

WESTERN AUSTRALIA
SALARIES AND ALLOWANCES ACT 1975
DETERMINATION
OF THE
SALARIES AND ALLOWANCES TRIBUNAL
Pursuant to Section 6(1) (a), (ab) & (b)

PREAMBLE

The *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than twelve months, to enquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, a Parliamentary Secretary appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899*, a Chairman, Deputy Chairman or member of a standing or joint standing committee, Officers and Members of the Parliament (MPs).

In its August 2006 determination for Members of Parliament, the Tribunal abolished a \$6,950 payment which had previously been paid to certain office holders in lieu of a second vehicle. This allowance had generally become regarded by Members as *de facto* compensatory remuneration for an office held. Remuneration for Parliamentary Secretaries and Chairmen of committees had also been the subject of regular annual submissions to the Tribunal. Additional remuneration for Parliamentary Secretaries was prohibited by statute. Legal advice to the Tribunal indicated that, although it had authority to determine additional remuneration for committee members, it was unable to differentiate between the remuneration for Chairmen, Deputy Chairmen and members.

Following the release by the Tribunal of its August 2006 determination, the Government introduced into the Parliament the *Parliamentary Legislation Amendment Bill 2006* to remove the statutory barrier regarding remuneration of Parliamentary Secretaries and to require the Tribunal to enquire into and determine the additional remuneration, if any, to be paid to Parliamentary Secretaries and Chairmen of standing committees. During the debate on the Bill in the Legislative Assembly, it was amended to require the Tribunal to consider the matter of additional remuneration to all members of standing and joint standing committees, including Chairmen and Deputy Chairmen. The Bill received Royal Assent on 16 November 2006.

CURRENT ENQUIRY

The Tribunal researched the work undertaken by committee members and Parliamentary Secretaries in the contemporary Parliament through a desk-study and through meetings with the President of the Legislative Council, the Speaker of the Legislative Assembly, the Leader of the Opposition, Parliamentary Secretaries, the Acting Clerk of the Legislative Council and the Clerk of the Legislative Assembly, an expert observer of the Western Australian Parliament, and a cross section of Chairmen of committees and committee members in a focus group format. Written submissions from the public were invited through an advertisement in *The West Australian*. Submissions were received from several Members of Parliament

(including some focus group participants) and the Government. Advice also was sought from the Tribunal's Statutory Advisor.

The Tribunal appreciated the input from the wide range of contributors.

DESK STUDY

Parliamentary Secretaries

Parliamentary Secretaries are a relatively recent addition to office holders in the Western Australian Parliament. The positions were established first in the Legislative Council in 1990, replacing the position of Honorary Ministers. There are now three Parliamentary Secretaries in each House. Each has a Letter of Appointment issued by the Governor in Council setting out his or her duties, some of which include having the carriage of legislation in the relevant House, liaising with Members of Parliament on behalf of the Minister, representing the Minister at meetings and functions and taking responsibility for correspondence on behalf of the Minister. The authority of Parliamentary Secretaries is limited by the *Constitutions Acts Amendment Act 1899* so they cannot, for example, take direct responsibility for the administration of legislation or join Cabinet.

While the Parliamentary Secretaries may sit in a different House from the Minister whom they assist, there are some cases where the Minister and the Parliamentary Secretary sit in the same House.

The Parliamentary Secretaries have previously been granted by the Tribunal an expense of office allowance, presently set at \$1,822 per annum. The authority for this allowance has been a matter of concern to the Tribunal due to the statutory barrier which applied to the remuneration of Parliamentary Secretaries. It has also been a matter of annoyance to recipients because of its trivial amount and its accountability requirements. It is removed in this determination.

Committee Chairmen, Deputy Chairmen and members

The desk study undertaken by the Tribunal confirmed the evolution of the committee system over many years and the likelihood of this continuing. There are six standing committees in the Legislative Council, four in the Legislative Assembly and two joint standing committees of both Houses.

In the Western Australian Parliament, there are 64 positions available on the 12 committees in total, 50 of which are filled by Members. That is, 50 of the 91 Members sit on committees. In addition, a further 17 Members constitute the Cabinet. Twenty-seven of the thirty-four members of the Legislative Council are members of committees. Several members hold multiple committee membership (9 ALP, 3 Liberal Party and 1 Green Party member). The table below shows the distribution of membership by House and party. It shows that committee work is undertaken by members of all parties.

Table 1: Distribution of Membership of Standing Committees by House and Party

Political Party	Legislative Council (34 members)	Legislative Assembly (57 members)
Australian Labor Party	11	14
Liberal Party	14	6
National Party	0	3
Green Party	2	0

Each Committee operates under references provided by the House which established the committee and is bound by the procedures and protocols determined by the respective House.

The responsibility for chairing the standing committees involves members from all parties, though government members alone have this role in the Lower House. Their responsibilities are specified in the Standing Orders that govern procedure in each House.

Interstate Comparisons

The desk study showed that remuneration for work as a Parliamentary Secretary or involvement in committee service varies across the nation. Table 2 shows the results for Australian Parliaments. It also shows the remuneration for Ministers and Parliamentary Secretaries. Most of the jurisdictions calculate the remuneration for Ministers, Parliamentary Secretaries and Chairmen as a percentage of the base remuneration paid to Members of Parliament.

Table 2:
Remuneration of Ministers, Parliamentary Secretaries and Committee
Chairmen and Members, Commonwealth and Australian States and Territories

Parliament	Base salary	Minister	Parliamentary Secretary	Committee Chairman	Committee Member
C'wealth	\$118,950	\$68,396 to \$87,213	\$29,738	\$3,569 to \$19,032	nil
NSW	\$118,450	\$67,517 to \$82,915 plus expense allowance of \$30,797	\$15,399 plus expense allowance of \$8,292	\$8,292 plus expense allowance of \$8,292	Public Accounts only-\$3,660
Victoria	\$117,508	\$88,131	\$17,626	\$5,875 to \$11,751	nil
Queensland	\$118,450	\$73,305	\$21,222		
SA	\$116,950	\$47,950 to \$87,713	\$23,390	\$16,373 to \$19,882	10 to 12% = \$11,695 to \$14,034
WA	\$118,450	\$94,760	Expense allowance of \$1,822	nil	nil
Tasmania	\$94,689	\$66,282	nil	\$114 per diem	\$95 per diem
NT	\$115,950	\$56,505	n/a	\$18,868	n/a
ACT	\$102,086	\$71,460	n/a	\$10,209	n/a

The conclusion to be drawn from the information in the above tables is that there are wide variations in remuneration and practices. For this Tribunal, they are not determinative, but are of assistance in giving a sense of perspective while formulating a determination. The tables do not show, for example, the legislation governing remuneration in other places or any other emoluments or allowances of office such as cars.

MEETINGS AND SUBMISSIONS

The Tribunal sought, through face-to-face meetings and the written submissions, to inform itself in some detail of the work done by the Parliamentary Secretaries and the various committee office holders and members in the Western Australian Parliament and apply this knowledge to its obligations under the *Salaries and Allowances Act 1975*.

Parliamentary Secretaries

The work of Parliamentary Secretaries has been endorsed by legislative change, the issuing of Letters of Appointment by the Governor in Council and the provision of limited facilities. Their responsibilities are limited by statute, as has been detailed previously in this document. The responsibilities and specific duties which they

undertake are assigned by the particular Minister to whom they work. These vary from person to person.

At focus group meetings and in written submissions, the Tribunal was told that Parliamentary Secretaries manage legislation for Ministers in the other House; address matters of public importance in the House; answer questions; table papers and reports; debate motions; negotiate with other parties and represent the Minister at functions. Other duties carried out by some included meeting delegations, leading Ministerial enquiries and being briefed by senior public servants in relevant departments on matters before them. Some Parliamentary Secretaries represent the Minister at local and national meetings, including Ministerial Council meetings. The Parliamentary Secretaries with whom the Tribunal met believed that the position broadened and deepened their knowledge of the work of government

From the information provided to it, the Tribunal formed the opinion that the level of responsibility assumed by a Parliamentary Secretary is significantly greater than that reflected in the base remuneration set for Members and the additional workload is considerable. Remuneration which reflects these additional demands is warranted.

Committee Chairmen, Deputy Chairmen and members

The information collected indicated that Parliaments whose origins are found in the Westminster tradition have gradually developed and expanded practices intended to assist law-making, increase the accountability of the Executive and support the work of Ministers. The various Parliaments in Australia have had committees providing advice and reports on the business of the Parliament and their practices for a considerable time. Select committees dealing with specific topics referred from the Parliament itself have been used regularly and standing committees, established as part of a system of review and accountability, have grown over the last 25 years and are contributing to the Parliamentary process.

There have been consequential increases in the workloads of Members of Parliament who are involved in committees because these roles are performed in addition to the customary roles of representing their electors and the policies of the parties to which the Members belong.

Through the focus group meetings and written submissions, the Tribunal confirmed its understanding that standing committees are an integral and important part of the parliamentary process. Their research and deliberations inform policy and legislation to variable degrees. In Western Australia, the relatively-small Parliament means that the effective membership of the committees relies on most members serving on one or more.

Through the discussions, there was general agreement that Chairmen of standing committees assume a more significant level of responsibility than the members. However, there was also agreement that the effective functioning of the committee system depended on the active participation of all members throughout the process.

It became apparent to the Tribunal that the workload demands on all participants varied between committees. However, regardless of this variation, which the Tribunal

was not in a position to assess or quantify, the levels of the responsibility inherent in each of the roles of Chairman, Deputy Chairman and member of any committee were similar. Accordingly, the Tribunal came to the conclusion that level of responsibility was the most meaningful principle on which to base remuneration considerations.

CONCLUSIONS

Parliamentary Secretaries

The responsibilities of Parliamentary Secretaries have been canvassed earlier in this determination. These are restricted by statute and hence are less than those of Ministers. However, they have responsible roles in the passage of legislation and representation of Ministers. Based on the evidence examined, the Tribunal has determined the additional remuneration for a Parliamentary Secretary to be 15 percent of the base Parliamentary salary.

Committee Chairmen, Deputy Chairmen and members

The Tribunal has become convinced that, for the committee system to be effective, all those involved in a committee must participate actively at all stages of the committee process. It determined that, in light of the differential levels of responsibility assumed, a Chairman should be remunerated at a higher level than a Deputy Chairman or members and that a Deputy Chairman warrants a small remuneration increase above members. Chairmen are to receive additional remuneration of 10 percent of the base Parliamentary salary; Deputy Chairmen 7.5 percent and members 7 percent.

Multiple Entitlements

Where a Member of Parliament serves in some capacity on more than one committee or is in receipt of any other additional remuneration for an office held, the Member, by this determination, is entitled to only one amount of additional remuneration, that being the highest.

DETERMINATION

The Tribunal has determined that the expense of office allowance of \$1,822 available to Parliamentary Secretaries is hereby abolished.

The Tribunal has also determined that the additional remuneration to be paid to a Parliamentary Secretary, a Chairman, a Deputy Chairman and a member of a standing committee is to be as follows, with immediate effect.

Office held	Percent of base remuneration	Additional remuneration
Parliamentary Secretary	15	\$17,768
Chairman of a standing committee	10	\$11,845
Deputy Chairman of a standing committee	7.5	\$8,884
Member of a standing committee	7	\$8,292

Except as specifically provided for in this determination, the determination dated 18 August 2006 regarding parliamentary remuneration and allowances generally, is hereby re-affirmed. Even though this determination need not be reviewed for another year, it is the intention of the Tribunal to revert to the August date for its next comprehensive review and issue a further determination of parliamentary remuneration and allowances in August 2007.

The determination will now issue.

Signed this 28th day of March 2007

Professor M C Wood

J A S Mews

M L Nadebaum

CHAIRMAN

MEMBER

MEMBER

SALARIES AND ALLOWANCES TRIBUNAL