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## SALARIES AND ALLOWANCES TRIBUNAL

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### REPORT ON ALLOWANCES PROVIDED TO MEMBERS OF PARLIAMENT

10 August 2020

#### INTRODUCTION

In 2018 the Salaries and Allowances Tribunal (the Tribunal) commenced a review of allowances provided to Members of the Parliament of Western Australia.

This followed a request from the Premier, in February 2018, and concerns raised with the Tribunal by some Members of Parliament, which suggested the Parliamentary Travel Allowance was not operating effectively.

The review gained momentum and was broadened to include other allowances during an extended period of consultation between the Tribunal and Western Australia's Corruption and Crime Commission (CCC), which was, itself, looking into potential misconduct and corruption relating to use of Member allowances.

The Tribunal has noted the observations made by the CCC in its Interim Report, *Misconduct risks in electorate allowances for Members of Parliament*, of 17 December 2019. The conclusion of that report stated:<sup>1</sup>

*The principal purpose of this interim report is to illustrate the significant misconduct risks that attach to the present system of electorate allowances and to bring to the attention of Parliament and SAT this conduct so that each of them, if they wish, may take such action as they think appropriate. [XX]'s use of the electorate allowance has been set out to illustrate the risks associated with the significant expenditure of State money without any transparent or accountable procedure whatsoever to ensure the allowance is used for the purposes specified in the SAT determination.*

This present report results from the Tribunal's deliberations. Its timing reflects the view that changes will need to apply from the State Election in March 2021.

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<sup>1</sup> [https://www.ccc.wa.gov.au/sites/default/files/Misconduct\\_risks\\_in\\_electorate\\_allowances\\_for\\_Members\\_of\\_Parliament.pdf](https://www.ccc.wa.gov.au/sites/default/files/Misconduct_risks_in_electorate_allowances_for_Members_of_Parliament.pdf), p. 73.

## BACKGROUND

The *Salaries and Allowances Act 1975* (the Act) requires the Tribunal to determine remuneration provided to Members of the Parliament of Western Australia, including a range of allowances to support Members' functions. The terms of the Tribunal's current Determination are set out at Appendix 1.

The Tribunal commenced a review when it became aware that some allowances could more effectively achieve their intended purpose. The Tribunal also noted the need for greater transparency and accountability with respect to how allowances were used by Members.

Some allowances are provided together with a Member's salary, others are made available to Members as draw-down allowances.

### ***Allowances provided together with salary***

Allowances set out in the table below are provided together with a Member's salary.

Electorate Allowance	All MPs: \$78,000 p.a. Additional for regional MPs: \$10,400-\$25,350 p.a.
Parliamentary Travel Allowance	\$6,750 p.a.
Accommodation Allowance (Regional Members attending sittings of Parliament)	\$24,570 p.a. (\$273 for 90 nights in metro area) Eligible Ministers/Presiding Officers: \$40,950 p.a. (\$273 for 150 nights p.a.)
Motor Vehicle Allowance	All MPs except Ministers: \$25,000 p.a. Specified regional MPs: \$32,000 - \$42,000 p.a.

In relation to these allowances, Members are responsible for complying with the requirements of the Australian Taxation Office (ATO), specifically the ATO Taxation Ruling 1999/10 *Taxation Ruling Income Tax and Fringe Benefits Tax: Members of Parliament - Allowances, Reimbursements, Donations and Gifts, Benefits, Deductions and Recoupments*.

Allowances paid together with salary to Members are for use at their discretion within the framework set out in the Determination. Subject to complying with the ATO's substantiation rules, Members can claim as a tax deduction those costs incurred in fulfilling their roles as Members of Parliament.

In effect, a Member is accountable to the ATO for moneys not spent on their activities as a Member of Parliament, but there is currently no public transparency regarding use of this money.

### ***Draw-down allowances***

Allowances that are provided as reimbursements, listed below, are not considered part of a Member's assessable income and therefore are not subject to taxation.

Accommodation	All MPs: 30-80 nights in WA p.a. Additional metropolitan accommodation for regional MPs: 30 nights p.a.
Air Charter Transport Allowance	\$8,000 - \$45,000 p.a. for specified regional MPs
Electoral Travel	For regional MPs: Unlimited (note that restrictions that apply for MPs' families)

## REVIEW OF ALLOWANCES AND ALLOWANCES

The Tribunal's review has considered Members' allowances in five broad categories:

- Electorate Allowance;
- Parliamentary Travel Allowance;
- Air Charter Allowance;
- Motor Vehicle Allowance; and
- Accommodation Allowance, including:
  - accommodation expenses that can be claimed by all MPs; and
  - regional MPs' accommodation in the metropolitan area.

Various arrangements apply for each Allowance. As illustrated above, some are provided together with Members' salary payments, while others are administered by the Parliamentary Services Department or the Department of the Premier and Cabinet (DPC).

### Benefits currently outside the Tribunal's Determination

In addition to allowances provided by the Tribunal's Determination, the Department of the Premier and Cabinet separately provides support for regional MPs, which includes:

- unlimited scheduled commercial air, rail or bus services to and from Perth to the MP's electorate;
- unlimited scheduled commercial air, rail or bus services within the MP's electorate; and
- a limited Allowance for the Member's family to travel to and from Perth.

## Comparison with other jurisdictions

Western Australia's approach to provision of Members' allowances is broadly similar to approaches in other Australian jurisdictions. However, other jurisdictions operate with higher levels of transparency and accountability with respect to use of allowances.

The range of accountability mechanisms applied in other jurisdictions include:

- public reporting of Members' use of allowances (Commonwealth, Queensland, Victoria, South Australia);
- auditing of information provided by Members regarding use of allowances (Commonwealth, New South Wales, Victoria, Queensland);
- empowering an independent body to make rulings regarding appropriate use of allowances (Commonwealth, Victoria);
- "recovering" unused allowances from Members (Queensland); and
- taking action against Members who inappropriately use allowances, by reclaiming misused money or applying sanctions against Members (Commonwealth, Victoria).

The Tribunal acknowledges that each jurisdiction manages its allowance systems in a slightly different manner, in accordance with the diversity amongst the State and Commonwealth systems. However, it is also notable that none of the accountability mechanisms listed above apply in Western Australia.

## Consultation with Members

The Tribunal consulted Members of Parliament regarding the operation of the current Determination and the possible introduction of transparency and accountability measures.

The consultations revealed that Members hold disparate views regarding allowances, including with respect to the purpose of individual allowances, amounts provided with allowances, and preferred levels of accountability, as outlined below.

### ***Purpose of allowances***

Provision of Members' allowances has evolved over many decades, with changes made over time in response to changing circumstances. The Tribunal's Determination incorporates these incremental changes. Members are now provided a range of allowances, each with a distinct purpose as stated in the Determination.

While past Determinations provide guidance to Members regarding changes to allowances over time, the Tribunal emphasises that the most recent Determination is the only relevant authority in terms of the purpose of each allowance.

Some Members noted that they had to deal with several entities in clarifying their responsibilities in relation to allowances.

There are two agencies primarily responsible for administering the allowances, Parliamentary Services Department at Parliament House and the Department of the Premier and Cabinet, which provide guidance and direction to Members, that should be based on the current Determination.

In addition to the Determination from the Tribunal, Members must remain cognisant of rulings issued by the ATO that specifically address expenditure by Members of Parliament. However, the ATO's approach does not always align with the Tribunal's approach, but prevails in terms of taxation assessment. For example, acceptable expenditure of an allowance under the terms of the Tribunal's Determination can be considered by the ATO to be outside the range of "work-related" allowable deductions from assessable income.

For example, the Electorate Allowance is provided directly to a Member for the purposes set out in the Determination<sup>2</sup>. While the Tribunal's Determination provides the Allowance in the expectation that it will support Members in the effective representation of their electorates, the ATO considers amounts provided as the Allowance to be assessable income; unless specific expenditure is claimed as a tax deduction, any unspent amounts form part of a Member's taxable income.

### **Amount of salary and allowances**

Members noted that the base salary of Western Australian Members, as at June 2020, has fallen in recent years relative to other Australian jurisdictions, as reflected in the table below:

	Cth	NSW	Vic	Qld	WA	SA	TAS	ACT	NT
Base salary	\$211,250	\$169,192	\$182,413	\$159,122	\$156,536	\$169,250	\$140,185	\$168,492	\$162,696
Last adjusted	Jul 2019	Sep 2019	Sep 2019	Sep 2017	Jul 2016	Oct 2019	Jul 2018	Jul 2019	Oct 2019

It is acknowledged that Members' base salary has not increased since July 2016 and, since the enactment of the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018*, the Tribunal has been legislatively prevented from increasing any aspect of remuneration, including allowances.

Comparisons to other jurisdictions can be useful, but must account for the different approaches in each jurisdiction. For example, some jurisdictions include allowances

<sup>2</sup> See 3.1 in *Members of Parliament Tribunal Determination No. 1 of 2017* (available at <https://www.wa.gov.au/government/publications/members-of-parliament-determination-no-1-of-2017>).

for each Member to establish and maintain an office in their electorate. Western Australian Members do not receive similar funds because that function rests with the Department of the Premier and Cabinet.

Further, some jurisdictions provide limited funds for discretionary work-related uses, but separately reimburse Members for specific costs, such as for postage and communications. In Western Australia, all these costs are considered within the Electorate Allowance.

### ***Accountability frameworks***

Members expressed mixed views about the type of accountability framework that might be appropriate in ensuring that allowances are properly used, and were concerned that recent public exposures of some abuse of allowances in Western Australia had cast a negative light on the vast majority of Members who endeavour to do the right thing.

Some Members favoured public reporting of the use of allowances; some favoured random audits; others believed that the requirements of the ATO meant that they were already held accountable. There was no one, universal view on this issue.

### ***Other issues***

The Tribunal noted other issues raised during consultation with Members –

#### *1) Disparate needs of Members*

There are considerable differences in the circumstances of each Member of Parliament, such as the nature of their electorate (for example, geographical size, demographic profile and population size) and offices the Member may hold. The experiences for Members may also vary according to whether they are based regionally or in the metropolitan area; they are a Member of the Legislative Council or Legislative Assembly; or whether they are Government or non-Government backbenchers.

It is difficult to provide arrangements that apply specifically to each Member. Although the Tribunal clearly sets out the purpose of each Allowance, it has not always set narrow constraints on when and how each Allowance must be used, in order to cater for the broad range of Members' circumstances.

#### *2) Officers of the Parliament*

Under current legislation, the Tribunal is empowered to set additional remuneration for an "officer of Parliament", as defined in section 4(2) of the Act. As a result,

salaries are scaled according to the seniority of various offices to which Members are appointed, starting with membership of parliamentary committees.

Legislative change would be required for the Tribunal to consider additional remuneration for other offices currently outside the scope of the Act, such as for Opposition Members who are Shadow Ministers and Leaders of Minor Parties.

### *3) Motor Vehicle Allowance*

In 2017, the Tribunal introduced a Motor Vehicle Allowance that applies to all Members, with the exception of officeholders, such as Ministers, who are provided a vehicle with their office. In the case of Members representing regional electorates, the amount of the allowance varies according to the needs of their electorate.

Under previous arrangements, Members were entitled to a Government vehicle or cash in lieu of the vehicle. By 2017, more than half of Members had opted to receive cash in lieu. The Tribunal concluded it was unnecessary for the Government to be burdened with managing a fleet of vehicles for Members when the majority preferred to make their own arrangements.

The Allowance was introduced with the aim of providing Members with flexibility to suit their own needs, using whatever combination of transport they considered appropriate, including purchasing or leasing a vehicle, hire cars, taxis, ride share vehicles or some combination of these.

In effect, though, the Tribunal notes that the administrative burden for those Members who preferred to be provided with a vehicle was shifted to the Members themselves, who must now make their own arrangements.

### *(4) Use of the Electorate Allowance*

An Electorate Allowance is provided to support Members in the effective representation of their electorate, according to the framework set out in the Determination. However, it is clear that a Member's role extends beyond the electorate and includes Parliamentary and office holder functions, and obligations to make decisions for the community generally.

By way of example, Members noted that an Opposition Member may be allocated responsibility for a shadow Ministerial portfolio, which requires research, consultation and travel outside their immediate electorate. It was suggested by some Members that the Determination should confirm such expenses are legitimately included within the Electorate Allowance.

The Tribunal was also made aware that some Members interpreted the Tribunal's use of the phrase, 'The Electoral Allowance may be used at the Member's discretion ...' as meaning the Allowance could be spent as the Member chose. Notwithstanding that view, the Tribunal's expectation is that Members will use discretion within the parameters of the Determination.

## LEGISLATIVE CONTEXT FOR CHANGES TO THE MANAGEMENT OF ALLOWANCES

Section 6(1) of the Act sets out the Tribunal's powers with respect to Members of Parliament:

- (1) *The Tribunal shall, from time to time as provided by this Act, inquire into, and determine, the remuneration to be paid or provided to —*
  - (a) *Ministers of the Crown and the Parliamentary Secretary of the Cabinet; and*
  - (ab) *subject to section 44A(4) and (5) of the Constitution Acts Amendment Act 1899, a Parliamentary Secretary appointed under section 44A(1) of that Act; and*
  - (b) *officers and members of the Parliament including additional remuneration to be paid or provided to a member, other than an officer, of Parliament who is the Chairman, Deputy Chairman or a member of a standing committee of a House or a joint standing committee of both Houses...*

The Tribunal's functions are confined simply to "inquire into" and "determine" remuneration, which includes salary and allowances. The Tribunal has limited scope to introduce transparency and accountability measures to assess the appropriateness of Members' expenditure.

## IMPROVING TRANSPARENCY AND ACCOUNTABILITY

Western Australia has fewer accountability mechanisms compared to other jurisdictions, and the Tribunal considers current arrangements to be out of step with contemporary standards.

While the Tribunal's current powers are limited to inquiry into, and the setting of, remuneration, the Tribunal proposes changes that will improve transparency with respect to Members' expenditure.

Additional measures, which have arisen in the course of this review, are raised for further consideration.



## Actions proposed to be undertaken by the Tribunal

The Tribunal proposes to improve transparency and accountability by:

- establishing principles by which Members must abide when using allowances;
- establishing a system of reporting for Members' use of certain allowances;
- ensuring names and descriptors of allowances reflect their purpose;
- restoring provision of the Parliamentary Travel Allowance to a drawdown system, including reporting requirements; and
- incorporating DPC's "electoral travel" benefits in the Tribunal's Determination.

It is understood that these changes can be achieved within the Tribunal's current powers and that the impact on resources should not be significant. It is proposed for changes to apply from the commencement of the next Parliament, following the State Election in March 2021.

### ***Establishing principles for using allowances***

It is proposed to underpin the Tribunal's Determination with principles to guide all activity by Members with respect to allowances.

While the current Determination provides direction for allowances to be used to support a Member's "official business", it is proposed to establish more comprehensive principles, similar to those applied by the Commonwealth Government's Independent Parliamentary Expenses Authority, which oversees allowances provided to Commonwealth MPs, and the Statement of Principles used by the Victorian Independent Remuneration Tribunal.

These principles could be set in legislation, as is the case for the Commonwealth and Victoria, but in any case the Tribunal's Determination will be amended to include the following –

*Members must ensure use of allowances provided in this Determination is consistent with the following principles and must:*

- (a) use allowances for parliamentary business: that is, to fulfil their roles and responsibilities as a Member of Parliament;*
- (b) adhere to any conditions for using allowances;*
- (c) be prepared to be personally responsible and accountable for the use of allowances;*
- (d) be prepared to publicly justify use of allowances; and*
- (e) act ethically and in good faith when using, and accounting for the use of, allowances.*

The Tribunal regards 'parliamentary business' as the usual activities related to performing the role of a Member of Parliament, which include:

- a) *parliamentary duties*, comprising activities related directly to a Member's role in Parliament or as an office holder (as listed in s4(2) of the Act); and
- b) *electorate duties*, comprising activities that support or serve a Member's constituents.

Policy formulation undertaken through participation in party committees or attendance at party conferences is considered an allowable expense due to its link to Members' legislative functions, as are activities, levies and the like, that are a requirement for being a Parliamentary Member of a Party.

Parliamentary business does not, in this context, include *expenses* incurred through campaigning or certain party political *activity* as outlined below.

Excluded campaigning expenses includes those related to attending or organising:

- campaign launches;
- candidate selection or campaign strategy meetings; and
- general campaigning on behalf of election candidates.

Excluded Party political activity includes:

- campaigning for a political Party; and
- organising and sustaining Party branches, such as:
  - recruiting Members to the Party; or
  - undertaking administrative activities to support the Party.

### ***Reporting***

The absence of transparency and accountability in the present system will be addressed by introducing reporting requirements in relation to the:

- Electorate Allowance (to be renamed the *Members Allowance*, see below);
- Parliamentary Travel Allowance; and
- Accommodation Allowances.

The Tribunal has reviewed the purpose of these allowances, as stated in its Determination, and considers there to be little benefit in providing more prescriptive conditions for using allowances. Public transparency should achieve the same end to ensure Members appropriately use the allowances, while retaining the important discretion for them to execute their role and responsibilities for the benefit of their electorate and for the people of Western Australia.

Information provided by Members will assist the Tribunal to assess the quantum of allowances, and determine settings for subsequent years.

When requesting access to allowances, Members will be required to provide certification to the administering authority<sup>3</sup> that their use will be in accordance with the principles outlined above.

When reporting on use of allowances, Members will need to provide certification to the administering authority as to the completeness, accuracy and validity of information they provide the administering authority.

It is proposed that an annual report must be provided to the Tribunal by each Member or, in the case of Accommodation Allowances, by the administering authority on behalf of the Member. The reports will be made available on the Tribunal's website.

For the renamed Members Allowance, it is proposed that Members report in aggregate their annual expenditures in categories. An example of the type of report envisaged, modelled on one used in the Queensland Parliament, is provided at Appendix 2.

Proposed reporting changes for the Parliamentary Travel Allowance are outlined below.

With respect to Accommodation Allowances, the following changes are proposed:

- For **Regional Members' accommodation** in the metropolitan area, which currently is provided with salary, it is proposed to narrow the eligibility criteria so that Members can only claim the Allowance when:
  - they have an ongoing property right to a residence in their regional electorate; and
  - Members certify that the Allowance is used for their accommodation in the metropolitan area.
- With respect to **general accommodation** allowances available to all Members, it is proposed to request an annual report from the administering body, the Parliamentary Services Department, including details of claims by Members. The report will be made available on the Tribunal's website.

Members will be required to certify the completeness, accuracy and validity of their use of allowances and claims.

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<sup>3</sup> Responsibility for administering the allowances set by the Tribunal rests with the Department of the Premier and Cabinet and the Parliamentary Services Department, at Parliament House.

## ***Adjustment of the Electorate Allowance and the Resettlement Allowance***

It is proposed to amend two allowances, including their nomenclature, to better reflect their intended purposes.

The ***Electorate Allowance*** will be renamed the *Members Allowance* to reflect that a Member's parliamentary business extends beyond their electorate function. For example, there are times that Members, particularly Ministers and the Leaders of non-Government parties, may need to use their Electorate Allowance for legitimate purposes within the State or country, but outside of their electorate.

The Members Allowance will no longer be provided together with salary, but will be available quarterly on a drawdown basis, following a Member's certification to the administering authority that use of the Allowance will conform to the principles outlined above.

The Tribunal, under current legislative restrictions, is not able to increase the value of the Allowance, but considers its availability as a lump sum will allow Members to commit to more significant transactions, should they consider it necessary.

All Members will be able to claim the same amount of Base Members Allowance. Additional Members Allowance will be provided to certain regional Members according to the geographical size or complexity of their electorates.

Up to 10% of the Allowance that is unspent will be able to be retained by Members for use in the next financial year.

These adjustments reinforce the separation of the Allowance from a Member's salary. Members will retain discretion to use the Allowance, within the framework set by the Tribunal, to support their roles and responsibilities as a Member of Parliament.

The ***Resettlement Entitlement*** will be renamed the *Transition Allowance*, which aligns to the purpose of assisting retiring Members, or those who have lost their Seats, in their adjustment to a post-Parliamentary career. The Determination will continue to reinforce that this Allowance is intended for resettlement advice and services such as costs related to financial counselling, re-employment counselling, out-placement services and training.

To better achieve these objectives, the Tribunal proposes to provide the Allowance in instalments, available to Members for 6 months from the date their Parliamentary service ceases.

In order to receive the Allowance, a Member must have completed all reporting obligations set out in the Determination.

### ***Parliamentary Travel Allowance: drawdown, with reporting***

Members of Parliament are entitled to a Parliamentary Travel Allowance of \$6,750 per annum for travel and accommodation expenses, as well as conference fees, within Australia and overseas. This Allowance is expressly for the purpose of Members ensuring they are informed and up-to-date on issues affecting their work as Members of Parliament, for the benefit of the wider community.

Before 2017, the Allowance was provided as a maximum amount of \$27,000 that could be claimed, upon application, across a four-year Parliamentary term. Unspent amounts were lost at the end of the Parliamentary term. Members required approval from the Director General of the Department of the Premier and Cabinet before travelling and, when international travel was undertaken, were required to provide a report that subsequently was tabled in Parliament.

The changes to provide this Allowance together with salary and to remove the need for approval were intended to encourage Members to seek opportunities that would allow them to be better informed on issues that affect their communities and the State generally. Information provided to the Tribunal suggests this outcome has not always been achieved.

It is the Tribunal's view that the whole community benefits when Members are able to pursue policy interests and professional development opportunities related to their roles as Members of Parliament.

The Tribunal proposes to restore key elements of the drawdown system that operated previously, so that Members will be able to claim up to \$27,000 over a four-year Parliamentary term, with unspent amounts to be forfeited. Following this change, Members will need to:

- submit a proposal to access the Allowance; and
- report on international travel, including details of:
  - how moneys were expended; and
  - the expected benefit to the State from that expenditure.

A Member will be required to submit their proposal to the administering authority and then be prepared to account for the expenditure undertaken. Members' travel proposals and reports will be publicly available on the Tribunal's website.

### ***Ensure the Determination captures all benefits provided to Members***

In addition to allowances set out in the Tribunal's Determination, certain regional Members have long been provided additional travel support by the Department of the Premier and Cabinet.

To ensure transparency, it is considered that the Determination should be amended to capture all benefits provided to Members.

The Tribunal proposes to endorse the travel support provided to regional Members by the Department of the Premier and Cabinet, by incorporating it within the Tribunal's Determination. It will also ensure annual reporting with respect to usage.

It is noted that the Tribunal does not have the power to provide allowances to enable a Member's family to travel, which is permissible under current arrangements provided by the Department.

### Further options for consideration

The Tribunal has proposed measures, outlined above, which are within the scope of its powers to establish transparency and accountability.

Other jurisdictions apply a range of additional measures using powers that are more extensive than current legislative arrangements in Western Australia. These include:

#### ***Undertaking audits to verify the accuracy of Members' claims***

A system of reporting by Members can be supported by providing the power to undertake audits to test Members' information and compliance with conditions set out for each allowance.

Audits may be random or be applied to a sample set of acquittals and supporting documentation, with Members required to substantiate information they have provided. The power to undertake audits may also be used to pursue instances of potential misuse of allowances.

#### ***Providing advice regarding appropriate use of allowances***

Western Australian Members are provided guidance regarding appropriate use of allowances through the Tribunal's Determination and, informally, by administering agencies.

However, to remove uncertainty in interpretation, some jurisdictions empower entities such as the Tribunal to provide advice to Members, including for specific issues raised by a Member. In some circumstances, a Member who is provided incorrect advice may be excused from incurring a debt.

General advisory documents may be useful to authoritatively clarify matters common to several Members.

### ***Making rulings regarding the appropriateness of use of allowances***

There may be advantages in allowing an entity such as the Tribunal to make rulings that establish whether a Member has complied with conditions set out for each allowance.

The Commonwealth's Independent Parliamentary Expenses Authority can determine whether a Member is liable to pay a debt arising from non-compliance with conditions of using allowances.

### ***Taking action against Members***

In the event Members fail to adequately account for use of allowances or use allowances inappropriately, an entity such as the Tribunal may be empowered to take action by reclaiming misused money or taking sanctions against Members.

In Queensland, misused money can be reclaimed from Members, with interest.

Commonwealth Members who do not meet their obligations can be liable to pay a penalty of 25% of the value of the public resources provided. An alternative sanction is to reduce future payments of allowances to the Member.

In the case of suspected fraud or misconduct, matters can be referred to appropriate legal authorities.

## **CONCLUSION**

Parliamentary allowances provide Members with resources needed to perform their role. It is important that the manner in which these allowances are provided effectively supports the objectives of the allowances.

Over the past few years, exposure of abuse of allowances at the Federal, State, and Local Government levels by a very small number of people has somewhat eroded public confidence in elected members in all constituencies.

The Tribunal considers that adjusting the mechanisms that support provision of Members' allowances, including the enhancement of transparency and accountability around their use, will contribute to improving the effective use of those allowances and public confidence in Members of Parliament.

# APPENDIX 1: REMUNERATION OF MEMBERS OF PARLIAMENT, AS SET BY THE TRIBUNAL ON 30 NOVEMBER 2017

## PART 1 INTRODUCTORY MATTERS

*This Part deals with 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 2017*.

### 1.2 Commencement

This Determination comes into operation on 1 December 2017.

### 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 in relation to sections 6(1)(a) and (ab) have taken consideration of the:
  - (a) *Public Sector Wages Policy Statement 2017*, issued on 11 May 2017; and
  - (b) financial position and fiscal strategy of the State, as stated in the *2017 - 18 State Government Budget Papers*, presented on 7 September 2017.

### 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

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 the Parliament of Western Australia.

**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 and 3 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 \$156,536 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	\$355,681
Deputy Premier	\$302,878
Leader of the Government in the Legislative Council	\$292,317
Minister of the Crown	\$277,230
Leader of the Opposition in the Legislative Assembly	\$277,230
President of the Legislative Council	\$256,109
Speaker of the Legislative Assembly	\$256,109
Leader of the Opposition in the Legislative Council	\$239,514
Deputy Leader of the Opposition in the Legislative Assembly	\$224,427
Leader of a recognised non-Government party	\$224,427
Parliamentary Secretary of the Cabinet	\$224,427
Chairman of Committees in either House (Deputy Speaker)	\$201,796
Government Whip in the Legislative Assembly	\$183,693
Opposition Whip in the Legislative Assembly	\$183,693
Parliamentary Secretary	\$179,167
Government Whip in the Legislative Council	\$179,167
Opposition Whip in the Legislative Council	\$174,641
Chairman of a Standing Committee	\$171,623
Minor Party Whip	\$170,114
Deputy Chairman of a Standing Committee	\$167,852
Member of a Standing Committee	\$167,097

- (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

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) safety equipment for motor vehicles
  - (f) costs associated with Electoral Management Systems; and
  - (g) 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 three 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 vehicle safety equipment when considered necessary by the Member.

(3) The Additional Electorate Allowance is as follows –

<b><i>ELECTORAL DISTRICT / REGION</i></b>	<b><i>ADDITIONAL ALLOWANCE PER YEAR</i></b>
Mining and Pastoral Region	\$25,350
Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$23,900
Agricultural Region	\$20,000
Central Wheatbelt, and Roe Districts	\$17,500
Moore District	\$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.

## PART 5 TRANSPORT ALLOWANCES

### 5.1 Motor Vehicle Allowance

- (1) A Member is entitled to a Motor Vehicle Allowance to satisfy all of their motor vehicle requirements, including taxis and hire cars.
- (2) This entitlement is in addition to a Member's remuneration under Part 2.
- (3) This Allowance shall be paid monthly or twice-monthly.
- (4) The Allowance is based upon the size of each electorate and is as follows –

ELECTORAL REGION / DISTRICT	ALLOWANCE PER ANNUM
Central Wheatbelt, Kalgoorlie, Kimberley, Moore, North West Central, Pilbara, Roe and Warren-Blackwood Districts	\$42,000
Agricultural, Mining and Pastoral and South West Regions	\$42,000
Albany, Collie-Preston, Geraldton, Murray-Wellington and Vasse Districts	\$32,000
All other electorate Districts and Regions	\$25,000

- (5) Subject to section 5.1(6), private plated vehicles will not be provided to Members.
- (6) A Member who, at the time this Determination takes effect, has been supplied with a Government leased private plated motor vehicle shall:
  - (a) continue under the terms and conditions of that lease until its expiry;
  - (b) not commence a new lease; and
  - (c) upon the expiry of that lease, be eligible only to the Motor Vehicle Allowance, calculated on a pro rata basis to reflect the period of their eligibility within that financial year.

#### *Application to Certain Officeholders*

- (7) Subject to section 5.1(8), this Allowance is not provided to a Member who has been appointed to an office for which a Government vehicle has been supplied under arrangements separate to this Determination.
- (8) A Member who is appointed to an office for which a Government vehicle is supplied under arrangements separate to this Determination may apply to the Tribunal to receive this Allowance. An application under this subsection must certify that the Allowance will be used in relation to motor vehicle requirements predominantly in the Member's electoral region or district.

## 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.

*(Part 5.2 amended by Variation issued on 8 October 2018)*

## 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 accommodation expenses are incurred.
- (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 shall be calculated on a pro rata basis for a Member who becomes eligible for an Allowance within a financial year.
- (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
Bunbury, Dawesville, Geraldton and Mandurah Districts	30
Albany, Warren-Blackwood, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Vasse and Roe Districts	40
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 is only 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 is provided to Members for expenses incurred for –

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

(3) Under this Part, a Member is entitled to an amount of \$6,750 per annum.

(4) The allowance shall be paid in monthly or twice-monthly instalments.



## 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 on 30 November 2017.

## APPENDIX 2: DRAFT FORMAT FOR MEMBERS REPORTING EXPENDITURE AGAINST ALLOWANCES

NAME: \_\_\_\_\_

ELECTORATE: \_\_\_\_\_

<b>MEMBERS ALLOWANCES (PART 3 OF DETERMINATION)</b>	
<b>BASE MEMBERS ALLOWANCE: (PART 3.2)</b>	
<b>ALLOWANCE RECEIVED:</b>	
<b>REPORTED EXPENDITURE:</b>	
• Information and communication technology, including mobile phone use, newsletters and internet publications	
• Awards and support for community groups or individuals	
• Hospitality and entertainment associated with parliamentary business	
• Advertising (excluding for the purposes of campaigning, electioneering or political party promotion)	
• Safety equipment for motor vehicles	
• Costs associated with Electoral Management Systems	
• Stationery and printing	
• Other (please provide examples)	
<b>TOTAL EXPENDITURE</b>	<b>\$</b>
TOTAL SURPLUS/DEFICIT	\$
<b>ADDITIONAL MEMBERS ALLOWANCE: (PART 3.3) - if Applicable</b>	
<b>ALLOWANCE RECEIVED:</b>	
<b>REPORTED EXPENDITURE:</b>	
• Additional meal and accommodation expenses incurred in transit while travelling to and from remote and regional locations	
• Additional travel	
• Additional communication costs with electors dispersed over a wide area	
• Other (please provide examples) -	
<b>TOTAL EXPENDITURE</b>	<b>\$</b>
TOTAL SURPLUS/DEFICIT	\$

## CERTIFICATION

### To be signed by Member of Parliament before submission

*This report reflects all expenditure of allowances undertaken during the 2019-20 financial year.*

*Expenditure detailed in this report conforms to the:*

- *conditions of use set out for each allowance; and*
  
- *principles for use of allowances provided in this Determination, which state that Members must:*
  - (a) use allowances for parliamentary business: that is, to fulfil their roles and responsibilities as a Member of Parliament;*
  - (b) adhere to any conditions for using allowances;*
  - (c) be prepared to be personally responsible and accountable for the use of allowances;*
  - (d) be prepared to publicly justify use of allowances; and*
  - (e) act ethically and in good faith when using, and accounting for the use of allowances.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_