

# DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL

## REMUNERATION OF MEMBERS OF PARLIAMENT

PREAMBLE.....	i
Statutory context .....	ii
Economic context.....	ii
Summary of decisions in this Determination.....	iii
<b>PART 1</b> INTRODUCTORY MATTERS.....	<b>1</b>
1.1   Short Title.....	1
1.2   Commencement.....	1
1.3   Content and intent.....	1
1.4   References to Dates.....	1
1.5   Terms used.....	2
<b>PART 2</b> REMUNERATION .....	<b>4</b>
2.1   General.....	4
2.2   Base Remuneration.....	4
2.3   Additional Remuneration for Office Holders .....	5
2.4   Salary Packaging.....	5
<b>PART 3</b> ELECTORATE ALLOWANCES .....	<b>6</b>
3.1   General.....	6
3.2   Base Electorate Allowance.....	6
3.3   Additional Electorate Allowance.....	6
<b>PART 4</b> COMMUNICATION ALLOWANCES.....	<b>8</b>
4.1   Electorate Office Telephones.....	8
4.2   Teleconferencing.....	8
4.3   Parliament House Communications .....	8
4.4   Postal Allowances for Certain Office Holders .....	8
<b>PART 5</b> TRANSPORT ALLOWANCES .....	<b>9</b>
5.1   Motor Vehicle .....	9
5.2   Charter Transport.....	10
<b>PART 6</b> ACCOMMODATION .....	<b>13</b>
6.1   Accommodation – General Matters .....	13
6.2   Base Accommodation Allowance.....	13
6.3   Regional Members: Allowance to attend sittings of Parliament .....	14
6.4   Regional Members: Additional Metropolitan Accommodation .....	15
6.5   Regional Office Holders: Additional Metropolitan Accommodation.....	15
6.6   Office Holders on Official Business .....	16
6.7   Members on Parliamentary Committee Business .....	17
<b>PART 7</b> PARLIAMENTARY TRAVEL .....	<b>18</b>
7.1   Parliamentary travel .....	18
7.2   Transitional Provision.....	19
<b>PART 8</b> RESETTLEMENT ENTITLEMENT .....	<b>20</b>

## PREAMBLE

- (1) The Salaries and Allowances Tribunal has completed its annual inquiry into the rates of remuneration provided to Members of Parliament. This Determination is issued pursuant to the Tribunal's statutory obligation to inquire into and determine, at least once every 12 months, remuneration for Members of the Parliament.
- (2) It is important that levels of remuneration reflect the demands placed on Members, but also that payments and entitlements accord with standards acceptable to the community in which the Members serve.
- (3) In circumstances where market forces, globalisation and technological changes now impact more directly on the State, there is an expectation from the community that their elected representatives will have the capacity to respond to these forces in order to secure the wellbeing of the State so that they can continue to enjoy the prosperity that previous generations have built.
- (4) In these times of rapid change it is important that the community can continue to attract people committed to public service and that the value of Members of Parliament is assessed within the context of the demands placed upon them and community standards of remuneration. This is the basis upon which the Tribunal continues to evaluate levels of remuneration.
- (5) However, at this time it has been deemed prudent that there be no increase to the salary of Members of Parliament. This is in line with other public offices within the Tribunal's jurisdiction. The circumstances faced by the community dictate that wage and salary restraint be exercised.
- (6) In arriving at this conclusion, the Tribunal considered the significant challenges in the Western Australian economy and the short term outlook. It has also noted labour market and economic information, the Government's most recent Public Sector Wages Policy Statement, Financial Strategy Statement and Financial Projection Statement.
- (7) This Determination includes some outcomes from an ongoing review by the Tribunal into all aspects of remuneration, allowances and entitlements provided to Members. At this time, the Tribunal's conclusions, based on this Review, have resulted in changes to some allowances and entitlements. The Tribunal's decisions largely focus on a Member of Parliament's capacity to undertake their electorate and parliamentary roles and aim for a balance between:
  - i) ensuring Members have capacity to effectively undertake their roles;
  - ii) maintaining standards of accountability; and
  - iii) decreasing the administrative burden on Members and administering agencies.
- (8) The review process is incomplete and not all outcomes have been finalised.

## Statutory context

- (9) The *Salaries and Allowances Act 1975* (the Act) requires the Tribunal to inquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, Parliamentary Secretaries appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, members of committees, and officers and Members of the Parliament.
- (10) Section 8(a) of the Act provides that a determination relating to offices identified in sections 6(1)(a), 6(1)(ab) and 6(1)(b) must be issued within 12 months of the previous determination. The Tribunal's most recent determination in relation to the remuneration of Members of Parliament was issued on 24 June 2014.
- (11) By issuing this Determination, the Tribunal discharges its obligation under section 8(a).
- (12) In accordance with section 10A of the Act, those determinations by the Tribunal made under sections 6(1)(a) and (ab) have taken consideration of the:
  - i) Public Sector Wages Policy Statement 2014; and
  - ii) financial position and fiscal strategy of the State, as stated in the Government's Financial Strategy Statement and Government Financial Projections Statement, released as part of the State Budget on 14 May 2015.

## Economic context

- (13) The Tribunal noted a number of serious challenges facing the Western Australian economy. In the 2015 Budget, the Treasurer described the current economic situation as "the most challenging economic and fiscal environment the State has faced in at least the last three decades". General Government revenue in 2015-16 is estimated to be \$1.6 billion or 5.8% lower than actual revenue in 2013-14.
- (14) The Tribunal has also noted:
  - i) the State's economic performance has been affected by the transition of resource projects from construction to production phase, along with substantial drop in commodity prices;
  - ii) declining business confidence reflected in employers reducing capital expenditure and employment levels;
  - iii) declining wages in the wider community; and
  - iv) extremely low levels of inflation, which has meant that the cost of living for WA employees has not significantly changed compared to this time last year.
- (15) The challenging economic environment is apparent throughout the State. The Tribunal noted significant numbers of redundancies in the mining sector, pay freezes and pay cuts in the private sector and public sector budget constraints and efficiency measures. The rate of unemployment is projected to reach 6.25% in 2015-16. This would be the highest level in over a decade.

## Summary of decisions in this Determination

- (16) There will no increase at this time to the salaries of Members of Parliament.
- (17) The Tribunal has reviewed all aspects of remuneration, allowances and entitlements provided to Members. While there will be no increase in remuneration, the Tribunal considers allowances separately and notes that they are an important means by which a Member must meet the costs of effectively representing their electorate.
- (18) A number of decisions in this Determination relate to allowances and entitlements. The Tribunal's focus has been on a Member's capacity to undertake their official business and maintaining accountability. In summary, these decisions are as follows -

### *Electorate Allowances*

- (19) The Tribunal is mindful that electorate expenses have not been adjusted since 2013, and expenses for printing, stationery and office equipment have generally increased at the rate of inflation. In addition, population growth has caused an increase in the average number of electors per electorate. It is considered reasonable for Electorate Allowances to be adjusted according to inflation generally and for actual increases in postage costs. The Tribunal has also incorporated specific costs identified in the Review, which are:
  - i) safety equipment on vehicles provided to Regional Members, and
  - ii) access to Electorate Management data, which will no longer be provided to Members by a Government agency.

### *Transport Allowances*

- (20) The Tribunal has reduced the Charter Transport Allowance provided to Regional Members. The limit on this Allowance did not appropriately reflect the needs of Regional Members. However, the Tribunal acknowledges the importance of charter transport for access to remote areas of the State and will closely monitor the impact of this change over the next 12 months.
- (21) The Tribunal has also tightened the circumstances in which this Allowance may be used in relation to electorate vehicles provided to Members.
- (22) The Taxi Fare Allowance has been abolished.

### *Accommodation Allowances*

- (23) After detailed examination, the Tribunal has made a number of changes to these allowances.
- (24) First, the Tribunal has established a *Base Accommodation Allowance* to enhance the capacity of all Members to undertake some travel around the State, with numbers of nights set according to the Region or District a Member represents. This allowance incorporates former allowances provided for *Expenses of Members on Parliamentary or Parliamentary Political Party Business* and *Members' Expenses within Electorate*, both of which have been discontinued.

- (25) These arrangements will address Members' needs to travel intrastate in order to be informed on issues which affect not only their constituents, but the State as a whole. The revised accommodation allowance replaces previous arrangements that limited Members to travel within their own electorate and electorates immediately adjacent thereto.
- (26) The Tribunal considers the new arrangements will better serve the Members and the community.
- (27) Second, the Tribunal has amended the approach to *Metropolitan Expenses of Members Representing Regions or Districts therein*. It accepted that Regional Members must travel to the Perth Metropolitan area to fulfil their Electorate, Parliamentary and Government responsibilities.
- (28) In order to be paid this allowance, Members are required to maintain a residence in their electorate.
- (29) The Tribunal has identified three tiers to reflect the circumstances under which a Regional Member can claim expenses for accommodation in the Metropolitan area -
- i) Requirement to attend Parliamentary sittings;
  - ii) Undertaking other business in the Metropolitan area that relates to Electorate, Parliamentary and Government responsibilities; and
  - iii) The need for some officeholders, including Ministers and Presiding Officers, to undertake business in the Metropolitan area in relation to their offices.

#### *Resettlement Entitlement*

- (30) The Tribunal has adjusted the Resettlement Entitlement, which aims to assist former members to transition from public office.
- (31) Pension arrangements do not apply for Members elected after 2000. The Resettlement Entitlement was as established in 2011 to apply to Members who could not access those pension arrangements, did not effectively achieve its intended outcome. It is accepted that the transition from public office becomes more difficult with the length of a Member's Parliamentary service.
- (32) The Resettlement Entitlement is provided to access professional advice, meet educational or training costs, or meet any other costs considered appropriate. Further, the Tribunal notes Members are not eligible to benefits of employment afforded to the community generally, such as long service leave entitlements. The Review also provided examples of significant dislocation for some Members following their departure from public service. The Tribunal considers the Resettlement Entitlement assists with the challenges of resuming private life and professions and, as such, will minimise the possibility that those contemplating entering Parliament will be dissuaded from public service.

The Determination will now issue.

Signed this 23<sup>rd</sup> day of June 2015.

W S Coleman AM  
CHAIRMAN

C A Broadbent  
MEMBER

B J Moore  
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

# DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL REMUNERATION OF MEMBERS OF PARLIAMENT

## PART 1 INTRODUCTORY MATTERS

*This Part deals with some matters that are relevant to the Determination generally.*

### 1.1 Short Title

This Determination may be cited as *the Members of Parliament Tribunal Determination No. 1 of 2015*.

### 1.2 Commencement

This Determination comes into operation on 1 July 2015.

### 1.3 Content and intent

- (1) In accordance with section 6(1)(a), (ab), and (b) and section 6AA of the *Salaries and Allowances Act 1975*, this Determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, Parliamentary Secretaries appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, members of committees, and officers and Members of the Parliament.
- (2) This Determination fulfils the Tribunal's obligations under section 8 of the *Salaries and Allowances Act 1975* with respect to offices identified in section 6(1)(a), (ab) and (b) of the *Salaries and Allowances Act 1975*.
- (3) In accordance with section 10A of the *Salaries and Allowances Act 1975*, decisions by the Tribunal in relation to sections 6(1)(a) and (ab) have taken consideration of the:
  - (a) Public Sector Wages Policy Statement 2014; and
  - (b) financial position and fiscal strategy of the State, as stated in the Government's Financial Strategy Statement and Government Financial Projections Statement, released as part of the State Budget on 14 May 2015.

### 1.4 References to Dates

- (1) In this Determination, a reference to "a year" or "per annum" relates to a financial year.
- (2) Where benefits or entitlements are provided with specific reference to "a financial year", these cease on and from 30 June each year and, unless otherwise specified in this Determination, no unexpended amount can be carried over to later financial years.

- (3) Allowances for one financial year, including those relating to travel, cannot be provided in advance for use in a later year.

## 1.5 Terms used

- (1) In this Determination , unless the contrary intention appears—

**Commercial accommodation** means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.

**Leader of a recognised non-Government Party** means an officer of Parliament identified in section 4(2)(k) of the *Salaries and Allowances Act 1975*.

**Member** means a Member of Parliament.

**Metropolitan Member** means a Member who represents:

- (a) any of the following electoral regions:
  - (i) the East Metropolitan Region,
  - (ii) the North Metropolitan Region,
  - (iii) the South Metropolitan Region, or
- (b) any electoral district contained within any of those electoral regions.

**Minor Party Whip** means an officer of Parliament identified in section 4(2)(l) of the *Salaries and Allowances Act 1975*.

**Official business** means the usual business of a Member of Parliament, which:

- (a) Includes business related to a Member's parliamentary, electorate or office holder roles; and
- (b) Excludes party business, other than meetings of a parliamentary political party, or of its executive or committees, or formal meetings of a political party.

**Regional Member** means a Member who represents:

- (a) any of the following electoral regions:
  - (i) the Agricultural Region,
  - (ii) the Mining and Pastoral Region,
  - (iii) the South West Region; or
- (b) any electoral district contained within any of those electoral regions.

**Term of Parliament** means a term of the Parliament of Western Australia, which:

- (a) for Members of the Legislative Assembly, is deemed to commence the day after a general election and conclude on the day of the general election following the dissolution or expiry of the Legislative Assembly;

- (b) for Members of the Legislative Council, is deemed to commence on 22 May following a general or conjoint election and conclude on 21 May in the year in which seats would ordinarily be vacated by the effluxion of time.

**Tribunal** means the Salaries and Allowances Tribunal.

## **PART 2       REMUNERATION**

### **2.1       General**

- (1) Remuneration payable to a Member under this Determination shall be calculated on and from the day following the day on which the Member is elected as a Member and, except as provided by section 2.1(2) and Part 8, shall cease to be payable at the end of the day on which a person ceases to be a Member.
- (2) A person who ceases to be a Member by reason of the dissolution or expiry of the Legislative Assembly is entitled to receive the remuneration provided in this Determination up to and including the date of the election following that dissolution or expiry.
- (3) A person who, immediately before the dissolution or expiry of the Legislative Assembly, is a Member of the Legislative Assembly and holds an office referred to in section 2.1(4) is entitled to receive the base remuneration paid to a Member, and the additional remuneration provided for in section 2.3 in respect of that office, until whichever of the following occurs first:
  - (a) they cease to be a Member, other than by the dissolution or expiry by the effluxion of time of the Legislative Assembly;
  - (b) another person is elected or appointed to the office.
- (4) The offices referred to in section 2.1(3) are as follows:
  - (a) Leader of the Opposition;
  - (b) Deputy Leader of the Opposition;
  - (c) Leader of a recognised non-Government party;
  - (d) Chairman of Committees (Deputy Speaker);
  - (e) Government Whip;
  - (f) Opposition Whip;
  - (g) Minor Party Whip.
- (5) Remuneration under Parts 2, 3 and section 4.4 of this Determination shall be paid in equal instalments either monthly or twice-monthly, so becoming the property of the Member. Remuneration relating to part of a pay period should be calculated on a pro-rata basis.

### **2.2       Base Remuneration**

A Member of Parliament shall be paid a base remuneration of \$154,223 per annum.

## 2.3 Additional Remuneration for Office Holders

- (1) In addition to the base remuneration paid to a Member, a Member holding one of the following offices shall be paid additional remuneration so that the total remuneration per annum paid to the officeholder is the relevant amount stated in the Table:

<i>Office Held</i>	<i>Total Remuneration</i>
Premier	\$350,425
Deputy Premier	\$298,402
Leader of the Government in the Legislative Council	\$287,997
Minister of the Crown	\$273,133
Leader of the Opposition in the Legislative Assembly	\$273,133
President of the Legislative Council	\$252,324
Speaker of the Legislative Assembly	\$252,324
Leader of the Opposition in the Legislative Council	\$235,974
Deputy Leader of the Opposition in the Legislative Assembly	\$221,110
Leader of a recognised non-Government party	\$221,110
Parliamentary Secretary of the Cabinet	\$221,110
Chairman of Committees in either House (Deputy Speaker)	\$198,814
Government Whip in the Legislative Assembly	\$180,978
Opposition Whip in the Legislative Assembly	\$180,978
Parliamentary Secretary	\$176,519
Government Whip in the Legislative Council	\$176,519
Opposition Whip in the Legislative Council	\$172,060
Chairman of a Standing Committee	\$169,087
Minor Party Whip	\$167,600
Deputy Chairman of a Standing Committee	\$165,371
Member of a Standing Committee	\$164,628

- (2) A person holding more than one office-
- (a) shall be paid additional remuneration under this Part in respect of only one of those offices; and
  - (b) if the additional remuneration is not the same for all of the offices held, shall be paid the additional remuneration relating to the highest paid office.

## 2.4 Salary Packaging

- (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>. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

## **PART 3      ELECTORATE ALLOWANCES**

### **3.1      General**

- (1) A Member is entitled to an Electorate Allowance to assist in the effective representation of their electorate.
- (2) The Electoral Allowance may be used at the Member's discretion, but shall not be used for campaigning, electioneering or political party promotion.

### **3.2      Base Electorate Allowance**

- (1) In addition to the base remuneration specified in Part 2, a Member shall be paid a Base Electorate Allowance of \$78,000 per annum.
- (2) It is intended that this Allowance will be used for expenses incurred to assist with serving the electorate, including:
  - (a) Information and communication technology, including mobile phone use, newsletters and internet publications;
  - (b) awards and support for community groups or individuals;
  - (c) hospitality and entertainment associated with a Member's official business;
  - (d) advertising, other than for the purposes of campaigning, electioneering or political party promotion;
  - (e) costs associated with Electoral Management Systems; and
  - (f) stationery and printing.
- (3) Upon a Member's election to a District or Region for which they have not been the immediately previous Member, the Member may apply to the administering agency for advance provision of an amount equivalent to 3 months of their Base Electorate Allowance to assist in the establishment of an electorate office.

### **3.3      Additional Electorate Allowance**

- (1) Members representing a region or district listed in the Table in section 3.3(3) are entitled to an Additional Electorate Allowance according to the size and complexity of the Region or District they represent.
- (2) This Allowance is provided to assist eligible Members in undertaking electorate business, including for the installation on a Government vehicle of safety equipment considered necessary by the Member but not listed in section 5.1(11).

(3) The Additional Electorate Allowance is as follows -

<i><b>ELECTORAL DISTRICT / REGION</b></i>	<i><b>ADDITIONAL ALLOWANCE PER YEAR</b></i>
Mining and Pastoral Region	\$25,350
Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$23,900
Agricultural Region	\$17,500
Central Wheatbelt, Moore and Wagin Districts	\$15,350
South West Region	\$12,250
Warren-Blackwood District	\$10,400

## **PART 4      COMMUNICATION ALLOWANCES**

### **4.1      Electorate Office Telephones**

- (1) A Member is entitled to the payment by the administering agency of all charges, other than for international calls, in relation to five telephone lines in their electorate office.
- (2) Electorate office telephones are to be used for official business only.

### **4.2      Teleconferencing**

A Member may be reimbursed for the cost of using audio or video-conferencing facilities, subject to providing to the administering agency certification that demonstrates that the use related to official business.

### **4.3      Parliament House Communications**

A Member charged for using Parliament House facilities for telephone calls, or audio or video-conferencing facilities, shall be reimbursed for all such charges, provided the use related to official business.

### **4.4      Postal Allowances for Certain Office Holders**

- (1) A person who holds one of the following offices is entitled to an annual allowance, paid monthly, for postal services relating to the office.

OFFICE HOLDER	ALLOWANCE
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	\$10,650
Deputy Leader of the Opposition in the Legislative Assembly	\$7,100

- (2) This allowance must not be used for campaigning, electioneering, electorate business or personal business.

## PART 5      TRANSPORT ALLOWANCES

### 5.1      Motor Vehicle

- (1) A Member is entitled to be supplied with a Government leased private plated motor vehicle for parliamentary, electorate and private use within Western Australia.
- (2) This entitlement is in addition to a Member's remuneration under Part 2.
- (3) Motor vehicles issued through this provision shall be to the notional lease value of \$25,000 per annum. This subsection is subject to sections 5.1(10) and (12).
- (4) The motor vehicle can be used by the Member for private purposes. From time to time when the Member does not require the vehicle, it may be used by a family member or electorate staff. Use of the vehicle by any other person is not permitted unless it is an emergency.
- (5) This entitlement does not apply to a Member serving in an office in respect of which a Government vehicle is supplied under arrangements separate to this Determination. Where a Member becomes entitled to a Government vehicle under arrangements separate to this Determination, then this entitlement shall cease upon provision of that motor vehicle.
- (6) A Member may forego this entitlement and be paid an amount of \$25,000 per annum, payable monthly or twice-monthly. This option cannot be exercised during the term of a lease.
- (7) The notional lease value must include the lease cost, all applicable taxes and 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:

$L + R + aD + FBT + I + LCT$ , 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

- (8) FBT is costed at applicable Australian Taxation Office rates. FBT is the purchase price (including GST) x Statutory fraction x Gross up (2.1463) x FBT rate (0.490).
- (9) Regional Members who serve in an office in respect of which a Government vehicle is supplied under arrangements separate to this Determination may apply to the Tribunal to be supplied with an electorate vehicle. The Member's application must demonstrate the need for the electorate vehicle and certify that it will be predominantly used in their Region or District.

- (10) Regional Members may apply to the Tribunal for the issue of a four wheel drive vehicle instead of the entitlement specified in section 5.1(3), provided that vehicle will be used predominantly in the Member's Region or District. The cost of a four wheel drive vehicle supplied under this subsection cannot exceed the cost of the Toyota Prado GXL Automatic 3.0 litre Turbo Diesel.
- (11) Regional Members are entitled to the installation of safety equipment appropriate to the likely use of the vehicle, including:
- (a) frontal protection, such as bull bars;
  - (b) electronic animal deterrent devices;
  - (c) radiator insect screens;
  - (d) window tinting; and
  - (e) driving lights.
- (12) Where a Member requires a particular model of vehicle and the notional lease cost exceeds the notional lease value specified in section 5.1(3) or the benchmark vehicle specified in section 5.1(10), the additional costs (including Goods and Services Tax, Fringe Benefits Tax and insurance), shall be drawn from the Member's Base Electorate Allowance or Additional Electorate Allowance.
- (13) Whether additional costs are to be drawn under section 5.1(12) is to be assessed at the time of entering into the lease. The assessment will be based on the notional lease cost to Government of the vehicle sought (using the formula in section 5.1(7)), compared to the relevant notional lease value specified in section 5.1(3) or the benchmark vehicle specified in section 5.1(10).
- (14) The Tribunal's approval must be obtained before a vehicle supplied under this Determination is used outside Western Australia.
- (15) Members provided with a vehicle under this Determination must comply with maintenance and care obligations that apply to the WA Government Fleet generally.

## 5.2 Charter Transport

- (1) Members representing Regions or Districts specified in the Table shall be entitled to use charter transport not exceeding the amounts specified per annum –

ELECTORAL REGION / DISTRICT	ALLOWANCE PER ANNUM
Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$45,000
Mining and Pastoral Region	\$35,000
Agricultural Region	\$30,000
Central Wheatbelt, Moore and Wagin Districts	\$20,000
South West Region	\$20,000
Albany, Geraldton and Warren-Blackwood Districts	\$8,000

- (2) The Charter Transport Allowance may be used by a Regional Member to assist electorate or parliamentary business when a motor vehicle provided to the Member under section 5.1 is unavailable because it is in a different location to the Member.
- (3) This Allowance may be used for:
  - (a) charter aircraft, hire cars, taxis; and
  - (b) any other mode of transport approved from time to time by the Tribunal.
- (4) This Allowance does not apply when an airline provides a service to and from the relevant destination that operates at times reasonably convenient to the Member's business.
- (5) This Allowance does not apply to any travel booked or undertaken in another financial year.
- (6) With respect to over-benchmark costs incurred in relation to a Member's vehicle:
  - (a) In the event the Member has entered lease arrangements before 1 July 2015, the amounts specified in the table shall be reduced by the amount of those costs, unless they were met through the Member's Electorate Allowances.
  - (b) For lease arrangements commencing on or after 1 July 2015, such costs shall be drawn from the Member's Electorate Allowance or Additional Electorate Allowance.
- (7) 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 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 Account.
- (8) Claims against this Allowance must be submitted to the administering agency within 90 days from the date that the travel is undertaken.
- (9) The administering agency may extend the time to submit a claim in exceptional circumstances, which are the following:
  - (a) receipt of invoices delayed for reasons outside the Member's control;
  - (b) ill health;
  - (c) bereavement.

Administrative oversight or negligence are not exceptional circumstances.

- (10) Applications for extension of time must be in writing and provide sufficient details of exceptional circumstances.
- (11) Charges shall only be levied against this Allowance in the event the Member has actually undertaken the travel claimed.
- (12) When travel outside Western Australia cannot be avoided, Members seeking to claim this Allowance must obtain the Tribunal's approval before the travel is undertaken.

## PART 6 ACCOMMODATION

### 6.1 Accommodation – General Matters

- (1) For the purposes of this Part –

**Home base** means a Member's place of residence.

**partner** means a person nominated by a Member as their spouse or de facto partner within the meaning of section 13A of the *Interpretation Act 1984*.

- (2) Accommodation Allowances may only be claimed for overnight accommodation and associated expenses incurred by a Member in relation to their official business.
- (3) Claims under this Part must be submitted to the administering agency within 90 days from the date travel is undertaken.
- (4) The administering agency may approve an extension of time to submit a claim following a Member's application in writing, and only in exceptional circumstances, which are the following:
- (a) receipt of invoices delayed for reasons outside the Member's control;
  - (b) ill health;
  - (c) bereavement.

Administrative oversight or negligence are not exceptional circumstances.

- (5) Claims must:
- (a) identify the relevant Accommodation Allowance being claimed and certify that the expense was incurred in accordance with that Allowance; and
  - (b) in the case of commercial accommodation, include a tax invoice or statutory declaration.
- (6) Accommodation Allowances for a Member who takes office within a financial year shall be calculated on a pro rata basis.
- (7) Reimbursement provided under this Part shall be reduced to the extent that the Member's expenses have been, or will be, reimbursed or paid from another source.

### 6.2 Base Accommodation Allowance

- (1) A Member is entitled to a Base Accommodation Allowance to facilitate their role of representing their electorate and undertake official business.
- (2) The Base Accommodation Allowance may be claimed for accommodation and associated expenses incurred within the State and more than a 75 kilometre radius from the Member's home base.

- (3) The maximum number of nights claimable per year by a Member is as follows, according to the Region or District that the Member represents –

ELECTORAL REGION / DISTRICT	NIGHTS
Metropolitan Members	30
Albany, Bunbury, Dawesville, Geraldton and Mandurah Districts	30
Warren-Blackwood, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Vasse and Wagin Districts	40
Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara Districts	60
Agricultural, Mining and Pastoral, South West Regions	80

- (4) The total daily amount for the Base Accommodation Allowance is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (5) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises:
- (a) Base Remuneration; and
  - (b) any Additional Remuneration provided to an officeholder; and
  - (c) the Base Electorate Allowance.
- (6) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.

### **6.3 Regional Members: Allowance to attend sittings of Parliament**

- (1) This allowance can only be provided when the Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (2) An eligible Regional Member is entitled to an allowance for accommodation and associated expenses incurred to meet their requirement to attend sittings of Parliament.
- (3) This allowance entitles the Member to an amount of \$273 per night for 90 nights each year.
- (4) The allowance shall be paid monthly or twice-monthly.
- (5) The onus is on the Member to submit to the administering agency evidence that demonstrates:
- (a) the right in section 6.3(1); and
  - (b) any periods during which the right in section 6.3(1) has not applied.

#### **6.4 Regional Members: Additional Metropolitan Accommodation**

- (1) This allowance can only be provided when the Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (2) In addition to the Allowance provided in section 6.3, eligible Regional Members may claim an amount of \$273 per night, up to a maximum of 30 nights per year, for metropolitan accommodation and related expenses associated with:
  - (a) official Parliamentary committee business;
  - (b) official Government, Parliamentary or Vice Regal functions; and
  - (c) other official duties relating to Parliamentary or electorate matters.
- (3) Claims under this section cannot be made:
  - (a) in relation to nights included in section 6.3 to facilitate attendance at sittings of Parliament; or
  - (b) by Regional Office Holders specified in section 6.5.
- (4) The onus is on the Member to submit to the administering agency evidence that demonstrates:
  - (a) the right in section 6.4(1); and
  - (b) any periods during which the right in section 6.4(1) has not applied.

#### **6.5 Regional Office Holders: Additional Metropolitan Accommodation**

- (1) For the purposes of this section, a Regional Office Holder is a Regional Member who holds one of the following offices:
  - (a) Premier
  - (b) Deputy Premier
  - (c) Minister of the Crown
  - (d) Leader of the Opposition in the Legislative Assembly
  - (e) President of the Legislative Council
  - (f) Speaker of the Legislative Assembly
  - (g) Leader of the Opposition in the Legislative Council
  - (h) Leader of a recognised non-Government Party
- (2) This allowance can only be provided when a Regional Office Holder, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (3) In addition to the Allowance provided in section 6.3, eligible Regional Office Holders are entitled to an Allowance for metropolitan accommodation and related expenses

incurred to facilitate their official business, including Cabinet and Executive Council responsibilities, and other functions of the office they hold.

- (4) Eligible Regional Office Holders are entitled to an amount of \$273 per night for 60 nights per year.
- (5) The allowance shall be paid in monthly or twice-monthly instalments.
- (6) For an eligible Regional Office Holder appointed during a financial year to an office listed in section 6.5(1), this Allowance shall be calculated on a pro rata basis.
- (7) The onus is on the Member to submit to the administering agency evidence that demonstrates:
  - (a) the right in section 6.5(2); and
  - (b) any periods during which the right in section 6.5(2) has not applied.

## **6.6 Office Holders on Official Business**

- (1) The following Office Holders are entitled to claim overnight accommodation and associated expenses incurred within Australia and more than a 75 kilometre radius from their home base and related to the official business of their office -
  - (a) Premier
  - (b) Deputy Premier
  - (c) Ministers
  - (d) Leader of the Opposition in the Legislative Assembly
  - (e) Leader of the Opposition in the Legislative Council
  - (f) Leader of a Recognised Non-Government Party
  - (g) Parliamentary Secretary to the Cabinet
  - (h) Parliamentary Secretaries
- (2) The actual costs of accommodation claimed by an Office Holder under this section can be debited to the Corporate Credit Card provided to the Office Holder.
- (3) The total daily amount that may be claimed under this section is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (4) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises:
  - (a) Base Remuneration; and
  - (b) any Additional Remuneration provided to an officeholder; and
  - (c) the Base Electorate Allowance.

- (5) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.
- (6) Where an Office Holder reasonably and properly incurs costs exceeding the rates specified in in section 6.6(3) and has debited a Corporate Credit Card provided to them, the actual costs shall be met.
- (7) A Member appointed to act temporarily in an office listed in section 6.6(1) is entitled, for the duration of the temporary appointment, to claim an allowance under this section on the same basis as a permanent Office Holder, provided they have been requested in writing by the Office Holder to deputise on official business related to that office.

#### **6.7 Members on Parliamentary Committee Business**

- (1) The Accommodation Allowance for overnight accommodation for a Member travelling within Australia as an official representative of a Parliamentary committee or delegation, including a standing, select or a joint committee, is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (2) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises:
  - (a) Base Remuneration; and
  - (b) any Additional Remuneration provided to an officeholder; and
  - (c) the Base Electorate Allowance.
- (3) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.
- (4) Where the costs reasonably and properly incurred exceed the rates contained in section 6.7(1), the actual costs shall be met.

