

WESTERN AUSTRALIA
SALARIES AND ALLOWANCES ACT 1975
DETERMINATION OF THE
SALARIES AND ALLOWANCES TRIBUNAL
ON REMUNERATION OF MEMBERS OF PARLIAMENT

Pursuant to Section 6(1) (a) (ab) & (b)

August 2009

PREAMBLE

The *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than twelve months, to enquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, a Parliamentary Secretary appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899*, members of committees, and officers and Members of the Parliament. The Tribunal issued its last such general determination on 15 August 2008. The Tribunal has now completed a further enquiry and in accordance with the statutory requirement must issue this determination on or before 15 August 2009.

The State election contested in September 2008 resulted in Members of Parliament being elected to new electorates with different boundaries. Consequently, on 15 September and 25 September 2008, the Tribunal issued amendments to the general determination of 15 August 2008 to accommodate aspects of the electoral redistribution.

HISTORICAL CONTEXT

While six Australian states or territories link the remuneration of their Members of Parliament to that of their Commonwealth Government counterparts, in Western Australia, the Salaries and Allowances Tribunal in undertaking its statutory duties, has maintained its independence from a direct flow-on of Commonwealth remuneration for its state Members of Parliament.

This current enquiry into the remuneration of Members of Parliament is being undertaken at a time when the Commonwealth Government, by regulation, has frozen the base salary of its parliamentarians with effect from 1 July 2008. The base salary of Commonwealth Members of Parliament has previously been linked by regulation to a reference salary in the Commonwealth Principal Executive Officer (PEO) structure. While the relevant Commonwealth PEO salaries increased by 4.3% in 2008, this increase has not flowed on to parliamentarians.

On 19 May 2009, the Commonwealth Remuneration Tribunal issued a statement advising that it had decided to defer any decision on an annual adjustment until after 30 September 2009. This decision applies to all offices in the Commonwealth Tribunal's jurisdiction, including judicial and related offices. While the Commonwealth Tribunal does not have the jurisdiction to determine the basic salary of parliamentarians, the decision to defer the

annual review also means that there will be no change in the PEO structure until after 30 September 2009 and hence no change in the salaries of parliamentary office holders and Ministers of State.

Members of Parliament in the Australian Capital Territory, with effect from 1 July 2009, received an increase in base remuneration of approximately 1.5 per cent. Victorian Members of Parliament received an increase of 2.5 per cent from 1 July 2009 altering the statutory linkage to the salaries of Commonwealth parliamentarians.

For comparative purposes, Table 1 below sets out the base remuneration of Members of Parliament in all Australian jurisdictions and their relativity to the base remuneration of Commonwealth Members of Parliament.

Table 1:

Base Remuneration, Relativities and Number of Electors per Lower House Member, Australian Parliaments, 1 July 2009

Jurisdiction	Base Remuneration at 1 July 2009 (\$)	Relation to Commonwealth Base Remuneration
Commonwealth	127,060	
Western Australia	128,980	\$1,920 more than C'wlth (No Link)
NSW	126,560	\$500 less than C'wlth
Queensland	126,560	\$500 less than C'wlth
South Australia	125,060	\$2,000 less than C'wlth
Victoria	124,360	\$5,733 less than C'wlth but now varied by 2.5 per cent increase from 1 July 2009
Northern Territory	124,060	\$3,000 less than C'wlth
ACT	114,354	\$12,706 less than C'wlth (No Link)
Tasmania	108,242	85.19 per cent of C'wlth (\$18,818 less)

Source: The data on the base remuneration of Members of Parliament have been taken from the websites of the respective Parliaments, Tribunals or agencies in each jurisdiction.

CURRENT ENQUIRY

In discharging its statutory requirements with respect to the remuneration of Members of Parliament, the Tribunal's approach has been to:

- advertise for public submissions;
- write to all Members of Parliament;
- consider relevant labour market and economic data; and
- seek advice from its statutory advisor.

This process provides an opportunity for members of the public, the Government, Members of Parliament themselves or any other interested party to make a submission on the appropriate level of parliamentary remuneration. It also helps to inform the Tribunal of changes which might have taken place in the roles or responsibilities of Members of Parliament over the past year, matters relevant to Members in serving their electorates and other remuneration issues for Members.

Public Submissions

Public submissions were sought by advertisement in *The West Australian* with a closing date of Friday, 10 July 2009.

Invitation to Members

The Tribunal wrote to all Members of Parliament inviting submissions to its enquiry with a closing date of Friday, 24 July 2009.

Labour Market and Economic Data

Relevant labour market and economic data were sought from a variety of sources. For example, the Tribunal sought current data on the Wage Price Index, Average Weekly Earnings, the Consumer Price Index and Total Employment Growth. Economic forecasts at a national and state level were also considered. In addition, the Tribunal sought data on the level of remuneration of Members of Parliament in Western Australia compared to similar positions in other Australian jurisdictions.

Statutory Advisor

The Tribunal sought advice from its statutory adviser, the Hon John Cowdell, to assist it with its enquiry.

CONSIDERATIONS

In exercising its statutory responsibilities, the Tribunal applies broad principles upon which levels of remuneration are determined for all categories of offices and positions coming within the scope of the *Salaries and Allowances Act 1975*. These principles, particularised to Members of Parliament, have been applied by the Tribunal to make judgements with respect to the remuneration in this determination. These principles are:

- the value of a parliamentary position to the state under our democratic system of government;
- measures of the "work value" of Members of Parliament and various offices held by Members in the Parliament; and

- the level of remuneration of Members within the context of the environment of wage and salary rates applying generally in the community.

The Tribunal is conscious of the position of Parliamentarians in our democratic system and that the remuneration of Members should not preclude people from all walks of life from aspiring to enter Parliament.

Submissions

Ten submissions were received - from the Government, the State Parliamentary Labor Party of Western Australia, six individual Members of Parliament and one member of the general public.

The Tribunal met the President of the Legislative Council, the Hon Barry House, and the Speaker of the Legislative Assembly, the Hon Grant Woodhams. An open Tribunal meeting with Members was also held at Parliament House in December 2008 at which time verbal submissions were taken.

This year, submissions from the Government, some Members of Parliament and a member of the public stated that the Tribunal should determine that there should be no increase in the base salary for Members of the Western Australian Parliament for 2009 given the current economic circumstances.

Other matters raised in submissions and at meetings with various Members of Parliament included:

- the increased number of electors for country Members following the redistribution of electoral boundaries in place for the 2008 election;
- increases in the cost of postage, freight, telecommunications, equipment hire, book-keeping, printing and stationery;
- additional capacity to communicate with the electorate, including additional funding for mobile telephone calls and website development;
- the high cost to new Members of establishing their electorate offices in terms of stationery, printing and website development;
- the need for an allowance for the procurement of professional development and training services;
- the appropriateness of the nominated benchmark four wheel drive vehicles;
- the adequacy of the Charter Transport Allowance to meet the cost escalation for air charter;
- amendment of the 90 day time limit for submitting claims for expenses;
- the adequacy of the metropolitan accommodation allowance for country Members and the overnight accommodation rate for Members travelling on parliamentary or electorate business; and
- the need for redundancy payments for Members who are not re-elected and who are not able to access parliamentary superannuation.

In summary, remuneration issues raised in the submissions to the Tribunal proposed making no change to Members' base salary, increasing their base salary in line with the Consumer Price Index (CPI) and including additional benefits to cover electorate expenses.

In a late supplementary submission the Government proposed that the provision of motor vehicles by the State to Members of Parliament be restricted to Australian manufactured or assembled vehicles. Under this arrangement the Government submitted that the vehicles would be limited to appropriate models from Holden, Ford or Toyota. If a Member wished

to drive any other make or model, then the Member would be required to organise to purchase and maintain their own vehicle and be provided with an allowance to do so. This would be an amount determined by the Tribunal as per the current determination. Further, the Government submitted, that this arrangement would require a transition process to accommodate the expiry of current leases.

Remuneration in Australian Parliaments

The current relativities in parliamentary remuneration are set out in Table 1 above. From this it can be seen that the base salary of Western Australian Members of Parliament is currently above all states and territories. This is largely as a result of the freeze in Commonwealth parliamentarians' salaries in 2008 and the linkages of other jurisdictions to those salaries.

Table 2 below compares the percentage increases in base remuneration awarded to Western Australian Members of Parliament over the past five years. The increases over this period have been consistently less than the Western Australian Wage Price Index. In each year except 2007, remuneration increases have also been less than changes in the CPI. This has been in an environment where wage growth in Western Australia continues to exceed growth in the rest of the country.

Table 2

Changes in Base Remuneration of Western Australian Members of Parliament Compared with Key Economic Indices

Year	Consumer Price Index		Wage Price Index		Change in WA Members' Base Remuneration
	National	WA	National	WA	
2005	2.8%	4.0%	4.1%	4.2%	3.6%
2006	3.3%	4.4%	4.0%	4.6%	4.1%
2007	3.0%	3.0%	4.2%	5.9%	4.5%
2008	3.7%	3.7%	4.3%	5.7%	4.2%
2009 (Jun Qtr)	1.5%	1.4%	3.7%	4.6%	

Source: CPI: ABS Cat. 6401.0; WPI ABS Cat. 6345.0

Labour Market and Economic Data

The following table sets out a selection of relevant economic indicators sourced from the Australian Bureau of Statistics (ABS) comparing current National and Western Australian data.

The current enquiry is being undertaken in a period of significant economic turbulence, however key labour market indices such as Average Weekly Earnings and the Wage Price Index (WPI) have continued to show strong growth in Western Australia over the past year.

Table 3:**National and Western Australian Economy – Quarterly and Annual Average Increases – Selected Economic Indicators 2009.**

Indicator	Quarterly % Increase	Annual Average % Increase
Perth - Consumer Price Index – Jun Qtr 2009	0.8%	3.0%
National - Consumer Price Index – Jun Qtr	0.5%	3.1%
WA - Wage Price Index – Jun Qtr 2009	0.5%	5.2%
National - Wage Price Index – Jun Qtr 2009	0.6%	4.0%
WA – Wage Price Index – Jun Qtr 2009 – Private Sector	0.4%	5.0%
National – Wage Price Index – Jun Qtr 2009 – Private Sector	0.6%	4.0%
WA – Wage Price Index – Jun Qtr 2009 – Public Sector	1.1%	5.7%
National – Wage Price Index – Jun Qtr 2009 – Public Sector	0.6%	4.2%
WA – Average Weekly Earnings – May Qtr 2009	1.5%	5.9%
National - Average Weekly Earnings – May Qtr 2009	0.6%	3.9%
WA – Average Weekly Earnings (Full-time Adult Ordinary Time Earnings) – May 2009 Qtr	1.7%	7.7%
National - Average Weekly Earnings (Full-time Adult Ordinary Time Earnings) – May 2009 Qtr	1.1%	5.5%
WA Total Employment Growth – July 2009	-1.0%	2.8%
National Total Employment Growth – July 2009	0.3%	0.9%

Source: CPI: ABS Cat. 6401.0; WPI ABS Cat. 6345.0; AWE ABS Cat. 6302.0; EG ABS Cat. 6202.0

From Table 3 it can be seen that the annual average growth in the public sector WPI for Western Australia at 5.7%, is significantly higher than the growth in the national public sector WPI of 4.2% for the same period. Such strong growth mainly reflects the large number of back-dated Western Australian Government wage agreements implemented over the past year, and also the Western Australian Government general public service increase. By contrast the June quarter growth in Western Australia's private sector WPI was the lowest quarterly increase since the December quarter 1999.

The impact of the State Wage Order delivered in the Western Australian Industrial Relations Commission on 11 June 2009 will not be reflected in ABS data until the end of 2009. The decision provided an increase of \$12.30 per week from the first pay period on or

after 1 October 2009. This adjustment was for cost of living changes as measured by the 2.2% growth in the Perth CPI for the year to the March quarter of 2009.¹

On 7 July 2009, the Australian Fair Pay Commission announced its minimum wage-setting decision, deciding to leave Australia's Federal Minimum Wage unchanged at \$543.78 per week. In making the decision, the Fair Pay Commission aimed to protect jobs, stating that, "Many people who become unemployed during a recession do not re-enter paid employment and instead become long-term unemployed or leave the labour force. Therefore, the Commission considers that its main priority in this decision is to protect jobs in the short term and help job seekers to be competitive in the labour market."²

The Western Australian Department of Treasury and Finance (DTF) has reported the following forecasts for major economic aggregates in the May 2009 State Budget papers.

Table 4:

Western Australian Economy – Annual Average Growth – Selected Economic Indicators 2009

Economic Aggregates	2007/08 Actual	2008/09 Estimated Actual	2009/10 Budget Estimate	2010-11 Forward Estimate
	%	%	%	%
Real Gross State Product Growth	5.2	8.0	-1.25	-0.5
Real State Final Demand Growth	9.3	8.25	-3.5	-3.75
Employment Growth	3.6	3.2 ^a	-2.0	0.0
Unemployment Rate	3.3	3.7 ^b	5.75	6.75
Wage Price Index Growth	5.8	5.2 ^c	3.0	2.75
Average Weekly Earnings Growth	9.8	5.9 ^d	1.5	2.75
Population Growth	2.6	3.1	2.4	1.8
Perth Consumer Price Index Growth	3.6	3.0 ^e	2.5	2.5

Source: 2009-10 Budget Paper No. 3 – Economic and Fiscal Outlook, Department of Treasury and Finance. p.152

a Actual 2008-09 Annual average, ABS Cat 6202.0

b Actual 2008-09 Annual average, ABS Cat 6202.0

c Actual 2008-09 Annual average, ABS Cat 6345.0

d Actual 2008-09 Annual average, ABS Cat 6302.0

e Actual 2008-09 Annual average, ABS Cat 6401.0

¹ 2009 State Wage Order – Western Australian Industrial Relations Commission, 11 June 2009, File No. Appl 1 of 2009.

² Wage-Setting Decision and Reasons for Decision, Australian Fair Pay Commission, July 2009. p.19

The forecasts are reflective of the widely held view that the global economy has entered what will be a prolonged recession. However the DTF forecasts also reflect the view that there will be a lag in the effect of the recession in Western Australia due to investment in major projects currently under way.³

Table 4 also reflects the expectation of reduced labour market pressures over the next two years with growing unemployment. Essentially the economic forecasts are indicating that things are going to get worse before they get better.

Other Considerations

The state election held on 6 September 2008 was contested in respect of new electoral boundaries. As a result, significant changes occurred in the number of electors per electorate and the Tribunal has conducted its review of electorate and other allowances with these changes in mind.

Table 5 below shows that with the close of the electoral rolls on 15 August 2008, there was a decrease in the average number of electors per metropolitan electoral district of 17.3 per cent. Notwithstanding this significant decrease in electors, there was no decrease in the Base Electorate Allowance following the August 2008 determination.

At the time the Tribunal considered it would have been a matter of procedural fairness to consult with MPs over any reduction in their Electorate Allowances and in the midst of an election campaign this was not considered to be appropriate.

Table 5:

Change in Metropolitan and Country District Enrolments from 30 September 2007 to 15 August 2008 and 17 April 2009

AVERAGE LEGISLATIVE ASSEMBLY ENROLMENTS			
District	at 30 Sept 2007	at 15 Aug 2008	at 17 April 2009
Metropolitan	28,519	23,596 (-17.3%)	23,855 (-16.4%)
Country	14,551	19,962 (+37.2%)	19,980 (+37.3%)

Source: WA Electoral Commission enrolment data, www.waec.wa.gov.au

As can be seen from Table 5, the number of electors per metropolitan Member increased slightly with the closing of the rolls in April 2009 (for the Daylight Saving Referendum), however the average number of electors represented by metropolitan Members of Parliament remains well below 2007 levels.

The average number of electors per country Member has increased significantly, but remains well below the number of electors per metropolitan Member. Additional Electorate Allowances are already in place to cater for the largest, most remote and least accessible country electorates and these were adjusted to take into account new electorates in September 2008.

³ 2009-10 Budget Paper No.3 – Economic and Fiscal Outlook, Department of Treasury and Finance, May 2009. p.157

DETERMINATION

In making this determination and in its application of the principles stated in the preamble, the Tribunal has considered the written and verbal submissions it received; the level of remuneration of senior officers in the other jurisdictions for which it has responsibility; the state of the economy reflected in movements in a range of economic indicators for salaries and prices; and advice from its Statutory Advisor.

Base Remuneration of Members of Parliament

The Tribunal has determined that the base remuneration for a Western Australian Member of Parliament shall remain unchanged at \$128,980 per annum. This decision has been taken in consideration of the serious economic situation which has already been described in this determination and previous determinations of the Tribunal in 2009.

Electorate Allowances

Base Electorate Allowance - In each of the last two years, the Tribunal has increased the Base Electorate Allowance by an amount equivalent to the rise in the Consumer Price Index. In this determination, the Tribunal did not consider that to be an appropriate measure to take, however the Tribunal was mindful of increased costs to Members in communicating with their electorates, particularly since the 5 cent increase in the standard letter rate in September 2008. The Tribunal has therefore decided to increase the Base Electorate Allowance by \$2,500 which is an approximation of the additional postage cost for sending two letters to each elector in an average sized metropolitan electorate.

Website Questionnaire - As part of the 2009 enquiry into the remuneration of Members of Parliament, the Tribunal undertook a survey of all Members regarding the cost of establishing and maintaining websites related to their parliamentary and electorate work. The Tribunal proposed to use the questionnaire to help assess the adequacy of the communication component of the Base Electorate Allowance. The survey was undertaken using a short questionnaire mailed to each Member. Nine written responses were received and two verbal responses.

Not all Members who responded to the questionnaire had a website, and of those who did not, two indicated that they considered the cost of a website to be prohibitive and one said that they did not want a website. Indicative costs for establishing websites were between \$1,600 and \$4,800, although a number of Members had websites developed by volunteers at no cost. Some Members also had their websites hosted on the government website www.mp.wa.gov.au without cost to them, however, others reported that the approximate cost of hosting their websites was between \$100 and \$220 per annum.

The Tribunal is aware that at least 15 Members have developed and maintained websites. While the survey results are limited, there is not strong evidence to indicate that Members have not been able to fund the development and maintenance of websites from within their Base Electorate Allowance of \$50,683. Rather, it appears to be a matter of choice or prioritisation of the use of the resources available.

Accordingly, the Tribunal has decided not to change its Base Electorate Allowance for the purpose of increasing funding for websites at this time. However, it will continue to monitor the situation in the light of any changes including those associated with developments in communication technologies.

Establishment Costs - One Member of Parliament submitted to the Tribunal that the establishment cost for a new Member in a new electorate office was high. The Tribunal took into account that there were one-off costs associated with developing websites, designing and printing letterheads and purchasing general office stationery and equipment. The Tribunal therefore determined to allow new Members or existing Members who were elected to an electorate they had not represented before, to apply for up to three months' of their Base Electorate Allowance to be paid in advance to meet such expenses.

Private Telecommunication Charges – One verbal submission raised a possible inequity in relation to the deduction of \$3,600 from any office holder of the Parliament who has private telecommunications charges reimbursed from public funds other than funds determined by the Tribunal for the purpose. It was pointed out that regardless of whether the office holder was reimbursed a lesser amount, the full \$3,600 would be deducted from their Base Electorate Allowance. This would clearly be inequitable and the Tribunal has amended its determination to indicate that only the amount reimbursed for private telecommunication charges should be deducted from the Base Electorate Allowance.

Motor Vehicle – The Tribunal has determined that the amount payable to a Member who foregoes the entitlement of a Government supplied vehicle will be increased from \$17,800 to \$22,500. The increased amount is a close approximation of the current annual cost of leasing a Ford G6 with the safety pack for a term of 24 months or 40,000 kilometres.

In respect of the current range of four wheel drive benchmark vehicles, the Tribunal took into account representations from Members of Parliament regarding the additional features included in the Toyota Landcruiser 200 series. The Tribunal had considered this issue in 2008 when it determined that the current benchmark four wheel drive vehicles, the Toyota Prado GXL Manual 3.0 litre Turbo Diesel and the Nissan Patrol ST Manual 3.0 litre Turbo Diesel, represent an appropriate balance between utility, economy, safety and environmental factors. No new matters were raised by Members in relation to the issue and the Tribunal affirmed that the current benchmark four wheel drive vehicles were appropriate.

In making its determination, the Tribunal noted that the current determination in respect of motor vehicles provides for Members to exercise some choice and acknowledges that they may have specific operational needs. It also provides for Members to be paid an additional amount of \$22,500 per annum if they want to make their own transport arrangements rather than take up their entitlement to a vehicle supplied by the Government.

Whilst the Tribunal acknowledges merit in the proposal for the selection of State owned vehicles available to Members being limited to those manufactured or assembled in Australia, the Tribunal is also mindful of CO₂ emission rating standards under the Government's 2008 Fuel Efficiency Policy. At present under this policy the selection of passenger vehicles is limited to models with a CO₂ emission rating not exceeding 215g/km. Although the Tribunal has not, at this time adopted the Fuel Efficiency Policy for the purpose of determining Members' entitlements for the provision of motor vehicles, it may be preferable to introduce the Australian manufacture or assembly requirement together with the CO₂ emission rating limitation.

The Tribunal notes that at present there are 66 vehicles leased by the State for Members of Parliament. Many of these vehicles are manufactured or assembled in Australia. Thirty four of these vehicles have lease expiry dates that fall due either currently or by the end of August 2010.

The Tribunal will consider introduction of the Australian manufactured or assembly requirement together with a CO₂ emission rating in the next determination.

