

SALARIES AND ALLOWANCES TRIBUNAL

Variation to Members of Parliament Tribunal Determination No. 1 of 2020

PREAMBLE

- (1) The Salaries and Allowances Tribunal issues this Variation to make minor adjustments to the *Members of Parliament Tribunal Determination No 1 of 2020* (the Determination), issued on 14 December 2020.
- (2) The Determination introduced significant changes that will commence after the State Election on 13 March 2021 and aim to improve transparency and accountability regarding the use of allowances provided to Members.
- (3) This Variation addresses matters raised through feedback provided to the Tribunal by administering agencies and Members of Parliament.
- (4) This Variation establishes transitional administrative arrangements for the introduction of the Members Allowance and clarifies that:
 - (a) annual reporting on use of the Members Allowance will commence with expenditure undertaken in the 2021-22 financial year; and
 - (b) the Air Charter Allowance may, subject to prior approval from the Tribunal, be used by Members for other modes of transport when aircraft are not available.
- (5) The variation also updates the Members Allowance reporting form, at Appendix 1.

The Variation will now issue.

SALARIES AND ALLOWANCES TRIBUNAL DETERMINATION VARIATION

The *Members of Parliament Tribunal Determination No 1 of 2020*, issued on 14 December 2020, under sections 6(1)(a), (ab), (b) and 6AA of the *Salaries and Allowances Act 1975*, is hereby varied by a determination set out below.

The variation is effective on and from 14 March 2021.

VARIATION 1

In the definition of the term “Parliamentary business” in 1.5, delete (b) and insert –

- (b) excludes:
 - (i) campaigning, such as attending or organising:
 - i. campaign launches;
 - ii. candidate selection or campaign strategy meetings; and
 - iii. general campaigning on behalf of election candidates; and
 - (ii) Party political activity, including:
 - i. campaigning for a political Party; and
 - ii. organising and sustaining Party branches, such as recruiting Members to the Party or undertaking administrative activities to support the Party; and
 - (iii) the publication, broadcasting, display or distribution of material intended to, calculated or likely to affect voting in an election.

VARIATION 2

Delete 3.1 and insert the following –

3.1 General

- (1) An Allowance in this Part is claimed on a quarterly basis to meet expenses related to the Member’s Parliamentary business, including expenses for:
 - (a) information and communication technology, including mobile phone use, newsletters and internet publications;
 - (b) awards and support for community groups or individuals;
 - (c) hospitality associated with a Member’s Parliamentary 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; and other expenses related directly to Parliamentary business.

- (2) The Allowance may be used at the Member's discretion, within the parameters set in this Determination.

Amounts that can be claimed

- (3) Subject to 3.1(4) and 3.1(5), a Member may claim each quarter up to a maximum of 25% of the annual amount available to the Member.
- (4) In the event a Member does not claim the full amount of the Allowance in one quarter, a sum equivalent to the unclaimed amount may be claimed in a later quarter in the same year, in addition to the amount in 3.1(3).
- (5) In the event a Member does not claim the full amount of the Allowance in one year, a sum equivalent to the unclaimed amount, up to a maximum of 10% of the Member's annual Allowance, will be preserved for use in the following year.
- (6) The preserved amount in 3.1(5):
- (a) is available in addition to the Member's usual annual allocation;
 - (b) can be claimed in any quarter in the subsequent financial year, in addition to the allowances available under 3.2 and 3.3; and
 - (c) is foregone at the end of the year subsequent to the year in which it was provided.

Claim process

- (7) A Member's claim of a quarterly amount of an Allowance in this Part must:
- (a) include certification by the Member that use of the Allowance will be consistent with the principles set out in 1.6(1);
 - (b) specify the amount that is being claimed; and
 - (c) comply with conditions set in 3.1(8).
- (8) A Member's claim for a quarterly amount must be provided to the administering authority no later than:
- (a) 30 June, for the period from 1 July to 30 September (for payment in the end of July payroll run);
 - (b) 30 September, for the period from 1 October to 31 December (for payment in the end of October payroll run);
 - (c) 31 December, for the period from 1 January to 31 March (for payment in the end of January payroll run); and
 - (d) 31 March, for the period from 1 April to 30 June (for payment in the end of April payroll run).
- (9) In exceptional circumstances, such as ill health and bereavement, a Member may apply to the administering agency to submit a claim that does not comply with 3.1(8).
- (10) When considering exceptional circumstances under 3.1(9), administrative oversight or negligence are not relevant considerations for the administering agency.
- (11) An application under 3.1(9) must be in writing and must provide sufficient details of the exceptional circumstances.

Members serving part of a Parliamentary term

- (12) A Member who serves part of the period between dates specified in 3.1(8) may claim and be provided an amount for that period calculated on a pro rata basis.
- (13) With the exception of a Member who ceases to be a Member at the end of a Parliamentary term, a Member who:
- (a) ceases to be a Member between dates specified in 3.1(8); and
 - (b) has been provided a quarterly amount for that period;
- will be required to repay a proportion of the amount provided to them, calculated on a pro-rata basis for the period served.

Reporting

- (14) Use of this Allowance must be reported to the Tribunal annually, with expenditure reported in aggregate terms according to categories set out at Appendix 1 to this Determination.
- (15) The first annual report under 3.1(14) is to report the Member's expenditure undertaken during the 2021-22 financial year.
- (16) The annual report must include the Member's certification, in the form set out in Appendix 1, that expenditure has complied with the:
- (a) conditions of use set out for the Allowance; and
 - (b) principles stated in 1.6.
- (17) The annual report must identify amounts of the Allowance that were:
- (a) drawn down by the Member and not expended for the purposes set out in this Part; and
 - (b) not drawn down by the Member.

Transitional arrangements

- (18) For transitional administrative purposes, an Allowance under this Part may be provided on a monthly or twice-monthly basis in the period from the day this Part commences to 30 June 2021.

VARIATION 3

Delete 4.3(6) and insert the following –

- (6) This Allowance may be used by Members:
- (a) to charter aircraft under commercial arrangements;
 - (b) who, after receiving prior approval from the Tribunal, use:
 - (i) their own private aircraft to travel; or
 - (ii) any other mode of transport when aircraft are not available.

VARIATION 4

Delete the form that appears at Appendix 1 and insert the following –

APPENDIX 1

MEMBER'S REPORT: USE OF MEMBERS ALLOWANCES

MEMBER: _____

ELECTORATE: _____

In accordance with 1.7 and Part 3 of this Determination, within 90 days of the end of a financial year, Members must submit to the Tribunal a report of expenditure using Members Allowances, including:

- a completed form (below) with details in aggregate terms of how moneys were expended;
- certification (below) that:
 - use of moneys has complied with principles set out in section 1.6; and
 - conditions of use set out for the Members Allowance.

Members must submit the report to submissions@sat.wa.gov.au.

Reports provided by Members will be published on the Tribunal's website.

MEMBERS ALLOWANCES (PART 3 OF DETERMINATION)	
BASE MEMBERS ALLOWANCE (PART 3.2) and ADDITIONAL MEMBERS ALLOWANCE (PART 3.3)	
TOTAL ANNUAL MEMBERS ALLOWANCE AVAILABLE	
AMOUNT DRAWN DOWN	
AMOUNT NOT DRAWN DOWN	
AMOUNT NOT DRAWN DOWN AND CARRIED OVER TO NEXT FINANCIAL YEAR (maximum 10% of total annual Members Allowance)	\$
REPORTED EXPENDITURE	
• Information and communication technology, including mobile phone use, newsletters and internet publications	
• Awards and support for community groups or individuals	
• Hospitality associated with parliamentary business	
• Advertising (excluding for the purposes of campaigning, electioneering or political party promotion)	
• Safety equipment for motor vehicles	
• Costs associated with Electoral Management Systems	
• Stationery and printing	
• Other expenses related directly to Parliamentary business (provide examples)	
TOTAL EXPENDITURE	\$
TOTAL DRAWN DOWN THAT WAS NOT EXPENDED	\$

CERTIFICATION

To be signed by Member of Parliament before submission

This report reflects all expenditure using Members Allowance allowances undertaken during the last financial year.

Expenditure detailed in this report conforms to the:

- *conditions of use set out for the Members Allowance; and*
- *principles for use of allowances provided in this Determination, which state that Members must:*
 - (a) use allowances for parliamentary business;*
 - (b) adhere to any conditions for using allowances;*
 - (c) be prepared to be personally responsible and accountable for the use of allowances;*
 - (d) be prepared to publicly justify use of allowances; and*
 - (e) act ethically and in good faith when using, and accounting for the use of allowances.*

Signed: _____

Date: _____

Signed on 5 March 2021

M Seares AO
CHAIR

B A Sargeant PSM
MEMBER

C P Murphy PSM
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL