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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE
SALARIES AND ALLOWANCES
TRIBUNAL**

SALARIES AND ALLOWANCES ACT 1975**DETERMINATION
OF THE
SALARIES AND ALLOWANCES TRIBUNAL****Pursuant to Section 6(1) (a) (ab) & (b) and Section 6AA**

August 2005

PREAMBLE

The *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than twelve months, to inquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, a Parliamentary Secretary appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899* and officers and Members of the Parliament. The Tribunal issued its last such determination on 19 August 2004. The Tribunal has now completed a further review.

The information relevant to the current review was collected from written submissions; a focus group of recently retired Members convened by the Tribunal and meetings with various parties wishing to make verbal submissions. Details of the remuneration of Members' counterparts in other States and the Commonwealth, remuneration increases granted by the Tribunal to other groups within its jurisdiction in the last 12 months and a range of economic factors and indices were also considered.

Written submissions from interested individuals and organisations were invited in an advertisement placed in *The Sunday Times* and *The West Australian* on 15 May and 18 May 2005 respectively. This resulted in the receipt of eleven written submissions, a welcome increase when compared with earlier years. Submissions were made by the Government, all political parties, individual Members, an officer of the Parliament and the general public.

The issues raised in the submissions and that are within the Tribunal's jurisdiction included—

- Increases in the Electorate Allowance to enable Members to communicate more frequently and in a greater variety of ways with electors;
- Increases in the Air Charter and Hire Allowance to assist accessibility in the absence of scheduled air services;
- Additional allowances for travel and accommodation;
- A new standard of vehicle for country Members who drive extensively on gravel roads;
- Introduction of carryover provisions from one year to another for the use of those allowances currently only available on a drawdown basis at a fixed annual rate and
- Reduction in the differential remuneration between office holders and ordinary Members.

The Tribunal has not changed its previous position on the last two matters and has made no determination on these issues.

Other matters, such as additional remuneration for Chairpersons of Standing Committees, were considered to be outside the jurisdiction of the Tribunal.

The main topics discussed in the specially-convened focus group were the adequacy or otherwise of the various elements of the Electorate Allowance, the concept of a discrete Communications Allowance, and the benefits and shortcomings of a more generic Electorate Allowance.

The matters covered in the verbal submissions included the generic approach to allowances, Members' needs in communicating with constituents, the remuneration of office holders in the Parliament, the growing amount of service that Members are giving to the Parliament through Committees and the like and matters raised elsewhere in written submissions.

The submission from the Government proposed an increased allowance to enable Members to increase their capacity for communication with their constituents, and noted that any increase in salary should be lower than that of the 4.1 per cent recently awarded to Members of the Commonwealth Parliament. The Tribunal was also asked to consider and did consider the Government's wages policy.

The Tribunal has continued to have regard to a wide range of economic factors, these factors have included relevant economic indices published by the Australian Bureau of Statistics particularly the March 2005 Labour Price Index (formerly known as the Wage Cost Index), the February 2005 Average Weekly Earnings index and the March 2005 Consumer Price Index. The corresponding Western Australian Labour Price Index and the Consumer Price Index for the March quarter 2005 were investigated. The Tribunal has had access to projections by Australia's leading banks on the Consumer Price Index, the Average Weekly Earnings Index and the Labour Price Index.

BASIC SALARY

The Tribunal, after considering the salary-related issues and factors from those outlined above, has determined that a 3.6 per cent increase in the basic salary of a Member of Parliament is warranted. This will translate into a new basic salary of \$113,769 per annum with effect from 1 September 2005.

In the Tribunal's 2004 determination the difference between the salaries of Western Australian and Federal Members was reduced to \$3,046 per annum. This adjustment further minimises the difference to \$2,619 per annum.

ALLOWANCES

The Tribunal, over the last three years, has moved towards a more generic approach to the allowances paid to Members to assist them in undertaking their duties. This was made explicit in the 2002 determination—

“It is the Tribunal's intention to rely increasingly on the “general purpose” Electorate Allowance to meet Members' needs and to move away from the use of specific or narrowly focussed entitlements. Allocation of resources on a more global basis will provide improved flexibility for Members to manage their own affairs and to pursue their role as they see fit.”

This trend is continued in this determination.

The differing needs and priorities of Members in servicing their particular electorates were strongly reflected in all submissions received by the Tribunal.

The Electorate Allowance, once paid, becomes the responsibility of the Member to be expended as the Member sees fit. The objective of the more generic allowance is to provide Members with as much flexibility as possible within the limits of appropriate accountability.

In the 2002 determination the specific allowance for discrete telephonic and other communication allowances were incorporated into the Electorate Allowance, which has subsequently been increased by CPI. Now it has also been augmented to recognise the strongly expressed need of Members to be able to communicate more regularly and directly with their constituents. It also recognises the increases in the technologies available to Members by which they can communicate with their constituents more effectively and efficiently. These include the use of commercial services for the distribution of letters, newsletters, parcels and electronic services including the establishment and maintenance of web sites, dial up or broadband internet connection charges, ISP fees, mobile and satellite telephones or any other technology to serve their electorates' needs.

The Additional Electorate Allowance referred to in Part 4 Section 3.1 has historically been available to Members in particular electorates where geography, demography and/or transport accessibility place significant additional demands on a Member servicing their electorate. In this determination, some of these demands have been accounted for with increases in the communications element of the Electorate Allowance. At the same time, the Tribunal has reduced the number of electorates to which special allowances apply on the basis that some were immaterial in amount and are now absorbed into the Electorate Allowances. The Tribunal foreshadows a further review of this allowance in the future.

The Air Charter and Hire Allowance available at various levels to many electorates has been indexed according to CPI. The Tribunal intends to seek additional information on the use of the allowance with a view to its further review.

As part of this review, the Tribunal has also considered the present payment of \$6,950 per annum to Members in lieu of taking a government vehicle as provided for in Part 4 Section 4.2 of this determination. It notes that the majority of Members who are entitled to a second vehicle do not avail themselves of it, but take the payment. The Tribunal questions whether this payment is warranted, but will invite submissions on it before moving to abolish it.

In this determination, the Tribunal, in seeking to strike an appropriate balance and quantum of allowances within and across electorates, has taken account of all the allowances and resources available to Members of Parliament to perform their duties and functions—those provided by the Tribunal and those provided from other sources.

The Tribunal, having regard to all the circumstances outlined above, has increased the Electorate Allowance from \$35,300 per annum to \$41,000 per annum. The adjustments to the Air Charter and Hire Allowance and the Additional Electorate Allowance are as outlined below.

The determination will now issue.

Signed this 18th day of August 2005

Professor M. C. WOOD
Chairman

J. A. S. MEWS
Member

M. L. NADEBAUM
Member

SALARIES AND ALLOWANCES TRIBUNAL

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION
OF THE
SALARIES AND ALLOWANCES TRIBUNAL
Pursuant to Section 6(1) (a) (ab) and (b)**

Pursuant to the provisions of the *Salaries and Allowances Act 1975*, the Salaries and Allowances Tribunal ("the 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 follows with effect from 1 September 2005, unless otherwise stated—

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[Entitlement administered by: # Parliamentary Departments, Parliament House

* State Administration, Department of the Premier & Cabinet

PART 1—PAYMENT OF REMUNERATION**SECTION 1: GENERAL**

1.1 The remuneration payable to a Member under this determination shall be calculated and appropriately adjusted from the day on which the Member is elected as a Member and, except as provided by paragraph 1.2 of this Section, cease to be payable as from the day on which the person ceases to be a Member.

1.2 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 this determination until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

1.3 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 (Deputy Speaker) or is the holder of the office of—

1.3.1 Leader of the Opposition in that House;

1.3.2 Leader of a recognised non-Government Party (as defined in Section 2 of Part 2 of this determination);

1.3.3 Deputy Leader of the Opposition in that House;

1.3.4 Government Whip in that House or

1.3.5 Opposition Whip in that House

is entitled to receive the salary payable to that office holder by virtue of Section 2 of Part 2 of this determination until—

1.3.6 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

1.3.7 another person is elected or appointed to the office held by that person,

whichever event shall first occur.

1.4 Remuneration payable under Parts 2, 4, 6 (Section 5) and 7 of this determination shall be paid by equal instalments on or before the last day of each month and becomes thereupon the property of the Member.

1.5 In this determination where reference is made in the text to "...a year..." or "...per annum...", this should be taken to mean a financial year. Where benefits or entitlements are provided with specific reference in the text to "...a financial year...", these cease on 30 June each year and no carryover of any unexpended portion is permitted. Accordingly, the advance purchasing of relevant benefits such as those relating to travel in one financial year to be utilised in another financial year is not permitted.

PART 2—SALARY**SECTION 1: BASIC SALARY OF MEMBERS OF PARLIAMENT**

1.1 There is payable to each Member of Parliament an annual basic salary calculated at the rate of \$113,769 per annum.

SECTION 2: ADDITIONAL SALARY OF MINISTERS OF THE CROWN, PARLIAMENTARY SECRETARY OF THE CABINET AND OFFICERS OF THE PARLIAMENT

2.1 In addition to the basic salary payable to a Member under Section 1 of this Part there is payable to the person for the time being holding the office specified in the table hereunder an additional salary per annum calculated as a percentage of the basic salary, namely:—

Office held	% of basic salary	Add. salary	Total salary
Premier in conjunction with a ministerial office	132	\$150,175	\$263,944
Deputy Premier in conjunction with a ministerial office	97	\$110,356	\$224,125
Leader of the Government in the Legislative Council in conjunction with a ministerial office	90	\$ 102,392	\$216,161
Ministerial office	80	\$ 91,015	\$204,784
Leader of the Opposition in the Assembly	80	\$ 91,015	\$204,784
President of the Legislative Council	66	\$ 75,088	\$188,857
Speaker of the Legislative Assembly	66	\$ 75,088	\$188,857
Leader of the Opposition in the Legislative Council	45	\$ 51,196	\$164,965

Office held	% of basic salary	Add. salary	Total salary
Deputy Leader of the Opposition in the Legislative Assembly	45	\$ 51,196	\$164,965
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 (referred to in this determination as the "Leader of a recognised non-Government Party")	45	\$ 51,196	\$164,965
Parliamentary Secretary of the Cabinet	45	\$ 51,196	\$164,965
Chairman of Committees in either House (Deputy Speaker)	30	\$ 34,131	\$147,900
Government Whip in the Legislative Assembly	18	\$ 20,478	\$134,247
Opposition Whip in the Legislative Assembly	18	\$ 20,478	\$134,247
Government Whip in the Legislative Council	12	\$ 13,652	\$127,421
Opposition Whip in the Legislative Council	12	\$ 13,652	\$127,421

2.2 If a person holds more than one office, that person shall be paid an additional salary under this Section in respect of only one of those offices.

SECTION 3: SALARY PACKAGING

3.1 Contributions to superannuation may be made on a salary sacrifice basis within the limits prescribed in the "Guidelines For Salary Packaging In The WA Public Sector". A copy of these guidelines can be found at http://www.docep.wa.gov.au/lr/LabourRelations/Media/cir02_03.pdf. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

PART 3—EXPENSE ALLOWANCE PAYABLE TO PARLIAMENTARY SECRETARY

SECTION 1: EXPENSE OF OFFICE ALLOWANCE

1.1 In addition to the salary payable under Part 2 of this determination there shall be payable to a Parliamentary Secretary appointed under Section 44A (1) of the *Constitution Acts Amendment Act 1899* an expense of office allowance of \$1,822 per financial year.

1.2 The expense of office allowance is to be utilised as the Member sees fit to discharge the duties of Parliamentary Secretary.

1.3 Claims for reimbursement of expenditure incurred must be submitted within 90 days from the date that the expenditure was incurred and must be accompanied by certification that the expense was incurred in connection with the office of Parliamentary Secretary. In exceptional circumstances the Tribunal may approve an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

PART 4—ELECTORATE ALLOWANCES

SECTION 1: GENERAL

1.1 In consideration of the obligations of a Member effectively to service the needs of an electorate and to undertake parliamentary duties the amounts specified in this Part are provided in the form of an Electorate Allowance, to be utilised as the Member sees fit.

1.2 The Tribunal in determining the relevant amounts has not taken into account the cost of activities, such as campaigning, electioneering or political party promotion.

1.3 The motor vehicle provided to Members under Section 4 of this Part forms part of the Electorate Allowance and not part of a salary package. The Tribunal has determined that the motor vehicle can be used for private purposes and from time to time it is anticipated that electorate staff or a family member will use the vehicle. Use of the Government owned motor vehicle by other persons, unless for emergency purposes, is not supported.

SECTION 2: BASIC ELECTORATE ALLOWANCE

2.1 In addition to the salary payable under Part 2 of this determination there is payable to a Member an Electorate Allowance of \$41,000 per annum less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of this Part.

SECTION 3: ADDITIONAL ELECTORATE ALLOWANCE

3.1 In recognition of the increased expenditure incurred by Members servicing the largest or most remote or least easily-accessible electorates, the following amounts shall be paid in addition to the basic Electorate Allowance provided under Section 2 of this Part.

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
South West Region		\$8,000
	Stirling and Warren-Blackwood	\$6,600
Agricultural Region		\$11,900
	Avon and Wagin	\$6,600
	Greenough, Merredin, Moore and Roe	\$10,300
Mining and Pastoral Region		\$17,800
	Central Kimberley-Pilbara, Kimberley, Murchison-Eyre, and North West Coastal	\$16,700

SECTION 4: MOTOR VEHICLE

4.1 Every Member of Parliament, with the exception of those Members who as a result of an office held are supplied with a Government owned motor vehicle under arrangements not covered by this determination, shall be entitled to the supply of a Government owned private plated motor vehicle for parliamentary, electorate and private use within Western Australia.

4.2 Members who choose not to access a vehicle under this entitlement, or who are not entitled to do so as a result of the exception specified in paragraph 4.1 of this Section, shall receive an amount of \$6,950 per annum in lieu thereof.

4.3 A Member, who is supplied with a Government owned motor vehicle as a result of an office held, may make application to the Tribunal for the issue of an electorate motor vehicle (in lieu of the monetary amount). The application should detail the reasons why a second vehicle is required and provide certification that the principal use of the vehicle will be for electorate purposes.

4.4 Motor vehicles issued to Members through this provision shall be of a standard, the cost of which does not exceed the more expensive of a Ford Futura or Commodore Acclaim (6 cylinder), fitted with an automatic transmission, power steering, cruise control, air conditioning, ABS, driver's airbag and tow-bar, with all running and maintenance costs for up to three years or eighty thousand kilometres met by the State.

4.5 Members representing the South West, Agricultural and Mining and Pastoral Region or any District contained therein can apply to the Tribunal for the issue of a four wheel drive vehicle in lieu of that mentioned in paragraph 4.4 of this Section, provided that the vehicle will be used predominantly in the Region or District to which the Member has been elected. Four-wheel drive vehicles shall be of a standard, the cost of which does not exceed the more expensive of the Toyota Landcruiser 100 GXL Manual 4.2 Litre Diesel Wagon or the Nissan Patrol ST Manual 3.0 Litre Diesel.

4.6 Members representing the South West, Agricultural or Mining and Pastoral Regions and any District contained therein are entitled to have "Roo" bars and/or electronic animal deterrent devices, radiator insect screens, window tinting and driving lights or any other equipment which will contribute to the Member's safety fitted to the supplied vehicle at no additional cost to them.

4.7 Where a Member travels 40,000 kilometres or more per year and elects to retain the provided vehicle for 80,000 kilometres, the cost of the vehicle shall be determined by comparing the cost to Government of two standard vehicles over 40,000 kilometres against the Member's vehicle over 80,000 kilometres.

4.8 Where a Member requires for operational or personal reasons, a model of vehicle the cost of which exceeds the benchmarks specified in paragraphs 4.4 and 4.5 or on the basis referred to in paragraph 4.7 of this Section, all additional costs (including Goods and Services Tax, Fringe Benefits Tax and insurance) shall, subject to there being sufficient funds, be met from the Member's basic Electorate Allowance under Section 2 of this Part or the Air Charter and Hire Allowance under Section 2 of Part 5. In that event, the relevant allowance shall immediately be reduced proportionately.

4.9 Where through necessity, use of the vehicle involves travel into the Northern territory or South Australia, Tribunal approval is required prior to such usage.

PART 5—TRAVELLING ALLOWANCE

SECTION 1: MOTOR VEHICLE ALLOWANCE

1.1 Where a Member elects not to access a Government owned private plated motor vehicle under Section 4 of Part 4, and uses a privately owned vehicle to travel—

1.1.1 between the Member's residence and Perth, or to a place for the purposes listed in subparagraph (b) hereunder, 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 Member's parliamentary political party or

(ii) a meeting of a parliamentary 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.

Where, in the opinion of the Tribunal as the case may require, a scheduled commercial air service could have been used for the travel referred to in the previous paragraph, the motor vehicle allowance payable under this Section shall not exceed the value of the commercial air fare.

1.1.2 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 1.1.1 of this Section, the Member shall be paid an allowance under this Section for the motor vehicle travel in excess of 100 kilometres return.

SECTION 2: AIR CHARTER AND HIRE ALLOWANCE

2.1 Members representing the under mentioned 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 (within Western Australia) and to undertake parliamentary duties, but such cost shall not exceed the amounts specified hereunder, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of Part 4, with effect from 1 July 2005.

ELECTORATE REGION	DISTRICT	PER FINANCIAL YEAR
Mining and Pastoral Region		\$29,400
	Central Kimberley-Pilbara, Murchison-Eyre and North West Coastal	\$29,400
	Kimberley	\$20,000
	Kalgoorlie*	\$6,700
Agricultural Region		\$20,000
	Greenough, Merredin, Moore and Roe	\$16,000
	Avon and Wagin	\$6,700
	Geraldton*	\$6,700
South West Region		\$16,000
	Albany*, Stirling and Warren-Blackwood	\$6,700

* Members representing these electoral Districts shall be entitled to draw upon the charter provision, to the maximum indicated, per financial year, for the purpose of hiring motor vehicles (including taxi hire) whilst in Perth or the electorate on parliamentary and/or electorate business. This provision is made to ensure the Member has transport whilst the motor vehicle provided under Section 4 of Part 4 is in a different location i.e., the electorate or Perth. At the Member's discretion, the entitlement may be drawn upon for the purchase or lease of a vehicle (including the associated running costs), provided the Member certifies that the principal use of the vehicle will be for electorate or parliamentary purposes in Perth.

2.2 "Charter transport" includes charter aircraft, drive yourself vehicles, hire of driver, hire of taxis, and such other modes of transport as may be approved as appropriate in the circumstances by the Tribunal. In the case of taxi hire whilst in Perth or the electorate on parliamentary and/or electorate business, this provision is made available to ensure the Member has transport whilst the motor vehicle provided under Section 4 of Part 4 is in a different location i.e., the electorate or Perth.

2.3 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.

2.4 Where through necessity a charter itinerary involves travel into the Northern Territory or South Australia, Tribunal approval is required prior to the payment being accepted as a debit to this provision.

2.5 Charges shall only be levied against this Section if the Member undertakes the travel claimed.

2.6 Claims for reimbursement or accounts received in respect of travel undertaken using this provision must be submitted within 90 days from the date that the travel is undertaken. In exceptional circumstances the Tribunal may approve an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

SECTION 3: TAXI FARE ALLOWANCE

3.1 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 or from Parliament House or 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 6—ACCOMMODATION ALLOWANCE**SECTION 1: GENERAL**

1.1 For the purposes of this Part the allowances are only claimable where overnight accommodation is involved and they include incidental expenses such as meals.

1.2 Claims made must be accompanied by certification that the expense was incurred on official Government, electorate and/or parliamentary business.

1.3 In the case of commercial accommodation, a receipt must accompany claims.

1.4 “Commercial accommodation” means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.

1.5 Where a Member claiming under Section 6 of this Part secures overnight accommodation, either travelling from or to any of his or her places 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—

1.5.1 if departure from any 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.

1.5.2 if arrival back at any 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.

1.6 Claims made under paragraph 1.5 of this Section in respect of the entitlement granted in Section 6 of this Part form part of the annual entitlement.

A claim for accommodation allowances under this Part must be submitted within 90 days from the date the travel is completed. In exceptional circumstances the Tribunal may approve an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted payment against the claim will not be made.

1.7 For the purposes of guidance in the use of entitlements under this Part, it is pointed out the Tribunal would envisage the maintenance of a residence to involve an arrangement, under which a legal right to ongoing occupancy by the Member exists, founded on ownership of the relevant property by that Member (or his or her partner) or a formal tenant’s rental or leasing agreement entered into by that Member.

SECTION 2: EXPENSES OF OFFICE HOLDERS ON OFFICIAL BUSINESS

2.1 The actual costs of accommodation incurred by the holders of offices mentioned in this Section should be debited to the Corporate Credit Card provided to the particular office holder. The rates contained in Section 7 of this Part are deemed to be indicative of the reasonable travelling costs. Where the costs reasonably and properly incurred exceed the indicative rates and have been debited to an official Corporate Credit Card, the actual costs shall be met.

2.2 The indicative daily accommodation allowances provided to the Premier, a Minister of the Crown, the Parliamentary Secretary of the Cabinet and Parliamentary Secretaries appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899*, 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, are contained in Section 7 of this Part.

2.3 The Deputy Premier when travelling within Australia on duty representing the Premier shall be entitled to the same indicative allowances, and on the same basis, as the Premier.

2.4 Opposition and Third Party Leaders: The indicative accommodation allowance provided to 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 (as defined in Section 2 of Part 2), when travelling within Australia on duty as such Leader, shall be the same, and on the same basis, as a Minister of the Crown 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.

2.5 Temporary Appointments: The indicative accommodation allowance for 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 2.2, 2.3 or 2.4 of this Section, shall for the time he or she is acting in that position be the same, and on the same basis, as payable to the permanent occupants.

2.6 Members: The indicative accommodation allowance for a Member (not being the holder of an office referred to in paragraphs 2.2, 2.3 or 2.4 of this Section) in securing overnight accommodation when travelling on duty within Australia, as an official representative of the Government shall be the same, and on the same basis, as the rate set for a Minister of the Crown.

2.7 Members deputising:

2.7.1 On behalf of the Premier: The indicative accommodation allowance for 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 any place of residence of that Member, is the same rate, and on the same basis, prescribed for a Minister of the Crown.

2.7.2 On behalf of the Leader of the Opposition in the Legislative Assembly, or the Leader of a recognised non-Government Party (as defined in Section 2 of Part 2): The indicative accommodation allowance for a Member who at the written request of the above mentioned Leader, 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 any place of residence of that Member is the same rate, and on the same basis, prescribed for a Minister of the Crown.

SECTION 3: EXPENSES OF MEMBERS ON PARLIAMENTARY COMMITTEE BUSINESS

3.1 The indicative accommodation allowance for a Member in securing overnight accommodation when travelling on duty within Australia, as an official representative of a parliamentary committee or delegation including a member of a committee of a House or a joint committee of Houses, shall be the same, and on the same basis, as the rate set for a Minister of the Crown. The rates contained in Section 7 of this Part should be deemed to be indicative of the reasonable costs that can be claimed. Where the costs reasonably and properly incurred exceed the indicative rates, the actual costs shall be met.

SECTION 4: EXPENSES OF MEMBERS ON PARLIAMENTARY OR PARLIAMENTARY POLITICAL PARTY BUSINESS

4.1 In order to provide all Members with the ability to travel to a place within Western Australia for parliamentary purposes or to attend a parliamentary party meeting, Members shall be entitled to claim reimbursement of accommodation expenditure to a maximum of 8 nights per financial year. The rates contained in Section 7 of this Part should be deemed to be indicative of the reasonable costs that can be claimed. Where the costs reasonably and properly incurred exceed the indicative rates, the actual costs shall be met.

4.2 This provision does not impact on or replace any allowance provided by the Treasurer determined under Section 11A of the *Salaries and Allowances Act 1975*.

4.3 For the purposes of guidance in the use of this entitlement it is pointed out that—

4.3.1 If the purpose of the travel were that of promoting lay Party political business (for example, campaigning or fundraising activity or pursuing the development of local branches of the Party) its use would not generally be considered appropriate.

It is recognised however that separation of roles is not always clear-cut, as lay Party political business may often involve policy formulation activity, which then translates into or informs the Member's stance on matters raised in Parliament.

4.3.2 Ultimately therefore, the matter of claiming the entitlement (where a meeting of Parliamentary Party colleagues is not involved) is one for judgement by the Member, who should be satisfied and able to demonstrate that the activity has direct relevance to the performance of his or her functions in the Parliament.

4.4 A claim shall not be made under this Section for a purpose covered by Section 5 of this Part.

SECTION 5: METROPOLITAN EXPENSES OF MEMBERS REPRESENTING REGIONS OR DISTRICTS THEREIN

5.1 In consideration of metropolitan accommodation and related expenses associated with—

5.1.1 sittings of that Member's House of Parliament

5.1.2 meetings of committees of which that Member is a member

5.1.3 attendance at official government, parliamentary or vice regal functions

5.1.4 any other official duties pertaining to parliamentary or electorate matters

there shall be payable to a Member who maintains a place of residence in or adjacent to and represents the Mining and Pastoral, Agricultural or South West Region, or any District contained within those Regions, an amount per annum based on 80 nights at Rate A set out in Section 7.1 of this Part. The amount shall be reduced proportionately to the extent that the residence is maintained for any period less than the full year.

5.2 Where a Member referred to in paragraph 5.1 of this Section also maintains for the purposes of the Member's parliamentary role a place of residence in the Metropolitan Regions, the allowance shall be paid on the same basis as though that Member resided solely in or adjacent to the District or Region to which he or she has been elected. In this circumstance the allowance is granted to cover costs associated with maintaining residences in both areas.

5.3 Where a Member referred to in paragraph 5.1 of this Section has a residence or residences solely in the Metropolitan Regions, that Member shall not be entitled to receive the allowance contained in this Section.

SECTION 6: MEMBERS' EXPENSES WITHIN THE ELECTORATE

6.1 In addition to that applying in Section 5 of this Part Members representing the District or Regions listed in paragraph 6.2 of this Section may claim accommodation and associated expenses in accordance with either the commercial or non-commercial levels contained in Rate B set out in Section 7 of this Part for each overnight stay at a place in or adjacent to their electorate, but not within a radius of 50 kilometres of any residence of the Member.

6.2 The maximum number of nights claimable per financial year shall be—

Avon, Capel, Collie-Wellington, Greenough, Merredin, Moore, Murray, Roe, Stirling, Vasse, Wagin and Warren-Blackwood	60 nights
Central Kimberley- Pilbara, Kimberley, Murchison-Eyre and North West Coastal	80 nights
Regions—Mining and Pastoral, Agricultural and Southwest	100 nights

SECTION 7: ACCOMMODATION ALLOWANCE—RATES OF PAYMENT

7.1 Commercial accommodation—

	PREMIER	MINISTERS OF THE CROWN, OFFICE HOLDERS	MEMBERS
Perth	NIL	NIL	Rate A—\$175
WA North of the 26th parallel	\$355	\$340	Rate B as per the rates in the Public Service Award 1992—Schedule I—for Towns North of the 26th parallel
WA South of the 26th parallel	\$300	\$210	Rate B—\$175
Sydney	\$425	\$350	\$285
Melbourne			
Brisbane	\$360	\$340	\$255
Adelaide			
Darwin	\$310	\$290	\$215
Hobart			
Canberra			
Other Areas	\$300	\$220	\$180

7.2 Non-commercial accommodation—

Claims made in respect of non-commercial accommodation shall be paid at 40 per cent of the applicable commercial rate contained in the above table.

PART 7—TELEPHONE ALLOWANCE

SECTION 1: GENERAL

1.1 In this Part, “calls” include all charges (other than international telegrams and calls) as usually included on normal accounts rendered to subscribers.

1.2 The telephone facilities are provided to both the electorate office and residence. It is accepted that use of these telephones by electorate staff and family members will occur. The use of the office telephones by persons other than staff, unless for Parliamentary and electorate purposes, is not supported by this determination.

1.3 For the purposes of guidance in the use of entitlements under this Part, it is pointed out the Tribunal would envisage the maintenance of a residence to involve an arrangement, under which a legal right to ongoing occupancy by the Member exists, founded on ownership of the relevant property by that Member (or his or her partner) or a formal tenant’s rental or leasing agreement entered into by that Member.

SECTION 2: PRIVATE RESIDENCE(S)

2.1 Every Member of Parliament (other than Ministers of the Crown, 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 under arrangements not dealt with by this determination) shall receive payment by way of reimbursement of 85 per cent of all charges for calls incurred by that Member.

2.2 Every Member of Parliament (other than Ministers of the Crown, 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 under arrangements not dealt with by this determination) shall receive payment by way of reimbursement of the rental of up to three telephone lines.

2.3 Where a Member reasonably maintains more than one residence by reasons of membership of Parliament an additional line shall be reimbursed however the charges for calls on this line shall be included within the 85 per cent reimbursement in Section 2.1.

2.4 Claims for reimbursement must be submitted within 90 days from the date that an account is received. In exceptional circumstances the Tribunal may approve an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made

SECTION 3: ELECTORATE OFFICE(S)

3.1 Every Member of Parliament provided with an electorate office shall receive as an allowance payment of the rental and all charges for calls incurred by that Member in respect of up to five approved telephone lines in that Member's electorate office.

SECTION 4: PARLIAMENT HOUSE

4.1 In so far as a Member of Parliament pays or is charged for any telephone calls and/or use of teleconferencing facilities made by the Member from Parliament House, that Member shall receive as an allowance payment of all such charges.

SECTION 5: TELECARD / TELECONFERENCING

5.1 Where a Member uses a Telecard and seeks to obtain reimbursement through either the electorate office or residential telephone accounts, the Member is to certify that the Member made the calls for electorate or parliamentary purposes. The use of the Telecard is for occasional purposes and not general daily use.

5.2 Members claiming for audio or video conferencing costs must certify the topic of the conference and its relevance to the role of the Member as a Member of the Western Australian Parliament.

SECTION 6: POSTAL SERVICES FOR CERTAIN OFFICE HOLDERS

6.1 The holders of the following offices shall receive an annual allowance in consideration of the need to purchase postal services for the office held.

OFFICE HOLDER	RATE PER ANNUM
Leader of the Opposition in the Legislative Assembly	\$10,000
Leader of the Opposition in the Legislative Council	\$7,500
Leader of a recognised non-Government Party (as defined in Section 2 of Part 2)	\$7,500
Deputy Leader of the Opposition in the Legislative Assembly	\$5,000

6.2 The Tribunal in determining the relevant amounts has not taken into account the cost of activities, such as campaigning, electioneering or political party promotion.

6.3 The allowances provided to office holders 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 is to operate from the date on which such increased postal rates commence.

PART 8—REGIONAL SITTINGS OF THE PARLIAMENT

SECTION 1: GENERAL

1.1 Claims for reimbursement under this Part shall be subject generally to the conditions set out in Section 1 of Part 6.

1.2 For the purposes of this Part the rates contained in Section 7 of Part 6 should be deemed to be indicative of the reasonable accommodation costs that can be claimed. Where the costs reasonably and properly exceed the indicative rates, the actual costs shall be met.

SECTION 2: SITTINGS OF THE PARLIAMENT OTHER THAN IN PERTH

2.1 Subject to paragraph 2.2 of this Section, where a sitting of either House of the Parliament is held at a location other than Parliament House in Perth, Members are entitled to reimbursement of all costs or expenses incurred for the purposes of—

2.1.1 Travel to and from the location of the sitting. Use of charter aircraft (other than through the Government's air charter arrangements) is not permitted unless the location of the sitting is not serviced by regular air services.

2.1.2 Travel, accommodation and meals at the location of the sitting for the following periods—

- (a) the duration of the sitting
- (b) up to two nights prior to the commencement of the sitting
- (c) up to two nights after the sitting ceases.

2.2 The reimbursement provided by this determination shall be reduced to the extent that the expenses of Members are entitled to be reimbursed or paid from any other source, including any provision or arrangement of the Parliament or Executive Government, or any determination dealing with fares made by the Treasurer under Section 11A of the *Salaries and Allowances Act 1975*.

Signed this 18th day of August 2005

Professor M. C. WOOD
Chairman

J. A. S. MEWS
Member

M. L. NADEBAUM
Member

SALARIES AND ALLOWANCES TRIBUNAL

