

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE

SALARIES AND ALLOWANCES TRIBUNAL

FOR THE REMUNERATION OF

MEMBERS OF PARLIAMENT

June 2014

1. The *Salaries and Allowances Act 1975* (“the Act”) requires the Salaries and Allowances Tribunal (“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*, members of committees, and officers and Members of the Parliament.
2. By issuing this Determination, the Tribunal has discharged its statutory obligation under section 8(a) of the Act, to issue a determination within 12 months of the last determination relating to offices identified in sections 6(1)(a), 6(1)(ab), 6(1)(b) and 6AA.
3. The Tribunal’s previous determination in relation to the remuneration of Members of Parliament was issued on 9 August 2013.
4. In conducting this inquiry the Tribunal has taken into account existing levels of remuneration of Members of Parliament within the context of wage and salary rates applying generally in the community.
5. The performance of the Western Australian economy and forecasts as to its likely future performance have been assessed, along with labour market and economic information, the Government’s most recent Public Sector Wages Policy Statement, Financial Strategy Statement and Financial Projection Statement.
6. In fulfilling its statutory responsibilities, the Tribunal has determined that an economic adjustment to reflect changes in the Consumer Price Index should be applied.
7. It has determined that an increase of \$5,585 will apply to the base salary of a back bench Member of Parliament. This amount shall be applied to all office holders.
8. The Tribunal is continuing its work to review the remuneration provided to Members of Parliament, which also includes reviewing all current allowances and reimbursements.
9. It is intended that matters arising from this review will be addressed in future determinations.

DETERMINATION

10. The Tribunal has adjusted the base remuneration and additional remuneration (salary components) provided to Members of Parliament by \$5,585.
11. The Postal Service Allowances for Certain Office Holders have been adjusted to reflect price increases applied by Australia Post in March 2014.
12. The Tribunal has not made any other adjustments to electorate allowances pending the completion of a full review of allowances and reimbursements.

The determination will now issue.

Signed this 24th day of June 2014.

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) (b) and 6AA 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 July 2014, 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 and Part 8, 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;

1.3.6 Recognised minor party Whip (as defined in Section 2 of Part 2 of this determination) 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:

1.3.7 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

1.3.8 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. Remuneration relating to part of a pay period should be calculated as $\frac{1}{365}$ of the annual amount specified in this determination multiplied by the relevant number of days.

- 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 \$154,223.

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.

Office Held	Additional Remuneration	Total Remuneration
Premier in conjunction with a ministerial office	\$196,202	\$350,425
Deputy Premier in conjunction with a ministerial office	\$144,179	\$298,402
Leader of the Government in the Legislative Council in conjunction with a ministerial office	\$133,774	\$287,997
Minister of the Crown	\$118,910	\$273,133
Leader of the Opposition in the Legislative Assembly	\$118,910	\$273,133
President of the Legislative Council	\$98,101	\$252,324
Speaker of the Legislative Assembly	\$98,101	\$252,324
Leader of the Opposition in the Legislative Council	\$81,751	\$235,974
Deputy Leader of the Opposition in the Legislative Assembly	\$66,887	\$221,110
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")	\$66,887	\$221,110
Parliamentary Secretary of the Cabinet	\$66,887	\$221,110
Chairman of Committees in either House (Deputy Speaker)	\$44,591	\$198,814
Government Whip in the Legislative Assembly	\$26,755	\$180,978
Opposition Whip in the Legislative Assembly	\$26,755	\$180,978
Parliamentary Secretary	\$22,296	\$176,519
Government Whip in the Legislative Council	\$22,296	\$176,519
Opposition Whip in the Legislative Council	\$17,837	\$172,060
Chairman of a Standing Committee	\$14,864	\$169,087

Office Held	Additional Remuneration	Total Remuneration
The person who is the Whip in the Legislative Council or the Legislative Assembly of a party of at least 7 members other than a party whose leader is the Premier or the Leader of the Opposition and the first mentioned party in the case of the Whip in the Legislative Council has 7 members or more in that House or in the case of the Whip in the Legislative Assembly has 7 or more members in that House. (referred to as a “recognised minor party Whip”)	\$12,777	\$167,600
Deputy Chairman of a Standing Committee	\$11,148	\$165,371
Member of a Standing Committee	\$10,405	\$164,628

- 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 2012 - Amended”. A copy of these guidelines can be found at: https://www.commerce.wa.gov.au/sites/default/files/atoms/files/cda_2012_no.04_amendments_to_support_introduction_of_choice_of_superannuation_fund_super_choice.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 a Member's obligations to effectively 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 leased or owned motor vehicle by other persons, unless for emergency purposes, is not permitted.

