

WESTERN
AUSTRALIAN
GOVERNMENT

Gazette



PERTH, FRIDAY, 8 MARCH 1991 No. 39 SPECIAL

PUBLISHED BY AUTHORITY G. L. DUFFIELD, GOVERNMENT PRINTER AT 3.45 PM

WESTERN AUSTRALIA

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION
OF THE
SALARIES AND ALLOWANCES
TRIBUNAL

(1 MARCH 1991)
(6 MARCH 1991)

Mr B. J. Collier: Chairman
Mr M. F. Beeson: Member
Mr R. H. C. Turner: Member

WESTERN AUSTRALIA
SALARIES AND ALLOWANCES ACT 1975

DETERMINATION

of the

SALARIES AND ALLOWANCES TRIBUNAL

PURSUANT TO SECTION 6B

ENTITLEMENTS OF FORMER PREMIERS MINISTERS AND MEMBERS OF PARLIAMENT

PRELIMINARY STATEMENT

The inclusion of Section 6B as an amendment to the Salaries and Allowances Act 1975, (assented to 25 June 1987) provided that - "the Tribunal shall from time to time, as it sees fit, inquire into and determine the entitlements and benefits to be paid to former Premiers of the State, former Ministers of the Crown and former members of the Legislative Assembly and Legislative Council".

Entitlements and benefits paid or provided to former parliamentarians were by no means an innovation. Indeed, they have existed in various forms throughout the nation for many years and were recorded as the subject of discussion at Premiers' Conferences as early as the 1920's. However, it was not until 21 February 1986, that the Tribunal first became involved with the subject. On that date the then Premier discussed with it the possibility of entitlements and benefits being considered and determined under the Salaries and Allowances Act. As a consequence of those discussions the Tribunal agreed to review existing entitlements of former Premiers and Members and in November 1986 and March 1987, respectively, submitted its recommendations.

Subsequently, the Act was amended to empower the Tribunal to consider and determine these matters and its first formal determination issued on 23 November 1987. (*Government Gazette* - No. 112, 1987).

On 19 October 1990, the Tribunal wrote to all former Premiers, Ministers of the Crown and Members of Parliament whose addresses were known, in the following terms—

"Section 6B of the Salaries and Allowances Act provides that the Tribunal shall from time to time, as it sees fit, inquire into and determine the entitlements and benefits to be paid or provided to former Premiers of the State, former Ministers of the Crown and former members of the Legislative Assembly or Legislative Council of the State.

Pursuant to this provision, the Tribunal intends to conduct a complete and extensive review of—

- (1) the benefits and entitlements that apply as a result of past Tribunal determinations and of benefits granted prior to its involvement in this area; and*
- (2) the justification for such benefits.*

Given the broad nature of the review and the possibility that prevailing and expected benefits and entitlements, including those benefits held in abeyance, may be affected, the Tribunal wishes to know of your views as to the provision of benefits and entitlements to former Premiers, Ministers and Members of Parliament.

Since receiving jurisdiction in this area, the Tribunal has issued the following determinations—

- (a) Determination dated 20 November 1987, as published in Government Gazette Number 112 dated 23 November 1987, and varied on 14 July 1988, 1 December 1989, and 2 March 1990. This determination applies to eligible Premiers, Ministers and Members of Parliament who have retired prior to 28 June 1990.*
- (b) Determination dated 28 June 1990, as published in Government Gazette Number 70 dated 6 July 1990. This determination applies to those eligible former Premiers, Ministers and Members of Parliament who have retired on or after 28 June 1990.*

Copies of the composite determinations are available, upon request from the office of the Tribunal. Submissions will be available for public inspection. The Tribunal may, in exceptional circumstances, determine that parts of submissions containing personal, business or other information of a confidential nature will not be included in the public access files.

Should you wish to make a submission on this matter, would you please forward it to the Executive Officer and ensure that it reaches the Tribunal on or before the close of business on 6 December 1990."

In addition, advertisements were placed in both "The West Australian" and the "Weekend Australian" on 27 October 1990, inviting submissions from interested persons.

Twenty-seven written submissions were received, including five from members of the public. An oral submission was received from the Western Australian Parliamentary Former Members' Association and, at the request of the Tribunal, Sir Charles Court enlarged upon his written submission.

Some submissions sought improvements to existing entitlements, others an extension of benefits to persons not presently entitled. Views were expressed that certain benefits were over generous but, not surprisingly, these submissions were not from present recipients of those benefits. A number said that the present conditions were fair and reasonable and it was also contended that it would be most unfair for any entitlements which were in place at the time of a member's retirement to be altered, to his detriment, later. A minority put forward the view that, apart from reasonable superannuation, the only retirement benefits should be those which assist the politician to make the transition to non-parliamentary life and assist former Premiers to meet commitments to public appearances.

All of the submissions received have been given full and careful consideration by the Tribunal.

Unlike the Industrial Relations Commission, which is bound by Statute to give effect to National Wage Decisions unless it is satisfied that there are good reasons not to do so, this Tribunal is unfettered in its method of inquiry. However, we consider that in a period of wage restraint the public would expect that, at the very least, the spirit of the Wage Principles enunciated by both the Australian and Western Australian Industrial Relations Commission would be kept well in mind when this Tribunal determined any issue before it. This we have done.

However, in so doing we have also kept in mind other well established industrial principles which apply to the general workforce such as custom and practice and first award principles. We have been cognisant of the reasons for the "de facto" Wage Principle enunciated by the Western Australian Industrial Relations Commission in 1983 and which operated until September 1988. Likewise, we are aware that the Commission saw no need for its continued specification because of the positive initiatives underlying structural efficiency and the Commission's duty under Section 26 of the Industrial Relations Act. (68 W.A.I.G. P.2415).

The Tribunal has noticed an over-simplistic tendency in some quarters for demands to be made that parliamentarians get identical treatment to workers generally. It is unnecessary in this particular determination to enlarge upon the differences between the two groups. We consider it sufficient to state that in considering whether any existing entitlements should be removed or reduced we have not ignored the tests which are applied by industrial tribunals when the conditions applicable to wage and salary earners are under review. In short, notwithstanding that parliamentarians and former parliamentarians traditionally have been considered to be "fair game" by the general public it is essential to the maintenance of the industrial concept of "a fair go all round" that the Tribunal be not swayed by popular derogative comments which are often more emotive than rational. Like those other tribunals we should determine the issues before us in equity, good conscience and the substantial merits of the case.

With respect to the present entitlements to former Premiers we have serious doubts that the Wage Principles were given the attention they warranted when initial recommendations were made in late 1986 and again when a first determination was made on 23 November 1987.

On 2 July 1986 the Western Australian Industrial Relations Commission gave effect to the National Wage Decision of 26 June 1986. (66 W.A.I.G. PP 1139/49). On 25 March 1987 that Commission endorsed, generally, a decision of the Australian Commission delivered on 10 March 1987. (67 W.A.I.G. PP 435/62). Both decisions adopted a number of Wage Principles to be followed when considering wages and conditions for the general workforce in Western Australia. The Preface to the Wage Principles read—

"The Principles have been developed in the context of general agreement to the need for restraint and sustained efforts on the part of all concerned - employers, employees and their unions, governments and TRIBUNALS (our emphasis) - to address the serious economic problems facing Australia. In considering whether wages and salaries or conditions should be awarded or changed for any reason either by consent or arbitration, the Commission will guard against any contrived arrangement which would circumvent these Principles."

A major Wage Principle which had remained unaltered since 1983 and which should have been of prime consideration in determining any conditions for the first time in 1986 or 1987 was that relating to first awards and extensions to existing awards. That read, in part—

"FIRST AWARDS AND EXTENSIONS TO EXISTING AWARDS

(a) In the making of a first award, the long established Principles shall apply, i.e. prima facie the main consideration is the existing rates and conditions."

In the light of that Principle and having regard for the conditions applicable elsewhere in Australia at the time, we have reached the conclusion that some of the conditions awarded to former Premiers should not have been granted. Likewise, certain later improvements were not within the spirit of the Wage Principles and should not have been entertained.

We move directly to those benefits/entitlements.

OFFICE ACCOMMODATION AND SECRETARIAL SUPPORT

When the Tribunal was requested to recommend entitlements in February 1986 there was little evidence of this type of assistance to former Premiers. One former Premier had been granted an allowance of \$33,600 p.a. to cover secretarial and office expenses in 1984 and this was to cease at the State Election in 1986.

Elsewhere, former Prime Ministers were entitled to two office staff, in N.S.W. secretarial support was provided for 12 months but only if the recipient was holding office at the time of resignation/retirement. In Victoria, one part time secretary stenographer provided support for three former Premiers and no support was provided in Queensland, South Australia and Tasmania.

In November 1986 former Premiers of not less than three years standing were granted the use of an office in a Government building or in such other building as approved by the Premier for a period of 12 months, together with secretarial facilities for a similar period.

In its November 1987 Determination the Tribunal varied the entitlement to provide that equipment and staff may be supplied, if required, in the same manner as applying to a Member of Parliament.

The June 1990 Determination reduced the qualifying period as Premier to not less than one year.

We consider that the present entitlements were not justified within the spirit of the Wage Principles. From the submissions received, our general inquiries elsewhere in Australia, and our consideration of the merits we have concluded that a maximum of six months is a sufficient transitional period for this type of benefit and we determine accordingly.

POSTAGE ALLOWANCE

Currently a former Premier is entitled to receive postage stamps to the same value and in the same manner as that applying to a serving Member of Parliament for a period of 12 months. For similar reasons to those discussed above the period will be reduced to six months.

MOTOR VEHICLE

In February 1986 a former Premier had the option of purchasing the official car upon retirement and was provided with a car and chauffeur for attendance at official functions or on special occasions at the discretion of the Director General Department of Premier and Cabinet. Certain servicing of the vehicle and limited maintenance was also a long standing benefit. On the death of the retired Premier these somewhat minor benefits devolved upon his widow.

At this time a former Prime Minister had access to an official car with chauffeur in his home State. In N.S.W. a Premier who resigned/retired while holding office was entitled to a vehicle and driver for 6 months plus an additional three months for each year of service as Premier. A Premier who held office for more than six years was entitled to a driver and vehicle for life. In all other States a car and chauffeur was provided to a former Premier from the departmental pool when he was required to attend official/special functions.

In its 1986 recommendations the Tribunal suggested—

- (a) that a former Premier should be able to purchase the official car he was accustomed to using as Premier at a sum determined by the Controller of Stores.
- (b) for a period equal to that for which he/she was Premier the former Premier should be entitled to the use of a car and chauffeur.
- (c) a car and chauffeur should be made available to enable the former Premier to attend official functions or on special occasions.
- (d) the maintenance/servicing provisions should be deleted but retained for some under a "grandfather" clause.

These provisions were confirmed in the November 1987 Determination. They were again included in the July 1990 Determination but a differentiation was introduced between former Premiers resident in Western Australia and those domiciled elsewhere. The former were entitled to the exclusive use of a car and driver for a period equal to their service as Premier, the latter were restricted to taxi fares with a maximum of \$1000 p.a. for the same period.

At the present time former Prime Ministers of Australia have access to a car and driver for life, as does a former Premier in N.S.W. with more than 10 years service.

In N.S.W. a Premier who resigns whilst holding office is entitled to a car and driver for six months plus an additional three months for each year's service as Premier. Access to an official car and driver to attend official/special functions is available for life. In Queensland a former Premier who has served for 12 months or longer has access to a car and driver on a full time basis for six months and thereafter access to a car and driver to attend official/special functions. A Premier with three years or more service has the services of a car and driver on a full time basis for twelve months. In Victoria, South Australia and Tasmania access is restricted to official/special occasions.

While the Tribunal takes into account the benefits granted to a former Prime Minister it does not consider the comparison with a State Premier to be "like with like". In the circumstances outlined above it concludes that the initial recommendation and first Determination, granting exclusive use of a car and driver to a former Premier for a period equal to his term of office, was misplaced within the spirit of the Wage Principles.

In our view a former Premier should be provided with a car and driver during a reasonable period of transition from office. We have already adjudged that period to be six months and, accordingly, the Determination to issue will reflect that view.

We think it proper for a former Premier to have access to a Government car and driver when he is required to attend official or special functions after retirement. Likewise, we see no problem with him having the option of purchasing his official vehicle at a price determined by the State Tender Board.

The Tribunal considers that the existing provision relating to former Premiers domiciled outside of Western Australia is fair and reasonable and should be retained.

TRAVEL

When the Tribunal made its recommendation in 1986 that the Life Gold Pass on all railway systems throughout Australia be retained for former Premiers a similar benefit was available to all former Premiers throughout Australia. It was a decision completely in tune with the spirit of the Wage Principles and should not be interfered with.

However, the picture is not so clear regarding other travel. In February 1986 no other travel benefits applied. At the time of the review a former Prime Minister had unlimited air travel within Australia available to him and in N.S.W. former Premiers were entitled to six first class air trips per annum within the State for themselves and spouses. Queensland former Premiers who had served in the Parliament for eight years were entitled to one return air flight per annum for themselves and spouses to any part of Australia. No similar benefits appeared to apply elsewhere.

The Tribunal recommended in 1986 and determined in 1987 that for a period of 12 months after retirement or resignation a former Premier who is required to attend a function within Australia resulting from activities directly arising from the role as Premier should be entitled to claim travelling and accommodation costs necessarily incurred. Such a decision was clearly open to the Tribunal on merit grounds so long as the First Award Principle was a consideration when the merit was evaluated.

In addition, however, the Tribunal determined in November 1987 that a former Premier was entitled to a lifetime use of the Imprest system in the same manner as a serving Member of Parliament.

In its June 1990 Determination the Tribunal reduced that entitlement to a period equal to the sum of the aggregate service of the former Premier whilst a Member of Parliament. Briefly stated, a sum of money known as the imprest is made available to each Member for the life of each Parliament, cumulative to a maximum of two consecutive terms, i.e. the life of two consecutive Parliaments. The value for the current Parliament is \$13,576. The purpose of all imprest funded travel must be related to the legitimate parliamentary and/or electorate responsibilities of the Member and is not to be used for private reasons or associated with commercial or business purposes.

We have reviewed this entitlement in the light of the spirit of the Wage Principles, the benefits available elsewhere in Australia, the concept of need and our inquiries generally as to merits. In hindsight it is considered that the Tribunal did not go far enough when it reduced the term of the benefit in 1990.

Apart from Queensland, where travel to the point of entry of Papua New Guinea and New Zealand is permitted, there is no entitlement for overseas travel for former Premiers of other States. A Life Gold Pass enables a former Prime Minister to travel extensively within Australia and a former N.S.W. Premier with at least 10 years service as Premier also has liberal internal air travel entitlement.

One annual interstate air trip is available to a Queensland Premier who has served 8 years in the Parliament. Similar benefits are lacking in other States.

We see little merit in a former Premier having access to the Imprest system. If there is a need for travel it would seem that the need arises during the first twelve months after retirement/resignation as Premier. On any occasion that the former Premier is invited to a special event after that time we consider that an application for travel and accommodation costs should be made to the Tribunal in advance of the trip so that a decision can be made on the circumstances of the particular case.

It is convenient at this point to comment on the submission that it would be unfair to interfere with any entitlement which was in place at the time of a Member's retirement. *Prima facie*, that is a reasonable proposition. If the Tribunal sees the need for change should it not legislate for the future and preserve to present retirees all benefits existing at the time of their retirement?

We have given this matter very serious consideration. As a general rule it seems to us that the proposition has merit. However, as well as having regard for the interests of the persons immediately concerned, the Tribunal has an implied obligation to have regard for the interests of the community as a whole. Where an entitlement lacks merit and clearly fell outside the limits of the Wage Principles when it was granted, it is surely not in the public interest to allow that entitlement to continue to apply to anyone. This is especially so where the benefit has a lifetime term. Thus the Tribunal will depart from the general rule for good and cogent reasons.

The Tribunal proposes to delete access to the Imprest system from the entitlements. However, because of the way the system operates it would not be even handed if the benefit were summarily stopped. One former Premier could be advantaged compared with another. The Determination will provide that the entitlement shall cease from the date of the next State General Election.

TELEPHONES

Before the Tribunal became involved with these matters the full cost of a telephone in a former Premier's residence was met by government. This was a long standing benefit.

However, in its 1986 recommendations and through to the present time the full account is met for the first twelve months and thereafter the standard rental charge plus 85% of the calls in respect of one nominated telephone is met by the Crown. A former Premier's widow may receive the benefit during her lifetime or until remarriage.

Because of the longstanding custom in this State and the "de facto" Wage Principle existing at the time of the recommendations it is conceivable that the provision of a lifetime free of cost telephone would have remained untouched. However, the Tribunal was no doubt influenced by the position elsewhere. At present Victoria, South Australia and Tasmania provide no telephone benefits to former Premiers. In N.S.W. a former Premier with less than 10 years service in that office receives the benefit for twelve months only. A former Queensland Premier who has less than three years service receives a \$1000 p.a. allowance for one year whilst a longer serving former Premier receives \$2000 p.a. for two years.

In the event, it is difficult to see merit in the provision of this lifetime benefit to a former Premier and his spouse.

We have decided that this benefit shall be restricted in future to a twelve months term. However, because of the history of the benefit we propose that former Premiers or their widows may retain pre-existing entitlements.

SUSPENSION OF BENEFITS

In its overall consideration of the benefits and entitlements which should apply to former Premiers the Tribunal has concentrated on need rather than reward. Ideally, there should be no reward content in this area. Salaries and allowances should be awarded to cover all incidence of employment making post service rewards unnecessary.

Benefits such as office accommodation and staff facilities, postage allowance, travel and telephones have been limited in this review to provide adequate transitional assistance. Any lengthy suspension of these benefits would remove the reasons for which they were granted.

Accordingly, we have decided to restrict any suspension of benefits in future to a maximum of three months. Any suspensions currently in force will cease three months from the date of this Determination.

We now turn to the entitlements of former Ministers of the Crown and former Members of the Legislative Assembly and Legislative Council.

We do not intend to dilate upon numerous requests for benefit extensions and/or improvements. We are not persuaded that, in the spirit of the Wage Principles and on merit, any benefits should be increased or extended.

Using the criteria discussed earlier we have reached the conclusion that the limited benefits available to those former Parliamentarians should remain. Railway Gold Passes for parliamentarians are traditional in Australian politics and no case has been made out for their removal.

Other Travel, however, is a concession about which we express reservation as to intrinsic merit. Nevertheless, because of unrestricted air travel available to former Ministers and Members with 20 years service in the Australian Parliament and a favourable provision in Queensland, we have decided, on balance, not to interfere with this benefit.

The Determination will now issue.

Dated at Perth this first day of March 1991

B. J. COLLIER, Chairman.

M. F. BEESON, Member.

R. H. C. TURNER, Member.
Salaries and Allowances Tribunal.

DETERMINATION
FORMER PREMIERS OF WESTERN AUSTRALIA

The benefits and entitlements granted by virtue of this determination apply to former Premiers who have served not less than one year as Premier.

1. OFFICE ACCOMMODATION & SECRETARIAL SUPPORT

- 1.1 Former Premiers who have held the office of Premier shall upon retirement or resignation as Premier, be entitled to the use of an office located within Western Australia in a Government owned or leased building for a period of up to six months.

Equipment and staff may be supplied in the same manner as applying to a Member of Parliament.

2. POSTAGE ALLOWANCE

- 2.1 For a period of six months after the retirement of or upon resignation, a former Premier shall be entitled to receive postage stamps to a maximum value of half the annual amount granted to a serving Member of Parliament.

3. MOTOR VEHICLE

- 3.1 For a period of six months from the date of vacating the office of Premier, and whilst domiciled in the State of Western Australia, a former Premier, upon request to the Director General, Ministry of the Premier and Cabinet, shall be entitled to the use of a car and chauffeur.

- 3.2 A former Premier shall, upon vacating the Office of Premier, have the option of purchasing the official vehicle which he/she was accustomed to using immediately prior to vacating the office. This option to be exercised within three months of vacating the office. The purchase price shall be such sum as shall be determined by the State Tender Board.

- 3.3 Where a former Premier, who is domiciled in Western Australia, is required or is invited to attend an official function or on special occasions, a former Premier shall upon request to the Director General, Ministry of the Premier and Cabinet, be entitled to a car and chauffeur from the motor vehicle pool for the purpose of attending the official function or special occasion as the case may be. This entitlement shall continue during the lifetime of the former Premier.

- 3.4 Where a former Premier, who is not domiciled in Western Australia, is required or is invited to attend an official function or on special occasions within Australia, a former Premier shall be entitled to the use of a Private Taxi for the purpose of attending the official function or special occasion. The cost to the State, which will occur through reimbursement to the former Premier, on production of receipts, shall not exceed one thousand dollars per financial year. This entitlement shall continue for the same period of time as the former Premier held the office of Premier.

- 3.5 The availability of motor vehicle servicing and ancillary benefits for vehicles owned by former Premiers, as made available through the Department of the Premier prior to 1987 shall remain for those former Premiers who are receiving the benefit and shall, upon the death of the former Premier, pass to the surviving spouse.

- 3.6 The availability of a car and chauffeur to a former Premier for a period equal to that which the former Premier held office as Premier shall cease from the date of this determination.

4. TRAVEL

4.1 Rail Travel

A former Premier shall be entitled to a Life Gold Rail Pass, and the spouse shall likewise be entitled to a Gold Pass but limited to the period of the former Premier's lifetime.

4.2 Other Travel

- 4.2.1. For a period of 12 months after retirement or resignation a former Premier who is required to attend a function resulting from activities directly arising from that role as Premier, shall be entitled to claim the travelling and accommodation costs necessarily incurred.

- 4.2.2. At the expiration of the period referred to in 4.2.1. above:

- (a) where, as the result of activities directly arising from that role as Premier, a former Premier is invited to an official function to be held at a place outside of Australia, application may be made to the Tribunal detailing the nature of the invitation, the duration, and anticipated cost of travel.

The Tribunal shall consider and decide whether the application should be approved.

- 4.3 A former Premier shall be entitled to the "Other Travel" benefits as made available to former Ministers of the Crown who have held office for not less than three years.

- 4.4 The availability of the Imprest system to a former Premier shall cease with effect from the date of the next State General Election.

5. TELEPHONES

- 5.1 For twelve months from the date of retirement (in which term is included resignation) as Premier, a former Premier;

- (a) who is domiciled in Western Australia shall be entitled to reimbursement of or to have paid the rental and all calls on one nominated private telephone at a private residence

nominated by the former Premier.

- (b) who is domiciled outside of Western Australia but within Australia shall be entitled to reimbursement of the rental and all calls, on one nominated private telephone at a private residence nominated by the former Premier, to a total value of one thousand five hundred dollars (\$1500) for the twelve month period.

5.2 For the purposes of Section 5.1 and 5.2, "Calls" excludes international calls, international telegrams and Telecard charges.

5.3 Where, in 5.1, a former Premier changes his or her place of domicile resulting in a change in benefit from 5 (1)(a) to 5 (1)(b) or vice versa, the total amount reimbursable under 5 (1)(b) shall be calculated on a *pro rata* basis for the period.

5.4 (a) Former Premiers who retired prior to 20 November 1987 shall be entitled to retain the benefit applying at the time of their retirement.

- (b) Former Premiers who retired after the 20 November 1987, and prior to the date of this determination shall be entitled to retain the benefits granted by virtue of the Tribunals determinations dated the 20 November 1987 and 28 June 1990.

6. SUSPENSION OF BENEFITS

Any suspension of benefit currently applying as the result of provisions contained in Tribunal determinations dated 20 November 1987 and 28 June 1990 shall cease to have effect three months from the date of this Determination.

7. CONDITIONS

In addition to the conditions imposed upon the various entitlements and benefits, the following shall also apply.

7.1 The use of the entitlements and benefits shall only apply for non commercial purposes.

FORMER MINISTERS OF THE CROWN, FORMER MEMBERS OF THE LEGISLATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

1. Former Members who have a Minimum of Twelve Years Service in Aggregate

- (i) Former members of the Western Australian Parliament who have not less than 12 years nor more than 20 years service in aggregate shall be entitled to a Life Pass enabling free rail travel on Western Australian Railways.
- (ii) The Pass is not transferable and can only be used by the person in whose favour the pass is issued.
- (iii) The Pass entitles the holder to free sleeping berths, when available, but does not cover the cost of any meals.
- (iv) A former member may be accompanied, subject to the same conditions as applying to the holder of the pass, by his or her spouse, *de facto* or dependent children on one return rail journey per annum within the State.
- (v) Should the holder of a Life Pass be re-elected to Parliament, the Pass must be returned to the Secretary of the Western Australian Government Railways Commission immediately upon taking up office. The Pass will be re-issued upon the members termination of service.
- (vi) Application may be made by former members domiciled in Western Australia, to the Department of the Premier for the issue of Rail Travel Warrants enabling the former member and whilst accompanying the former Member, the spouse to undertake one return interstate rail trip per financial year. These warrants will cover the cost of the rail trip, and will not extend to cover the cost of meals and refreshments.
- (vii) Interstate Rail Warrants are not cumulative or transferable.

2. Former Ministers, Office Holders and Members

Entitlements under this Part are granted to former Parliamentarians who have held the offices listed for the specified time, or those satisfying the following criteria.

(a) Cabinet Ministers:

3 years

(b) President of the Legislative Council and Speaker of the Legislative Assembly:

3 years

(c) Former member who has served in paragraphs (a) or (b) above:

Aggregate of 3 years

(d) Leader of the Opposition in the Legislative Assembly:

6 years

(e) Member who has served in capacities listed in paragraphs (a) and (d) above:

Aggregate of 3 years (Note half the period of service as Leader of the Opposition is added to the period of service as a Cabinet Minister)

(f) Former members who have a service of not less than 20 years.

(g) Former members who have held office included in sections 4(2) and 6(1)(a) of the Salaries and Allowances Acts for periods which, when combined with the period performing their

normal Parliamentary function totals a period of service of not less than 20 years.

RAIL TRAVEL

Former Members satisfying the criteria under paragraph 2 may make application for the issue of a Parliamentary Design Railway of Australia Life Gold Pass. The Pass entitles holders to unlimited travel and ancillary services, except meals, on all railways of Australia.

Former Members utilising this benefit may be accompanied by their spouse on one return interstate rail journey per financial year.

OTHER TRAVEL

Former Members satisfying the criteria under paragraph 2 and who are domiciled within Australia shall be entitled to draw upon the Ministry of the Premier and Cabinet, for the purpose of obtaining travel of any nature within Australia, an amount not exceeding two thousand two hundred and fifty dollars (\$2250) per annum.

Conditions attaching to this allowance are:

1. The allowance may be used for the purpose of obtaining travel for spouses, *de factos* and members dependent children only when accompanying the former member.
2. The allowance cannot be converted as a cash benefit.
3. The allowance is to lapse at the end of each financial year, unless extenuating circumstances apply, where upon application may be made to the Director General, Ministry of the Premier and Cabinet for approval to cumulate for a maximum of two years.

GENERAL

Where, in the opinion of the Tribunal, a former member has provided information that warrants special consideration, the Tribunal may, at its discretion provide a benefit or benefits in accordance with that applying in this determination.

For the purposes of this Determination, the following general conditions apply:

1. All travel taken under the entitlements granted in this Determination shall be for non commercial purposes only.
2. Reference to the term "de facto" is made in the context of the definition applying in the Parliamentary Superannuation Act.
3. Dependent children are deemed to be full time students under the age of 18 years at the time of travel.

Dated at Perth this first day of March 1991.

B. J. COLLIER, Chairman.

M. F. BEESON, Member.

R. H. C. TURNER, Member.
Salaries and Allowances Tribunal.

WESTERN AUSTRALIA
SALARIES AND ALLOWANCES ACT 1975

DETERMINATION
of the
SALARIES AND ALLOWANCES TRIBUNAL

PURSUANT TO SECTION 6A

(PARLIAMENTARY SUPERANNUATION)

PRELIMINARY STATEMENT

In its determination dated 28 June 1990, the Tribunal made reference to a long standing anomaly that adversely affected the pensions of Members who remained in Parliament after ceasing to hold office as a Minister of the Crown or an Officer of Parliament as listed in Section 4.2 of the Salaries and Allowances Act 1975.

It was stated that since 1986 consideration had been given to various methods that may have remedied the anomaly but none had provided an equitable solution to the problem.

The Tribunal then announced that the matter was again under review. If a satisfactory answer could be found during the 1990/91 financial year any adjustment would operate from the first day of June 1990.

It has been decided that a method of pension calculation based on that used in the Federal Parliamentary Contributory Superannuation Act 1948 is to be preferred to the existing arrangement. Although this is not seen as faultless it virtually adjusts the anomaly, and when used in conjunction with a "grandfather" clause protects any current Member who may be disadvantaged by the proposal.

Dated at Perth this sixth day of March 1991.

B. J. COLLIER, Chairman.

M. F. BEESON, Member.

R. H. C. TURNER, Member.
Salaries and Allowances Tribunal.

DETERMINATION

It is notified for general information that the Determination of the Salaries and Allowances Tribunal published in the *Government Gazette* No. 20 dated 27 February 1987 is varied with effect from 1 June 1990, as follows—

Section 3—Higher Office Allowance

Delete existing provision and insert the following—

The basis to be used for calculating the higher rate of pension to which a person who was a member of the Parliament at the date of this Determination may be entitled, under Section 14 (3a) of the Act, shall be either—

1. (a) The basic pension, plus an additional amount of pension in respect of his service as a Minister of the Crown or in each office held as an Officer of the Parliament at a rate equal to such percentage of the rate, as which additional salary is payable to a Minister of the

Crown or by way of additional salary is payable to an Officer of the Parliament, as the case may be, at the date of his retirement in respect of each office held as is determined in accordance with paragraph 2. to be the relevant percentage,

OR

- (b) The rate per annum of pension payable to a person entitled to a pension calculated in accordance with section 14 (4) of that Act provided that, where the person has contributed to the Fund for not less than 20 years, the ratio of actual salary to basic salary shall be the highest ratio attained between the date of contributing to the Fund for 20 years and the date of that person's retirement,

whichever is the greater.

2. For the purposes of paragraph 1. (a), the relevant percentage in respect of the service of a person in a particular office is—

- (a) if the period of service of the person in that office is less than a complete year—the percentage, calculated to 4 decimal places, that is obtained by multiplying 6.57% by the number of days in that period of service and dividing the product by 365;
- (b) if the period of service of the person in that office is a complete year—6.57%;
- (c) if the period of service of the person in that office is a number of complete years—the percentage obtained by multiplying 6.57% by the number of complete years in that period of service; or
- (d) if the period of service of the person in that office is a complete year or a number of complete years and also, apart from that complete year or those complete years, a number of days—the percentage obtained by adding together—
- (i) the percentage ascertained in accordance with paragraph (b) or (c) in respect of the complete year or the complete years, as the case requires; and
- (ii) the percentage, calculated in accordance with paragraph (a) in respect of the number of days.

3. Nothing in paragraph 1. (a) shall be taken to entitle a person to an additional pension at a rate that exceeds—

- (a) in a case where the person is entitled to additional pension in respect of one office only—75% of the rate, at which additional salary is payable in respect of that office at the date of his retirement; or
- (b) in a case where the person is entitled to additional pension in respect of 2 or more offices—75% of the rate that is the highest rate, at which additional salary is payable in respect of either or any of those offices at the date of his retirement.

The basis to be used for calculating the higher rate of pension to which a person, who enters the Parliament after the date of this Determination, may be entitled under Section 14 (3a) of that Act, shall be in accordance with paragraph 1. (a).

Dated at Perth this Sixth day of March 1991.

B. J. COLLIER, Chairman.

M. F. BEESON, Member.

R. H. C. TURNER, Member.
Salaries and Allowances Tribunal.