Travelling Allowances

90 day limit for submitting claims – Claims for reimbursement of accounts received in respect of travel have been required to be submitted within 90 days from the date that the travel is undertaken unless approval is granted by the Tribunal for an extension of time to submit a claim. This has resulted in the Tribunal making administrative decisions about whether Members have demonstrated that there were exceptional circumstances leading to the delay in making a submission. The Tribunal does not consider it appropriate for the body responsible for determining entitlements to be involved in their administration. It has therefore decided to clarify its determination to provide some guidance for the authorities administering claims for reimbursement of accounts. This has been achieved by defining those circumstances that may be regarded as “exceptional” in order for such decisions to be made by the appropriate administrative authority.

Accordingly, the Tribunal has decided that an extension of time to submit a claim will be granted in cases where the Member has demonstrated that the delay has been as a result of the receipt of invoices or claims being delayed for reasons outside the Member’s control (e.g. invoices having been misdirected in the mail), or in circumstances where ill health or bereavement have prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant an extension of time to submit a claim.

Charter Transport Allowance – The Tribunal increased the Charter Transport Allowance by 10 per cent in 2008. Some Members have since reported increased costs of air charter and car hire, however the Tribunal considered that such increases were likely to have been minimal. The Tribunal found that some air charter flights were more competitively priced than at the same time last year due to reduced demand for services in the current economic climate. The Tribunal also noted that the new Government contract for car hire (CUA 10708) which took effect on 1 May 2009 has negotiated reduced rates for most categories of vehicles and locations. Accordingly, the Tribunal has decided that there will be an increase of 5 per cent in the Charter Travel Allowance in this determination.

Accommodation Allowances

90 day limit for submitting claims – The Tribunal has clarified the intent of the provisions in its determination relating to the submission of claims for accommodation allowances within 90 days. This has been done for reasons similar to those applying to claims for reimbursement of accounts received in respect of travel as outlined above.

Daily Allowances - In 2008, the Tribunal aligned accommodation allowances for interstate locations with “the reasonable amounts for accommodation and expenses” determined by the Australian Taxation Office (ATO). New allowances for interstate locations determined by the Tribunal in Part 5, Section 7, are consistent with the relevant ATO reasonable expenses set out in Taxation Determination 2009/15.

Accommodation allowances for locations in Western Australia continue to be aligned to the Western Australian Public Service Award rates. Increased rates became effective from 17 June 2009. These rates for locations north of 26 degrees south latitude are consistently higher than the equivalent ATO reasonable expenses and reflect the high cost of accommodation in the north of Western Australia. In considering these allowances, the Tribunal sought to ensure that Members of Parliament were not prevented from travelling

in Western Australia for the purpose of properly serving their electorates and meeting their parliamentary obligations.

Metropolitan Expenses of Country Members – The Tribunal determined that the accommodation expenses for country Members of Parliament as set out in Part 5 Section 5 of the determination should be increased from \$240 to \$245 per night. The increase is an approximation of the annual average Perth CPI. This is considered to be an appropriate measure given the nature of the household expenses that country Members incur while resident in Perth to attend to parliamentary, electoral or vice-regal matters.

The Tribunal also clarified its intention that there should be no distinction between commercial and non-commercial rates of accommodation in Perth for country Members who also maintain a residence in their electorate. The new rate of \$245 per night is to apply to all eligible Members in order to meet the expense of accommodation in Perth for up to 120 nights. This change has been initiated on the basis that the nightly rate is intended to be neither commercial nor non-commercial, but a fair rate to enable a Member to negotiate long term arrangements for suitable accommodation in Perth at a reasonable price.

Some Members have submitted that 120 nights per financial year is not a sufficient allocation. In considering these submissions, the Tribunal noted that the number of nights was increased from 80 to 120 nights in 2006. The allowance was regarded as being principally associated with parliamentary sitting days (approximately 65 days per year) and parliamentary committee sitting days (in the order of 25 additional days). The allocation of 120 nights was considered to be adequate for this purpose, even taking into account additional electoral or vice-regal business that country Members might need to undertake in Perth. The Tribunal also noted that when Members were travelling within Australia on committee business, their additional expenses were covered by the provisions of Part 5 Section 3 of the determination.

Involuntary Retirement and Finalisation Benefits

During the past 12 months, several Members of Parliament have raised the issue of benefits available to Members following involuntary retirement. One Member highlighted the need to continue to manage his office for several weeks and to finalise parliamentary and electorate business while awaiting a re-count of the vote following the September 2008 election.

The Tribunal is empowered under section 6AA of the *Salaries and Allowances Act 1975* to “... enquire into and determine the entitlements and benefits to be paid or provided to a member of Parliament if the member ceases to be a member.”

There is a stipulation in the Act that the determination of redundancy benefits can be made only if the Tribunal has determined under section 28 of the *Parliamentary Superannuation Act 1970* that superannuation is not payable until a member reaches a certain age. See section 6AA(2) of the *Salaries and Allowances Act*. (At present the superannuation eligibility age specified by the Tribunal is 55 years.)

In 2004 the Tribunal considered the issue of “redundancy” benefits for Members of Parliament, concluding that “*the Tribunal is not convinced of the need at this time to provide for redundancy benefits for Members of the Western Australian Parliament. It is the view of the Tribunal that apart from responsibility for legislating and holding government to account, the broad range of skills and experience required of Members of Parliament are similar to those needed in other parts of the workforce. Hence the conditions applying to Members should be consistent with broad community practices.*”

The current Tribunal supports this conclusion in respect of redundancy benefits, noting that the term “redundancy” usually applies to situations where the functions of the office are no longer required. However, the Tribunal has also considered the case for paying a finalisation benefit for the purpose of winding-up outstanding parliamentary duties, such as closing down electorate offices, paying outstanding accounts and responding to correspondence. There are precedents for the payment of such benefits or expenses in other jurisdictions.

In its deliberations on the matter, the Tribunal noted that such benefits would apply unequally. While a Member under the age of 55 years could claim the benefits if defeated at an election, no Member over 55 years of age who was defeated at an election would have an entitlement. The Tribunal concluded that this would result in an inequitable application of a determination and that it was not the intention under the Salaries and Allowances Act to allow finalisation benefits given the stipulation in the Act that an entitlement under this provision should not apply to those who could claim their superannuation. As the Act presently stands, the Tribunal is not in a position to provide finalisation benefits in the form envisaged for Members who retire involuntarily.

This, together with the matter of a redundancy payment will be pursued by the Tribunal.

The determination will now issue.

Signed this 14th day of August 2009.

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL

Pursuant to Section 6(1) (a) (ab) and (b) of the

Salaries and Allowances Act 1975

Pursuant to the provisions of the *Salaries and Allowances Act 1975*, the Salaries and Allowances Tribunal (“the Tribunal”) determines the remuneration to be paid to Ministers of the Crown, the Parliamentary Secretary of Cabinet, a Parliamentary Secretary appointed under Section 44A (1) of the *Constitution Acts Amendment Act 1899*, members of committees, officers and Members of the Parliament, as hereunder follows with effect from 1 September 2009, unless otherwise stated:

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[Entitlement administered by: # Parliamentary Departments, Parliament House
* State Administration, Department of the Premier and Cabinet]

PART 1: PAYMENT OF REMUNERATION

SECTION 1: GENERAL

- 1.1 The remuneration payable to a Member under this determination shall be calculated and appropriately adjusted on and from the day following the day on which the Member is elected as a Member and, except as provided by paragraph 1.2 of this Section, shall cease to be payable at the end of the day that the person ceases to be a Member.
- 1.2 Where a Member of the Legislative Assembly ceases to be a Member by reason of the dissolution of that House or the expiry by the effluxion of time, the Member is, notwithstanding that Member's cessation of membership, entitled to continue to receive the remuneration provided in this determination up to and including the date of the election following the dissolution or expiry of that House.
- 1.3 Where the Legislative Assembly is dissolved or expires by the effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by the effluxion of time was the Chairman of Committees in the House (Deputy Speaker) or is the holder of the office of:
- 1.3.1 Leader of the Opposition in that House;
 - 1.3.2 Leader of a recognised non-Government party (as defined in Section 2 of Part 2 of this determination);
 - 1.3.3 Deputy Leader of the Opposition in that House;
 - 1.3.4 Government Whip in that House; or
 - 1.3.5 Opposition Whip in that House;

is entitled to receive the remuneration payable to that office holder by virtue of Section 2 of Part 2 of this determination until:

- 1.3.6 that person ceases to be a Member by reason of an event other than the dissolution or expiry by the effluxion of time of the Legislative Assembly; or
- 1.3.7 another person is elected or appointed to the office held by that person;

whichever event shall first occur.

- 1.4 Remuneration payable under Parts 2, 3 and 6 (Section 4) of this determination shall be paid by equal instalments either monthly or twice monthly and becomes thereupon the property of the Member.

- 1.5 In this determination where reference is made in the text to "...a year..." or "...per annum..." this should be taken to mean a financial year. Where benefits or entitlements are provided with specific reference in the text to "...a financial year..." these cease on and from 30 June each year and no carryover of any unexpended portion is permitted. Accordingly, the advance purchasing of relevant benefits such as those relating to travel in one financial year to be utilised in another financial year is not permitted.

PART 2: REMUNERATION

SECTION 1: BASE REMUNERATION OF MEMBERS OF PARLIAMENT

- 1.1 There is payable to each Member of Parliament an annual base remuneration of \$128,980.

SECTION 2: ADDITIONAL REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY SECRETARIES AND OFFICE HOLDERS OF THE PARLIAMENT

- 2.1 In addition to the base remuneration payable to a Member under Section 1 of this Part of this Determination there is payable to the person for the time holding the office specified in the table hereunder additional remuneration per annum calculated as a percentage of the base remuneration.

Office Held	Percent of Base Remuneration	Additional Remuneration	Total Remuneration
Premier in conjunction with a ministerial office	132	\$170,254	\$299,234
Deputy Premier in conjunction with a ministerial office	97	\$125,111	\$254,091
Leader of the Government in the Legislative Council in conjunction with a ministerial office	90	\$116,082	\$245,062
Minister of the Crown	80	\$103,184	\$232,164
Leader of the Opposition in the Legislative Assembly	80	\$103,184	\$232,164
President of the Legislative Council	66	\$85,127	\$214,107
Speaker of the Legislative Assembly	66	\$85,127	\$214,107
Leader of the Opposition in the Legislative Council	45	\$58,041	\$187,021
Deputy Leader of the Opposition in the Legislative Assembly	45	\$58,041	\$187,021

Office Held	Percent of Base Remuneration	Additional Remuneration	Total Remuneration
The person who not being a Minister of the Crown is the leader in the Parliament of a party of at least five Members of Parliament other than a party whose Leader is the Premier or the Leader of the Opposition (referred to in this determination as the “Leader of a recognised non-Government party”)	45	\$58,041	\$187,021
Parliamentary Secretary of the Cabinet	45	\$58,041	\$187,021
Chairman of Committees in either House (Deputy Speaker)	30	\$38,694	\$167,674
Government Whip in the Legislative Assembly	18	\$23,216	\$152,196
Opposition Whip in the Legislative Assembly	18	\$23,216	\$152,196
Parliamentary Secretary	15	\$19,347	\$148,327
Government Whip in the Legislative Council	12	\$15,478	\$144,458
Opposition Whip in the Legislative Council	12	\$15,478	\$144,458
Chairman of a Standing Committee	10	\$12,898	\$141,878
Deputy Chairman of a Standing Committee	7.5	\$9,674	\$138,654
Member of a Standing Committee	7	\$9,029	\$138,009

- 2.2 If a person holds more than one office, that person shall be paid additional remuneration under this Part in respect of only one of those offices.

SECTION 3: SALARY PACKAGING

- 3.1 Salary packaging contributions may be made within the limits prescribed in the “Guidelines for Salary Packaging in the WA Public Sector 2007 - Amended”. A copy of these guidelines can be found at http://www.commerce.wa.gov.au/LabourRelations/PDF/Circulars/7_07.pdf. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

PART 3: ELECTORATE ALLOWANCES

SECTION 1: GENERAL

- 1.1 In consideration of the obligations of a Member effectively to represent the needs of an electorate and to undertake parliamentary duties, the amounts specified in this Part are provided in the form of an Electorate Allowance, to be utilised as the Member sees fit.
- 1.2 The Tribunal in determining the relevant amounts has not taken into account the cost of activities such as campaigning, electioneering or political party promotion.
- 1.3 The motor vehicle provided to Members under Section 4 of this Part forms part of the Electorate Allowance and not part of a remuneration package. The Tribunal has determined that the motor vehicle can be used for private purposes and from time to time it is anticipated that electorate staff or a family member will use the vehicle. Use of a Government owned motor vehicle by other persons, unless for emergency purposes, is not supported.

SECTION 2: BASE ELECTORATE ALLOWANCE

- 2.1 In addition to the basic remuneration payable under Part 2 of this determination, there is payable to a Member an Electorate Allowance of \$53,183 per annum:
 - 2.1.1 less any expenditure incurred at the request of the Member in seeking a variation to the standard applied to a motor vehicle in Section 4 of this Part; and
 - 2.1.2 less the value of any private telecommunication charges paid to office holders from public funds not dealt with by this determination, including such payments to Ministers of the Crown, the President of the Legislative Council, the Speaker of the Legislative Assembly, the Leader of the Opposition in the Legislative Assembly and the Chairman of Committees.
- 2.2 To assist a Member who has not previously represented an electoral District or Region to establish their electorate office, there is payable to a Member up to 3 months' worth of their Base Electorate Allowance in advance on application to the authority administering this entitlement.

SECTION 3: ADDITIONAL ELECTORATE ALLOWANCE

- 3.1 In recognition of the increased expenditure incurred by Members representing the largest, most remote or least easily accessible electorates, the following amounts shall be paid in addition to the Base Electorate Allowance provided under Section 2 of this Part.

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
Mining and Pastoral Region		\$20,200
	Eyre, Kalgoorlie, Kimberley, North West and Pilbara	\$19,000
Agricultural Region		\$13,500
	Central Wheatbelt, Moore and Wagin	\$11,700
South West Region		\$9,100
	Blackwood - Stirling	\$7,500

SECTION 4: MOTOR VEHICLE

- 4.1 Every Member of Parliament, with the exception of those Members who, as a result of an office held, are provided with a Government owned motor vehicle under arrangements not covered by this determination, shall be entitled to the supply of a Government owned private plated motor vehicle for parliamentary, electorate and private use within Western Australia.
- 4.2 A Member, representing the South West, Agricultural or Mining and Pastoral Region or any District contained therein, who is provided with a Government owned motor vehicle as a result of an office held, may make application to the Tribunal for the issue of an electorate motor vehicle. The application should detail the reasons why a second vehicle is required and provide certification that the principal use of the vehicle will be for electorate purposes.
- 4.3 Any Member who foregoes the entitlement in paragraph 4.1 or 4.2 of this Section and has no other Government supplied motor vehicle shall be paid an amount of \$22,500 per annum, payable monthly or twice monthly with the Base Electorate Allowance provided in Section 2 of this Part. The Tribunal determines that this option is not to be used as a means of changing or returning motor vehicles at times other than the expiration of a normal lease. Where any Member becomes entitled to access a Government supplied motor vehicle under an arrangement not covered by this determination and is thereby provided with such a motor vehicle, then any entitlement under this Section shall cease immediately upon provision of the motor vehicle.
- 4.4 Motor vehicles issued to Members through this provision shall be of a standard, the cost of which does not exceed the more expensive of a Ford G6 (including the “safety pack”) or Commodore Berlina (6 cylinder), fitted with an automatic transmission, power steering, cruise control, air conditioning, anti-lock braking system, airbags, electronic stability control and tow-bar, with all running and maintenance costs for up to three years or 80,000 kilometres met by the State.
- 4.5 Members representing the South West, Agricultural and Mining and Pastoral Regions or any District contained therein can apply to the Tribunal for the issue of a four wheel drive vehicle in lieu of that mentioned in paragraph 4.4 of this Section,

provided that the vehicle will be used predominantly in the Region or District to which the Member has been elected. Four wheel drive vehicles shall be of a standard, the cost of which does not exceed the more expensive of the Toyota Prado GXL Manual 3.0 litre Turbo Diesel or the Nissan Patrol ST Manual 3.0 litre Turbo Diesel.

- 4.6 Members representing the South West, Agricultural or Mining and Pastoral Regions and any District contained therein are entitled to have "Roo" bars and/or electronic animal deterrent devices, radiator insect screens, window tinting and driving lights or any other equipment which will contribute to the Member's safety fitted to the supplied vehicle at no additional cost to them.
- 4.7 Where a Member travels 40,000 kilometres or more per year and elects to retain the provided vehicle for 80,000 kilometres, the cost of the vehicle shall be determined by comparing the cost to Government of two standard vehicles over 40,000 kilometres against the Member's vehicle over 80,000 kilometres.
- 4.8 Where a Member requires, for operational or personal reasons, a model of vehicle, the cost of which exceeds the benchmarks specified in paragraphs 4.4 and 4.5 of this Section or on the basis referred to in paragraph 4.7 of this Section, all additional costs (including Goods and Services Tax, Fringe Benefits Tax and insurance), shall, subject to there being sufficient funds, be met from the Member's Base Electorate Allowance under Section 2 of this Part or the Charter Transport Allowance under Section 2 of Part 4. In that event, the relevant allowance shall immediately be reduced proportionately.
- 4.9 Where, through necessity, use of the vehicle involves travel into the Northern Territory or South Australia, Tribunal approval is required prior to such usage.
- 4.10 An individual accessing a vehicle under this Part shall take due care of the condition and security of the vehicle. The agency administering motor vehicle entitlements under this Part shall ensure that members receiving those entitlements are aware of their obligations with respect to routine and periodic maintenance of motor vehicles consistent with the "WA Government Fleet Policy and Guidelines".

PART 4: TRAVELLING ALLOWANCE

SECTION 1: MOTOR VEHICLE ALLOWANCE

- 1.1 Where a Member elects not to access a Government owned private plated motor vehicle under Section 4 of Part 3, and uses a privately owned vehicle to travel between the Member's residence and Perth, or to a place for the purposes listed in subparagraph 1.1.2 hereunder, the Member shall be paid a motor vehicle allowance at current Public Service rates for the shortest practicable route, provided such travel:
 - 1.1.1 is not less than 100 kilometres return; and
 - 1.1.2 is for the purpose of attending:

- (a) a sitting of Parliament or a meeting of that Member's parliamentary political party; or
- (b) a meeting of a parliamentary committee of which that Member is a member; or
- (c) an official Government, parliamentary or Vice-Regal function;

but such allowance shall be limited to kilometres travelled in excess of 100.

- 1.2 Where, in the opinion of the Tribunal as the case may require, a scheduled commercial air service could have been used for the travel referred to in paragraph 1.1 in this Section, the motor vehicle allowance payable under this Section shall not exceed the value of the commercial air fare between the Member's residence and the nearest airport in order to travel to and from Perth by aircraft for the purposes listed in paragraph 1.1.2 of this Section.

SECTION 2: CHARTER TRANSPORT ALLOWANCE

- 2.1 "Charter transport" includes charter aircraft, drive yourself vehicles, hire of driver, hire of taxis, and such other modes of transport as may be approved as appropriate in the circumstances by the Tribunal. In the case of taxi hire whilst in Perth or the electorate on parliamentary and/or electorate business, this provision is made available to ensure the Member has transport whilst the motor vehicle provided under Section 4 of Part 3 is in a different location i.e., the electorate or Perth.
- 2.2 Members representing the under mentioned electorates shall, except where scheduled airlines are operating at reasonably convenient times, be entitled at Government cost to use charter transport within or for the service of their electorates (within Western Australia) and to undertake parliamentary duties, but such cost shall not exceed the amounts specified hereunder for each financial year, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of Part 3.

ELECTORATE REGION	DISTRICT	CHARTER TRANSPORT ALLOWANCE (Per Financial Year)
Mining and Pastoral Region		\$41,300
	Eyre, Kalgoorlie, Kimberley, North West and Pilbara	\$41,300
Agricultural Region		\$28,000
	Central Wheatbelt, Moore and Wagin	\$22,400
	Geraldton	\$9,500
South West Region		\$22,400
	Albany and Blackwood-Stirling	\$9,500

- 2.3 Where a Member uses air charter facilities to travel between two or more towns serviced by commercial air services (regular public transport) and there is no direct service between those towns, the total cost of the charter shall be met from consolidated revenue. However, the provision available to the Member shall only be debited with the difference between the cost of a business class fare (or where a business class is not available, then the full economy fare) on a commercial flight and that charged by the air charter company.
- 2.4 Where through necessity a charter itinerary involves travel into the Northern Territory or South Australia, Tribunal approval is required prior to the payment being accepted as a debit to this provision.
- 2.5 Charges shall only be levied against this Section if the Member undertakes the travel claimed.
- 2.6 Claims for reimbursement or accounts received in respect of travel undertaken using this provision must be submitted within 90 days from the date that the travel is undertaken. In the case of demonstrated exceptional circumstances, the administering authority for such claims may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Part, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a claim. Exceptional circumstances for which an extension will be approved, will only be where the Member has demonstrated that the delay has been as a result of the receipt of invoices being delayed for reasons outside the Member's control (e.g. invoices having been misdirected in the mail), or in circumstances where ill health or bereavement have prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

SECTION 3: TAXI FARE ALLOWANCE

- 3.1 A Member shall be entitled to claim reimbursement of taxi fares necessarily incurred when travelling to or from any airport or helipad in the Metropolitan area or the Perth Rail Terminal to or from Parliament House or the Member's residence in the Metropolitan area, for the purpose of attending a sitting of Parliament, attending party meetings or meetings of parliamentary committees.

PART 5: ACCOMMODATION ALLOWANCES

SECTION 1: GENERAL

- 1.1 For the purposes of this Part the allowances are only claimable where overnight accommodation is involved.
- 1.2 Claims made must be accompanied by certification that the expense was incurred on official Government, parliamentary committee and/or electorate business.
- 1.3 In the case of commercial accommodation, a tax invoice must accompany claims.
- 1.4 “Commercial accommodation” means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.
- 1.5 Where a Member claiming under Section 6 of this Part secures overnight accommodation, either travelling from or to any of his or her places of residence for the purposes outlined in each Section, travels for part of a day, reimbursement will be made in accordance with the following formulae:

1.5.1 if departure from any place of residence is:

before 8.00am	- 100 percent of the daily rate.
8.00am or later but prior to 1.00pm	- 90 percent of the daily rate.
1.00pm or later but prior to 6.00pm	- 75 percent of the daily rate.
6.00pm or later	- 50 percent of the daily rate.

1.5.2 if arrival back at any place of residence is:

8.00am or later but prior to 1.00pm	- 10 percent of the daily rate.
1.00pm or later but prior to 6.00pm	- 25 percent of the daily rate.
6.00pm or later but prior to 11.00pm	- 50 percent of the daily rate.
11.00pm or later	- 100 percent of the daily rate.

- 1.6 Claims made under paragraph 1.5 of this Section in respect of the entitlement granted in Section 6 of this Part form part of the annual entitlement. A claim for Accommodation Allowances under this Part must be submitted within 90 days from the date the travel is completed. In the case of demonstrated exceptional circumstances, the administering authority may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Part, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a claim. Exceptional circumstances for which an extension will be approved, will only be where the Member has demonstrated that the delay has been as a result of the claim submission being delayed for reasons outside the Member's control (e.g. the claim submission having been misdirected in the mail), or in circumstances where ill health or bereavement has prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.
- 1.7 For the purposes of guidance in the use of entitlements under this Part, the Tribunal would envisage the maintenance of a residence to involve an arrangement under which a legal right to ongoing occupancy by the Member exists, founded on ownership of the relevant property by that Member (or his or her partner) or a formal tenant's rental or leasing agreement entered into by that Member. Entitlements for maintenance of residences under this Part shall be paid upon appropriate documentary evidence being provided to demonstrate maintenance of a residence and certifying the number of nights for which the residence was maintained.
- 1.8 The reimbursement provided by this Part of the determination shall be reduced to the extent that the expenses of Members are entitled to be reimbursed or paid from any other source, including any provision or arrangement of the Parliament or Executive Government.

SECTION 2: EXPENSES OF OFFICE HOLDERS ON OFFICIAL GOVERNMENT BUSINESS

- 2.1 The actual costs of accommodation incurred by the holders of offices mentioned in this Section should be debited to the Corporate Credit Card provided to the particular office holder. The rates contained in Section 7 of this Part are deemed to be indicative of the reasonable accommodation costs. Where the costs reasonably and properly incurred exceed the indicative rates and have been debited to an official Corporate Credit Card, the actual costs shall be met.
- 2.2 The indicative daily Accommodation Allowances provided to the Premier, a Minister of the Crown, the Parliamentary Secretary of the Cabinet and Parliamentary Secretaries appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899*, when travelling within Australia on official duty as the holder of that position, for expenses actually incurred on overnight accommodation at a place situated outside a radius of 50 kilometres of the Perth GPO, are contained in Section 7 of this Part.

- 2.3 The Deputy Premier when travelling within Australia on duty representing the Premier shall be entitled to the same indicative allowances, and on the same basis, as the Premier.
- 2.4 Opposition Leader and Leader of a Recognised non-Government Party: The indicative Accommodation Allowance provided to the Leader of the Opposition in the Legislative Council, the Leader of the Opposition in the Legislative Assembly and the Leader of a recognised non-Government party (as defined in Section 2 of Part 2), when travelling within Australia on duty as such Leader, shall be the same, and on the same basis, as a Minister of the Crown and so also shall the Deputy Leader of the Opposition in the Legislative Assembly when travelling within Australia on duty whether for and in the place of the Leader or as such Deputy Leader only.
- 2.5 Temporary Appointments: The indicative Accommodation Allowance for a Member who, for the time being, is appointed to act in lieu of the permanent occupant in any of the positions referred to in paragraphs 2.2, 2.3 or 2.4 of this Section, shall, for the time he or she is acting in that position, be the same, and on the same basis, as payable to the permanent occupants.
- 2.6 Members: The indicative Accommodation Allowance for a Member (not being the holder of an office referred to in paragraphs 2.2, 2.3 or 2.4 of this Section) in securing overnight accommodation when travelling on duty within Australia, as an official representative of the Government shall be the same, and on the same basis, as the rate set for a Minister of the Crown.
- 2.7 Members deputising:
- 2.7.1 On behalf of the Premier: The indicative Accommodation Allowance for a Member who, at the written request of the Premier, deputises for the Premier at a function, and who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres from any place of residence of that Member, is the same rate, and on the same basis, prescribed for a Minister of the Crown.
- 2.7.2 On behalf of the Leader of the Opposition in the Legislative Assembly, or the Leader of a recognised non-Government party (as defined in Section 2 of Part 2). The indicative Accommodation Allowance for a Member who at the written request of the above mentioned Leaders, deputises for the Leader at a function, and who actually incurs expense on overnight accommodation, at a place situated outside a radius of 50 kilometres from any place of residence of that Member is the same rate, and on the same basis, prescribed for a Minister of the Crown.

SECTION 3: EXPENSES OF MEMBERS ON PARLIAMENTARY COMMITTEE BUSINESS

- 3.1 The indicative Accommodation Allowance for a Member in securing overnight accommodation when travelling on duty within Australia as an official representative of a parliamentary committee or delegation including a member of a Committee of a

House or a Joint Committee of both Houses, shall be the same, and on the same basis, as the rate set for a Minister of the Crown. The rates contained in Section 7 of this Part should be deemed to be indicative of the maximum reasonable costs that can be claimed. Where the costs reasonably and properly incurred exceed the indicative rates, the actual costs shall be met.

SECTION 4: EXPENSES OF MEMBERS ON PARLIAMENTARY OR PARLIAMENTARY POLITICAL PARTY BUSINESS

- 4.1 In order to provide all Members with the ability to travel to a place within Western Australia for parliamentary purposes or to attend a parliamentary party meeting, Members shall be entitled to claim reimbursement of accommodation expenditure to a maximum of 8 nights per financial year. The rates contained in Section 7 of this Part should be deemed to be indicative of the maximum reasonable costs that can be claimed. Where the costs reasonably and properly incurred exceed the indicative rates, the actual costs shall be met.
- 4.2 This provision does not impact on or replace any allowance provided by the Treasurer determined under Section 11A of the *Salaries and Allowances Act 1975*.
- 4.3 For the purposes of guidance in the use of this entitlement it is pointed out that:
 - 4.3.1 If the purpose of the travel were that of promoting lay party political business (for example, campaigning or fundraising activity or pursuing the development of local branches of the party) its use would not generally be considered appropriate. It is recognised however that separation of roles is not always clear-cut, as lay party political business may often involve policy formulation activity, which then translates into or informs the Member's stance on matters raised in Parliament.
 - 4.3.2 Ultimately therefore, the matter of claiming the entitlement (where a meeting of parliamentary party colleagues is not involved) is one for judgement by the Member, who should be satisfied and able to demonstrate that the activity has direct relevance to the performance of his or her functions in the Parliament.
- 4.4 A claim shall not be made under this Section for a purpose covered by Section 5 of this Part.