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 \$67,000 per annum.
- 2.2 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, will be deducted from the Electorate Allowance specified in 2.1.
- 2.3 The obligations taken into account by the Tribunal in determining the Base Electorate Allowance include, but are not limited to:
 - 2.3.1 Information and communication technology, including mobile phone calls, SMS and other electorate related telephone calls made outside of the electorate office, newsletters, web publications;
 - 2.3.2 Awards and support for community groups or individuals;
 - 2.3.3 Hospitality and entertainment;
 - 2.3.4 Advertising (not electioneering); and
 - 2.3.5 Stationery and printing.
- 2.4 To assist a Member who has not previously represented an electoral District or Region to establish their electorate office, application may be made to the administering authority of this entitlement for 3 months' worth of their Base Electorate Allowance.

SECTION 3: ADDITIONAL ELECTORATE ALLOWANCE

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

Table 1: Additional Electorate Allowances

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
Mining and Pastoral Region		\$22,650
	Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara	\$21,250
Agricultural Region		\$15,150
	Central Wheatbelt, Moore and Wagin	\$13,150
South West Region		\$10,200
	Warren-Blackwood	\$8,450

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 leased or owned motor vehicle under arrangements not covered by this determination, shall be entitled to the supply of a Government leased or 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 leased or 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 \$25,000 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 to the notional lease value of \$25,000 per annum.

- 4.5 The notional lease value must include the lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is:

$L + R + aD + \text{FBT} + I + \text{LCT}$, where

L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury car tax

- 4.6 FBT is costed at applicable Australian Taxation Office rates. FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).
- 4.7 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 the entitlement 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 Toyota Prado GXL Automatic 3.0 litre Turbo Diesel.
- 4.8 Members representing the South West, Agricultural or Mining and Pastoral Regions and any District contained therein are entitled to have "Roo" bars, electronic animal deterrent devices, radiator insect screens, window tinting and driving lights or any other equipment appropriate to a Members' safety, fitted to the supplied vehicle at no additional cost to them.
- 4.9 Where a Member requires, for operational or personal reasons, a model of vehicle, the notional lease cost of which exceeds the notional lease value specified in paragraph 4.4 or the notional lease value of the benchmark vehicle specified in paragraph 4.7 of this Section as the case may be, 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.
- 4.10 The method of determining whether an additional contribution must be made by the Member, shall be based on the notional lease cost to Government of the vehicle sought (using the formula detailed at 4.5 above), compared with the relevant notional lease value determined in this section. The cost at the time of entering into the lease is applicable.
- 4.11 The Tribunal's prior approval is required in the event it is necessary to use the vehicle for travel into the Northern Territory or South Australia.

- 4.12 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 in accordance with the Department of Finance's "WA Government Fleet Policy and Guidelines", effective 1 October 2013

PART 4: TRAVELLING ALLOWANCE

SECTION 1: CHARTER TRANSPORT ALLOWANCE

- 1.1 "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 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.
- 1.2 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.

Table 2: Charter Transport Allowance

ELECTORAL REGION	ELECTORAL DISTRICT	CHARTER TRANSPORT ALLOWANCE (Per Financial Year)
Mining and Pastoral Region		\$48,300
	Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara	\$48,300
Agricultural Region		\$32,750
	Central Wheatbelt, Moore and Wagin	\$26,850
	Geraldton	\$11,450
South West Region		\$26,850
	Albany and Warren-Blackwood	\$11,450

- 1.3 The Charter Transport Allowance shall not be applied to any travel outside the relevant financial year for which the allowance is granted.
- 1.4 Where a Member uses air charter services to travel between two or more locations serviced by commercial air services (regular public transport) and there is no direct commercial air service between those locations, the amount deducted from the Member's charter transport allowance shall be the difference between the cost of air charter via the direct route between the two or more 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 route between the same locations. The balance of the cost of the air charter shall be paid from the consolidated fund.
- 1.5 Where a charter itinerary requires travel into the Northern Territory or South Australia, Tribunal approval is required prior to the payment being accepted as a debit to this provision.
- 1.6 Charges shall only be levied against this Section if the Member undertakes the travel claimed.

- 1.7 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 2: TAXI FARE ALLOWANCE

- 2.1 For the purpose of attending a sitting of a house or committee of Parliament or a party meeting, a Member, not representing a metropolitan electorate, shall be entitled to claim reimbursement of taxi fares necessarily incurred when travelling between the Parliament and any transport terminal or overnight accommodation in the metropolitan area.
- 2.2 A Member shall be entitled to claim reimbursement of taxi fares incurred when travelling between the Parliament and any overnight accommodation after a sitting of the house or committee of Parliament which extends beyond 10.00 pm.
- 2.3 Where a Member has claimed an entitlement under sub section (2.2) above, the Member may also claim reimbursement of taxi fares for the return trip to the Parliament the next day.

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 on official Government, parliamentary or electorate business.
- 1.2 Claims made must be accompanied by certification that the expense was incurred in accordance with the relevant section of this Part and this shall be sufficient evidence to establish a valid claim. The member must retain sufficient evidence to support the facts of the certification should an audit of payments be conducted.
- 1.3 In the case of commercial accommodation, a tax invoice, or where a tax invoice is not available, a statutory declaration 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 is elected and takes office within the financial year, the allowances contained under sections 5 and 6 of this part shall be calculated on a pro rata basis.
- 1.6 Where a section in this Part refers to an accommodation allowance, the relevant total daily allowance is determined to be the relevant Australian Taxation Office reasonable benefit limit applicable at the date of travel. The Australian Taxation Office reasonable benefit limit 2013/14 rates can be found in Taxation Determination [TD 2013/16](#). For the purpose of calculating the appropriate salary limits in the Taxation Determination, the salary of a Member of Parliament shall be comprised of the base remuneration and any additional remuneration set out in Part 2 Sections 1 and 2 of this determination together with the base electorate allowance set out in Part 3 Section 2 of this determination. Where travel involves part of a day, the allowance payable will be calculated in accordance with the following formulae:
- 1.6.1 If departure from any place of residence is:
- | | |
|-------------------------------------|-----------------------------------|
| before 8.00am | - 100 per cent of the daily rate. |
| 8.00am or later but prior to 1.00pm | - 90 per cent of the daily rate. |
| 1.00pm or later but prior to 6.00pm | - 75 per cent of the daily rate. |
| 6.00pm or later | - 50 per cent of the daily rate. |
- 1.6.2 If arrival back at any place of residence is:
- | | |
|--------------------------------------|-----------------------------------|
| 8.00am or later but prior to 1.00pm | - 10 per cent of the daily rate. |
| 1.00pm or later but prior to 6.00pm | - 25 per cent of the daily rate. |
| 6.00pm or later but prior to 11.00pm | - 50 per cent of the daily rate. |
| 11.00pm or later | - 100 per cent of the daily rate. |
- 1.7 Claims made in respect of non-commercial accommodation shall be paid at 40 per cent of the applicable daily rate or pro-rata daily rate specified in paragraphs 1.6, 1.6.1 and 1.6.2 in this Part.

- 1.8 Claims made under paragraph 1.6 of this Section in respect of the entitlement granted in Section 6 of this Part form part of the annual entitlement.
- 1.9 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.
- 1.10 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.
- 1.11 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 paragraph 1.6 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 Accommodation Allowances payable under this section apply to a Member of Parliament holding an office mentioned in this section 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.

- 2.3 The following office holders are entitled to claim an allowance under this section:
- 2.3.1 the Premier;
 - 2.3.2 a Minister of the Crown;
 - 2.3.3 the Parliamentary Secretary of the Cabinet and Parliamentary Secretaries appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899*;
 - 2.3.4 the Deputy Premier; and
 - 2.3.5 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).
- 2.4 A Member is entitled to claim an allowance under this section who, for the time being, is appointed to act in lieu of the permanent occupant in any of the positions referred to in paragraph 2.3 of this Section. For the time he or she is acting in that position, the Member's Accommodation Allowance shall be the same rate, and on the same basis, prescribed for the permanent office holder
- 2.5 A Member is entitled to claim an allowance under this section when deputising for the Premier, 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) who at the written request of the relevant office holder, deputises for the Premier or 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. For the time he or she is deputising in that position, the Member's Accommodation Allowance shall be the same rate, and on the same basis, prescribed for the permanent office holder.

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 under Section 1.6. Where the costs reasonably and properly incurred exceed the rates contained in Section 1.6, 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 (inclusive of meals and incidentals) expenditure to a maximum of 8 nights per financial year. The rates contained in paragraph 1.6 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 Tribunal under Part 9 of this determination or determined by the Treasurer 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 \$273 per night for up to 120 nights per financial year.

- 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 6.3 of this Section may, claim accommodation and associated expenses in accordance with paragraph 1.6 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 For the purpose of guidance in administering this entitlement, a location may or may not be considered adjacent to an electorate depending on a range of factors including the proximity of suitable accommodation, the distance to be travelled to a Member's residence and the distance to be travelled to reach a commercial transport departure point where a Member is utilising commercial transport in the course of their parliamentary or electorate duties.
- 6.3 The maximum number of nights claimable per financial year shall be:

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

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 charged for any telephone calls or the use of teleconferencing or video conferencing 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	\$14,150
Leader of the Opposition in the Legislative Council	\$10,650
Leader of a recognised non-Government party (as defined in Section 2 of Part 2)	\$10,650
Deputy Leader of the Opposition in the Legislative Assembly	\$7,100

- 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.

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 1.6 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*.

PART 8: RESETTLEMENT ENTITLEMENT

SECTION 1: GENERAL

- 1.1 A Member of Parliament is entitled to receive a Resettlement Entitlement as a lump sum payment under the provision of Sections 1.3 or 1.4 of this Part when a Member ceases to be a Member of either House of the Parliament.
- 1.2 This allowance is to facilitate a Member's transition from public office to private life. This allowance will assist the Member to access resettlement advice and services including, financial counselling, re-employment counselling, out-placement services, educational or training costs and any other costs a Member deems necessary. The Resettlement Entitlement is not intended to apply at the time a Member resigns in order to nominate for a position in another House of the Parliament and is subsequently appointed as a Member of the other House.
- 1.3 Where a Member ceases to be a Member of the Parliament after serving two terms or less of either House of the Parliament, from the date the Member first took office, the Member shall be entitled to receive the Resettlement Entitlement calculated at the rate of three monthly pay periods of base salary applicable under Part 2 Section 1 of this determination as at the time of ceasing to be a Member.
- 1.4 Where a Member ceases to be a Member of the Parliament after serving more than two terms but not more than three terms of either House of the Parliament, from the date the Member first took office, the Member shall be entitled to receive the Resettlement Entitlement calculated at the rate equivalent to two monthly pay periods of base salary applicable under Part 2 Section 1 of this determination as at the time of ceasing to be a Member.
- 1.5 Notwithstanding the provisions of Sections 1.3 and 1.4 of this Part, a Member shall not be eligible to receive more than one Resettlement Entitlement.
- 1.6 The Resettlement Entitlement shall not apply to a Member who resigns for the purpose of nominating as a candidate for either the Legislative Assembly or Legislative Council or another House of Parliament and is subsequently elected or appointed a Member of either the Legislative Assembly or Legislative Council or another House of Parliament.
- 1.7 A person shall not be entitled to a Resettlement Entitlement under this Part if he or she is disqualified for membership of the Legislature under Section 32(1)(b) of the *Constitution Acts Amendment Act 1899*.

PART 9: PARLIAMENTARY TRAVEL

This Part deals with travelling and accommodation allowances and related expenses additional to those set out in Part 4 and Part 5 of this determination. In particular it deals with expenses which are to be reimbursed to Members of Parliament for –

- a) travel, accommodation and incidental expenses incurred within Australia or overseas while on parliamentary business; and*
- b) attendance at conferences which inform and assist a Member of Parliament in the performance of their parliamentary business.*

SECTION 1: GENERAL

1.1 In this section –

term of the Parliament means –

a term of the Parliament of Western Australia which,

- a) for a Member of the Legislative Assembly is deemed to have commenced the day after the poll for a general election and to have finished on the day of the poll in the year in which the seats in the Legislative Assembly would ordinarily be vacated by the effluxion of time;
- b) for a Member of the Legislative Council is deemed to have commenced on 22 May in the year of a general election or conjoint election and finished on 21 May in the year in which the seats in the Legislative Council would ordinarily be vacated by the effluxion of time.

conferences means –

- a) meetings, seminars and short courses (excluding complete tertiary degree or diploma courses) conducted by professional bodies, educational organisations and special interest groups.

parliamentary business means –

- a) representing the interests of electors and residents of the electoral region or district to which a Member has been elected;
- b) participating in the decision-making processes of the Parliament; and
- c) the actions taken by a Member to inform themselves and develop policy, whether on an individual basis, a political party basis or otherwise, in relation to matters which are relevant to (a) and (b) of this subsection.

- 1.2 In addition to any allowances or expense which may be paid or reimbursed under Part 4 and Part 5 of this determination, a Member of Parliament who incurs an expense of the following type while on parliamentary business is entitled to be reimbursed to the extent determined in Section 2.1 to 2.5 of this Part –
 - 1.2.1 travel fares;
 - 1.2.2 overnight accommodation expenses;
 - 1.2.3 conference attendance fees; and
 - 1.2.4 meals and other expenses incidental to travel and attendance at conferences.
- 1.3 The types of expenses specified in Section 1.2 of this Part are to be utilised by a Member in person except in special circumstances where a Member may need physical or medical assistance requiring the Member to be accompanied by another person.
- 1.4 A Member is not entitled to claim reimbursement of expenses under this Part which have been paid or reimbursed by any other party or parties.
- 1.5 The entitlement shall not apply for the period between the issue of the writ for a general election or writs for a conjoint election pursuant to the *Electoral Act 1907* and the day fixed by the writ or writs for the taking of the poll, except in circumstances where –
 - 1.5.1 a Member has incurred eligible travel and accommodation expenses and commenced the relevant travel prior to the issue of the writ or writs; or
 - 1.5.2 a Member has incurred expenses for a conference or short-course and the relevant conference or short-course has commenced.
- 1.6 The entitlement shall not apply to a Member of the Legislative Council who has failed to be elected at a general election or a by-election and who in the same year as the aforementioned election is to vacate their seat in the Legislative Council by the effluxion of time or as a consequence of having resigned from their appointment as a Member.
- 1.7 An application for reimbursement of expenses specified in this Part shall be in writing and clearly demonstrate that the expenses have been incurred for the purposes specified in this Part.
- 1.8 The daily amount referred to in Section 2.4 of this Part which a Member can be reimbursed for accommodation expenses, meals and incidentals for purposes specified in this Part, may be paid as an advance where a valid application has been made.

SECTION 2: EXTENT OF REIMBURSEMENT

- 2.1 The total extent to which a Member of Parliament can be reimbursed for expenses specified in this Part is \$27,000 over the relevant term of the Parliament.
- 2.3 The amount of a person's entitlement to reimbursement of expenses specified in this Part shall be apportioned on a pro rata basis according to the portion of the relevant term of the Parliament that the person holds office as a Member of Parliament.
- 2.4 The daily amount which a Member of Parliament can be reimbursed for accommodation expenses, meals and incidentals for purposes specified in this Part shall be –
- 2.4.1 the relevant Australian Taxation Office reasonable benefit limits for accommodation, meals and incidentals set out in Taxation Determination TD 2013/16 where the Member utilises commercial accommodation located in Australia; and
 - 2.4.2 up to \$400 per day for accommodation plus the relevant Australian Taxation Office reasonable benefit limit for meals and incidentals set out in Taxation Determination TD 2013/16 where a Member utilises commercial accommodation located outside Australia.
- 2.5 The daily amount which a Member can be reimbursed in respect of non-commercial accommodation utilised in Australia or outside Australia shall be 40 per cent of the amounts specified in subsections 2.4.1 and 2.4.2 of this Section.

SECTION 3: TRANSITIONAL PROVISIONS

- 3.1 The extent to which a Member of Parliament can be reimbursed under section 2 of this Part is to be reduced to the extent that Member of Parliament has already claimed reimbursement in the same term of Parliament for expenses eligible under the Imprest Travel Allowance determined pursuant to section 11A of the Act.

Signed this 24th day of June 2014

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL