

**SALARIES AND ALLOWANCES TRIBUNAL**  
***Members of Parliament Tribunal Determination No. 1 of 2023***

PREAMBLE .....	i
PART 1 INTRODUCTORY MATTERS .....	4
PART 2 REMUNERATION.....	8
PART 3 MEMBERS' ALLOWANCE.....	11
PART 4 TRANSPORT AND COMMUNICATION .....	14
PART 5 ACCOMMODATION .....	18
PART 6 PARLIAMENTARY TRAVEL AND STUDY ALLOWANCE .....	23
PART 7 TRANSITION ALLOWANCE .....	25

## PREAMBLE

### 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*, member 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 24 June 2022.
- (3) By issuing this Determination, the Tribunal discharges its obligation under section 8(a).
- (4) The Tribunal must comply with section 10G of the Act, 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 [wage freeze legislation]; or
  - (b) takes into account any increase in the cost of living that occurred between commencement day [February 2018] and 1 July 2021.
- (5) In accordance with section 10A, this determination is issued following consideration of the:
  - (a) *Public Sector Wages Policy Statement 2022*; and
  - (b) financial position and fiscal strategy of the State, as stated in the *WA State Budget 2023-24*.

### Considerations

- (6) The Tribunal has considered the current economic environment, noting the *WA State Budget 2023-24*, the Public Sector Wages Policy and other economic factors.
- (7) The Tribunal recognises that some allowances have not increased for a number of years. Recent increases in the costs of services has eroded the value of some of these allowances. While considering changes to allowances in this determination, the Tribunal is also mindful of its ongoing review into regional allowances as a result of reforms to the Legislative Council that will take effect from 2025.
- (8) The Tribunal's reporting framework began on 1 July 2022 with Members having 90 days to report on the usage of the Members' Allowance each financial year. De-identified information was published on the Tribunal's website in October 2022.

- (9) The 2023 reporting period will begin on 1 July 2023 with all reports required to be submitted to the Tribunal by 28 September 2023. As previously stated, the Tribunal will upload the completed forms provided by Members to the Tribunal's website. Members should ensure that the forms submitted fulfil the requirements and are of a standard they are comfortable to present publicly.
- (10) Members are required to submit a report to the Tribunal within 90 days of undertaking any international travel using the Parliamentary Travel and Study Allowance. The reports from any travel undertaken in the 2022-23 financial year will be uploaded on the Tribunal's website.

### **Changes in this determination**

- (11) The Tribunal has determined a general 3% increase in remuneration provided to Members of Parliament.
- (12) A \$3,000 cost of living payment has also been provided to Members in line with the same payment being paid to officers of the Special Division and Prescribed Office holders under advice from Government Sector Labour Relations.
- (13) The Tribunal has increased the Members' Allowance by \$10,000 to \$88,000 per annum. The Members' Allowance has not been adjusted since 2015. The Tribunal considered the average overspend reported in the 2021/22 Members' Allowances reporting, recent increases in the cost of postage, and increases in other commonly used expenses under the Members' Allowance when deciding to increase this allowance.
- (14) The Additional Members' Allowance available to regional Members has not been changed as regional allowances are subject to a wider review as a result of the changes to the Legislative Council to take place following the 2025 State election.
- (15) The Tribunal has decided to prohibit the use of Political Party logos for materials produced using the Members' Allowance. The Tribunal consulted with all parties and independent Members in November 2021 noting that the Tribunal would continue to monitor the use of party logos. Since that time the Tribunal has become concerned with the blurring of the line between party affiliation being part of a Member's identifying characteristics, and material intended to affect voting intentions.
- (16) Materials containing Political Party logos that have already been produced, or advertising that has already been booked, as of 22 June 2023, and where documented orders exist, may continue to be used until supplies are exhausted.
- (17) The Motor Vehicle Allowance has been increased by \$1,500. This allowance has also not been adjusted since 2016. The increase is a result of the increased costs associated with motor vehicle leases and services.
- (18) Although some submissions argued for changes to the accommodation allowance, no further change has been made to any other allowance or entitlement provided to Members. Available evidence provided to the Tribunal indicates that the current number of days allocated for the

accommodation allowance entitlement is sufficient, while the rates prescribed, being either the Australian Taxation Office Reasonable Benefit Rates, or \$273 per night for regional Members accommodation requirements in Perth (which is above the ATO accommodation rates for Perth and equates to at least \$24,570 per annum) are appropriate.

- (19) 2022/23 reporting requirements for Members will begin from 1 July 2023 with Members required to submit their reports regarding use of the Members' Allowance to the Tribunal within 90 days. Any international travel undertaken by Members under the Parliamentary Travel and Study Allowance will also need to be reported to the Tribunal within 90 days of undertaking the travel.

The Determination will now issue.

**SALARIES AND ALLOWANCES TRIBUNAL**  
***Members of Parliament Tribunal Determination No. 1 of 2023***

**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 2023*.

**1.2      Commencement**

This Determination comes into operation on 1 July 2023.

**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 in relation to sections 6(1)(a) and (ab) have taken consideration of the:
  - (a) *Public Sector Wages Policy 2022*; and
  - (b) financial position and fiscal strategy of the State, as stated in *WA State Budget 2023-24*.

**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;
  - (e) act ethically and in good faith when using, and accounting for the use of, allowances; and
  - (f) provide a benefit to the electorate or community in general.
- (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 2021/02: 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.

- (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 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 \$166,724 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	\$377,485
Deputy Premier	\$321,602
Leader of the Government in the Legislative Council	\$310,424
Minister of the Crown	\$294,457
Leader of the Opposition in the Legislative Assembly	\$294,457
President of the Legislative Council	\$272,104
Speaker of the Legislative Assembly	\$272,104
Leader of the Opposition in the Legislative Council	\$254,542
Deputy Leader of the Opposition in the Legislative Assembly	\$238,575
Leader of a recognised non-Government party	\$238,575
Parliamentary Secretary of the Cabinet	\$238,575
Chairman of Committees in either House (Deputy Speaker)	\$214,624
Government Whip in the Legislative Assembly	\$195,465
Opposition Whip in the Legislative Assembly	\$195,465
Parliamentary Secretary	\$190,676
Government Whip in the Legislative Council	\$190,676
Opposition Whip in the Legislative Council	\$185,885
Chairman of a Standing Committee	\$182,691
Minor Party Whip	\$181,095
Deputy Chairman of a Standing Committee	\$178,700
Member of a Standing Committee	\$177,902

- (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 Cost of living payment**

In line with:

- a) the 20 September 2022 Government announcement of a \$3,000 cost of living payment to public sector employees on industrial agreements; and
- b) the Government Sector Labour Relations directive to authorise the cost of living payment to public sector employees not covered by an industrial agreement,

a \$3,000, one off, cost of living payment is payable to Members of Parliament in office as at 1 July 2023.

## **2.5 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/labour-relations/circulars-departments-and-organisations> . 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.
- (3) The Allowance must not be used for any purpose intended, calculated or likely to affect voting in an election, including for the production of material that includes a Political Party logo.
- (4) Printed material or advertising containing a Political Party logo which has been produced, as at 22 June 2023, and a documented order exists, may continue to be used until supplies are exhausted.

#### *Amounts that can be claimed*

- (5) 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.
- (6) 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).
- (7) 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.
- (8) 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*

- (9) 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).
- (10) 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 on the Member's next available payment processing date after 1 July);
  - (b) 30 September, for the period from 1 October to 31 December (for payment on the Member's next available payment processing date after 1 October);
  - (c) 31 December, for the period from 1 January to 31 March (for payment on the Member's next available payment processing date after 1 January); and
  - (d) 31 March, for the period from 1 April to 30 June (for payment on the Member's next available payment processing date after 1 April).
- (11) 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.
- (12) 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*

- (13) 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.
- (14) With the exception of a Member who ceases to be a Member at the end of a Parliamentary term, a Member who:
  - (1) ceases to be a Member between dates specified in 3.1(8); and
  - (2) 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*

- (15) 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.
- (16) 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.
- (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.

### 3.2 Base Members' Allowance

A Base Members' Allowance of up to \$88,000 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	\$43,500
Agricultural, Mining and Pastoral and South West Regions	\$43,500
Albany, Collie-Preston, Geraldton, Murray-Wellington and Vasse Districts	\$33,500
All other electorate Districts and Regions	\$26,500

#### *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 three 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 or other types of conferences that incur fees normally associated with attending conferences of no more than 1 week in duration conducted by professional bodies, educational organisations or special interest groups that is directly related to a Member's parliamentary business.
- (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 12 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**

- (1) 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 23 June 2023.

M Seares AO  
CHAIR

B A Sargeant PSM  
MEMBER

Hon. J Day  
MEMBER

**SALARIES AND ALLOWANCES TRIBUNAL**