SECTION 5: METROPOLITAN EXPENSES OF MEMBERS REPRESENTING REGIONS OR DISTRICTS THEREIN

- 5.1 In consideration of metropolitan accommodation and related expenses associated with:
 - 5.1.1 sittings of that Member's House of Parliament;

- 5.1.2 meetings of parliamentary committees of which that Member is a member;
- 5.1.3 attendance at official Government, parliamentary or Vice Regal functions; and
- 5.1.4 any other official duties pertaining to parliamentary or electorate matters.

there shall be payable to a Member who maintains a place of residence in or adjacent to and represents the Mining and Pastoral, Agricultural or South West Region, or any District contained within those Regions, an amount of \$245 per night for up to 120 nights.

- 5.2 If at any time or times during a year a place of residence in or adjacent to the relevant aforementioned Region or District is not maintained then no entitlement applies under this Section during that time or times.
- 5.3 Where a Member referred to in paragraph 5.1 of this Section also maintains for the purpose of the Member's parliamentary role a place of residence in the Metropolitan Regions, the allowance shall be paid on the same basis as though that Member resided solely in or adjacent to the District or Region to which he or she has been elected. In this circumstance the allowance is granted to cover costs associated with maintaining residences in both areas.
- 5.4 Where a Member referred to in paragraph 5.1 of this Section above has a residence or residences solely in the Metropolitan Regions, that Member shall not be entitled to receive the Accommodation Allowance contained in this Section.

SECTION 6: MEMBERS' EXPENSES WITHIN THE ELECTORATE

- 6.1 In addition to that applying in Section 5 of this Part, Members representing the District or Regions listed in paragraph 6.2 of this Section may, claim accommodation and associated expenses in accordance with either the commercial or non-commercial levels contained in Western Australia North or South of the 26th parallel rate set out in Section 7 of this Part for each overnight stay at a place in or adjacent to their electorate, but not within a radius of 50 kilometres of any residence of the Member.

- 6.2 The maximum number of nights claimable per financial year shall be:

Blackwood-Stirling, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Wagin and Vasse	60 nights
Eyre, Kalgoorlie, Kimberley, North West and Pilbara	80 nights
Regions - Mining and Pastoral, Agricultural and South West	100 nights

SECTION 7: ACCOMMODATION ALLOWANCE - RATES OF PAYMENT

7.1 Commercial accommodation:

LOCATION	PREMIER	MINISTERS OF THE CROWN, OFFICE HOLDERS	MEMBERS
Perth	NIL	NIL	As per the rates in the Public Service Award 1992 – Schedule – WA Metropolitan Hotel or Motel as at 1 September 2009
WA North of the 26th parallel	As per Members' rates.	As per Members' rates.	As per the rates in the Public Service Award 1992 – Schedule – Locality North of 26 degrees South Latitude as at 1 September 2009.
WA South of the 26th parallel	As per Members' rates.	As per Members' rates.	As per the rates in the Public Service Award 1992 – Schedule – Locality South of 26 degrees South Latitude as at 1 September 2009.
Brisbane	\$405	\$385	\$365
Sydney	\$435	\$415	\$360
Melbourne	\$440	\$415	\$330
Canberra	\$405	\$380	\$315
Adelaide	\$385	\$360	\$315
Darwin	\$440	\$415	\$295
Hobart	\$370	\$345	\$285
Other Areas	\$365	\$340	\$245

7.2 Non-commercial accommodation:

Claims made in respect of non-commercial accommodation shall be paid at 40 per cent of the applicable commercial rate contained in the above table.

PART 6: TELEPHONE AND POSTAL SERVICE ALLOWANCES

SECTION 1: TELEPHONE ALLOWANCES FOR ELECTORATE OFFICES

- 1.1 Every Member of Parliament provided with an electorate office shall receive as an allowance, payment of the rental and all charges for calls incurred by that Member in respect of up to five approved telephone lines in that Member's electorate office.
- 1.2 The use of electorate office telephones by persons other than Members of Parliament and staff, unless for parliamentary and electorate purposes, is not supported by this determination.
- 1.3 In this Section, "calls" include all charges (other than international calls) as usually included on normal accounts rendered to subscribers.

SECTION 2: PARLIAMENT HOUSE

- 2.1 In so far as a Member of Parliament pays or is charged for any telephone calls and/or use of teleconferencing facilities made by the Member from Parliament House, that Member shall receive, as an allowance or emolument, payment of all such charges.

SECTION 3: TELECONFERENCING

- 3.1 Where a Member uses audio or video conferencing and seeks to obtain reimbursement, the Member is to certify the topic of the conference and its relevance to the role of the Member as a Member of the Western Australian Parliament.

SECTION 4: POSTAL SERVICE ALLOWANCES FOR CERTAIN OFFICE HOLDERS

- 4.1 The holders of the following offices, in addition to the allowance granted as a Member, shall receive an annual allowance, payable monthly, in consideration of the need to purchase postal services for the office held. The allowance is not to be used for electorate, party or personal business.

OFFICE HOLDER	RATE PER ANNUM
Leader of the Opposition in the Legislative Assembly	\$11,000
Leader of the Opposition in the Legislative Council	\$8,250
Leader of a recognised non-Government party (as defined in Section 2 of Part 2)	\$8,250
Deputy Leader of the Opposition in the Legislative Assembly	\$5,500

- 4.2 The Tribunal in determining the relevant amounts has not taken into account the cost of activities such as campaigning, electioneering or political party promotion.

- 4.3 The allowances provided to office holders in this Part shall be adjusted proportionately in accordance with any percentage variation in the basic minimum first class letter rate as fixed by Australia Post. The said increase is to operate from the date on which such increased postal rates commence.

PART 7: REGIONAL SITTINGS OF THE PARLIAMENT

SECTION 1: GENERAL

- 1.1 Claims for reimbursement under this Part shall be subject generally to the conditions set out in Section 1 of Part 5.
- 1.2 For the purposes of this Part the rates contained in Section 7 of Part 5 should be deemed to be indicative of the reasonable accommodation costs that can be claimed. Where the costs reasonably and properly exceed the indicative rates, the actual costs shall be met.

SECTION 2: SITTINGS OF THE PARLIAMENT OTHER THAN IN PERTH

- 2.1 Subject to paragraph 2.2 of this Section, where a sitting of either House of the Parliament is held at a location other than Parliament House in Perth, Members are entitled to reimbursement of all costs or expenses incurred for the purposes of:
- 2.1.1 Travel to and from the location of the sitting. Use of charter aircraft (other than through the Government's air charter arrangements) is not permitted unless the location of the sitting is not serviced by regular air services.
 - 2.1.2 Travel, accommodation and meals at the location of the sitting for the following periods:
 - a) the duration of the sitting;
 - b) up to two nights prior to the commencement of the sitting; and
 - c) up to two nights after the sitting ceases.

- 2.2 The reimbursement provided by this determination shall be reduced to the extent that the expenses of Members are entitled to be reimbursed or paid from any other source, including any provision or arrangement of the Parliament or Executive Government, or any determination dealing with fares made by the Treasurer under Section 11A of the *Salaries and Allowances Act 1975*.

Signed this 14th day of August 2009

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL