SALARIES AND ALLOWANCES TRIBUNAL

DISCUSSION PAPER: REFORM OF REGIONAL MEMBERS OF PARLIAMENT ALLOWANCES FOLLOWING CHANGES TO THE LEGISLATIVE COUNCIL IN 2025

INTRODUCTION

The *Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021* reformed the structure of the Legislative Council. Effective from the next State election in 2025, the six Legislative Council Regions will be replaced with a single whole of State electorate. This will require reforms to the way the Salaries and Allowances Tribunal (the Tribunal) provides allowances to regional Legislative Council Members in particular, and all Legislative Council Members generally.

This paper is intended to outline the approach being considered by the Tribunal with regards to changes to the role of a Legislative Council Member in a single State electorate, how a regional Member will be defined and how these decisions will affect the various allowances provided to Members.

The paper also discusses aspects of allowances as they apply to Legislative Assembly Members.

This paper does not discuss specific allowance amounts. The Tribunal will issue its annual Determination in 2024 and that may alter the basis on which those decisions would be made. This paper aims to prompt discussion on the principles behind each allowance and how the role of Legislative Council Members will be viewed in 2025.

The Tribunal welcomes written submissions in relation to the issues raised in this paper, or any other matter related to the allowances provided to Members following the Legislative Council reforms. These are invited from current and former Members, as well as any member of the public, to inform the Tribunal's discussions. Submissions can be made at submissions@sat.wa.gov.au and should be received by the Tribunal by 29 February 2024.

BACKGROUND

The Legislative Council currently has six electoral Regions, of which three are metropolitan and three are regional. From the 2025 election, the Legislative Council will be represented as a single whole of State electorate.

The Legislative Assembly currently consists of 59 electoral Districts, of which 16 are regional and 43 are metropolitan. From the 2025 election it is proposed this will change to 15 regional and 44 metropolitan [1]electoral districts. A final decision on the 2025 electoral boundaries is expected in December 2023. The table below groups the regional electoral Districts into their electoral Regions.

Table 1: Current regional electoral Districts and Regions

Agricultural Region	South West Region
Central Wheatbelt	Albany
Geraldton	Bunbury
Moore	Collie Preston
Roe	Dawesville
Mining and Pastoral Region	Mandurah
Kalgoorlie	Murray-Wellington
Kimberley	Vasse
North West Central	Warren-Blackwood
Pilbara	

The Tribunal sets the allowances for Members in its annual *Members of Parliament Determination*. These allowances are reviewed annually and are provided to allow a Member to undertake their parliamentary business, which is defined in the Determination as

> **Parliamentary business** means the usual activities related to performing the role of a Member of Parliament, which:
> a) includes:
> 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 *Salaries and Allowances Act 1975*); and
> b. electorate duties, comprising activities that support or serve a Member's constituents; and
> b) excludes:
> a. campaigning, such as attending or organising:

[1] https://www.boundaries.wa.gov.au/sites/default/files/content/documents/2023_proposed/Electoral%20Distribution%20Commissioners%20Explanatory%20Statement.pdf

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

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

c. the publication, broadcasting, display or distribution of material intended to, calculated or likely to affect voting in an election.

The Tribunal's Determination also sets principles on which the allowances are based:

Principles for use of allowances

1) Members must ensure use of allowances provided in this Determination is consistent with the following principles and must:
   a) use allowances for Parliamentary business;
   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;
   e) act ethically and in good faith when using, and accounting for the use of, allowances; and
   f) provide a benefit to the electorate or community in general.

The changes to the allowances provided to Legislative Council Members will continue to follow these principles.

A summary of the current allowances provided to Legislative Council Members is provided below.

Table 2: Summary of allowances provided to Legislative Council Members

Allowance	Metropolitan Region	Non- Metropolitan Region
Base Members' Allowance	$88,000	$88,000
Additional Members' Allowance	$0	$12,250- $25,350
Motor Vehicle Allowance	$26,500	$43,500
Electorate Travel	Nil	scheduled commercial air, rail or bus services from electorate to Perth and within the electorate
Air Charter Transport	$0	$20,000 - $45,000
Electorate Office Telephones	All charges	All charges

Allowance	Metropolitan Region	Non- Metropolitan Region
Base Accommodation Allowance	30 nights	80 nights
Regional Members: Metropolitan Accommodation Allowance	$0	Eligible Members receive $24,570 per annum based on $273 per night for 90 nights
Regional Members: Additional Metropolitan Accommodation	$0	30 additional nights' accommodation at $273 per night
Regional Office Holders: Additional Metropolitan Accommodation	$0	Eligible Members receive $16,380 per annum based on $273 per night for 60 nights
Parliamentary Travel and Study Allowance	$27,000 per parliamentary term	$27,000 per parliamentary term
Transition Allowance	Eligible Members receive 3-9 months salary at the conclusion of a Member's service	Eligible Members receive 3-9 months salary at the conclusion of a Member's service

DISCUSSION POINTS

There are three main areas the Tribunal is considering due to the changes to the Legislative Council:

- has the move to a single State electorate altered the roles or the requirements of Legislative Council Members?
- does the Tribunal need to re-evaluate its method of defining a regional Member?
- depending on its decisions on the prior two points, the Tribunal will need to re-structure some of its current allowances to suit the constitution of the new Legislative Council.

ROLE OF A LEGISLATIVE COUNCIL MEMBER

The Legislative Council, as outlined on the Western Australian Parliament website, sees its role as having three core functions:

- representing the people, which includes using parliamentary processes such as asking questions, moving substantive motions and undertaking committee inquiries;
- deliberating on proposed laws, which not only includes approving Bills, but may also include disagreeing with a Bill; and
- acting as a House of Review by scrutinising the Executive Government.[2]

[2] Role of the Legislative Council Parliament of WA website, July 2023

In contrast, the Legislative Assembly's six principal roles and functions are listed as:

- forming a government;
- approving the finance for government operations;
- scrutinising the government's performance;
- legislating;
- providing a forum for matters of public concern; and
- representing the people of Western Australia.[3]

The Commonwealth Senate also provides some additional context on the role of an Upper House in a bicameral parliamentary system. It states the role is *a house of review and check on the government. The Senate's large and active committee system also enables senators to inquire into policy issues in depth and to scrutinise the way laws and policies are administered by ministers and public servants.*[4] The Commonwealth Parliament website also outlines some of the roles of a Senator away from the Chamber which is broadly comparable to Western Australian Legislative Council Members and includes:

- keeping informed and in touch with the community views by:
    - participating in the investigative work of parliamentary committees;
    - attending to letters from individuals and organisations who are seeking information or putting a point of view;
    - meeting with delegations, visiting community groups and receiving petitions;
    - examining proposed new laws and regulations;
    - studying parliamentary and government reports;
    - keeping in touch with public opinion by reading a variety of newspapers and journals; and
    - monitoring current affairs programs on radio and television.
- debating ideas and policies by:
    - speaking at public meetings, conferences and party meetings;
    - participating in current affairs programs on radio and television and preparing statements for the media;
    - participating in the work of parliamentary and party committees;
    - writing letters and submissions to ministers, government agencies and interest groups; and
    - publishing articles and letters in newspapers, magazines and newsletters.

The role of the different houses is important as the majority of the regional allowances provided in the Tribunal's current Determination would be considered as a form of

[3] Legislative Assembly Parliament of WA website, July 2023
[4] About the Senate Commonwealth Parliament website. August 2023.

representing, travelling and communicating with the electorate, as opposed to the legislative functions of the role.

The Tribunal has considered that, at least in a theoretical sense, the role of the Upper House in a bicameral Westminster political system is focused on the parliamentarian role, often expressed as its functions providing a 'house of review'. However, in a practical sense, the Upper House also has responsibility for a large representative function. This function will vary from parliamentary term to parliamentary term and from Member to Member. This role is often of greater importance in the regions where the community may have no other easily contactable Member.

LEGISLATIVE COUNCIL MEMBERS

Discussion points:

- Does a single State electorate require every Legislative Council Member to have the ability to communicate with and travel to every community in the State?
- What requirements will regionally based Legislative Council Members have and is this different to metropolitan based Members?
- How does the Tribunal ensure that regional representation is encouraged, while not allowing conditions for the misuse of allowances?

The role of a Member

In the 2023 Determination, regional Legislative Council Members are provided with a higher level of allowances with the Additional Members' Allowance and a higher maximum Base Accommodation Allowance than most regional Legislative Assembly Members. They also receive an equal amount for the Motor Vehicle Allowance and roughly equivalent amounts for the Charter Transport Allowance. The rationale for these decisions has largely been due to the geographic size of the electorate and number of people within the regions. Regional Legislative Council Members also have access to higher amounts of allowances than metropolitan based Legislative Council Members.

With the move to a single State electorate, using the geographic size and population of the electorate as the basis for the quantum of allowances would not be suitable. Therefore, the Tribunal will need to consider what it deems appropriate for Legislative Council Members in relation to communicating with or travelling throughout the electorate. For instance, Members often use the Members' Allowance to send newsletters to their electorate. This is often a costly exercise for a Legislative Assembly District of approximately 31,000 electors. It would not be feasible to fund

every Legislative Council Member with the ability to send newsletters to all electors in the State.

Similarly, regional Legislative Council Members are currently provided with unlimited commercial travel for parliamentary business from Perth to their electorate and for travel within their electorate. Allowing every Legislative Council Member unlimited commercial travel within the State from 2025, would increase the cost to government and could expose the allowance to misuse.

If the core role of the Legislative Council is to be a house of review, with the main work of Members being in the Parliament, then there is less of a requirement for allowances based on communicating with the electorate. Legislative Assembly Members are traditionally seen as having a greater interface with members of the community. However, if communicating and having access to the Statewide electorate is considered fundamental to the role of a Legislative Council Member, the allowances will need to reflect that.

In considering what allowances are required for Legislative Council Members, the Tribunal considers that the current maximum allowances are sufficient. There are no plans to create additional allowances or increase the current maximum limits outside of the annual inquiry process.

Regional Legislative Council Member

Current regional Legislative Council Members' electorates are based on representing a non-metropolitan electoral Region, either the Agricultural, Mining and Pastoral or South West Region. These Members have access to additional allowances relating to travel in the regions and travel to Perth. The definition of a regional member is discussed below.

However, in terms of the role of a Legislative Council Member, the Tribunal must consider if there is a greater requirement for regional members to service the regional community or conversely, would regional members expect to be able to spend most of their time representing regional and remote communities and not focus on communicating with metropolitan members? This is likely to differ between Members depending on the platform under which they are elected.

The Tribunal has considered whether regionally based Members should receive different levels of allowances, such as with the current Determination framework, based upon the location of a Member; or whether all Legislative Council Members will have the same role and responsibilities, regardless of their location. The Tribunal currently favours the former.

Ensuring regional representation

During the passage of the *Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021*, multiple Members expressed the desire that the reforms, and resulting allowances framework, do not discourage or eliminate regional representation from the Legislative Council.

In considering the sections below, the Tribunal has been mindful to ensure how the new allowance framework is not disadvantageous to regional Members.

REGIONAL MEMBERS

Discussion points:

- Should the existing designation for regional Members, with the removal of the reference to Regions, be maintained or not?
- Should the definition of 'home base' and 'place of residence' apply to the whole Determination, not just the accommodation allowances section?
- Should the definition of 'home base' and 'place of residence' be strengthened?

Metropolitan and regional areas

The current Determination already defines what it considers to be a metropolitan and regional Member. The definitions are below:

> **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.
>
> **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.

The definitions can be reworded to list the electoral Districts and remove reference to the Regions. This would satisfy the changes required for Legislative Assembly Members, but further consideration is required for Legislative Council Members.

The Electoral Commission is conducting its own review of electoral boundaries in preparation for the 2025 election. The new boundaries will be established no later than 1 December 2023. The Commission has noted that, due to the changes to the Legislative Council, they are no longer bound by distinctions between metropolitan and non-metropolitan regions. This provides the Tribunal with the ability to 'move' areas from regional to metropolitan. The Electoral Commission statement from the *2023 Review of State Electoral Boundaries – Distribution Procedure*, is provided below:

> *"For the Legislative Council, recent amendments to the Electoral Act 1907 mean that there is now only one statewide electorate. Therefore the Commissioners are no longer required to make any determination in relation to the Legislative Council. Previous requirements relating to the number of Legislative Assembly districts within each Legislative Council region also no longer apply nor does the distinction between metropolitan regions and non-metropolitan regions. When considering Legislative Assembly district boundaries the Commissioners are no longer governed by the distinction between a non-metropolitan and metropolitan population area that may be only hundreds of metres apart."* [5]

Draft electoral boundaries have recently been released and can be viewed online at https://www.boundaries.wa.gov.au/boundaries/2023P

Determining a Members home base

For Legislative Council Members, their electorate can no longer be used as a designator between regional and metropolitan. Electorate office location could be an option.

A Members 'home base' would be another candidate. The Tribunal already defines 'home base' and eligibility based on a Member's home in the Accommodation Allowances. These definitions could also be used to define a regional member. For example, if it is confirmed a Member lives in an equivalent Legislative Assembly seat that qualifies as a regional Member, then the Legislative Council Member would also be a regional Member.

The existing definitions are:

> ***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.*

[5] 2023 Review of State Electoral Boundaries – Distribution Procedure, WA Electoral Commission

And while residence is not specifically defined, qualifications under 5.3(1) of the Tribunal's Determination states:

> *the Regional 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.*

The Commonwealth has a slightly stronger definition for 'home base' which is contained in the *Parliamentary Business Resources Regulations 2017* which states:

> ***Home Base means***
> *(b) for another member—means the member's principal place of residence as nominated to IPEA by the member;*[6] [underline added]

By placing a requirement for the Members 'principal' place of residence to be the qualifying requirement, rather than having a main residence in Perth and maintaining a smaller leased or owned accommodation in order to access the regional allowance, may strengthen the ability of the Tribunal to apply allowances to reflect true regional representation. However, this option may increase the administrative burden of the administering agency in ascertaining what is the primary residence and monitoring how the Member uses their home stays, unless the onus is placed on the Member.

Under Part 5.3(2) of the Determination, for regional Members to claim the Metropolitan Allowance:

> *The onus is on the Regional Member to submit to the administering agency evidence that demonstrates:*
>
> > *(a) the right specified in section 5.3(1)(a); and*
> > *(b) any periods during which the right specified in section 5.3(1)(a) has not applied.*

This requirement for regional Members to demonstrate their eligibility for certain allowance will need to be extended to other allowances in the Determination.

These definitions could be used, with minor adjustments for Legislative Council Members as a basis for their classification as a regional Member.

The Tribunal is also considering whether a home base and electorate office located within the regions and within proximity of each other should be the requirement for qualification for specific regional allowances. The dual requirement would strengthen the case that the Member was indeed representing the regional community.

---

[6] Parliamentary Business Resources Regulations 2017 (Cwlth) Part 1(4)
https://www.legislation.gov.au/Details/F2020C00584

Another question raised during the Tribunal's deliberations is whether a Member should have a pre-existing relationship/residence in the regions to qualify for regional allowances, or if a Member who moved to a regional location at the start or during a parliamentary term and satisfies the qualifying requirements should receive the regional allowances. While generally the Tribunal considers Members being elected from the regions, where they have established connections, is desirable, it is unfeasible for the Tribunal, or any other administering agency, to be able to establish criteria to determine what is a pre-existing relationship or how to monitor whether that relationship is maintained. It would also unfairly punish a Member who, in addition to their whole of state representation, does legitimately relocate to the regions to represent a specific community that may otherwise have no direct representation.

A further option presented to the Tribunal, and adopted in some other jurisdictions, is to remove the linkage of 'regional' from specific electorates and instead institute a tiered system of distance from Perth. For example, Tier 1 would be within 100 kilometres of Perth, Tier 2 would be between 100 – 500 and Tier 3 would be more than 500 kilometres. This model has some advantages and the Tribunal will examine if this approach is appropriate for the Western Australian context.

MEMBER REMUNERATION AND ALLOWANCES

While the base remuneration provided to Members is used to attract and retain suitably skilled and able representatives and remunerate them for the performance of their role as a Member of Parliament, the allowances provide Members with resources to support them in performing their role. Written into the Determination is a core guiding principle in the use of allowances that ensures Members expend allowances for parliamentary business and for the benefit of the electorate or community in general.

Decisions on the role of a Legislative Council Member and the definition of a regional Member will affect all decisions on the individual allowances.

MEMBERS' ALLOWANCE (PART 3)

Discussion points:

- Does there continue to be sufficient rationale to have an Additional Members' Allowance?
- Should Legislative Council Members not receive the Additional Members' Allowance as the requirements of their role are adequately covered under the Base Members' Allowance?

- Should all Legislative Council Members receive an Additional Members' Allowance rate due to representing the whole State?
- Should Legislative Council Members receive the Additional Members' Allowance dependent upon their location at the same rate equivalent to the Legislative Assembly or current rates?
- Should the Additional Members' Allowance be reviewed for Legislative Assembly Members?

Base Members' Allowance (Part 3.2)

The Member's Allowance is provided to meet expenses related to the Member's Parliamentary business, including expenses for:

- community engagement and constituent support;
- communication with the electorate;
- electorate office equipment and Information Communication Technology;
- general electorate office expenses; and
- and other expenses related directly to Parliamentary business.

All Members of Parliament currently receive $88,000.

Additional Members' Allowance (Part 3.3)

The Additional Members' Allowance was introduced in its current form in 1989. Prior to February 1989 the Members' Allowance (or Electorate Allowance as it was called at the time) was provided to Members to cover items for parliamentary business plus motor vehicle and accommodation allowances. In February 1989 these allowances were separated and a flat rate was provided to all Members for expenses incurred undertaking parliamentary business. New allowances for accommodation and motor vehicles were created. The flat rate at the time was $9,000.

In May 1989, the Tribunal introduced the Additional Members' Allowance in its current form where the base rate was $15,136 and eligible Members could receive between $300 - $13,112 in Additional Members' Allowance to "*recognise the increased expenditure incurred by Members servicing large and/or non metropolitan electorates"*.

With the growth of the Base Members' Allowance, consideration could be given to whether the Base Members' Allowances adequately covers expenses regardless of location, or if the Additional Members' Allowance is still required.

The Additional Members' Allowance has historically been provided to regional Members based roughly on the geographic size of the electorates. Legislative Council Members receive a larger amount than most Legislative Assembly Members. The allowance is generally provided to regional Members who travel widely within their electorates, travel frequently between the Parliament and their electorates and maintain regular communication with their electors who are dispersed over a wider area. The Tribunal contemplated such expenses as:

- additional meal and accommodation expenses incurred in transit while travelling to and from remote and regional locations (travelling and forced to eat out but not necessarily travelling enough that they can claim the travelling allowance);
- additional travel to return to a Member's home base;
- additional communication costs associated with electors dispersed over a wide area (e.g., a letter box drop for newsletters can be logistically difficult if not impossible); and
- higher costs for regional or remote services and expenses.[7]

The rates listed below illustrate the current allocation between Council and Assembly Members.

Table 3: Legislative Council Members' Allowance

Region	Base MA	Additional MA	Total
East Metropolitan	$88,000	-	$88,000
North Metropolitan	$88,000	-	$88,000
South Metropolitan	$88,000	-	$88,000
Mining and Pastoral	$88,000	$25,350	$113,350
Agricultural	$88,000	$20,000	$108,000
South West	$88,000	$12,250	$100,250

Table 4 - Legislative Assembly Members' Allowance

District	Base MA	Additional MA	Total
Metropolitan	$88,000	-	$88,000
Kalgoorlie	$88,000	$23,900	$111,900
Kimberley	$88,000	$23,900	$111,900
North West Central	$88,000	$23,900	$111,900
Pilbara	$88,000	$23,900	$111,900
Central Wheatbelt	$88,000	$17,500	$105,500
Roe	$88,000	$17,500	$105,500
Moore	$88,000	$15,350	$103,350
Warren-Blackwood	$88,000	$10,400	$98,400

[7] 2010 Members of Parliament Determination

District	Base MA	Additional MA	Total
Remaining 8 regional Districts	$88,000	-	$88,000

Although Members' Allowance comparisons between jurisdictions are not necessarily on a like for like basis, for comparative purposes, there are two other States that have a single State Legislative Council with a roughly similar allowance. New South Wales provides $67,705 for all Legislative Council Members compared to Assembly Members who receive between $57,810 - $162,445, depending on their electorate. Additional allowances are $17,445 - $33,635 for the Legislative Assembly and $18,375 - $23,935 for the Legislative Council depending on their zone.

In South Australia, Legislative Council members receive $24,101, while Assembly Members receive between $17,815 - $54,416 per annum, depending on their electorate.

In the Commonwealth, all House of Representatives Members and Senators receive $32,000 as an Electorate Allowance. Members of the House of Representatives receive between $6,000 - $14,000 in Additional Electorate Allowances if their electoral division is more than 2,000 $km^{2.}$

The Tribunal will need to consider how the factors for the Additional Members' Allowance relate to Legislative Council Members and whether they affect all Members the same or differently. There are three broad approaches the Tribunal can take with the Additional Members' Allowance.

Firstly, the Tribunal could approximately maintain the current rates. For instance, if a Member is determined to be a regional Member, then they would receive the same Additional Members' Allowance as the equivalent Legislative Assembly Member. Therefore, if a Member was located in Port Hedland, they would receive the same as the Member for Pilbara. However, if a regional Legislative Council Member was located in Bunbury, they would receive no Additional Members' Allowance as the Legislative Assembly Member for Bunbury does not receive the Additional Members' Allowance. This would also be the case if the Tribunal removed the electorate location from the definition of a regional Member and introduced a concentric ring formula.

The other two options would be dependent upon decisions on the role of a Legislative Council Member. If it is decided that Legislative Council Members communication and representation requirements are sufficiently covered by the Base Members' Allowance then no further Additional Members' Allowance would be required.

Alternatively, if it was decided that all Legislative Council Members do require an Additional Allowance due to their whole of State electorate, then an appropriate figure will need to be determined.

There is also the option to fundamentally re-examine the Additional Members' Allowance for all Members. Although regional electorates have traditionally had access to higher amounts than metropolitan electorates, with the changes in communication technology and ways for Members to conduct their business, is there still justification for regional Members to have access to up to $25,350 in addition to the Base Allowance? Or does the original criteria for the Additional Members' Allowance of higher costs or servicing large regional areas still remain relevant, noting that the additional allowances originated prior to members being provided with motor vehicles in 1989?

TRANSPORT AND COMMUNICATION (PART 4)

Transport allowances are provided to Members to allow Members the ability to travel within their electorates and to attend Perth to conduct their parliamentary business.

Motor Vehicle Allowance (Part 4.1)

Discussion points:

- Should regionally based Legislative Council Members receive the same allowance as the equivalent Legislative Assembly district? Or
- Should all Legislative Council Members be provided with a specific Motor Vehicle Allowance as they all have the same electorate?

The Motor Vehicle Allowance is provided to satisfy all of a Member's vehicle requirements, including taxis and hire cars. Like the Members' Allowance, the amount provided for this Allowance is based upon the characteristics of a Member's electorate.

The current rates are provided below.

Table 5: 2023 Motor Vehicle Allowance

District	MV Allowance	Region	MV Allowance
Metropolitan districts	$26,500	East Metropolitan	$26,500
Mandurah, Dawesville	$26,500	North Metropolitan	$26,500
Albany, Bunbury, Collie-Preston, Geraldton, Murray-Wellington, Vasse	$33,500	South Metropolitan	$26,500
Central Wheatbelt, Kalgoorlie, Kimberley, Moore,	$43,500	Mining and Pastoral	$43,500

District	MV Allowance	Region	MV Allowance
North West Central, Pilbara, Roe, Warren-Blackwood			
		Agricultural	$43,500
		South West	$43,500

The Tribunal could effectively maintain the current rates by providing Metropolitan based Legislative Council Members with the base rate and providing regional based Members with the equivalent to the location of the home base within a Legislative Assembly District. This would reduce the amount paid to Members located in the former South West Region but everyone else would remain the same.

Alternatively, if the Tribunal determines that all Legislative Council Members are required to utilise this allowance across the State, then a figure could be provided to all Legislative Council Members above the base rate.

Electorate Travel Allowance (Part 4.2)

Discussion points:

- Should all Legislative Council Members get unlimited access?
- Should all Legislative Council Members get limited access with the Tribunal to set a cap on expenditure?
- Should only deemed regional Legislative Council Members get unlimited access? Or
- Should only deemed regional Legislative Council Members get limited access?

Certain regional Members can claim the cost of scheduled commercial air, rail or bus services either between Perth and their Region or District, or within their Region or District. This is extended to an adjacent Region or District if there are no commercial options available within a member's electorate.

No material change will be required under this allowance as there is no value set, Members are able to claim the full commercial costs from the administering agency. However, with the Legislative Council now representing the whole State, consideration will need to be given on whether all Legislative Council Members should have access to commercial travel throughout the State or whether it should be limited to those deemed regional, as is the current situation.

There are a number of options for the Tribunal to consider for this allowance. While providing unlimited commercial travel anywhere throughout the State for every Legislative Council Member seems excessive and opens it up for the potential of

misuse, the Tribunal could impose a cap on travel either by a dollar figure or by number of trips. However, this also has the potential to disadvantage regional Members who need to use this allowance regularly to travel to Perth to attend Parliament and to travel between regional centres.

The Tribunal could restrict the use of this allowance to only those Members deemed regional. The Tribunal already does this where it currently states:

> *A Member is eligible to claim this allowance when they represent the:*
>
> *(a) Electoral Regions of Mining and Pastoral, Agricultural or the South West, or*
>
> *(b) Electoral Districts of Albany, Central Wheatbelt, Geraldton, Kalgoorlie, Kimberley, Moore, North West Central, Pilbara, Roe and Warren-Blackwood.*

Not all regional Legislative Assembly Members can claim this allowance: notably the Members for Bunbury, Collie-Preston, Dawesville, Mandurah, Murray-Wellington and Vasse are excluded.

The Tribunal is considering an option that would allow Legislative Council Members who are deemed to be located in one of the above Legislative Assembly districts to utilise the allowance on the same basis as a Legislative Assembly Member; for example' within or adjacent to the relevant Legislative District and not the whole State, while the remaining Members could not. Alternatively, regional Legislative Council Members could have access to regional travel throughout the State on commercial transport.

The Parliamentary Travel and Study Allowance (currently $27,000 per term) is also available for all members to travel within the State, as well as more widely.

Air Charter Transport (Part 4.3)

Discussion points:

- Should all Legislative Council Members receive a Charter Allowance? Or
- Should only deemed regional Legislative Council Members receive a Charter Allowance?

Members representing certain Regions or Districts receive a claimable Air Charter Allowance where commercial services are unavailable or don't exist. The current allowances are shown below.

Table 6: 2023 Charter Transport Allowance

District	CT Allowance	Region	CT Allowance
Metropolitan districts	$0	East Metropolitan	$0
All other regional districts	$0	North Metropolitan	$0
Albany, Geraldton, Warren-Blackwood	$8,000	South Metropolitan	$0
Moore, Roe	$20,000	Mining and Pastoral	$35,000
Central Wheatbelt	$25,000	Agricultural	$30,000
Kalgoorlie, Kimberley, North West Central, Pilbara,	$45,000	South West	$20,000

The same considerations discussed with the Motor Vehicle Allowance and Electorate Travel Allowance apply here. The question is whether to align regionally based Legislative Council Members with their Legislative Assembly equivalent location or whether all Legislative Council Members should have access to this allowance.

ACCOMMODATION (PART 5)

Like the other allowances, the accommodation allowances are offered to facilitate parliamentary business and for Members to be able to travel intrastate in order to be informed on issues that affect their constituents and the State as a whole. The allowances may only be claimed for where overnight accommodation required.

Base Accommodation Allowance (Part 5.2)

Discussion points:

- Should all Legislative Council Members receive the current regional allowance of a maximum of 80 nights?
- Should all Legislative Council Members receive the current metropolitan allowance of a maximum of 30 nights? or
- Should all Legislative Council Members receive another amount such as a maximum of 55 nights.

All Members can claim accommodation and associated expenses (meals and incidentals) incurred within the State and more than 75kms from a Member's home base for between 30 to 80 nights based on the Region or District a Member represents, as detailed below.

Table 7: 2023 Base Accommodation Allowance

District	Base Acc nights	Region	Base Acc nights
Metropolitan districts	30	East Metropolitan	30
Bunbury, Dawesville, Geraldton, Mandurah,	30	North Metropolitan	30
Albany, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Roe, Vasse, Warren-Blackwood	40	South Metropolitan	30
Kalgoorlie, Kimberley, North West Central, Pilbara	60	Mining and Pastoral	80
		Agricultural	80
		South West	80

The claimable daily rates set by the Tribunal are those contained in Table 3 or Table 4 of the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.

This section of the Determination defines a Member's 'home base'. This has been discussed in the regional Member section of this paper and would continue to apply for this part as 'a Member's place of residence'. The 75 kilometre qualifying distance does not need to be reviewed due to the Legislative Council reform, although it can be at the Tribunal's discretion.

As with the travel allowances, the main reform the Tribunal will need to determine for the Base Accommodation Allowance is the amount of travel required to fulfill the role of a Legislative Council Member and setting the rate accordingly.

Regional Members: Metropolitan Accommodation Allowance (Part 5.3)

Discussion point:

- The Tribunal will need to alter the qualifying requirements for this allowance.

This allowance is provided to regional Members for accommodation and associated expenses in the metropolitan area to enable regional Members to attend sittings of parliament.

Members must establish, under Part 5.3(1) of the Determination, that:

a) the regional 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; and

b) the regional Member certifies that moneys provided are used to meet accommodation expenses in the metropolitan area.

A regional Member, as discussed earlier, is a Member representing either the Agricultural, Mining and Pastoral or South West Regions, or any electoral District within. Discussions on changing this definition are in the 'Regional Member' section of this paper.

Once their eligibility has been established with the administering authority, Members automatically received 90 nights at $273 per night, totalling $24,570 per annum.

The number of nights provided for in this allowance approximates the number of days required to attend sittings of Parliament. If claimed by the regional Member, no other accommodation allowance can be used to meet accommodation expenses in the metropolitan area or elsewhere on days when Parliament is sitting. (With the exception of accommodation claims for Office Holders and Members on Parliamentary Committee Business, for which moneys are not directly provided to the Member).

There doesn't appear to be a need to change the value of this allowance due to the changes to the Legislative Council. Based on the Tribunal's discussions around how to define a regional Member, the eligibility criteria for this allowance will be updated accordingly.

Regional Members: Additional Metropolitan Accommodation (Part 5.4)

Discussion point:

- The Tribunal will need to alter the qualifying requirements for this allowance.

In addition to the Metropolitan Allowance automatically provided to eligible Members in Part 5.3, regional Members can claim an additional 30 nights for metropolitan accommodation costs at $273 per night, outside of Parliamentary sitting weeks, to account 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.

Changes to the regional entitlement to this allowance discussed in 5.3, will also apply to this allowance.

Regional Office Holder: Additional Metropolitan Allowance (Part 5.5)

In addition to the Metropolitan Allowance automatically provided to eligible Members in Part 5.3, Regional Office Holders are automatically paid an additional 60 nights allowance at $273 per night totalling $16,380 per annum. This allowance is for metropolitan accommodation and related expenses incurred to facilitate their parliamentary business, including Cabinet and Executive Council responsibilities, and other functions of the office they hold.

The eligibility for this allowance is based on the same requirements as Part 5.3. The changes applied to that allowance will follow through to this allowance.

OTHER ALLOWANCES

Discussion points:

- Should the Tribunal create any additional allowances? or
- Should the Tribunal remove any allowances?

The other allowances provided by the Tribunal, namely:

- Electorate Office Telephone Allowance (Part 4.4);
- Office Holder Accommodation (Part 5.6);
- Members on Parliamentary Committee Business Accommodation (Part 5.7);
- Parliamentary Travel and Study Allowance (Part 7); and
- Transition Allowance (Part 8)

will not need to be adjusted due to the Legislative Council reforms. However, the Tribunal would welcome any comments relating to these allowances during this review.

CONCLUSIONS

The current Tribunal Determination is well structured to accommodate the Legislative Council reforms of establishing a single Statewide electorate. The allowances required for Members generally, and regional Members specifically, have already been created by the Determination.

The key discussions for the Tribunal will be to examine the role of a Legislative Council Member in a single electorate to determine which of the allowances the Tribunal currently determines, should apply to the Members.

Tied to these discussions will be decisions around what constitutes a regional Legislative Council Member and whether the designation as a regional Legislative

Council Member would result in additional regional allowances being provided to those Members.

Once these questions are decided, the Tribunal can evaluate which allowances would apply to Legislative Council Members and at what levels.

This paper has summarised the major changes the creation of a single State electorate for the Legislative Council will have on the Tribunal's Determination and outlines some of the options. The Tribunal will consider all submissions received and may undertake further consultation prior to issuing its determination in relation to the allowance framework to be in place for the 42nd Parliamentary term.