

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION VARIATION

PREAMBLE

The Salaries and Allowances Tribunal has issued a determination with respect to the Air Charter Transport Allowance as specified in Part 5 of the *Members of Parliament Tribunal Determination No. 1 of 2017*, issued on 30 November 2017.

The Tribunal's decision to amend the Air Charter Transport Allowance will allow Members to apply to the Tribunal to use their own private plane and be reimbursed actual expenses from this Allowance.

DETERMINATION

Members of Parliament Tribunal Determination No. 1 of 2017, made on 30 November 2017 under sections 6(1)(a), (ab) and (b) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a further determination set out below.

This variation is effective on and from 8 October 2018.

Remove Part 5.2 Air Charter Transport and replace with the following –

5.2 Air Charter Transport

- (1) Members representing Regions or Districts specified in the Table shall be entitled to use air charter transport to facilitate the undertaking of official business.
- (2) Expenses in relation to air charter transport shall not exceed the amounts in the following table –

ELECTORAL REGION / DISTRICT	ALLOWANCE PER ANNUM
Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$45,000
Mining and Pastoral Region	\$35,000
Agricultural Region	\$30,000
Central Wheatbelt, and Roe Districts	\$25,000
Moore District	\$20,000
South West Region	\$20,000
Albany, Geraldton and Warren-Blackwood Districts	\$8,000

- (3) This Allowance does not apply to travel booked or undertaken in another financial year.
- (4) With respect to over-benchmark costs incurred in relation to a Member's existing vehicle lease:
 - (a) in the event the Member 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.
- (5) Claims against this Allowance must be submitted to the administering agency within 90 days from the date that the travel is undertaken.
- (6) 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; and
 - (c) bereavement.

Administrative oversight or negligence are not exceptional circumstances.
- (7) Applications for extension of time must be in writing and provide sufficient details of exceptional circumstances.
- (8) Charges shall only be levied against this Allowance in the event the Member has actually undertaken the travel claimed.
- (9) 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.
- (10) This Allowance may be used for Members who charter aircraft under commercial arrangements and also for Members who choose their own private aircraft to travel.
- (11) This Allowance does not apply when an airline provides a direct service to and from the relevant destination that operates at times reasonably convenient to the Member's business.
- (12) Where a Member uses air charter services or a privately owned aircraft to travel between two or more locations that cannot be accessed directly by

commercial air services (regular public transport), the amount deducted from the Member's Charter Transport Allowance shall be the difference between the cost of using air charter transport or a privately owned aircraft for 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 for travel to the same locations. The balance of the cost of using air charter transport or a private aircraft shall be paid from the Consolidated Account.

Private Aircraft

- (13) Subsections (14) to (20) refer to use of this Allowance for costs incurred through travel undertaken in a private aircraft.
- (14) A Member may apply to the Tribunal for approval to access the Allowance for costs related to use of a private aircraft.
- (15) An application to the Tribunal must include:
 - (a) verification of ownership of the aircraft;
 - (b) make and model of the aircraft;
 - (c) a nominated hourly rate for reimbursement; and
 - (d) certification that:
 - (i) the Member will not obtain personal profit through arrangements set by the Tribunal; and
 - (ii) claims will be made only in relation to travel for official business.
- (16) The Tribunal will set the conditions under which expenses for use of a private aircraft may be claimed under the Air Charter Transport Allowance, including an hourly rate for reimbursement.
- (17) Reimbursement will be provided only to the individual Member who has received the Tribunal's approval to use a private aircraft.
- (18) A Member claiming costs arising from use of a private aircraft must provide the administering authority with flight records and AVdata to certify the details of the relevant flight.
- (19) Before proceeding with reimbursement, the administering authority must be satisfied that use of a private aircraft is less expensive than commercial charter transport for the same journey.

(20) In the event that the actual cost of using a private aircraft is more expensive than commercial charter transport for the same journey, then reimbursement will be limited to the cost of commercial charter transport for the same journey.

Signed on 8 October 2018.

M Seares AO
CHAIR

B A Sargeant PSM
MEMBER

C P Murphy PSM
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL