

SALARIES AND ALLOWANCES TRIBUNAL

Members of Parliament Tribunal Determination No. 1 of 2021

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PREAMBLE

- (1) The Salaries and Allowances Tribunal (the Tribunal) has issued this Determination to provide a point of reference for remuneration provided to Members of Parliament at the expiry of legislative restrictions that have prevented increases in remuneration.

Statutory context

- (2) Since February 2018, section 10D of the *Salaries and Allowances Act 1975* (the Act), has prevented the Tribunal from increasing remuneration provided to certain public offices in its jurisdiction, including Members of Parliament.
- (3) These restrictions will cease to have effect on 30 June 2021 and the Tribunal will resume much of its usual discretion to set remuneration for Members.
- (4) However, the Tribunal must still comply with section 10G, which prevents the Tribunal from issuing a determination that:
 - (a) has the effect of providing for the payment or provisions of remuneration on the basis that the remuneration was not paid or provided before 1 July 2021 by reason of the operation of section 10D; or
 - (b) takes into account any increase in the cost of living that occurred between commencement day and 1 July 2021.
- (5) The conditions in section 8 will also resume on 1 July 2021, requiring the Tribunal to annually inquire into and determine the remuneration for offices under section 6(1)(e). As such, the Tribunal will conduct an annual inquiry and issue its next determination in relation to Members of Parliament no later than 1 July 2022.
- (6) In accordance with section 10A, this determination is issued following consideration of the:
 - (a) *Public Sector Wages Policy Statement 2019*; and
 - (b) financial position and fiscal strategy of the State, as stated in the *Government Mid-year Financial Projections Statement* of December 2020.

Considerations

- (7) The Tribunal has noted advice received from the Under Treasurer, who stated that while the Western Australian economy appears to be recovering from the severe impact of the COVID-19 pandemic, the outlook is not easy to predict and significant risks remain. The State's revenue estimates are currently highly sensitive to changes in key economic parameters.
- (8) The Tribunal recognises that remuneration provided to Members of Parliament has not increased for some time. However, the prevailing uncertainty over the economic climate demands a cautious approach to remuneration for all public offices.
- (9) The Tribunal has used the extent of its powers to introduce transparency and accountability to the system of providing allowances to Members. Notwithstanding these changes, the Tribunal

notes that Western Australia continues to have fewer accountability mechanisms compared to other Australian jurisdictions.

- (10) The Tribunal will monitor the impact of the changes, as they take effect.

Changes in this determination

- (11) The Tribunal has determined a general \$1,000 increase in remuneration provided to Members of Parliament, which is in line with increases provided to the wider public service in accordance with the Public Sector Wages Policy.
- (12) The monetary value of allowances provided to Members is unchanged.
- (13) In response to feedback from Members of Parliament and administering agencies, the Tribunal also has:
- (a) noted that each Member of Parliament is responsible for taxation arrangements in relation to remuneration provided in the determination;
 - (b) amended categories for use of Members Allowance in order to better reflect Members' expenditure;
 - (c) clarified administrative arrangements for Members when claiming quarterly amounts of the Members Allowance;
 - (d) permitted the Parliamentary Travel Allowance to be used for assistance in the event a Member is travelling with a child aged up to 15 months; and
 - (e) made minor administrative changes.

The Determination will now issue.

SALARIES AND ALLOWANCES TRIBUNAL
Members of Parliament Tribunal Determination No. 1 of 2021

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. 1 of 2021*.

1.2 Commencement

This Determination comes into operation on 1 July 2021.

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) In accordance with section 10A of the *Salaries and Allowances Act 1975*, decisions by the Tribunal have taken consideration of the:
 - (a) *Public Sector Wages Policy Statement 2019*, issued on 5 July 2019; and
 - (b) financial position and fiscal strategy of the State, as stated in the *Government Mid-year Financial Projections Statement of December 2020*.
- (3) The Tribunal has taken consideration of advice provided by the Under Treasurer, which noted that while the Western Australian economy appears to be recovering from the severe impact of the COVID-19 pandemic, the outlook is difficult to predict and the State's revenue estimates remain highly sensitive to changes in key economic parameters.

1.4 References to Dates

- (1) A reference to "a year" or "per annum" relates to a financial year.
- (2) Where benefits are provided with specific reference to "a financial year", they will cease on and from 30 June each year and, unless otherwise specified, no unexpended amount is 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*.

Officeholder means, unless stated otherwise, an officer of Parliament who is the holder of an office identified in section 4(2) of the *Salaries and Allowances Act 1975*.

Parliamentary business means the usual activities related to performing the role of a Member of Parliament, which:

- (a) includes:
 - (i) parliamentary duties, comprising activities related directly to a Member's role in Parliament or as an office holder (as listed in s4(2) of the *Salaries and Allowances Act 1975*); and
 - (ii) electorate duties, comprising activities that support or serve a Member's constituents; and
- (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.

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.

1.6 Principles for use of allowances

- (1) Members must ensure use of allowances provided in this Determination is consistent with the following principles and 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.
- (2) In the event a Member exhausts an individual allowance, they must consider using an appropriate alternative allowance, including the Members Allowance or Additional Members Allowance provided in Part 3 of this Determination.

Loyalty schemes – air travel

- (3) Members using allowances in this determination for air travel must comply with directions relating to frequent flyer points or benefits under other incentive or loyalty schemes accumulated in the course of air travel undertaken using allowances in this determination, as set out in 8.1 and 8.2 of [*Premier's Circular 2014/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers*](#).

1.7 Reporting

- (1) Members must comply with reporting requirements set out for an allowance, including using relevant forms provided as appendices to this Determination.
- (2) Members must maintain appropriate records of use of allowances.

- (3) With respect to allowances provided under Part 4, Part 5 and Part 6, the Tribunal will make inquiries with administering agencies in relation to Members' claims and use of allowances.
- (4) With respect to allowances provided under Part 3 and international expenses incurred in relation to the allowance provided under Part 6, a Member will provide the Tribunal with an annual report on expenditure during the previous financial year.
- (5) A Member's report to the Tribunal must:
 - (a) include certification that expenditure conformed to:
 - (i) all conditions of use set out for each allowance; and
 - (ii) the principles stated in 1.6; and
 - (b) be submitted to the Tribunal:
 - (i) within 90 days of the end of the financial year; or
 - (ii) in the event a Member has ceased to be a Member, within 90 days of the Member's last day of Parliamentary service.
- (6) The Tribunal will publish reports, as provided to the Tribunal under 1.7(3) or 1.7(4), containing details of Members' use of allowances.

1.8 Process for claiming expenses against certain Allowances

- (1) When specified in the Determination, the following conditions apply to certain Allowances against which Members can claim expenses or reimbursement.
- (2) Claims must be submitted to the administering agency within 90 days from the date the expense is incurred.
- (3) The administering agency may extend the time to submit a claim in exceptional circumstances, such as:
 - (a) receipt of invoices being delayed for reasons outside the Member's control;
 - (b) ill health; and
 - (c) bereavement.
- (4) Members must apply in writing for extensions of time and must provide sufficient details of the exceptional circumstances.
- (5) When considering exceptional circumstances under (3), administrative oversight or negligence are not relevant considerations for the administering agency.

1.9 Taxation arrangements are a matter for the Member

Taxation arrangements in relation to remuneration, including allowances, provided in this Determination are a matter between an individual Member and the Australian Taxation Office.

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 7, 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; or
 - (b) another person is elected or appointed to the office.
- (4) The offices referred to in section 2.1(3) are the:
 - (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; and
 - (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. Remuneration relating to part of a pay period is to be calculated on a pro-rata basis.

2.2 Base Remuneration

A Member of Parliament shall be paid a base remuneration of \$157,536 per annum.

2.3 Additional Remuneration for Office Holders

- (1) In addition to the base remuneration paid to a Member, a Member appointed to one of the following offices shall be paid additional remuneration, so the total remuneration per annum paid to the officeholder is as stated in the following table –

<i>Office Held</i>	<i>Total Remuneration</i>
Premier	\$356,681
Deputy Premier	\$303,878
Leader of the Government in the Legislative Council	\$293,317
Minister of the Crown	\$278,230
Leader of the Opposition in the Legislative Assembly	\$278,230
President of the Legislative Council	\$257,109
Speaker of the Legislative Assembly	\$257,109
Leader of the Opposition in the Legislative Council	\$240,514
Deputy Leader of the Opposition in the Legislative Assembly	\$225,427
Leader of a recognised non-Government party	\$225,427
Parliamentary Secretary of the Cabinet	\$225,427
Chairman of Committees in either House (Deputy Speaker)	\$202,796
Government Whip in the Legislative Assembly	\$184,693
Opposition Whip in the Legislative Assembly	\$184,693
Parliamentary Secretary	\$180,167
Government Whip in the Legislative Council	\$180,167
Opposition Whip in the Legislative Council	\$175,641
Chairman of a Standing Committee	\$172,623
Minor Party Whip	\$171,114
Deputy Chairman of a Standing Committee	\$168,852
Member of a Standing Committee	\$168,097

- (2) A person appointed to more than one office shall be paid additional remuneration:
- (a) in respect of only one of the offices to which they have been appointed; and
 - (b) that corresponds to the highest paid office to which they have been appointed, in the event the amounts of additional remuneration for each office are not the same.

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 MEMBERS ALLOWANCE

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) community engagement and constituent support;
 - (b) communication with the electorate;
 - (c) electorate office equipment and Information Communication Technology;
 - (d) general electorate office expenses; and
 - (e) 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); and
 - (b) specify the amount that is being claimed; and
 - (c) comply with the conditions for claiming 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 the event a Member does not comply with due dates in 3.1(8), the administering agency will contact the Member to advise that the Member has an additional 14 days, from the due date, to submit a claim.
- (10) If the Member does not submit their claim within the additional 14 days in 3.1(9), then they will not be eligible to receive a quarterly amount for that quarter

Members serving part of a Parliamentary term

- (11) 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.
- (12) 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

- (13) 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.
- (14) The first annual report under 3.1(13) is to report the Member's expenditure undertaken during the 2021-22 financial year.
- (15) The annual report must include the Member's certification, in the form set out in Appendix 1, that expenditure has complied with:
 - (a) the conditions of use set out for the Allowance; and
 - (b) the principles stated in 1.6.
- (16) 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.

3.2 Base Members Allowance

A Base Members Allowance of up to \$78,000 per annum may be claimed by a Member.

3.3 Additional Members Allowance

- (1) An Additional Members Allowance may be claimed by a Member representing a Region or District listed in 3.3(2).
- (2) The Additional Members Allowance is set according to the characteristics of the Region or District 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 TRANSPORT AND COMMUNICATION

4.1 Motor Vehicle Allowance

- (1) A Member is entitled to an annual Motor Vehicle Allowance to satisfy all of their motor vehicle requirements, including taxis and hire cars.
- (2) This Allowance:
 - (a) is provided in addition to remuneration provided under Part 2; and
 - (b) shall be paid monthly or twice-monthly.
- (3) The amount provided for this Allowance is based upon the characteristics of a Member's electorate and is set 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

Application to Certain Officeholders

- (4) Subject to section 4.1(5), this Allowance is not provided to a Member who has been appointed to an office for which a Government vehicle has been supplied under arrangements separate to this Determination.
- (5) A Member who is appointed to an office for which a Government vehicle is supplied under arrangements separate to this Determination may apply for approval from the Tribunal to receive this Allowance.
- (6) An application under 4.1(5) must certify that the Allowance will be used in relation to motor vehicle requirements predominantly in the Member's electoral region or district.

4.2 Electorate Travel

- (1) A Member is eligible to claim this allowance when they represent the:
 - (a) Electoral Regions of Mining and Pastoral, Agricultural or the South West; or
 - (b) Electoral Districts of Albany, Central Wheatbelt, Geraldton, Kalgoorlie, Kimberley, Moore, North West Central, Pilbara, Roe and Warren-Blackwood.

- (2) A Member representing a Region or District specified in 4.2(1) is eligible to claim the costs of scheduled commercial air, rail or bus services:
 - (a) between Perth and the Member's Region or District; and
 - (b) within the Member's Region or District.
- (3) In the event a Member's electorate has no airport or station from which a commercial operator provides regular passenger transport, then an airport or station adjacent to the Member's Region or District can be used for travel to a destination within the Member's electorate or between Perth and the Member's Region or District.
- (4) Claims against this Allowance must observe the conditions set out in section 1.8.

4.3 Air Charter Transport

- (1) Members representing Regions or Districts specified in the table in 4.3(2) shall be entitled to use air charter transport to facilitate the undertaking of Parliamentary business.
- (2) Expenses in relation to air charter transport shall not exceed the amounts in the following table –

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

- (3) The allocation of this Allowance in one year does not apply to travel booked or undertaken in another year.
- (4) Charges shall only be levied against this Allowance in the event the Member has actually undertaken the travel claimed.
- (5) 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.

- (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.
- (7) This Allowance does not apply when an airline provides a direct service to and from the relevant destination at times convenient to the Member's business.
- (8) Where a Member uses air charter services or a privately owned aircraft to travel between two or more locations that cannot be accessed directly by commercial air services (regular public transport), the amount deducted from the Member's Charter Transport Allowance shall be the difference between the cost of using air charter transport or a privately owned aircraft for 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 for travel to the same locations. The balance of the cost of using air charter transport or a private aircraft shall be paid from the Consolidated Account.
- (9) Claims against this Allowance must observe the conditions set out in section 1.8.

Private Aircraft

- (10) Subsections 4.3(11) to 4.3(17) refer to use of this Allowance for costs incurred through travel undertaken in a private aircraft.
- (11) A Member may apply to the Tribunal for approval to access the Allowance for costs related to use of a private aircraft.
- (12) An application to the Tribunal must include:
 - (a) verification of ownership of the aircraft;
 - (b) make and model of the aircraft;
 - (c) a nominated hourly rate for reimbursement; and
 - (d) certification that:
 - (i) the Member will not obtain personal profit through arrangements set by the Tribunal; and
 - (ii) claims will be made only in relation to travel for Parliamentary business.
- (13) The Tribunal will set the conditions under which expenses for use of a private aircraft may be claimed under the Air Charter Transport Allowance, including an hourly rate for reimbursement.
- (14) Reimbursement will be provided only to the individual Member who has received the Tribunal's approval to use a private aircraft.

- (15) The administering authority may require a Member to provide flight records and AVdata to certify the details of flights.
- (16) Before proceeding with reimbursement, the administering authority must be satisfied that use of a private aircraft is less expensive than commercial charter transport for the same journey.
- (17) In the event that the actual cost of using a private aircraft is more expensive than commercial charter transport for the same journey, then reimbursement will be limited to the cost of commercial charter transport for the same journey.

4.4 Electorate Office Telephones

- (1) A Member is entitled to the payment by the administering agency of all charges, including international calls up to a maximum of \$40 per annum, in relation to five telephone lines in their electorate office.
- (2) Electorate office telephones are to be used for Parliamentary business only.

PART 5 ACCOMMODATION

5.1 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 Parliamentary business.
- (3) Claims under this Part must:
- (a) observe the conditions set out in section 1.8;
 - (b) identify the relevant Accommodation Allowance being claimed and certify that the expense was incurred in accordance with that Allowance; and
 - (c) include a tax invoice or statutory declaration.
- (4) Accommodation Allowances shall be calculated on a pro rata basis for a Member who becomes eligible for an Allowance within a financial year.
- (5) 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) The agency administering allowances provided under 5.2, 5.3, 5.4 and 5.5 will provide the Tribunal an annual report of Members' claims, with claims categorised as "Perth metropolitan", "intrastate", "interstate" or "international".

5.2 Base Accommodation Allowance

- (1) A Member is entitled to a Base Accommodation Allowance to facilitate their Parliamentary business.
- (2) This 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 per year claimable 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 amount specified for accommodation expenses in Table 3 or Table 4 of the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (5) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.

5.3 Regional Members: Metropolitan Accommodation Allowance

- (1) A Regional Member may claim this Allowance when:
 - (a) the Regional 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; and
 - (b) the Regional Member certifies that moneys provided are used to meet accommodation expenses in the metropolitan area.
- (2) The onus is on the Regional Member to submit to the administering agency evidence that demonstrates:
 - (a) the right specified in section 5.3(1)(a); and
 - (b) any periods during which the right specified in section 5.3(1)(a) has not applied.
- (3) An eligible Regional Member is entitled to an amount of \$273 per night for 90 nights each year for accommodation and associated expenses incurred to attend sittings of Parliament.
- (4) The allowance shall be paid monthly or twice-monthly.
- (5) Notwithstanding 1.6 of this Determination, a Regional Member claiming this Allowance cannot use any other Allowance provided in this Part to meet accommodation expenses, incurred in the metropolitan area or elsewhere, on days when Parliament is sitting.
- (6) The only exceptions to 5.3(5) are claims made under 5.6 and 5.7, for which moneys are not provided directly to the Member.

5.4 Regional Members: Additional Metropolitan Accommodation

- (1) This allowance may be claimed 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 5.3, 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 5.3 to facilitate attendance at sittings of Parliament; or
 - (b) by Regional Office Holders specified in section 5.5(1).
- (4) The onus is on the Member to submit to the administering agency evidence that demonstrates:
 - (a) the right in section 5.4(1); and
 - (b) any periods during which the right in section 5.4(1) has not applied.

5.5 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; and
 - (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 amount provided in section 5.3, eligible Regional Office Holders are entitled to an Allowance for metropolitan accommodation and related expenses incurred to facilitate their Parliamentary 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 5.5(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 5.5(2); and
 - (b) any periods during which the right in section 5.5(2) has not applied.

5.6 Office Holders

- (1) The following Office Holders are entitled to claim overnight accommodation and associated expenses related to their office that are incurred within Australia and more than a 75 kilometre radius from their home base -
 - (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; and
 - (h) Parliamentary Secretaries.
- (2) The actual costs of accommodation claimed 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 amount specified for accommodation expenses in Table 3, Table 4 or Table 8 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (4) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.
- (5) Where an Office Holder reasonably and properly incurs costs exceeding the rates specified in section 5.6(3) and has debited a Corporate Credit Card provided to them, the actual costs shall be met.
- (6) A Member appointed to act temporarily in an office listed in section 5.6(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 business related to that office.

5.7 Members on Parliamentary Committee Business

- (1) A Member may claim accommodation expenses when travelling as an official representative of a Parliamentary committee or delegation, including a standing, select or a joint committee.
- (2) The total daily amount that may be claimed under this section is determined to be the relevant amount set for accommodation expenses in Table 3, Table 4 or Table 8 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.

- (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 5.7(2), the actual costs shall be met.

PART 6 PARLIAMENTARY TRAVEL AND STUDY ALLOWANCE

6.1 Parliamentary Travel and Study Allowance

- (1) In this section:
conferences means meetings, seminars and short courses (excluding complete tertiary degrees or diploma courses) conducted by professional bodies, educational organisations or special interest groups.
- (2) Under this Part, a Member may claim up to \$27,000 in a Parliamentary term for expenses or reimbursement incurred for:
 - (a) travel, accommodation and incidental expenses while undertaking Parliamentary business; and
 - (b) attendance at conferences and courses which inform and assist in the performance of their functions as a Member of Parliament.
- (3) A Member who serves part of a term of Parliament may claim an amount calculated on a pro rata basis according to that part of the term of Parliament.
- (4) This Allowance must not be claimed for expenses paid for or reimbursed by any other party.
- (5) A Member shall not use this Allowance for expenses incurred in the period between the issue of a writ pursuant to the *Electoral Act 1907* for a general election, conjoint election or a by-election relevant to their Electorate District or Region, and the day fixed by the writ or writs for the taking of the poll.
- (6) In addition to 6.1(5), a Member of the Legislative Council who will cease to be a Member following a general election or by-election is not able to claim the Allowance in the period between that election and the day they cease to be a Member.
- (7) A Member may apply to the Tribunal for approval to access the Allowance in the periods specified in 6.1(5) and 6.1(6), including when a Member has:
 - (a) prior to the issue of a writ, appropriately claimed expenses for travel to be undertaken after the writ is issued; or
 - (b) incurred expenses for a conference or short-course and the relevant conference or short-course has commenced.
- (8) Expenses must be incurred for the benefit of the Member only, except when a Member:
 - (a) requires physical or medical assistance, in which case a person may accompany the Member in order to render such assistance; or
 - (b) is caring for a dependent child up to 15 months of age, in which case a person may accompany the Member in order to assist with care for the child.

Claim process

- (9) Claims for expenses or reimbursement must be submitted to the administering agency and must include certification that:
- (a) use of moneys complies with conditions set out in section 1.6; and
 - (b) expenses relate to the Member's Parliamentary business.

Reporting

- (10) The agency administering this Allowance will provide the Tribunal with an annual report of Members' claims under this Part, with claims categorised as "Perth metropolitan", "intrastate", "interstate" or "international".

Reporting by Members on international travel

- (11) A Member who uses this Allowance to undertake international travel must comply with reporting requirements set out in 6.1(12).
- (12) Within 90 days of expending moneys, Members must submit to the Tribunal a report, in the form provided at Appendix 2 to this Determination, including details of:
- (a) how moneys have been expended; and
 - (b) the expected benefit to the State from the expenditure.

6.2 Applicable rates

- (1) The applicable rate for claims or reimbursements under this section is determined to be:
- (a) for travel within Australia, the relevant amounts for commercial accommodation, meals and incidentals set out in Table 3 and Table 4 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date the expense is incurred; and
 - (b) for international travel:
 - (i) up to \$400 per day for commercial accommodation; and
 - (ii) the relevant amounts for meals and incidentals set out in Table 8 and Table 9 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date the expense is incurred.
- (2) For non-commercial accommodation, the daily amount of claims or reimbursements shall be 40% of the amounts specified in section 6.2(1).

PART 7 TRANSITION ALLOWANCE

7.1 Transition Allowance

- (1) This Allowance is provided to facilitate a Member's post-Parliamentary transition, which may include accessing resettlement advice and services, financial counselling, re-employment counselling, training costs and any other costs incurred as the Member considers necessary.
- (2) Subject to 7.2, a Member may claim this Allowance upon ceasing to be Member.
- (3) This Allowance is available for 6 months only from the day after a Member ceases to be a Member.
- (4) The commencement of the period set in 7.1(3) shall be deferred for a Member who has ceased to be a Member but is seeking to be a candidate in the next election, or is a candidate in the next election, and the period will commence the day after it is confirmed through the election's result that the person will not resume as a Member.
- (5) The maximum amount of the Allowance is a proportion of the Base Remuneration, set in 2.2, calculated according to a Member's length of service as a Member, as follows:

PERIOD OF PARLIAMENTARY SERVICE	MAXIMUM AMOUNT OF BASE REMUNERATION
One term of Parliament	3 months
More than one term, but less than three terms of Parliament	6 months
Three terms of Parliament or more	9 months

- (6) Calculations, under 7.1(5), of the maximum amount of the Allowance that may be claimed by a Member must:
 - (a) consider only the Member's continuous period of service, which is concluding; and
 - (b) disregard separate periods of service in previous Parliaments, for which the Member has claimed the Transition Allowance or received the Resettlement Allowance provided in previous Tribunal determinations.

Claiming the Transition Allowance

- (7) A Member may claim the Allowance by submitting an application to the administering agency that:
 - (a) includes certification that the Member is eligible to be provided the Allowance; and
 - (b) specifies the amount(s) being claimed.

- (8) A Member may elect to be provided the Allowance in up to two instalments.
- (9) In exceptional circumstances, such as ill health and bereavement, a Member may apply to the administering agency to adjust the number of instalments specified in 7.1(8).
- (10) An application under 7.1(9) must be in writing and must provide sufficient details of the exceptional circumstances.

7.2 Ineligible Members

This Allowance is not available to a Member who:

- (a) is entitled to superannuation benefits through the Parliamentary Pension Scheme;
- (b) has not complied with reporting requirements set out in this Determination; or
- (c) is disqualified from membership of the Legislature under section 32(1)(b) of the *Constitution Acts Amendment Act 1899*.

Signed on 24 July 2021.

M Seares AO

CHAIR

B A Sargeant PSM

MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

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.

A report on Members' expenditure 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 TO MEMBER	
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	
• community engagement and constituent support	
• communication with the electorate	
• electorate office equipment and Information Communication Technology	
• general electorate office expenses	
• other expenses related directly to Parliamentary business	
TOTAL EXPENDITURE	\$
TOTAL DRAWN DOWN THAT WAS NOT EXPENDED	\$

CERTIFICATION

To be signed by Member of Parliament before submission

This report reflects all expenditure in the last financial year using the Members Allowance provided under Part 3 of the Members of Parliament Tribunal Determination.

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: _____

APPENDIX 2

MEMBER'S REPORT: USE OF PARLIAMENTARY TRAVEL AND STUDY ALLOWANCE

MEMBER: _____

ELECTORATE: _____

In accordance with Part 6 of this Determination, within 90 days of expending moneys for international expenses using the Parliamentary Travel and Study Allowance, Members must submit to the Tribunal:

- *certification (see below) that:*
 - *use of moneys has complied with principles set out in section 1.6; and*
 - *expenses related to the Member's Parliamentary business; and*
- *a report including details of:*
 - *how moneys were expended (see form below); and*
 - *the expected benefit to the State from the expenditure.*

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

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

PARLIAMENTARY TRAVEL AND STUDY ALLOWANCE (PART 7 OF DETERMINATION)	
INTERNATIONAL EXPENSES ONLY:	
ALLOWANCE CLAIMED	\$
REPORTED EXPENDITURE:	
• Airfares <ul style="list-style-type: none">○ Please list international destinations	
• Fees for conferences or short courses	
• Accommodation <ul style="list-style-type: none">○ Number of nights	
• Incidentals	
• Other (please identify)	
TOTAL EXPENDITURE	\$
TOTAL SURPLUS/DEFICIT	\$

CERTIFICATION

To be signed by Member of Parliament before submission

This report reflects all expenditure for international expenses using the Parliamentary Travel and Study Allowance.

Expenditure detailed in this report conforms to the:

- *conditions of use of the Parliamentary Travel and Study Allowance; and*
- *principles for use of allowances provided in this 1.6 of this Determination, which states 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: _____