## PART 7      PARLIAMENTARY TRAVEL

### 7.1      Parliamentary travel

- (1)      In this section:

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

- (2)      The allowance in this section (the Parliamentary Travel Allowance) may be provided in addition to payment or reimbursement under Part 5 or Part 6.
- (3)      Members are entitled to claim or be reimbursed for expenses incurred for –
- (a) travel, accommodation and incidental expenses incurred within Australia or overseas while on official business; and
  - (b) attendance at conferences which inform and assist in the performance of their functions as a Member of Parliament.
- (4)      Under this Part, a Member can claim or be reimbursed an amount of \$27,000 over the term of Parliament in which they serve as a Member.
- (5)      A Member who serves part of a term of Parliament can claim or be reimbursed a proportionate amount according to that part of the term of Parliament.
- (6)      For commercial accommodation, the daily amount of a claim or reimbursement is as follows –
- (a) Within Australia, the relevant Australian Taxation Office's 'reasonable benefit limits' for accommodation, meals and incidentals (published as a Taxation Determination), applicable at the date the expense is incurred; and
  - (b) Outside Australia, up to \$400 per day for accommodation plus the relevant Australian Taxation Office's 'reasonable benefit limit' for meals and incidentals (published as a Taxation Determination) applicable at the date the expense is incurred.
- (7)      For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises:
- (a) Base Remuneration; and
  - (b) any Additional Remuneration provided to an officeholder; and
  - (c) the Base Electorate Allowance.

- (8) For non-commercial accommodation, the daily amount of reimbursement shall be 40% of the amounts specified in section 7.1(6).
- (9) Expenses are to be incurred by the Member only, except in the event a Member requires physical or medical assistance, when a person may accompany the Member in order to render such assistance.
- (10) A written application for claims or reimbursements under this Part must be made to the administering agency, and provide a sufficiently detailed itinerary to demonstrate that the expenses incurred relate to the Member's official business.
- (11) The daily amount a Member can claim under this Part may be paid in advance following the Member's written application to the administering agency.
- (12) Expenses met by any other party must not be included in a claim or reimbursement.
- (13) The Parliamentary Travel Allowance does not apply during the period that begins on the day after the day a writ or writs are issued for a general or conjoint election pursuant to the *Electoral Act 1907* and ends on the day of the poll, except where a Member, prior to the issue of a writ, has incurred expenses in relation to –
  - (a) eligible travel that has commenced; or
  - (b) a conference or short-course that has commenced.
- (14) The entitlement shall cease to apply to a Member of the Legislative Council who fails to be elected at a general election and who, in the same year as the general election, is to vacate their seat in the Legislative Council.

## **7.2 Transitional Provision**

- (1) The reimbursement in this Part shall be reduced to the extent a Member has already claimed reimbursement in the same term of Parliament for expenses under the Imprest Travel Allowance, determined pursuant to section 11A of the *Salaries and Allowances Act 1975*.

## **PART 8        RESETTLEMENT ENTITLEMENT**

- (1) A Member who is not entitled to superannuation benefits through the Parliamentary Pension Scheme is entitled to receive a Resettlement Entitlement as a lump sum payment upon ceasing to be Member.
- (2) This entitlement is to facilitate a Member's transition from public office to private life by assisting the Member to access resettlement advice and services, including meeting the costs of financial counselling, re-employment counselling, out-placement services, training costs and any other costs incurred as the Member considers necessary.
- (3) The amount of the entitlement shall be calculated according to a Member's length of service as a Member, as follows -
  - (a) one term - a proportion of Base Remuneration equivalent to 3 months' pay;
  - (b) more than one term, but less than three terms - a proportion of Base Remuneration equivalent to 6 months' pay; and
  - (c) three terms or more - a proportion of Base Remuneration equivalent to 9 months' pay.
- (4) The Resettlement Entitlement:
  - (a) does not apply for a person who has previously received the Resettlement Entitlement;
  - (b) does not apply for a person who is disqualified for membership of the Legislature under section 32(1)(b) of the *Constitution Acts Amendment Act 1899*; and
  - (c) shall be deferred for a person who has ceased to be a Member but is seeking to be a candidate in the next election, until it is confirmed through the election's outcome that the person will not recommence as a Member of Parliament.

The determination will now issue.

Signed this 23<sup>rd</sup> day of June 2015.

W S Coleman AM  
CHAIRMAN

C A Broadbent  
MEMBER

B J Moore  
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL