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WESTERN AUSTRALIA

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION
OF THE
SALARIES AND ALLOWANCES TRIBUNAL**

20 NOVEMBER 1995

INTRODUCTION

Section 8 of the Salaries and Allowances Act 1975 requires the Tribunal to make a determination at intervals of not more than one year on the remuneration to be paid to parliamentarians, officers of the Public Service in the Special Division and prescribed offices.

Having received and considered many written and oral submissions from interested persons and organisations and having informed itself by inquiry the Tribunal has determined that there will be no general increases in the remuneration of any of these categories at this time. Reasons for this decision follow.

MEMBERS OF PARLIAMENT

Salaries

The industrial climate in this State is such that the Tribunal considers it to be in the public interest for parliamentary salaries to remain unaltered. However, it must be made very clear that, based on the remuneration paid to members of Parliaments throughout Australia, there is a strong prima facie case for substantial increases and any inordinate delay in adjusting salaries might well be contrary to equity and the substantial merits of the case.

This may be seen from the following table—

BASIC PARLIAMENTARY SALARY

Date	Federal	NSW	VIC	QLD	SA	TAS	WA
Dec. 94	74 460	73 960	73 960	73 960	68 693	66 208	73 910
Jan. 95	75 949	75 449	75 449	75 449	68 693	66 208	73 910
Apr. 95	77 438	76 938	76 938	76 938	68 693	66 208	73 910
*Jul. 95	78 987	78 487	78 487	78 487	76 987	67 519	73 910
**Mar. 96	80 251	79 751	79 751	79 751	78 251	67 519	73 910
Oct. 96	81 856	81 356	81 356	81 356	79 856	*71 343	

* Comparative rates at time of this determination.

** Future assured rates as the result of legislative ties.

*** Effective from 1.7.96. Parliament tied basic salary at 88.9% of MHR although Independent Committee of Review recommended \$71088 from 1.7.95 and \$74633 from 1.7.96.

The increases shown in the above table are the result of enterprise agreements between the Commonwealth Government and public sector unions. The most recent, the Continuous Improvement in the Australian Public Service Enterprise Agreement 1995-96 between all Ministers of the Crown, the President of the Senate, the Speaker of the House of Representatives and fourteen unions, was certified by the Australian Industrial Relations Commission on 22 September 1995.

The Federal Remuneration and Allowances Act 1990, as amended, fixes the basic salary of a Federal member of the House of Representatives (MHR) at the minimum salary of a Senior Executive, Band 2 in the Australian Public Service so there is an automatic variation in the salary of an MHR whenever there is a salary change at that level in the Australian Public Service. This is not subject to review by any external body.

With the exception of Western Australia, the basic salary of a member of Parliament in all Australian States is tied by legislation to the salary of an MHR. Thus salary increases occur automatically and noiselessly.

The advantages of such a system for governments and politicians generally are obvious, given the usual public reaction to increases in parliamentary salaries but whether this convenience is fair during a period of wage restraint, with its consequential demands on Crown employees to increase productivity and/or trade conditions for salary increases, is questionable.

If the sentiments expressed by the 65 members of the public who responded to the Tribunal's invitation to make written submissions and those of the principal public sector union are indicative of public opinion then there is a strong community feeling that the same industrial principles should apply to all persons whose remuneration comes from the public purse. Although the sample is inadequate for firm conclusions to be drawn our own inquiry tends to support that view.

The notion of equality in treatment appears simple in theory but its implementation is extremely difficult. Although not required to do so by the Salaries and Allowances Act, this Tribunal has always paid regard to the spirit and intent of the Wage Fixing Principles when making its determinations.

However, the role of a parliamentarian is unique and it is not possible to apply the Wage Principles in a strict literal sense. Members of Parliament are not employees. They are not covered by awards or agreements which specify such matters as wages, standard hours, annual leave, sick leave, overtime, shift work and a miscellany of other allowances and conditions. They are elected to their positions, not appointed and continuity of employment is in the hands of electors. There is no right of appeal. Neither they nor the Tribunal have any bargaining powers. The Wage Principles were not framed with this type of occupation in mind.

Be that as it may, it is consistent with the industrial principle of "a fair go all round" for the Tribunal to recognise the problems which confront workers in the public sector when they seek pay rises and to weigh those difficulties in the balances when endeavouring to assess what is fair and reasonable remuneration for politicians in the present industrial climate.

The Federal MHR has received substantial salary improvement because a position in the Australian Public Service of comparable salary has received increases as a result of enterprise bargaining. In reality the Commonwealth Government has indirectly negotiated increases for MHR's and members of Parliament in all Australian States, except Western Australia, without the trade offs or increases in productivity which must be presumed to have occurred in the Australian Public Service.

If the salary of a member of Parliament in Western Australia had been tied to a comparable State Public Service rate it is unlikely that his/her salary would have increased more than \$16 per week since November 1991 for at the present time that is all that most public servants have received.

For all that, salaries cannot be set in a vacuum and because parliamentarians are regarded as *sui generis*, tribunals and/or committees of enquiry throughout Australia have not hesitated to call in aid rates paid to politicians in other States and in the Federal Parliament when considering the salary question.

We are quite satisfied that the difference in work value of members in all Australian Parliaments is marginal and that, all things being equal, the basic salaries of members should be similar. So there is a real problem because failure to increase parliamentary salaries in this State will leave WA members of Parliament well behind their counterparts elsewhere in the Nation, yet we have some doubt that all things are equal.

The Tribunal has two main concerns. First, with few exceptions, the type of increases in the Australian Public Service which supposedly justified similar increases in the salary of an MHR have not occurred in this State. However, the Western Australian Public Sector (Civil Service Association) Enterprise Bargaining Framework Agreement 1995 dated 14 August 1995 provides for negotiations in public sector agencies with minimum assured increases. The first increase of 4 per cent will operate from 1 January 1996 if an agreement is reached and lodged in the Western Australian Industrial Relations Commission by 31 March 1996. A second increase of 2 per cent will operate from 1 July 1996 or six months after the operative date of the first increase, whichever is the later. A third increase of one per cent will take effect from 1 January 1997 or 12 months after the first increase, whichever is the later. So the situation should change in the near future.

Secondly, when other State Parliaments first chose to tie members' salaries to the basic rate for an MHR that rate was fixed by an independent tribunal. Now it is not. In June 1994 the Commonwealth Remuneration Tribunal stated that, in the then circumstances, it believed the general linkage with the Australian Public Service should be maintained and if it were setting salary levels it would do so at the base of SES Band 2. However, to our knowledge, it has tendered no further advice as to whether the relationship is still reasonable.

In all the circumstances the Tribunal will defer increases in parliamentary salaries until it has examined the extent of salary increases in other areas of public employment between now and March 1996. During this time the Tribunal will inquire further into the integrity of the Federal relationship, which at this stage we are not prepared to embrace.

We would expect to issue another determination within six months.

Before concluding this section it is appropriate that the Tribunal discuss further the \$4767 per annum increase which it awarded in December 1994 and which attracted adverse and ill-informed comment.

The increase had its genesis in a 1987 Special Anomalies Conference similar to those conducted by the Australian Industrial Relations Commission and attended by representatives of the Commonwealth Government, ACTU, Confederation of Australian Industry, ALP Caucus, Liberal Party and Australian Democrats. That conference gave its approval for the Commonwealth Remuneration Tribunal to decide whether provisions should be made for the social dislocation suffered by members in the discharge of their duties.

In 1988 the Federal Tribunal enlisted the aid of a well established management consultancy firm to carry out a comprehensive work value review. The consultants advised that personal dislocation to family and working life arose on a number of fronts at a level uncommon in the wider community. Accepted community standards were ascertained from "tens of thousands of positions from over 800 client organisations". The consultants were of the firm opinion that the dislocation factor should be included when assessing the value of a member's work.

In 1989 this Tribunal engaged the consultants to conduct a similar review in this State and like comments on personal dislocation were made with respect to members of the Western Australian Parliament.

The Federal Tribunal accepted that this disability should be included in its work value consideration and proposed a salary to operate from 1 January 1991. However, the increase was delayed following a request by the Federal Government and a majority of members and a subsequent postponement was again attributed to wage restraint.

Although this Tribunal announced in 1993 its acceptance in principle that social dislocation should be included in a consideration of a member's salary it deferred its implementation stating that "consistent with its approach to wage restraint, it will await a determination of the Federal Tribunal before giving further consideration to the introduction of this innovation".

It was not until June 1994 that the Federal Tribunal awarded the \$4767 per annum increase by way of allowance with a recommendation that the Parliament amend the legislation to increase parliamentary salaries by that amount.

With effect from 15 December 1994 the Federal Remuneration and Allowance Act was amended to include the allowance as part of an MHR's basic salary and on 16 December 1994 this Tribunal awarded the increase to members of Parliament in Western Australia.

Any further delay would have been quite unfair to parliamentarians in this State and clearly at odds with the spirit and intent of the Wage Fixing Principles.

Because of the events discussed earlier the basic salary of a Western Australian member of Parliament is now \$81 per week less than the average salary of the four other mainland States. It would be \$179 per week (14.2%) less than New South Wales, Victoria and Queensland, \$150 less (11.3%) than South Australian and \$131 (9.9%) less than the Northern Territory if the Tribunal had failed to act in December 1994.

Electorate Offices and Research Facilities

Most requests from members concerned matters relating to resource needs in electorate offices and the inadequacy of research facilities.

The State Parliamentary Labor Party urged the Tribunal to make a recommendation to Parliament and the Government that entitlements and expenses become the responsibility of the Tribunal while individual members across political boundaries made requests for additional staff and/or a research allowance.

In 1991 the Tribunal recommended to the then Government that the Salaries and Allowances Act be amended to clarify the respective powers of the Executive Government and the Tribunal. Since then the Tribunal has repeatedly drawn attention to the problem, stating in its June 1994 Determination—

“For many years there has been confusion as to the respective roles of the Executive Government, the Joint House Committee and the Tribunal in determining some of the various entitlements of Ministers, Members of Parliament and other Parliamentary Office Holders. Where there has been a history of certain matters being dealt with by others the Tribunal has been disinclined to move into those areas although, arguably, some are within its jurisdiction.

It would be beneficial to all concerned if the Parliament clarified these matters as soon as possible and the Tribunal so recommends”

Notwithstanding legal advice which tends to support the view that all of these matters are within the province of the Tribunal, the convention is that the Ministry of Premier and Cabinet assumes responsibility.

It is the Tribunal's strong opinion that the Parliament should make the position clear one way or the other so that everybody knows precisely who is responsible for what.

Other Allowances and Provisions

In 1994, the Tribunal undertook a major examination of the expenditure of members following the issue of a detailed questionnaire to all members of Parliament.

The current review elicited requests from a number of members and the State Parliamentary Labor Party. Changes and increases were sought in several areas including the electorate motor vehicle, fuel cards, air charter, postage and travelling allowances. Following consideration by the Tribunal, minor changes and adjustments have been made to the air charter provision, postage and travelling allowances.

Expense of Office Allowance

As part of this review, all parliamentary office holders were asked to consider whether the expense of office allowance provided to them should be subsumed into the additional salary for the respective office. The Tribunal did not receive a response from all office holders and accordingly has deferred any decision in this matter until a future review. During the course of its inquiries into the expense of office allowances, the Tribunal accepted that the allowance provided to the Leader of the Opposition in the Legislative Assembly was insufficient to cover the cost of the miscellany of items that the position would normally be expected to provide.

Many similar expenses incurred by Ministers are met from Departmental funds and this would appear to be the pattern regardless of which political party is in power.

An increase in the allowance, based on allowances provided in other Australian Parliaments, has been provided to the Leader of the Opposition.

SPECIAL DIVISION AND PRESCRIBED OFFICE HOLDERS

In December 1994 the Tribunal awarded rates that it considered to be fair and reasonable for these officers following the enactment of the Public Sector Management Act 1994. It acknowledged that in the higher levels of the salary structure the rates did not match the private sector but pointed out that the salaries of senior management in private employment had not been subjected to the same wage restraint as the general workforce.

As the rates were set below the private sector the Tribunal provided some flexibility to meet the exceptional case but made it very clear that the determined structure should only be departed from for a special and distinguishing reason.

We have received information that top salaries in the private sector have moved further ahead in the past twelve months. Indeed figures have been published which show some extraordinary remuneration for CEO's in a number of public companies. It would be a misuse of power for the Tribunal to attempt to match or even consider those rates in its review. As a result it is always possible that the State could lose the services of talented people or fail to attract others but there is little evidence of exodus due to salary dissatisfaction.

The Western Australian Public Sector Enterprise Bargaining Framework Agreement 1995 puts in place a process for agreements to be negotiated which achieve improvements in productivity and efficiency and the enhanced performance of agencies covered by them and allows the benefits from those improvements to be shared by employees, agencies and the Government on behalf of the community.

Already some agreements have been negotiated but they are relatively few. As the CEO is responsible for the productivity and efficiency of his/her agency the Tribunal considers that the time to consider a further increase in the salary structure is when negotiations have concluded in all or most agencies.

Thus we will consider the matter further within six months.

Registrars—Supreme and District Courts

In its last determination the Tribunal announced that because the Chief Justice and the former Chief Judge of the District Court considered that further upward adjustment was required to the salaries of registrars the matter would be examined *de novo* early in 1995.

The Tribunal sought and obtained the assistance of Commissioner G L Fielding of the Western Australian Industrial Relations Commission to investigate and report on the registrars' claims. Commissioner Fielding is a lawyer and an industrial relations arbiter of long standing.

After thoroughly considering a most comprehensive report prepared by the Commissioner the Tribunal is quite satisfied that the salaries awarded to these officers of the Special Division of the Public Service are reasonable. There may be need for a slight adjustment to the salary of Supreme Court Registrars if and when they acquire the authority to deal with much of the chambers work now undertaken by the Masters. However, if required, that will be considered in a subsequent general review.

There is a strong objection by registrars to holding office under and subject to the terms of the Public Sector Management Act 1994. They and the Judges of the respective courts see it as an unnecessary interference with judicial independence. This is a matter outside the scope of the authority of this Tribunal. However, we recommend that the concern be examined by the Hon Premier and Attorney General so that changes can be effected if considered necessary.

Commissioner Fielding reported that, in practice, there appears to be no distinction between the work performed by Deputy Registrars and Registrars and "certainly that is the view of both the Principal Registrar and the Chief Judge". The Chief Judge has advised that it is the widely held, though not universally held, view that the work value is the same.

It would appear that the title of the office is a misnomer. If the occupants are not registrars then they are something less, but not deputy registrars.

Pending some decision as to whether reclassifications are to be effected or whether duty statements are to be changed the Tribunal proposes to make no alteration to the existing salary. However, it expects the matter to be finalised promptly and the Tribunal to be advised of the outcome. When the problem is resolved some degree of retrospectivity might be appropriate.

The determination will now issue.

Dated at Perth this 20th day of November 1995.

B. J. COLLIER, Chairman.

R. H. C. TURNER, Member.

J. A. S. MEWS, Member.

Salaries and Allowances Tribunal.

DETERMINATION—FIRST SCHEDULE

Pursuant to the provisions of the Salaries and Allowances Act 1975 (as amended), the Salaries and Allowances Tribunal determines the remuneration to be paid to Ministers of the Crown, the Parliamentary Secretary of Cabinet, a Parliamentary Secretary appointed under Section 44A (1) of the Constitution Acts Amendment Act 1899, Officers and Members of the Parliament, as hereunder.

PART I—REMUNERATION OF MEMBERS GENERALLY

Section 1—Basic Salary

There is payable to each Member an annual salary calculated at the rate of \$73 910 per annum.

Section 2—Electorate Allowances

Section 2(1)

In addition to the basic salary there is payable to a Member, in respect of the expenses of discharging that members duties, an electorate allowance of \$18 095 per annum, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 2(3).

Section 2(2)

To recognise the increased expenditure incurred by members servicing large and/or non metropolitan electorates, the following amounts shall be paid in addition to the basic electorate allowance.

Electorate District or Region	Additional Allowance per annum
	\$
Metropolitan Regions	1 443
Districts—	
Armadale, Darling Range, Peel Roleystone, Swan Hills and Wanneroo	1 443
South West Region	7 438
Districts—	
Albany, Bunbury and Mitchell	352
Murray, Vasse and Wellington	1 830
Collie	3 308
Stirling and Warren	6 264
Agricultural Region	10 395
Districts—	
Geraldton	352
Avon and Wagin	6 264
Greenough, Merredin, Moore and Roe	9 222
Mining and Pastoral Region	15 383
Districts—	
Kalgoorlie	2 528
Ashburton, Eyre, Kimberley Northern Rivers & Pilbara	14 210

Section 2(3)

Every member of Parliament, with the exception of those members who, as a result of the Office held, are provided with a government owned vehicle, shall be entitled to the supply of a private plated motor vehicle for use on Parliamentary, Electorate and Private business within Western Australia.

Motor vehicles issued to members through this provision will be of the Ford Falcon GLi or Commodore Executive (6 cylinder) class, fitted with an automatic transmission, power steering and air conditioning, with all running and maintenance costs met by the State.

Where a Member requires, for operational or personal reasons, a model of vehicle exceeding the standard, all additional costs, including Fringe Benefits Tax and insurance shall be met by the Member.

Members representing the South West, Agricultural or Mining and Pastoral Regions, and any District contained therein are entitled to have "Roo" Bars and driving lights fitted to the supplied vehicle at no additional cost.

Members representing the Mining and Pastoral Region or any District contained therein, can apply for the issue of an appropriate four wheel drive vehicle in lieu of that mentioned above, provided that the vehicle will be used predominantly in the Region or District to which the Member has been elected. Members seeking such a vehicle must contact the office of the Tribunal prior to making their application.

In the case of a Member who elects not to seek the issue of a Government supplied motor vehicle pursuant to this Section, that member shall receive an amount of \$5850 per annum in lieu thereof.

A Member who is supplied with a Government owned vehicle as a result of an Office held, may make application to the Tribunal for the issue of an electorate vehicle. The application should detail the reasons why a second vehicle is required.

Section 3—Motor Vehicle Allowance

1. Where a Member elects not to seek the issue of a government supplied motor vehicle, pursuant to Section 2 (3), and uses a privately owned vehicle to travel between the Member's residence and Perth, the Member shall be paid a motor vehicle allowance at current Public Service rates for the shortest practicable route provided such travel—

- (a) is not less than 100 kilometres return, and
- (b) is for the purpose of attending—
 - (i) a sitting of Parliament or a meeting of that members parliamentary political party, or
 - (ii) a meeting of a parliamentary select committee of which that Member is a Member, or
 - (iii) an official government, parliamentary or vice regal function

but such allowance shall be limited to kilometres travelled in excess of 100.

2. Where in the opinion of the President of the Legislative Council or the Speaker of the Legislative Assembly, as the case may require, a scheduled commercial air service could have been used for the travel referred to in paragraph 1, the motor vehicle allowance payable under this section shall not exceed the value of the commercial air fare.

Where a Member elects not to seek the issue of a government supplied motor vehicle, pursuant to Section 2 (3), and uses a privately owned vehicle to travel between the Member's residence and the nearest airport, in order to travel to and from Perth by aircraft for the purposes listed in subparagraph (b) of paragraph 1, the Member shall be paid an allowance under this section for the motor vehicle travel in excess of 100 kilometres return.

Section 4—Air Charter and Hire

1. Members representing the undermentioned electorates shall, except where scheduled airlines are operating at reasonably convenient times, be entitled at Government cost to use charter transport within or for the service of their electorates, but such cost shall not exceed the amounts specified hereunder—

	Per Financial Year
	\$
Group 1	
Electorate Region	
Mining and Pastoral	22 500
Electorate Districts	
Ashburton, Eyre, Kimberley Northern Rivers and Pilbara	15 000
Group 2	
Electorate Region	
Agriculture	15 000
Electorate Districts	
Greenough, Merredin, Moore and Roe	12 000
Avon and Wagin	5 000
Group 3	
Electorate Region	
South West	12 000
Electorate Districts	
Stirling, Warren	5 000

2. Where a Member uses air charter facilities to travel between two or more towns serviced by commercial air services (regular public transport), and there is no direct service between those towns, the total cost of the charter shall be met from consolidated revenue. However, the provision available to the Member shall only be debited with the difference between the cost of a business class fare (or where a business class is not available, then the full economy fare) on a commercial flight and that charged by the air charter company.

3. "Charter transport" includes charter aircraft, drive yourself vehicles and such other modes of transport as may be approved as appropriate in the circumstances by the President of the Legislative Council or the Speaker of the Legislative Assembly as the case may require.

PART II—REMUNERATION OF MINISTERS OF THE CROWN

1. In addition to the remuneration payable by virtue of Part 1 of this Determination, there is payable—

- (a) to a person for the time being holding the office of Premier in conjunction with a ministerial office, a salary calculated at the rate of \$73 513 per annum.
- (b) to the person for the time being holding the office of Deputy Premier in conjunction with a ministerial office, a salary calculated at the rate of \$55 937 per annum.
- (c) to the person for the time being holding the office of Leader of the Government in the Legislative Council in conjunction with a ministerial office, a salary calculated at the rate of \$49 533 per annum.
- (d) to each person, not being a person referred to in sub-paragraph (a), (b) or (c) of this paragraph, for the time being holding a ministerial office a salary calculated at the rate of \$41 545 per annum.

2. If a person holds more ministerial offices than one, that person shall be paid a salary under this Part in respect of one only of those offices.

PART III—REMUNERATION OF OFFICERS OF PARLIAMENT
AND THE
PARLIAMENTARY SECRETARY OF THE CABINET

1. In addition to the remuneration payable to a Member by virtue of Part I of this Determination there is payable to the person for the time being holding the office specified in the table hereunder a salary of the amount and at the rate specified, namely—

	Salary per annum
	\$
Leader of the Opposition in the Legislative Assembly	41 545
President of the Legislative Council	31 158
Speaker of the Legislative Assembly	31 158
Leader of the Opposition in the Legislative Council	22 851
Deputy Leader of the Opposition in the Legislative Assembly	22 851
The person who not being a Minister of the Crown is the leader of a party in the Legislative Assembly of at least five Members other than a party whose leader is the Premier or the Leader of the Opposition	22 851
Parliamentary Secretary of the Cabinet	22 851
Chairman of Committees in either House	12 464
Government Whip in the Legislative Assembly	10 386
Opposition Whip in the Legislative Assembly	10 386
Government Whip in the Legislative Council	6 232
Opposition Whip in the Legislative Council	6 232

2. If a person holds more than one office, that person shall be paid a salary under this Part in respect of one only of those offices.

3. Where the Legislative Assembly is dissolved or expires by effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by effluxion of time was the Chairman of Committees in the House or is the holder of the office of—

- (a) Leader of the Opposition in that House;
- (b) Leader of a recognised non-Government Party of at least five Members in the Legislative Assembly;
- (c) Deputy Leader of the Opposition in that House;
- (d) Government Whip in that House; or
- (e) Opposition Whip in that House

is entitled to receive the salary payable to that office holder by virtue of paragraph 1 of this Part and the allowance, if any, payable to the office holder under Part IV of this Determination until—

- (i) that person ceases to be a Member by reason of an event other than the dissolution or expiry by effluxion of time of the Legislative Assembly; or
- (ii) another person is elected or appointed to the office held by that person

whichever event shall first occur.

PART IV—EXPENSE ALLOWANCE

In addition to the remuneration payable under Parts I, II and III of this Determination there shall be payable to the holders for the time being of the following offices the following allowances, namely—

	Office Allowance per annum
	\$
Premier	22 659
Deputy Premier	4 721
Leader of the Government in the Legislative Council	4 721
Ministers of the Crown (other than the Premier, Deputy Premier, and the Leader of the Government in the Legislative Council)	3 115
Leader of the Opposition in the Legislative Assembly	11 000
President of the Legislative Council	2 494
Speaker of the Legislative Assembly	2 494
*Leader of a Recognised non-Government Party	2 494
Leader of the Opposition in the Legislative Council	2 078
Parliamentary Secretaries	1 661
Deputy Leader of the Opposition in the Legislative Assembly	1 661
Parliamentary Secretary of the Cabinet	1 661
Chairman of Committees in the Legislative Council	1 246
Chairman of Committees in the Legislative Assembly	1 246

*As defined in Part III paragraph 1.

PART V—TRAVELLING AND ACCOMMODATION ALLOWANCES

Section 1

Office Holders on Official business

1.1 There shall be payable to the Premier, a Minister of the Crown, an Honorary Minister and the Parliamentary Secretary of the Cabinet, when travelling within Australia on official duty as the holder of that position, who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres of the Perth GPO, by way of reimbursement travelling allowances at the rate per day set in this Part.

1.2 The Deputy Premier when travelling within Australia on duty representing the Premier shall be entitled to the same allowances as the Premier.

1.3 Opposition and Third Party Leaders: The Leader of the Opposition in the Legislative Council, the Leader of the Opposition in the Legislative Assembly and the Leader of a Recognised Non-Government Party, when travelling within Australia on duty as such Leader, shall be entitled to the same allowances as a Minister and so also shall the Deputy Leader of the Opposition in the Legislative Assembly when travelling within Australia on duty whether for and in the place of the Leader or as such Deputy Leader only.

1.4 Temporary Appointments: A Member who, for the time being, is appointed to act in lieu of the permanent occupant in any of the positions referred to in paragraphs 1.1, 1.2 or 1.3, shall, for the time he or she is acting in that position, receive the same travelling allowance as payable to the permanent occupants.

1.5 Members: A Member (not being the holder of an office referred to in paragraphs 1.1, 1.2, or 1.3) who actually incurs expense in securing overnight accommodation when travelling on duty within Australia, as an official representative of the Government or Parliamentary committee or delegation including a Member of a Select Committee of a House or a Joint Select Committee of Houses shall be entitled to travelling allowances at the rate set for a Minister.

1.6 Members Deputising—

- (i) On behalf of the Premier: a Member who, at the written request of the Premier, deputises for the Premier at a function, and who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres from that Member's principal place of residence or second residence, is entitled to claim allowances under this Part, at the rate prescribed for a Minister.
- (ii) On behalf of the Leader of the Opposition in the Legislative Assembly, or the Leader of a recognised non government party (as defined in Part III paragraph 1): A Member who, at the written request of the above mentioned Leaders, deputises for the Leader at a function, and who actually incurs expense on overnight accommodation, at a place situated outside a radius of 50 kilometres from that Member's principal place of residence or second residence is entitled to claim allowances under this Part, at the rate prescribed for a Minister.

Section 2

2.1 There shall be payable to a Member who represents the Mining and Pastoral, Agricultural or South West Regions or any District contained within those Regions an amount per financial year based on 80 nights at Rate A for accommodation and associated expenditure incurred for the following purposes—

1. Sittings of that Members House of Parliament.
2. Meetings of Select Committees of which that Member is a member.
3. Attendance at official government, parliamentary or vice regal functions.
4. Any other official duties pertaining to parliamentary or electorate matters.

2.2 Where by virtue of a Members parliamentary role, a Member, representing an electorate mentioned in (2.1) above, maintains a second residence or wholly resides in the Perth Metropolitan area, the allowance shall be paid on the same basis as though that Member resided in the District or Region to which he or she has been elected. This allowance is granted to cover costs associated with the second residence or travel to and from that members electorate and accommodation costs therein.

Section 3—Travelling within the Member's Electorate

In addition to that applying in Section 2 of this Part—

3.1 Members representing the District or Regions listed in 3.2 may claim travelling allowances at Rate B for each overnight stay at a place in or adjacent to their electorate, but not within a radius of 50 kilometres of the Member's principal place of residence or second residence.

3.2 (i) The maximum number of nights claimable per financial year shall be—

30 nights—Avon, Collie, Greenough, Merredin, Moore, Murray, Roe, Stirling, Vasse, Wagin, Warren and Wellington.

40 nights—Ashburton, Eyre, Pilbara, Kimberley & Northern Rivers.

50 nights—Regions—Mining and Pastoral, Agricultural and Southwest.

(ii) Where a Member exceeds the number of nights specified in 3.2 (i), a further entitlement equivalent to the original may be claimed, subject to the following additional criteria—

- (a) The principal place of residence of the Member must be in or adjacent to the electorate to which the Member has been elected, provided that the residence is not located in the Metropolitan Regions; and

- (b) Where overnight accommodation is claimed, the Member must produce evidence that expenditure was incurred. Where a part day is claimed, the Member must certify that the meals claimed were purchased.

Section 4—Parliamentary Party Meetings

A Member attending a meeting of his or her parliamentary party other than in Perth but within Western Australia shall be entitled to claim the Accommodation allowance up to a maximum of 8 nights per financial year, at the appropriate members rates contained at the end of this Part.

Members of Parliament who are not members of a parliamentary political party or those whose parliamentary party membership is less than five members shall also be entitled to claim the accommodation allowance up to a maximum of 8 nights per financial year for travel to places other than in Perth but within Western Australia on business relating to their parliamentary duties.

Section 5—General Conditions Applying to This Part

5.1 For the purpose of this Part, a Member must nominate his or her principal place of residence, and where applicable the address of the second residence, to the President of the Legislative Council or the Speaker of the Legislative Assembly as appropriate.

5.2 Where a Member or office holder claiming under sections 1 and 3 of this Part secures overnight accommodation, either travelling from or to his or her principal place of residence for the purposes outlined in each Section, travels for part of a day, reimbursement will be made in accordance with the following formulae.

- (i) If departure from principal place of residence is:
- before 8.00am—100 per cent of the daily rate.
 - 8.00am or later but prior to 1.00pm—90 per cent of the daily rate.
 - 1.00pm or later but prior to 6.00pm—75 per cent of the daily rate.
 - 6.00pm or later—50 per cent of the daily rate.
- (ii) If arrival back at principal place of residence is:-
- 8.00am or later but prior to 1.00pm—10 per cent of the daily rate.
 - 1.00pm or later but prior to 6.00pm—25 per cent of the daily rate.
 - 6.00pm or later but prior to 11.00pm—50 per cent of the daily rate.
 - 11.00pm or later—100 per cent of the daily rate.

5.3 Partial payment of the appropriate daily travelling allowance calculated at the rate of ten per cent for breakfast, fifteen per cent for lunch and twenty five per cent for dinner may be claimed in the following circumstances—

- (i) Where a Member or Office Holder travels in accordance with the provisions of Sections 1 and 3 of this Part, and the travel does not occasion an overnight stay, that Member or Office Holder may claim the partial allowance provided that certification is made that each meal was actually purchased.
- (ii) Where a Member or Office Holder travels in accordance with the provisions of Sections 1 and 3 of this Part, and utilises accommodation for a period that does not include an overnight stay, an amount of fifty per cent of the appropriate daily rate may be claimed in addition to the partial allowance.

Section 6—Travelling Allowance—Rates of Payment

	Premier	Ministers Etc	Members
	\$	\$	\$
Capital City (Excluding Perth)	400	300	
Other Areas	275	175	
Perth	—	—	Rate A 143
WA South of 26° Lat	—	—	Rate B 118
WA North of 26° Lat	275	250	Rate B as per the Public Service Award 1992 Schedule I

Provided that where the expenses reasonably and properly incurred exceed the above allowance, the actual costs will be reimbursed

Section 7—Taxi Fares

A Member shall be entitled to claim reimbursement of taxi fares necessarily incurred when travelling to or from any airport, or helipad in the Metropolitan area or the Perth Rail Terminal to Parliament House, or to the member's residence in the Metropolitan area for the purpose of attending a sitting of Parliament, attending party meetings or meetings of parliamentary committees.

PART VI—POSTAGE ALLOWANCES

There shall be payable to every Member of Parliament, for parliamentary or electorate business, but not for party or personal business, a postage and lettergram allowance at the rate of \$5400 per annum. This allowance shall be paid monthly.

OFFICE HOLDERS

The holders of the following offices, in addition to the allowance granted as a Member, shall receive an annual allowance, payable monthly, for the purchase of postal and Lettergram facilities for the Office held. The allowance is not to be used for Electorate, party or personal business.

	Rate per annum
	\$
Leader of the Opposition in the Legislative Assembly	9 000
Leader of the Opposition in the Legislative Council	6 750
Leader of a recognised Non Government Party	6 750
Deputy Leader of the Opposition in the Legislative Assembly	4 500

The allowances provided in this Part shall be adjusted proportionately in accordance with any percentage variation in the basic minimum first class letter rate as fixed by Australia Post; the said increase to operate from the date on which such increased postal rates commence.

PART VII—TELEPHONE RENTAL AND CALLS

1. Private Residence: Every Member of Parliament (other than Ministers, the President of the Legislative Council, the Speaker of the Legislative Assembly, the Leader of the Opposition in the Legislative Assembly and the Chairman of Committees, and any others whose private telephone rentals and calls are paid in full from public funds) shall receive;

- (a) as an allowance or emolument, payment to that Member by way of reimbursement, of the rental and 85 per centum of all charges for calls incurred by that Member in respect of one standard telephone in that Member's private residence or, where that Member reasonably maintains more than one residence by reasons of membership of Parliament, in each such residence.
- (b) The rental charges levied for additional telephone sockets shall be included in the reimbursement of rental in (a) above.

2. Electorate Offices, First Telephone: Every Member of Parliament provided with an electorate office shall receive, as an allowance or emolument, payment to that Member by way of reimbursement, of the rental and all charges for calls incurred by that Member in respect of an approved telephone in that Member's electorate office.

3. Electorate Offices, Second Telephone: Where a Member of Parliament has a second telephone in the electorate office, the Member shall receive as an allowance or emolument, payment to that Member by way of reimbursement, of the rental and all charges for calls incurred by the Member in respect of that second telephone.

4. Electorate Offices, Facsimile Machines: Where a Facsimile machine is installed in a Member's electorate office, either utilising the second telephone line in (3) above or as a third telephone line, the Member shall receive as an allowance or emolument, payment to that Member by way of reimbursement, of the rental and all charges for calls incurred by the Member in respect of that facsimile machine.

5. Mobile Telephones: Where a Member of Parliament has a mobile telephone for parliamentary and electorate use, the Member shall be entitled to receive, as an allowance or emolument, reimbursement of the access and call costs incurred in accordance with the following.

- (a) Members representing the Mining & Pastoral, Agricultural and South West Regions or any District contained therein, reimbursement to a maximum of \$130 per month.
- (b) Members representing the Metropolitan Regions or any District contained therein, reimbursement to a maximum of \$80 per month.

6. Reimbursement of Telephone Charges: In so far as a Member of Parliament pays or is charged with any telephone calls made by the Member from Parliament House, that Member shall receive, as an allowance or emolument, payment by way of reimbursement of all such charges.

7. Definition: In this Part, "calls" include all charges (other than international telegrams and calls) as usually included on Telecom Australia accounts rendered to subscribers.

"Standard telephone" and "Approved telephone" refers to the telephones considered appropriate from time to time, by the Director General, Ministry of the Premier and Cabinet.

PART VIII—PAYMENT OF REMUNERATION

1. The remuneration payable to a Member under Parts I, (Section 2), VI and VII of this Determination shall be calculated from the day on which the Member is elected as a Member, and except as provided by paragraph 3 of this Part, cease to be payable as from the day on which the person ceases to be a Member.

2. Where a Member of the Legislative Assembly ceases to be a Member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time, the Member is notwithstanding that Member's cessation of membership, entitled to continue to receive the remuneration provided in Parts I, VI and VII of this Determination until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

3. Remuneration payable under Parts I (Sections 1&2), II, III, IV, V (Section 2) and VI of this Determination shall be paid by equal instalments on the last day of each month.

Dated at Perth this 20th day of November 1995.

B. J. COLLIER, Chairman.
R. H. C. TURNER, Member.
J. A. S. MEWS, Member.

DETERMINATION—SECOND SCHEDULE

Pursuant to the provisions of the Salaries and Allowances Act 1975 (as amended) the Salaries and Allowances Tribunal determines the remuneration to be paid to the Officers of the Public Service holding offices included in the Special Division of the Public Service (S) and the persons holding Prescribed Offices (P), shall be in accordance with the following.

PART 1

Special/Group 1	\$87 605
Special/Group 2	\$92 973
Special/Group 3	\$98 574
Special/Group 4	\$103 993
Special/Group 5	\$112 372
Special/Group 6	\$123 101
Special/Group 7	\$136 435
Special/Group 8	\$150 000

In addition to the foregoing salary rates a contract allowance at the rate of twenty per cent of the determined salary per annum shall be paid to:-

- (a) a person holding a Prescribed Office under Section 6 (1)(e) of the Salaries and Allowances Act and who is appointed on a fixed term contract without any guarantee of continued employment at the expiration of such term.
- (b) an officer who is appointed under the provisions of the Public Sector Management Act 1994 on a fixed term contract without any right of continued employment at the expiration of such term.
- (c) an officer who does not elect to retain a right of return as provided in Section 58 of the Public Sector Management Act 1994.
- (d) a commissioned police officer whose previous commission is revoked upon appointment as Deputy or Assistant Commissioner and who is appointed for a fixed term with no right of return to commissioned rank.

Provided that:

The allowance shall not be paid to a person who is already in receipt of a contract allowance or who is paid, for any reason, a salary in excess of that determined by the Tribunal for the office that is held, or is paid an amount additional to the salary, however described, unless the Tribunal approves in the circumstances of a particular case.

Offices:

S ABORIGINAL AFFAIRS DEPARTMENT

Chief Executive Officer—(S3)

S ALCOHOL AND DRUG AUTHORITY:

Director—(S2)

S AGRICULTURE—DEPARTMENT OF:

Director General—(S6)

S ARTS—DEPARTMENT FOR THE:

Executive Director—(S2)

P AUDITOR GENERAL—OFFICE OF:

Auditor General—(S7)

S BUILDING MANAGEMENT AUTHORITY:

Executive Director—(S5)

P COASTAL SHIPPING COMMISSION—(WESTERN AUSTRALIAN):

General Manager—(S3)

- S COMMERCE AND TRADE—DEPARTMENT OF:
Chief Executive Officer—(S6)
- P CONSERVATION AND LAND MANAGEMENT—DEPARTMENT OF:
Executive Director—(S5)
- S DISABILITY SERVICES COMMISSION:
Chief Executive Officer—(S5)
- S EDUCATION DEPARTMENT
Chief Executive Officer—(S8)
- S EDUCATION POLICY AND COORDINATION BUREAU:
Chief Executive Officer—(S3)
- P ELECTORAL COMMISSION—(WESTERN AUSTRALIAN):
Electoral Commissioner—(S4)
Deputy Electoral Commissioner—\$71910
- S ENERGY—OFFICE OF
Coordinator—(S4)
- S ENVIRONMENTAL PROTECTION—DEPARTMENT OF:
Chief Executive Officer—(S2)
- P EQUAL OPPORTUNITY COMMISSION:
Commissioner—(S1)
- S FAIR TRADING—MINISTRY OF:
Executive Officer—(S2)
- S FAMILY AND CHILDREN'S SERVICES:
Director General—(S5)
- P FIRE BRIGADES BOARD—(WESTERN AUSTRALIAN):
Executive Chairman—(S3)
- S FISHERIES DEPARTMENT:
Director—(S2)
- P FREMANTLE HOSPITAL:
Chief Executive Officer—(S4)
- P FREMANTLE PORT AUTHORITY:
General Manager—(S5)
- S GOVERNMENT EMPLOYEES SUPERANNUATION BOARD:
Executive Director—(S4)
- S GOVERNMENT PROPERTY OFFICE:
Chief Executive—(S2)
- P GOVERNMENT RAILWAYS COMMISSION—(WESTERN AUSTRALIAN):
Commissioner—(S6)
- S HEALTH DEPARTMENT OF WESTERN AUSTRALIA:
Commissioner—(S8)
- S HOUSING COMMISSION—(STATE):
Executive Director—(S5)
- P INFORMATION COMMISSIONER—OFFICE:
Commissioner—(S1)
- S JUSTICE—MINISTRY OF:
Director General—(S6)
- S KING EDWARD MEMORIAL HOSPITAL AND PRINCESS MARGARET HOSPITAL:
Chief Executive Officer—(S5)
- S LAND ADMINISTRATION DEPARTMENT OF:
Chief Executive—(S4)
- S LAND AUTHORITY—WESTERN AUSTRALIAN:
Chief Executive Officer—(S2)
- P LIBRARY BOARD OF WESTERN AUSTRALIA:
State Librarian—(S2)
- S LOCAL GOVERNMENT—DEPARTMENT OF:
Executive Director—(S2)
- P MAIN ROADS DEPARTMENT:
Commissioner—(S6)
- P MEAT COMMISSION—(WESTERN AUSTRALIAN):
Chief Executive Officer—(S2)

- P METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST:
Chief Executive—(S4)
- S MINERALS AND ENERGY—DEPARTMENT OF:
Director General—(S6)
- P MUSEUM—(WESTERN AUSTRALIAN):
Director—(S1)
- S NON GOVERNMENT EDUCATION—OFFICE OF WESTERN AUSTRALIAN:
Chief Executive Officer—(S2)
- P PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS:
Commissioner —(S5)
- S PLANNING—MINISTRY FOR:
Chief Executive—(S5)
- P POLICE DEPARTMENT:
Commissioner —(S7)
Deputy Commissioner—(S3)
Assistant Commissioners— (S1)—5 positions.
- S POLICY OFFICE
Chief Executive—(S4)
- S PREMIER AND CABINET—MINISTRY OF THE:
Director-General—(S6)
- S PRODUCTIVITY AND LABOUR RELATIONS:
Executive Director—(S3)
- S PUBLIC SECTOR MANAGEMENT OFFICE
Chief Executive—(S3)
- P PUBLIC SECTOR STANDARDS COMMISSION:
Commissioner —(S8)*
- S RACING, GAMING & LIQUOR—OFFICE OF:
Executive Director—(S2)
plus an allowance of 5% per annum whilst a member of the Territory of Christmas
Island Casino Surveillance Authority
- S RESOURCES DEVELOPMENT—DEPARTMENT OF:
Chief Executive Officer—(S7)
- S ROTTNESST ISLAND AUTHORITY:
Chief Executive Officer—(S1)
with a temporary allowance to (S2).
- P ROYAL PERTH HOSPITAL:
Chief Executive Officer—(S5)
- S SECONDARY EDUCATION AUTHORITY:
Director—(S2)
- P SIR CHARLES GAIRDNER HOSPITAL:
Chief Executive Officer—(S5)
- S SOUTH WEST DEVELOPMENT AUTHORITY:
Executive Director—(S1)
- S SPORT AND RECREATION—MINISTRY OF:
Executive Director—(S2)
- S STATE ADMINISTRATION—OFFICE OF
Chief Executive—(S4)
- S STATE SERVICES—DEPARTMENT OF:
Chief Executive Officer—(S4)
- S STATE SUPPLY COMMISSION:
Chief Executive Officer—(S2)
- S TAXATION DEPARTMENT—(STATE):
Commissioner—(S3)
- P TOTALISATOR AGENCY BOARD:
General Manager—(S2)
- P TOURISM COMMISSION—(WESTERN AUSTRALIAN):
Chief Executive Officer—(S2)
- S TRAINING—WESTERN AUSTRALIAN DEPARTMENT OF:
Chief Executive Officer—(S6)

- S TRANSPORT—DEPARTMENT OF:
Director General—(S6)
- S TREASURY DEPARTMENT:
Under Treasurer—(S8)
- P WATER AUTHORITY OF WESTERN AUSTRALIA:
Managing Director—(S6)
- S WATERWAYS COMMISSION:
Executive Director—(S1)
- S WORKERS' COMPENSATION AND REHABILITATION COMMISSION:
Executive Director—(S2)
- P WORKPLACE AGREEMENTS COMMISSION:
Commissioner—(S1)
- P WORKSAFE WESTERN AUSTRALIA
Commissioner —(S4)
- * Personal to present occupant.

 PART 2

Director of Public Prosecutions:

Salary payable from time to time of a Puisne judge of the Supreme Court of Western Australia.

Supreme Court:

Principal Registrar \$123 250
Registrar \$109 000

District Court:

Principal Registrar \$116 000
Registrar \$109 000
Deputy Registrar \$ 98 000

The holders of Offices contained in Parts 1 and 2 of the Second Schedule shall be entitled to the supply of a fully maintained motor vehicle of a type specified from time to time by the Tribunal, for business and personal use within Western Australia.

Dated at Perth this 20th day of November 1995.

B. J. COLLIER, Chairman.
R. H. C. TURNER, Member.
J. A. S. MEWS, Member.

 DETERMINATION—THIRD SCHEDULE

Pursuant to the provisions of the Salaries and Allowances Act 1975 (as amended) the Salaries and Allowances Tribunal determines the remuneration to be paid to the holders of offices included in Section 6 (1) (c) of the Act, shall be in accordance with the following.

Clerk of the Legislative Council	\$86 986
Deputy Clerk of the Legislative Council	\$66 512
Clerk of the Legislative Assembly	\$86 986
Deputy Clerk of the Legislative Assembly	\$66 512

Dated at Perth this 20th day of November 1995.

B. J. COLLIER, Chairman.
R. H. C. TURNER, Member.
J. A. S. MEWS, Member.
Salaries and Allowances Tribunal.

