

# **Determination: Entitlements for Former Premiers, Ministers and Members of Parliament - 1999 December 15th**

**WESTERN AUSTRALIA SALARIES AND ALLOWANCES ACT 1975**

**DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL**

**Pursuant to Section 6B**

**15 December 1999**

## **REASONS FOR DETERMINATIONS**

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## **ENTITLEMENTS OF FORMER PREMIERS, MINISTERS AND MEMBERS OF PARLIAMENT**

Except as provided hereunder no entitlements shall apply to any Member who is elected to the 35th or succeeding Parliaments

### **PART 1 - FORMER PREMIERS OF WESTERN AUSTRALIA**

The benefits and entitlements granted by virtue of this determination apply to former Premiers who have served not less than one year as Premier.

#### **Section 1 - Office Accommodation & Secretarial Support**

Former Premiers who have held the office of Premier shall, after leaving the Parliament, be entitled to the use of an office located within Western Australia in a Government owned or leased building for a period of up to six months.

Equipment and staff may be supplied in the same manner as applying to a Member of Parliament.

#### **Section 2 - Postage Allowance**

For a period of six months after leaving the Parliament, a former Premier shall be entitled to receive postage stamps to a maximum value of half the annual amount granted to a serving Member of Parliament.

#### **Section 3 - Motor Vehicle**

1. For a period of six months after leaving the Parliament, and whilst domiciled in the State of Western Australia, a former Premier, upon request to the Chief

Executive, Office of State Administration, shall be entitled to the use of a car and chauffeur.

2. A former Premier shall, after leaving the Parliament, have the option of purchasing the official vehicle which he /she was accustomed to using immediately prior to vacating the office. This option to be exercised within three months of vacating the office.
3. Where a former Premier, who is domiciled in Western Australia, is required or is invited to attend an official function or on special occasions, a former Premier shall upon request to the Chief Executive, Office of State Administration, be entitled to a car and chauffeur from the motor vehicle pool for the purpose of attending the official function or special occasion as the case may be. This entitlement shall continue during the lifetime of the former Premier.
4. Where a former Premier, who is not domiciled in Western Australia, is required or is invited to attend an official function or on special occasions within Australia, a former Premier shall be entitled to the use of a Private Taxi for the purpose of attending the official function or special occasion. The cost to the State, which will occur through reimbursement to the former Premier, on production of receipts, shall not exceed one thousand dollars per financial year. This entitlement shall continue for the same period of time as the former Premier held the office of Premier.
5. The availability of motor vehicle servicing and ancillary benefits for vehicles owned by former Premiers, as made available through the Department of the Premier prior to 1987 shall remain for those former Premiers who are receiving the benefit and shall, upon the death of the former Premier, pass to the surviving spouse.

#### **Section 4 - Travel**

1. A former Premier shall be entitled to a Life Gold Rail Pass, and the spouse shall likewise be entitled to a Gold Pass but limited to the period of the former Premier's lifetime.
2. For a period of 12 months after leaving the Parliament, a former Premier who is required to attend a function resulting from activities directly arising from that role as Premier, shall be entitled to claim the travelling and accommodation costs necessarily incurred.
3. At the expiration of the period referred to in 4.2 above, where, as the result of activities directly arising from that role as Premier, a former Premier is invited to an official function to be held at a place outside of Australia, application may be made to the Tribunal detailing the nature of the invitation, the duration, and anticipated cost of travel.

The Tribunal shall consider and decide whether the application should be approved.

4. A former Premier shall be entitled to the benefits as made available to former Ministers of the Crown who have held office for not less than three years, as prescribed in Part 2A, 2.2(b) and 2.3.

## **Section 5 - Telephones**

1. For twelve months after leaving the Parliament, a former Premier;
  - a. who is domiciled in Western Australia shall be entitled to reimbursement of or to have paid the rental and all calls on one nominated private telephone at a private residence nominated by the former Premier.
  - b. who is domiciled outside of Western Australia but within Australia shall be entitled to reimbursement of the rental and all calls, on one nominated private telephone at a private residence nominated by the former Premier, to a total value of one thousand five hundred dollars (\$1500) for the twelve month period.
2. For the purposes of Section 5.1 "Calls" excludes international calls, international telegrams and Telecard charges.
3. Where, in 5.1, a former Premier changes his or her place of domicile resulting in a change in benefit from 5 (1)(a) to 5 (1)(b) or vice versa, the total amount reimbursable under 5 (1)(b) shall be calculated on a pro rata basis for the period.
4.
  - a. Former Premiers who retired prior to 20 November 1987 shall be entitled to retain the benefit applying at the time of their retirement.
  - b. Former Premiers who retired after the 20 November 1987, and prior to the 1 March 1991, shall be entitled to retain the benefits granted by virtue of the Tribunals determinations dated the 20 November 1987 and 28 June 1990.

## **PART 2 - FORMER MINISTERS OF THE CROWN, FORMER MEMBERS OF THE LEGISLATIVE ASSEMBLY AND LEGISLATIVE COUNCIL**

### **2A The benefits and entitlements hereunder shall apply to persons who retired from the Parliament prior to or at the cessation of the 34 th Parliament .**

1. Former Members who have a Minimum of Twelve Years Service in Aggregate
  - 1.1 Former Members of the Western Australian Parliament who have not less than 12 years nor more than 20 years service in aggregate shall be entitled to a Life Pass enabling free rail travel on Western Australian Railways.
  - 1.2 The Pass is not transferable and can only be used by the person in whose favour the pass is issued.
  - 1.3 The Pass entitles the holder to free sleeping berths, when available, but does not cover the cost of any meals.
  - 1.4 A former Member may be accompanied, subject to the same conditions as applying to the holder of the pass, by his or her spouse, de facto or dependent children on one return rail journey per annum within the State.

- 1.5 Should the holder of a Life Pass be re-elected to Parliament, the Pass must be returned to the Secretary of the Western Australian Government Railways Commission immediately upon taking up office. The Pass will be re-issued upon the Members termination of service.
- 1.6 Application may be made, to the Office of State Administration, by former Members domiciled in Western Australia for the issue of Travel Warrants enabling the former Member, and whilst accompanying the former Member, the spouse, to undertake:
  - a. one return interstate rail trip per financial year. These warrants shall cover the cost of the rail trip, and shall not extend to cover the cost of meals and refreshments; or
  - b. one return air trip within Australia with maximum cost equivalent to the full economy return air fare from Perth to Sydney.
- 1.7 Interstate Warrants are not cumulative or transferable.

2. Former Ministers, Office Holders and Members who have held the offices listed for the specified time, or those satisfying the following criteria.

Cabinet Ministers:	3 years
President of the Legislative Council and Speaker of the Legislative Assembly:	3 years
Former Member who has served in more than one of the above positions:	Aggregate of 3 years
Leader of the Opposition in the Legislative Assembly:	6 years
Member who has served as a Cabinet Minister and as the Leader of the Opposition in the Legislative Assembly:	Aggregate of 3 years (Note half the period of service as Leader of the Opposition is added to the period of service as a Cabinet Minister)
Former Members who have a service of not less than 20 years.	Former Members who have held offices included in sections 4(2), 6(1)(a) and 6 (1)(ab) of the Salaries and Allowances Act for periods which, when combined with the period performing their normal Parliamentary function totals a period of service of not less than 20 years.

## TRAVEL

- 2.1 Former Members satisfying the criteria under Part 2A, section 2 may make application for the issue of a Parliamentary Design Railway of Australia Life Gold

Pass. The Pass entitles holders to unlimited travel and ancillary services, except meals, on all railways of Australia.

- 2.2 Former Members utilising this benefit may be accompanied by their spouse on:
  - a. one return interstate rail journey per financial year; or
  - b. one return air trip within Australia with maximum cost equivalent to the full economy return air fare from Perth to Sydney.
  - c. The entitlement granted under (b) is not to be used in conjunction with any entitlement under 2.3.
- 2.3 Former Members satisfying the criteria under Part 2A, section 2 and who are domiciled within Australia shall be entitled to draw upon the Office of State Administration, for the purpose of obtaining travel within Australia on scheduled commercial/commuter air services, rail services, or by motor coach or other vehicles operating as regular carriers, an amount not exceeding two thousand two hundred and fifty dollars (\$2250) per annum.

**2B The benefits and entitlements hereunder shall apply to Members of the 35th Parliament who had met the qualifying criteria as at the cessation of the 34 th Parliament.**

**1. Former Members who have a Minimum of Twelve Years Service in Aggregate**

- 1.1 Former Members of the Western Australian Parliament who have not less than 12 years nor more than 20 years service in aggregate shall be entitled to a Pass enabling free rail travel on Western Australian Railways for a period of four years after retirement.
- 1.2 The Pass is not transferable and can only be used by the person in whose favour the pass is issued.
- 1.3 The Pass entitles the holder to free sleeping berths, when available, but does not cover the cost of any meals.
- 1.4 A former Member may be accompanied, subject to the same conditions as applying to the holder of the pass, by his or her spouse, de facto or dependent children on one return rail journey per annum within the State.
- 1.5 Should the holder of a Pass be re-elected to Parliament, the Pass must be returned to the Secretary of the Western Australian Government Railways Commission immediately upon taking up office. The Pass will be re-issued upon the Members termination of service.
- 1.6 Application may be made, to the Office of State Administration, by former Members domiciled in Western Australia, for the issue of Travel Warrants enabling the former Member, and whilst accompanying the former Member, the spouse, for a period of four years after retirement, to undertake:

- a. one return interstate rail trip per financial year. These warrants shall cover the cost of the rail trip, and shall not extend to cover the cost of meals and refreshments; or
- b. one return air trip within Australia with maximum cost equivalent to the full economy return air fare from Perth to Sydney.

- 1.7 Interstate Warrants are not cumulative or transferable.

2. Former Ministers, Office Holders and Members who have held the offices listed for the specified time, or those satisfying the following criteria.

Cabinet Ministers:	3 years
President of the Legislative Council and Speaker of the Legislative Assembly:	3 years
Former Member who has served in more than one of the above mentioned positions:	Aggregate of 3 years
Leader of the Opposition in the Legislative Assembly:	6 years
Member who has served as a Cabinet Minister and as the Leader of the Opposition in the Legislative Assembly:	Aggregate of 3 years (Note half the period of service as Leader of the Opposition is added to the period of service as a Cabinet Minister)
Former Members who have a service of not less than 20 years.	Former Members who have held offices included in sections 4(2), 6(1)(a) and 6 (1)(ab) of the Salaries and Allowances Act for periods which, when combined with the period performing their normal Parliamentary function totals a period of service of not less than 20 years.

## TRAVEL

2.1 Former Members satisfying the criteria under Part 2B, section 2 may make application for the issue of a Parliamentary Design Railway of Australia Gold Pass for a period of four years after retirement.. The Pass entitles holders to unlimited travel and ancillary services, except meals, on all railways of Australia.

2.2 Former Members utilising this benefit may be accompanied by their spouse on:

- a. one return interstate rail journey per financial year; or
- b. one return air trip within Australia with maximum cost equivalent to the full economy return air fare from Perth to Sydney.
- c. the entitlement granted under (b) is not to be used in conjunction with any entitlement under 2.3

2.3 Former Members satisfying the criteria under Part 2B, section 2 and who are domiciled within Australia shall be entitled to draw upon the Office of State Administration, for the purpose of obtaining travel within Australia on scheduled commercial/commuter air services, rail services, or by motor coach or other vehicles operating as regular carriers, an amount not exceeding two thousand two hundred and fifty dollars (\$2250) per annum for a period of four years after retirement.

### **3. GENERAL - APPLYING TO ALL PARTS**

3.1 Where, in the opinion of the Tribunal, a former Member has provided information that warrants special consideration, the Tribunal may, at its discretion provide a benefit or benefits in accordance with that applying in this determination.

3.2 *For the purposes of this Determination, the following general conditions apply:*

- All travel taken under the entitlements granted in this Determination shall be for non commercial purposes only.
- Reference to the term "de facto" is made in the context of the definition applying in the Parliamentary Superannuation Act.
- Dependent children are deemed to be full time students under the age of 18 years at the time of travel.
- The travel allowance determined in 2A and 2B paragraph 2.3, may be used for the purpose of obtaining travel for spouses, de facto's and Members' dependent children only when accompanying the former Member.
- The allowance cannot be converted as a cash benefit.
- The allowance is to lapse at the end of each financial year

Dated at Perth this 15th day of December 1999.

D G Blight AO  
CHAIRMAN

R H C Turner AM  
MEMBER

J A S Mews  
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL