operates at times reasonably convenient to the Member's business.
- (4) This Allowance does not apply to travel booked or undertaken in another financial year.
- (5) With respect to over-benchmark costs incurred in relation to a Member's existing vehicle lease:
  - (a) In the event the Member entered lease arrangements before 1 July 2015, the amounts specified in the table shall be reduced by the amount of those costs, unless they were met through the Member's Electorate Allowances.
  - (b) For lease arrangements commencing on or after 1 July 2015, such costs shall be drawn from the Member's Electorate Allowance or Additional Electorate Allowance.
- (6) Where a Member uses air charter services to travel between two or more locations serviced by commercial air services (regular public transport) and there is no direct commercial air service between those locations, the amount deducted from the Member's Charter Transport Allowance shall be the difference between the cost of air charter via the direct route between the locations and the cost of a business class fare (or where a business class fare is not available, the full economy fare) for the shortest commercial air service route between the same locations. The balance of the cost of the air charter shall be paid from the Consolidated Account.
- (7) Claims against this Allowance must be submitted to the administering agency within 90 days from the date that the travel is undertaken.
- (8) The administering agency may extend the time to submit a claim in exceptional circumstances, which are the following:
  - (a) receipt of invoices delayed for reasons outside the Member's control;
  - (b) ill health; and
  - (c) bereavement.

Administrative oversight or negligence are not exceptional circumstances.
- (9) Applications for extension of time must be in writing and provide sufficient details of exceptional circumstances.
- (10) Charges shall only be levied against this Allowance in the event the Member has actually undertaken the travel claimed.
- (11) When travel outside Western Australia cannot be avoided, Members seeking to claim this Allowance must obtain the Tribunal's approval before the travel is undertaken.

## **PART 6 ACCOMMODATION**

### **6.1 Accommodation – General Matters**

- (1) For the purposes of this Part –

**Home base** means a Member’s place of residence.

**Partner** means a person nominated by a Member as their spouse or de facto partner within the meaning of section 13A of the *Interpretation Act 1984*.

- (2) Accommodation Allowances may only be claimed for overnight accommodation and associated expenses incurred by a Member in relation to their official business.
- (3) Claims under this Part must be submitted to the administering agency within 90 days from the date accommodation expenses are incurred.
- (4) The administering agency may approve an extension of time to submit a claim following a Member’s application in writing, and only in exceptional circumstances, which are the following:
- (a) receipt of invoices delayed for reasons outside the Member’s control;
  - (b) ill health;
  - (c) bereavement.

Administrative oversight or negligence are not exceptional circumstances.

- (5) Claims must:
- (a) identify the relevant Accommodation Allowance being claimed and certify that the expense was incurred in accordance with that Allowance; and
  - (b) in the case of commercial accommodation, include a tax invoice or statutory declaration.
- (6) Accommodation Allowances shall be calculated on a pro rata basis for a Member who becomes eligible for an Allowance within a financial year.
- (7) Reimbursement provided under this Part shall be reduced to the extent that the Member’s expenses have been, or will be, reimbursed or paid from another source.

### **6.2 Base Accommodation Allowance**

- (1) A Member is entitled to a Base Accommodation Allowance to facilitate their role of representing their electorate and undertake official business.
- (2) The Base Accommodation Allowance may be claimed for accommodation and associated expenses incurred within the State and more than a 75 kilometre radius from the Member’s home base.

- (3) The maximum number of nights claimable per year by a Member is as follows, according to the Region or District that the Member represents –

| ELECTORAL REGION / DISTRICT  | NIGHTS |
|--|--------|
| Metropolitan Members   | 30     |
| Bunbury, Dawesville, Geraldton and Mandurah Districts  | 30     |
| Albany, Warren-Blackwood, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Vasse and Roe Districts | 40     |
| Kalgoorlie, Kimberley, North West Central and Pilbara Districts  | 60     |
| Agricultural, Mining and Pastoral, South West Regions  | 80     |

- (4) The total daily amount for the Base Accommodation Allowance is determined to be the relevant Australian Taxation Office’s daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (5) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member’s salary comprises:
- (a) Base Remuneration; and
  - (b) any Additional Remuneration provided to an officeholder; and
  - (c) the Base Electorate Allowance.
- (6) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.

### **6.3 Regional Members: Allowance to attend sittings of Parliament**

- (1) This allowance is only provided when the Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (2) An eligible Regional Member is entitled to an allowance for accommodation and associated expenses incurred to meet their requirement to attend sittings of Parliament.
- (3) This allowance entitles the Member to an amount of \$273 per night for 90 nights each year.
- (4) The allowance shall be paid monthly or twice-monthly.
- (5) The onus is on the Member to submit to the administering agency evidence that demonstrates:
- (a) the right in section 6.3(1); and
  - (b) any periods during which the right in section 6.3(1) has not applied.

#### **6.4 Regional Members: Additional Metropolitan Accommodation**

- (1) This allowance can only be provided when the Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (2) In addition to the Allowance provided in section 6.3, eligible Regional Members may claim an amount of \$273 per night, up to a maximum of 30 nights per year, for metropolitan accommodation and related expenses associated with:
  - (a) official Parliamentary committee business;
  - (b) official Government, Parliamentary or Vice Regal functions; and
  - (c) other official duties relating to Parliamentary or electorate matters.
- (3) Claims under this section cannot be made:
  - (a) in relation to nights included in section 6.3 to facilitate attendance at sittings of Parliament; or
  - (b) by Regional Office Holders specified in section 6.5.
- (4) The onus is on the Member to submit to the administering agency evidence that demonstrates:
  - (a) the right in section 6.4(1); and
  - (b) any periods during which the right in section 6.4(1) has not applied.

#### **6.5 Regional Office Holders: Additional Metropolitan Accommodation**

- (1) For the purposes of this section, a Regional Office Holder is a Regional Member who holds one of the following offices:
  - (a) Premier
  - (b) Deputy Premier
  - (c) Minister of the Crown
  - (d) Leader of the Opposition in the Legislative Assembly
  - (e) President of the Legislative Council
  - (f) Speaker of the Legislative Assembly
  - (g) Leader of the Opposition in the Legislative Council
  - (h) Leader of a recognised non-Government Party
- (2) This allowance can only be provided when a Regional Office Holder, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (3) In addition to the Allowance provided in section 6.3, eligible Regional Office Holders are entitled to an Allowance for metropolitan accommodation and related expenses incurred to facilitate their official business, including Cabinet and Executive Council responsibilities, and other functions of the office they hold.
- (4) Eligible Regional Office Holders are entitled to an amount of \$273 per night for 60 nights per year.

- (5) The allowance shall be paid in monthly or twice-monthly instalments.
- (6) For an eligible Regional Office Holder appointed during a financial year to an office listed in section 6.5(1), this Allowance shall be calculated on a pro rata basis.
- (7) The onus is on the Member to submit to the administering agency evidence that demonstrates:
  - (a) the right in section 6.5(2); and
  - (b) any periods during which the right in section 6.5(2) has not applied.

## **6.6 Office Holders on Official Business**

- (1) The following Office Holders are entitled to claim overnight accommodation and associated expenses incurred within Australia and more than a 75 kilometre radius from their home base and related to the official business of their office -
  - (a) Premier
  - (b) Deputy Premier
  - (c) Ministers
  - (d) Leader of the Opposition in the Legislative Assembly
  - (e) Leader of the Opposition in the Legislative Council
  - (f) Leader of a Recognised Non-Government Party
  - (g) Parliamentary Secretary to the Cabinet
  - (h) Parliamentary Secretaries
- (2) The actual costs of accommodation claimed by an Office Holder under this section can be debited to the Corporate Credit Card provided to the Office Holder.
- (3) The total daily amount that may be claimed under this section is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (4) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises:
  - (a) Base Remuneration; and
  - (b) any Additional Remuneration provided to an officeholder; and
  - (c) the Base Electorate Allowance.
- (5) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.
- (6) Where an Office Holder reasonably and properly incurs costs exceeding the rates specified in in section 6.6(3) and has debited a Corporate Credit Card provided to them, the actual costs shall be met.
- (7) A Member appointed to act temporarily in an office listed in section 6.6(1) is entitled, for the duration of the temporary appointment, to claim an allowance under this section on

the same basis as a permanent Office Holder, provided they have been requested in writing by the Office Holder to deputise on official business related to that office.

## **6.7 Members on Parliamentary Committee Business**

- (1) The Accommodation Allowance for overnight accommodation for a Member travelling within Australia as an official representative of a Parliamentary committee or delegation, including a standing, select or a joint committee, is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (2) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises:
  - (a) Base Remuneration; and
  - (b) any Additional Remuneration provided to an officeholder; and
  - (c) the Base Electorate Allowance.
- (3) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.
- (4) Where the costs reasonably and properly incurred exceed the rates contained in section 6.7(1), the actual costs shall be met.

## **PART 7      PARLIAMENTARY TRAVEL**

### **7.1      Parliamentary travel**

(1) In this section:

**conferences** means meetings, seminars and short courses (excluding complete tertiary degree or diploma courses) conducted by professional bodies, educational organisations or special interest groups.

(2) The allowance is provided to Members for expenses incurred for –

- (a) travel, accommodation and incidental expenses incurred within Australia or overseas while undertaking official business; and
- (b) attendance at conferences which inform and assist in the performance of their functions as a Member of Parliament.

(3) Under this Part, a Member is entitled to an amount of \$6,750 per annum.

(4) The allowance shall be paid in monthly or twice-monthly instalments.

## **PART 8      RESETTLEMENT ENTITLEMENT**

- (1) A Member who is not entitled to superannuation benefits through the Parliamentary Pension Scheme is entitled to receive a Resettlement Entitlement as a lump sum payment upon ceasing to be Member.
- (2) This entitlement is to facilitate a Member's transition from public office to private life by assisting the Member to access resettlement advice and services, including meeting the costs of financial counselling, re-employment counselling, out-placement services, training costs and any other costs incurred as the Member considers necessary.
- (3) The amount of the entitlement shall be calculated according to a Member's length of service as a Member, as follows -
  - (a) one term - a proportion of Base Remuneration equivalent to 3 months' pay;
  - (b) more than one term, but less than three terms - a proportion of Base Remuneration equivalent to 6 months' pay; and
  - (c) three terms or more - a proportion of Base Remuneration equivalent to 9 months' pay.
- (4) The Resettlement Entitlement:
  - (a) does not apply for a person who has previously received the Resettlement Entitlement;
  - (b) does not apply for a person who is disqualified for membership of the Legislature under section 32(1)(b) of the *Constitution Acts Amendment Act 1899*; and
  - (c) shall be deferred for a person who has ceased to be a Member but is seeking to be a candidate in the next election, until it is confirmed through the election's outcome that the person will not recommence as a Member of Parliament.

The Determination will now issue.

Signed on 1 December 2016.

W S Coleman AM  
CHAIRMAN

C A Broadbent  
MEMBER

B J Moore  
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL