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SALARIES AND ALLOWANCES ACT 1975

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**DETERMINATION OF THE  
SALARIES AND ALLOWANCES  
TRIBUNAL**

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**REMUNERATION OF  
MEMBERS OF PARLIAMENT**



**SALARIES AND ALLOWANCES ACT 1975**  
DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL  
Remuneration of Members of Parliament  
Pursuant to Sections 6(1) (a), (ab), (b) and 6AA

August 2012

**PREAMBLE**

1. The *Salaries and Allowances Act 1975* ('SAA Act') 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*, members of committees, and officers and Members of the Parliament.

**CURRENT INQUIRY**

2. In discharging its statutory requirements with respect to the remuneration of Members of Parliament, the Tribunal's approach has been to—

- advertise for public submissions;
- write to all Members of Parliament;
- meet with Members and former Members who wished to make a verbal submission;
- consider relevant labour market and economic data;
- consult with its statutory advisor; and
- be available to Members of Parliament to explain the provisions of the current determination prior to submissions being prepared.

3. This process provides an opportunity for members of the public, the Government, Members of Parliament themselves or any other interested party to make a submission on the appropriate level of parliamentary remuneration. It also serves to inform the Tribunal of changes which might have taken place in the roles or responsibilities of Members of Parliament over the past year, matters relevant to Members in serving their electorates and other remuneration issues for Members.

**PUBLIC SUBMISSIONS**

4. Public submissions were sought by advertisement in *The West Australian* on Wednesday, 29 February 2012 with a closing date of Friday, 13 April 2012.

**INVITATION TO MEMBERS**

5. On Friday, 29 June 2012, the Tribunal emailed all Members of Parliament inviting submissions to its inquiry with a closing date of Friday, 20 July 2012.

**LABOUR MARKET AND ECONOMIC DATA**

6. Relevant labour market and economic data were sought from a variety of sources. For example, the Tribunal sought current data on the Wage Price Index (WPI), Average Weekly Earnings, the Consumer Price Index (CPI) and Total Employment Growth. Economic forecasts at a national and State level were also considered. In addition, the Tribunal sought data on the level of remuneration of Members of Parliament in Western Australia compared to similar positions in other Australian jurisdictions and a range of public offices in the Western Australia community.

**STATUTORY ADVISOR**

7. The Tribunal consulted with the statutory advisor the Hon George Cash AM, who is appointed under Section 10(4)(a) of the SAA Act to assist the Tribunal with its inquiry.

**CONSIDERATIONS**

8. In exercising its statutory responsibilities, the Tribunal applies broad principles upon which levels of remuneration are determined for all categories of offices and positions within the scope of the SAA Act. These principles, particularised to Members of Parliament, have been applied by the Tribunal to make judgements with respect to the remuneration in this determination. These principles are—

- the value of a parliamentary position to the State under our democratic system of government;
- measures of the 'work value' of Members of Parliament and various offices held by Members in the Parliament; and
- the level of remuneration of Members within the context of the environment of wage and salary rates applying generally in the community.

9. The Tribunal is conscious of the position of Parliamentarians in our democratic system and that the remuneration of Members should not preclude people from all walks of life from aspiring to enter Parliament.

**SUBMISSIONS**

10. The Tribunal received four written and a number of verbal submissions from Members of Parliament, former Members of Parliament, the Parliamentary Services Department and the State Government.

11. The State Government submission invited the Tribunal to take into account its Public Sector Wages Policy. This Policy provides for increases equivalent to projected growth in the Perth CPI with the possibility of further productivity increases capped at projected growth in the Western Australian

WPI. The Government's submission also noted that "Western Australia's economic performance remains strong, with the substantial pipeline of investment in the resources sector underpinning relatively healthy levels of economic growth, exports and employment. Despite persistent risk and uncertainty in the global economic environment, and continued weakness in the State's housing market, the overall outlook for growth is positive".

12. Submissions received by the Tribunal generally addressed matters concerning the adjustment of allowances and the administration of existing provisions.

13. However one submission considered the remuneration of Members of Parliament within the wider context of a base salary and allowance which would take away the requirement of the Tribunal to identify specific provisions associated with representing an electorate. It was acknowledged that, in this submission, such an approach would involve a significant departure from the existing framework of remuneration of Members of Parliament in this State.

14. Matters raised, which are relevant to the current inquiry included—

- the changing demographic of the parliament with younger Members being elected to parliament and Members having shorter Parliamentary careers;
- different levels of electorate responsibilities between members of the Legislative Assembly and Legislative Council;
- the level of accommodation allowance;
- the type of motor vehicle provided to regional Members;
- whether an adjustment should be made to the relative additional salaries paid to the Government and Opposition Whip in the Legislative Assembly and the Legislative Council; and
- some minor wording changes to the resettlement allowance regarding the administration of the allowance.

15. The Tribunal has noted the submissions to this inquiry in its deliberations.

#### REMUNERATION IN AUSTRALIAN PARLIAMENTS

16. The current rates of parliamentary remuneration are set out in Table 1. This shows that the base salary of Western Australian Members of Parliament is now below that of parliamentarians in the Commonwealth, New South Wales and South Australia.

**Table 1: Base Remuneration of Lower House Members, Australian Parliaments, 1 July 2012**

| Jurisdiction                 | Base Remuneration at 1 July 2012<br>(\$ per annum) |
|------------------------------|--|
| Commonwealth                 | 190,550  |
| South Australia              | 148,550  |
| New South Wales              | 143,033  |
| Western Australia            | 140,311  |
| Northern Territory           | 138,953  |
| Victoria                     | 138,556  |
| Queensland                   | 137,149  |
| Australian Capital Territory | 125,259  |
| Tasmania                     | 116,143  |

*Source: The data on the base remuneration of Members of Parliament have been taken from the websites of the respective Parliaments, Tribunals or agencies in each jurisdiction.*

17. The salary of a Commonwealth Member is determined by the Commonwealth Remuneration Tribunal (CRT) under the *Remuneration and Other Legislation Amendment Act 2011*. The CRT conducted a comprehensive work value assessment of the role of a Commonwealth Member in 2011. The full report can be found at—

<http://www.remtribunal.gov.au/statementsreports/default.asp?menu=Sec8&switch=on>

18. The report concluded that the salary of a Federal Member was undervalued and, consequently, the salary was increased to \$185,000 per annum with effect from 15 March 2012. The CRT also reviewed and recommended the phasing out of the Life Gold Pass Scheme.

19. An additional increase of 3 per cent for Commonwealth Members was determined by the CRT with effect from 1 July 2012. The current base salary of a Commonwealth Member is \$190,550 per annum.

20. New South Wales, Queensland, South Australia, Tasmania and Victoria have previously linked the salary of their respective State Members to a proportion of the salary of a Commonwealth Member. The increase awarded by the CRT has caused these States to re-evaluate their methods of determining the salary of a Member. Queensland, Tasmania and Victoria have introduced measures that would limit any salary increases of a Member to between 2 and 3 per cent. South Australia have legislatively revised their link to be \$42,000 less than the salary of a Commonwealth Member and New South Wales have linked the increase in a State Member's salary to public sector salary increases. In Western Australia, the salaries of Members of Parliament have been determined independent of any link to the salaries of Commonwealth Members

**REMUNERATION OF MEMBERS OF PARLIAMENT IN WESTERN AUSTRALIA**

21. In the preamble to its 2010 determination, the Tribunal made extensive reference to the deterioration in relativities between the remuneration of Members and that of other office holders within the Tribunal's jurisdiction and some positions within the public sector. The Tribunal concluded that over the last decade, in comparison with salary adjustments awarded to these office holders, the value of a Member of Parliament's position has been discounted significantly within the context of executive public sector salary rates generally. At that time, the Tribunal resolved to undertake a review of the remuneration of Members of Parliament to take into account not only the base salary of Members, but also the additional payment determined for Ministers, Parliamentary Secretaries and office holders of the Parliament. In 2011 as part of that continuing review, the Tribunal finalised provision for resettlement allowances for Members.

22. Table 2 below updates the information published by the Tribunal in 2010 on changes in salary between Members of Parliament, selected public officers and selected public sector positions over the decade to 2012.

**Table 2: Change in the Base Salary of a Member of Parliament and Selected Public Office Holders and Public Sector Office Holders in Western Australia 2002—2012**

| Office Holder   | 2002 Salary (\$) | 2012* Salary (\$) | Increase in Salary of Office Holder from 2002 to 2012 | Increase in Salary of Office Holder relative to the increase in the salary of a MP from 2002 to 2012 |
|---|------------------|-------------------|---|--|
| Member of Parliament  | 103,300          | 140,311           | 35.83%  | 0.00%  |
| Public Servant Class 1 (a starting point in the Senior Executive Service) | 99,186           | 152,337           | 53.59%  | 12.55%   |
| Magistrate  | 163,216          | 296,985           | 81.96%  | 53.66%   |
| Public School Principal Level 6 (top increment)                           | 89,207           | 144,558           | 62.05%  | 16.67%   |
| Senior Sergeant of Police (top increment)                                 | 65,874           | 107,413           | 63.06%  | 12.78%   |
| Special Division Office**   | 224,261          | 363,792           | 62.22%  | 42.18%   |

Source: Salaries and Allowances Tribunal Determinations, Department of Commerce, Labour Relations Branch

\* Salary as at 1 July 2012

\*\* The Special Division is to be reviewed in September 2012.

23. It is clear from table 2 that the salary increases awarded to Members of Parliament since 2002 remain well below the increases awarded to a broad range of public office holders.

24. Nevertheless, the Tribunal is conscious that the responsibilities and duties of Members of Parliament are unique and no conclusions should be drawn regarding the responsibilities of Members relative to those of other public office holders outside the Parliament without detailed examination.

25. Table 3 below compares the percentage increases in base remuneration awarded to Western Australian Members of Parliament over the past five years with key economic indices. The increases over this period have at times been less than the Western Australian WPI, including in 2009 when Members were not given any increase in light of the global financial crisis. This has been in an environment where wage growth in Western Australia continues to exceed growth in the rest of the nation.

**Table 3: Changes in Base Remuneration of Members of Parliament Compared with Key Economic Indices 2007—2012**

| Year | Consumer Price Index |       | Wage Price Index |       | Change in WA Members' Base Remuneration |
|------|----------------------|-------|------------------|-------|---|
|      | National             | WA    | National         | WA    |   |
| 2007 | 3.0%                 | 3.0%  | 4.2%             | 5.9%  | 4.5%                                    |
| 2008 | 3.7%                 | 3.7%  | 4.3%             | 5.7%  | 4.2%                                    |
| 2009 | 2.5%                 | 2.2%  | 4.1%             | 5.4%  | 0%                                      |
| 2010 | 3.1%                 | 3.5%  | 3.1%             | 3.0%  | 4.3%                                    |
| 2011 | 3.3%                 | 2.6%  | 3.9%             | 4.1%  | 4.3%                                    |
| 2012 | 1.2%*                | 1.1%* | 3.5%#            | 4.5%# |   |

Source: CPI: ABS Cat. 6401.0; WPI ABS Cat. 6345.0

\* CPI from 1 July 2011 to 30 June 2012. # WPI from 1 April 2011 to 31 March 2012.

26. The Tribunal continues to monitor wage and salary rates of professionals, technical and skilled vocations in the community. While the worth of these positions is continually assessed within the labour market in Western Australia, the reference point of the community for remuneration of Members of Parliament in this State appears to be based on the levels established for Members of Parliament in other States and the Commonwealth.

27. In its 2011 determination the Tribunal noted—

The salary awarded to a Member is not intended to be an enticement for attracting someone looking for the highest salary possible, however it is intended to be a fair recompense for the considerable responsibilities and onerous duties required of a Member of Parliament: duties which include advocacy and representation on behalf of constituents, public policy development and analysis, calling government and its instrumentalities to account, law making and participating in both community and political activities. In undertaking these duties, Members make considerable sacrifices to be available to their constituents at all hours and to attend to Parliamentary duties in Perth and their electorates. This places a burden on a Member's family particularly when the electorate is outside the metropolitan area.

For many Members the commitment to public office carries with it an acceptance of a reduction in income. The level of remuneration should not be so low as to act as a deterrent to taking up public office. The salary should be commensurate with the value of the office to the State, the demands of effective representation and the skills expected of our law makers. It should be sufficient for a fair minded person to consider, given the requirements of a Member, that the level of remuneration is adequate and appropriate when viewed within the context of community wage and salary standards generally. This appreciation recognises that the Member does not have access to general terms and conditions of employment such as long service leave, annual leave, leave loading or redundancy pay. Although after hours availability is not unique to Parliamentary life, there is no additional recognition for being on-call. The expectation of availability and the convenience of communication technology has increased the demands on a Member's accessibility.

The Tribunal is mindful that the salary of a Member is quite separate from the costs of representing electorates that are properly the subject of allowances and reimbursements determined by the Tribunal.<sup>1</sup>

28. In 1989, the Tribunal commissioned a work value assessment of the worth of Members and office holders of Parliament in Western Australia. Given the changes in remuneration levels of Members of Parliament in other States and in the Commonwealth Parliament and the deterioration in relativities of Members' remuneration within the framework of public office salaries in this State, the Tribunal has determined to embark upon a comprehensive evaluation, prior to the next determination, along the lines undertaken with respect to Members of the Commonwealth Parliament.

29. The Tribunal will inquire into—

- the roles and attributes of Members and office holders of the Western Australian Parliament;
- the factors affecting the attraction and retention of high quality Members;
- the relative value of the work of Members and office holders of the Parliament;
- the allowances awarded to Members in consideration of their duties in representing the electorate; and
- remuneration comparisons with Members in other parliaments, public sector office holders and private sector workers/professionals.

30. Prior to the 2013 determination, a consultant will be appointed to assist the Tribunal with its inquiry.

#### LABOUR MARKET AND ECONOMIC DATA

31. Table 4 sets out a selection of relevant economic indicators sourced from the Australian Bureau of Statistics (ABS) comparing current national and Western Australian data. Both quarterly increases and annual average increases have been presented in this table.

**Table 4: National and Western Australian Economy—Quarterly and Annual Average Increases—Selected Economic Indicators 2012.**

| Indicator  | Quarterly Increase | Annual Average Increase |
|--|--------------------|-------------------------|
| Perth—Consumer Price Index—June 2012 Qtr   | 0.5%               | 1.1%                    |
| National—Consumer Price Index—June 2012 Qtr  | 0.5%               | 1.2%                    |
| WA—Wage Price Index—Mar Qtr 2012   | 1.5%               | 4.5%                    |
| National—Wage Price Index—Mar Qtr 2012   | 0.8%               | 3.5%                    |
| WA—Wage Price Index—Mar Qtr 2012—Private Sector  | 1.6%               | 4.6%                    |
| National—Wage Price Index—Mar Qtr 2012—Private Sector                                  | 0.8%               | 3.7%                    |
| WA—Wage Price Index—Mar Qtr 2012—Public Sector   | 1.1%               | 4.0%                    |
| National—Wage Price Index—Mar Qtr 2012—Public Sector                                   | 0.8%               | 3.1%                    |
| WA—Average Weekly Earnings—Feb Qtr 2012  | -0.4%              | 7.9%                    |
| National—Average Weekly Earnings—Feb Qtr 2012  | 2.2%               | 4.4%                    |
| WA—Average Weekly Earnings (Full-time Adult Ordinary Time Earnings)—Feb 2012 Qtr       | -0.9%              | 5.4%                    |
| National—Average Weekly Earnings (Full-time Adult Ordinary Time Earnings)—Feb 2012 Qtr | 1.4%               | 4.4%                    |

<sup>1</sup> *Western Australian Government Gazette Monday 22 August 2011 No 159 Special, Page 3376-7*

| Indicator                                   | Quarterly Increase | Annual Average Increase |
|---|--------------------|-------------------------|
| WA Total Employment Growth—April 2012       | 1.2%               | 4.0%                    |
| National Total Employment Growth—April 2012 | 0.3%               | 0.6%                    |

Source: CPI: ABS Cat. 6401.0; WPI ABS Cat. 6345.0; AWE ABS Cat. 6302.0; EG ABS Cat. 6202.0

32. From Table 4 it can be seen that the annual average growth in the public sector WPI for Western Australia at 4.0 per cent, was significantly behind the growth in the Western Australian private and combined sector WPI of 4.6 per cent and 4.5 per cent respectively for the same period. The WA Average Weekly Earnings outstripped the WPI even further with an average yearly growth of 7.9 per cent. At the same time the CPI has slowed significantly and is now at 1.1 per cent for Perth and 1.2 per cent nationally.

33. All economic indicators and commentary from peak bodies are now showing sustained growth. There are, however, still some concerns with the 'two speed nature' of the Australian economy, and recent industry comments which cast doubt on the continued sustainability of high levels of growth in the mining industry and related sectors. Uncertainty in the global economy associated with the debt crisis in countries within the European Union and lingering concerns over the sluggish US economy have also resulted in a cautionary approach to economic forecasts.

34. The Western Australian Department of Treasury has reported the following forecasts for major economic aggregates in the May 2012 State Budget papers.

**Table 5: Western Australian Economy—Annual Average Growth—Selected Economic Indicators 2012**

| Economic Aggregates  | 2010/11 Actual | 2011/12 Estimated Actual | 2012/13 Budget Estimate | 2013/14 Forward Estimate | 2014/15 Forward Estimate | 2015/16 Forward Estimate |
|----------------------|----------------|--------------------------|-------------------------|--------------------------|--------------------------|--------------------------|
| Gross State Product  | 3.5%           | 6.0%                     | 4.75%                   | 4.75%                    | 4.25%                    | 4.25%                    |
| Gross State Income   | 20.0%          | 6.25%                    | 2.5%                    | 3.5%                     | 1.5%                     | 2.25%                    |
| Employment           | 3.2%           | 2.5%                     | 2.75%                   | 2.5%                     | 2.25%                    | 2.0%                     |
| Unemployment Rate    | 4.4%           | 4.25%                    | 4.25%                   | 4.25%                    | 4.0%                     | 4.0%                     |
| Consumer Price Index | 2.8%           | 2.5%                     | 3.5%                    | 3.25%                    | 3.25%                    | 3.25%                    |
| Wage Price Index     | 3.9%           | 4.25%                    | 4.5%                    | 4.5%                     | 4.5%                     | 4.5%                     |
| Population           | 2.3%           | 2.5%                     | 2.3%                    | 2.3%                     | 2.2%                     | 2.2%                     |

Source: 2012-13 Budget Paper No. 3—Economic and Fiscal Outlook, Department of Treasury. p.4

#### **DETERMINATION**

35. In making this determination and in its application of the principles stated in the preamble, the Tribunal has considered the written and verbal submissions it received; the level of remuneration of other senior officers for which it has responsibility; the state of the economy reflected in movements in a range of economic indicators for salaries and prices; and guidance from its Statutory Advisor.

#### **BASE REMUNERATION OF MEMBERS OF PARLIAMENT**

36. After taking into account the current economic climate and salary movements within the community generally, the Tribunal has determined that an increase of 3.25 per cent in the base salary of a Member of Parliament is warranted at this time.

37. The Tribunal is committed to undertaking a comprehensive review of the work value and relativities of remuneration for Members and office holders of Parliament. This will be undertaken in 2013.

#### **ADDITIONAL REMUNERATION OF MINISTERS, PARLIAMENTARY SECRETARIES AND OFFICE HOLDERS OF THE PARLIAMENT**

38. The Tribunal has determined not to alter the salary relativities of Parliamentary office holders.

#### **ELECTORATE ALLOWANCES**

39. The Tribunal has determined an increase equivalent to the Perth CPI plus additional costs totalling a 2 per cent increase to the base electorate allowance.

40. One submission requested that consideration be given to including the electorate allowance for superannuation purposes. Under current practices the electorate and additional electorate allowances are not included for superannuation purposes. This practice is adopted in all other jurisdictions throughout Australia. The Commonwealth *Superannuation Guarantee Administration Act* defines what is superannuable under the definition of Ordinary Time Earnings. Long standing legal advice has advised that the nature of the electorate allowance does not fall under the definition of Ordinary Times Earning as established under the *Superannuation Guarantee Administration Act* and the Australian Taxation Office. The Tribunal has, therefore, made no change in this respect to the electorate allowance.

41. *Additional Electorate Allowance*—The Tribunal has consistently maintained that there is a compelling case for an Additional Electorate Allowance for regional Members of Parliament who travel widely within their electorates, travel frequently between the Parliament and their electorates,

and maintain regular communication with their electors and who are separated by distance from their families. The Tribunal contemplated such expenses as: additional meal and accommodation expenses incurred in transit while travelling to and from remote and regional locations; additional travel to meet family commitments; and additional communication costs associated with electors dispersed over a wide area (e.g. a letter box drop for newsletters can be logistically difficult if not impossible).

42. The Tribunal concluded that there should be no change in those electorates eligible for the Additional Electorate Allowance. In the absence of a better indicator related to regional expenses, the allowances payable should be increased by the same increase to the base electorate allowance: 2 per cent rounded to the nearest \$50.

43. The Tribunal examined the new electorate boundaries established by the Western Australian Electoral Commission that will take effect from the next state election (10 March 2013) and concluded that no changes to Additional Electorate Allowances are necessary.

44. *Motor Vehicle*—In its determination in 2011 the Tribunal replaced the nominated benchmark vehicles with a notional annual whole of life lease value. The Tribunal has received advice from State Fleet and monitored a range of issues that make up the whole of life lease cost such as fuel prices and purchase prices of vehicles. The Tribunal has found that there has been no major change to the purchasing power of the notional annual whole of life lease value set in 2011 and has therefore determined that the value shall remain unchanged.

45. A submission was received from a Member who noted the following—

- Members spend 20 to 30 hours per week in their motor vehicle and need a minimum level of safety and comfort; and
- Regional Members do have particular requirements associated with their electorates due to remoteness, terrain and accessibility.

46. The Tribunal has considered these issues in previous determinations. The notional annual whole of life lease value is set at such a rate that Members are able to select from a wide range of vehicles of a suitable high safety standard that will fit their particular needs. Members are also provided with an Electorate Allowance, and, in the case of regional Members, an Additional Electorate Allowance which Members can use to access a vehicle to a higher standard than provided by the notional annual whole of life lease value.

#### TRAVELLING ALLOWANCES

47. *Charter Transport Allowance*—The Tribunal has decided that there will be an increase of 5 per cent, rounded to the nearest \$50, in the Charter Travel Allowance in this determination.

#### ACCOMMODATION ALLOWANCES

48. *Rates of Payment*—In 2008, the Tribunal aligned accommodation allowances for interstate locations with “the reasonable amounts for accommodation and expenses” (the reasonable benefit limits) determined by the Australian Taxation Office (ATO). In 2010, the Tribunal also aligned the accommodation allowances for locations within Western Australia to the reasonable benefit limits set by the ATO.

49. A regional Member made a submission to the Tribunal’s inquiry claiming that the hotel rates in certain regional locations have at times exceeded the rates prescribed by the ATO and requested a review be conducted on the rates. This issue was raised in the 2011 inquiry where the Tribunal—

acknowledged that there may be occasions where, due to factors such as limited accommodation or a particular event occurring, the reasonable benefit limits may not be sufficient for the accommodation cost of a regional Member. The Tribunal has previously considered this and concluded that it is one of the major factors in the Tribunal determining an Additional Electorate Allowances for regional Members under Part 3 Section 3 of this determination. In its 2010 Determination, the Tribunal noted in its preamble that “*the Tribunal considered that there was a compelling case for an Additional Electorate Allowance for regional Members of Parliament who travel widely within their electorates, travel frequently between the Parliament and their electorates, maintain regular communication with their electors and who are separated by distance from their families. The Tribunal contemplated such expenses as: additional meal and accommodation expenses incurred in transit while travelling to and from remote and regional locations; additional travel to meet family commitments; and additional communication costs associated with electors dispersed over a wide area*”.

50. The Tribunal considers that these factors remain relevant and has therefore determined that the reasonable benefit limits are an appropriate measure at which to set accommodation rates and has already provided regional Members with an additional allowance for the occasions where the rates may not be sufficient.

51. *Metropolitan Expenses of Country Members*—The Tribunal has determined that the accommodation expenses for country Members of Parliament as set out in Part 5 Section 5 of the determination shall be increased by 1.1 per cent from \$263 to \$266 per night. The increase is an approximation of the annual average Perth CPI. This is considered to be an appropriate measure given the nature of the household expenses that country Members incur while resident in Perth to attend to parliamentary, electoral or vice-regal matters.

52. Current eligibility requirements are set out in Part 5 Section 1.9 and include a requirement that the Member certifies the number of nights they have maintained a second residence. Section 1.9 also envisages that the Member has a legal right of occupancy to the residence, hence the member could not rent out the residence and claim the allowance as if he or she had a right of occupancy. The

Tribunal is of the view that the eligibility requirements are sufficient in ensuring that only those Members who maintain a residence in their electorate are able to claim this allowance.

#### **TELEPHONE AND POSTAL SERVICE ALLOWANCES**

53. *Postal Service Allowances for Certain Office Holders*—These allowances were adjusted in 2009 and 2010 as a result of an increase in the standard letter postage rate. As there has been no increase in the postage rate in 2012, these allowances have remained the same.

The determination will now issue.

Signed this 10th day of August 2012.

W. S. COLEMAN AM,  
Chairman.

C. A. BROADBENT,  
Member.

B. J. MOORE,  
Member.

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 6AA

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*, members of committees, officers and Members of the Parliament, as hereunder follows with effect from 1 September 2012, unless otherwise stated—

#### **CONTENTS**

|                |           |   |
|----------------|-----------|---|
| <b>PART 1:</b> |           | <b>PAYMENT OF REMUNERATION</b>  |
|                | Section 1 | General   |
| <b>PART 2:</b> |           | <b>REMUNERATION</b>   |
|                | Section 1 | Base remuneration of Members of Parliament #  |
|                | Section 2 | Additional remuneration of Ministers of the Crown, Parliamentary Secretaries and office holders of the Parliament # |
|                | Section 3 | Salary packaging #  |
| <b>PART 3:</b> |           | <b>ELECTORATE ALLOWANCES</b>  |
|                | Section 1 | General   |
|                | Section 2 | Base Electorate Allowance #   |
|                | Section 3 | Additional Electorate Allowance #   |
|                | Section 4 | Motor Vehicle */#   |
| <b>PART 4:</b> |           | <b>TRAVELLING ALLOWANCE</b>   |
|                | Section 1 | Charter Transport Allowance *   |
|                | Section 2 | Taxi Fare Allowance #   |
| <b>PART 5:</b> |           | <b>ACCOMMODATION ALLOWANCES</b>   |
|                | Section 1 | General   |
|                | Section 2 | Expenses of office holders on official Government business *  |
|                | Section 3 | Expenses of Members on parliamentary committee business #   |
|                | Section 4 | Expenses of Members on parliamentary or parliamentary political party business #                                    |
|                | Section 5 | Metropolitan expenses of Members representing Regions or Districts therein #  |
|                | Section 6 | Members' expenses within the electorate #   |
| <b>PART 6:</b> |           | <b>TELEPHONE AND POSTAL SERVICE</b>   |
|                | Section 1 | Telephone Allowances for Electorate Offices *   |
|                | Section 2 | Parliament House #  |
|                | Section 3 | Teleconferencing */#  |
|                | Section 4 | Postal Service Allowances for certain office holders #  |

|                |           |  |
|----------------|-----------|--|
| <b>PART 7:</b> |           | <b>REGIONAL SITTINGS OF THE PARLIAMENT</b>       |
|                | Section 1 | General  |
|                | Section 2 | Sittings of the Parliament other than in Perth # |
| <b>PART 8:</b> |           | <b>RESETTLEMENT ENTITLEMENT</b>                  |
|                | Section 1 | General#   |

[Entitlement administered by: # Parliamentary Departments, Parliament House  
\* State Administration, Department of the Premier and 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 on and from the day following the day on which the Member is elected as a Member and, except as provided by paragraph 1.2 of this Section and Part 8, shall cease to be payable at the end of the day that the person ceases to be a Member.

1.2 Where a Member of the Legislative Assembly ceases to be a Member by reason of the dissolution of that House or the expiry by the effluxion of time, the Member is, notwithstanding that Member's cessation of membership, entitled to continue to receive the remuneration provided in this determination up to and including the date of the election following the dissolution or expiry of that House.

1.3 Where the Legislative Assembly is dissolved or expires by the effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by the 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 remuneration 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 the 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, 3 and 6 (Section 4) of this determination shall be paid by equal instalments either monthly or twice monthly and becomes thereupon the property of the Member. Remuneration relating to part of a pay period should be calculated as 1/365 of the annual amount specified in this determination multiplied by the relevant number of days.

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 and from 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: REMUNERATION**

### **SECTION 1: BASE REMUNERATION OF MEMBERS OF PARLIAMENT**

1.1 There is payable to each Member of Parliament an annual base remuneration of \$144,871.

### **SECTION 2: ADDITIONAL REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY SECRETARIES AND OFFICE HOLDERS OF THE PARLIAMENT**

2.1 In addition to the base remuneration payable to a Member under Section 1 of this Part of this Determination there is payable to the person for the time holding the office specified in the table hereunder additional remuneration per annum calculated as a percentage of the base remuneration.

| <b>Office Held</b>                                      | <b>Per cent of Base Remuneration</b> | <b>Additional Remuneration</b> | <b>Total Remuneration</b> |
|---|--------------------------------------|--------------------------------|---------------------------|
| Premier in conjunction with a ministerial office        | 132                                  | \$191,230                      | \$336,101                 |
| Deputy Premier in conjunction with a ministerial office | 97                                   | \$140,525                      | \$285,396                 |

| <b>Office Held</b>   | <b>Per cent of Base Remuneration</b> | <b>Additional Remuneration</b> | <b>Total Remuneration</b> |
|--|--------------------------------------|--------------------------------|---------------------------|
| Leader of the Government in the Legislative Council in conjunction with a ministerial office   | 90                                   | \$130,384                      | \$275,255                 |
| Minister of the Crown  | 80                                   | \$115,897                      | \$260,768                 |
| Leader of the Opposition in the Legislative Assembly   | 80                                   | \$115,897                      | \$260,768                 |
| President of the Legislative Council   | 66                                   | \$95,615                       | \$240,486                 |
| Speaker of the Legislative Assembly  | 66                                   | \$95,615                       | \$240,486                 |
| Leader of the Opposition in the Legislative Council  | 55                                   | \$79,679                       | \$224,550                 |
| Deputy Leader of the Opposition in the Legislative Assembly  | 45                                   | \$65,192                       | \$210,063                 |
| The person who not being a Minister of the Crown is the leader in the Parliament of a party of at least five Members of Parliament 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                                   | \$65,192                       | \$210,063                 |
| Parliamentary Secretary of the Cabinet   | 45                                   | \$65,192                       | \$210,063                 |
| Chairman of Committees in either House (Deputy Speaker)  | 30                                   | \$43,461                       | \$188,332                 |
| Government Whip in the Legislative Assembly  | 18                                   | \$26,077                       | \$170,948                 |
| Opposition Whip in the Legislative Assembly  | 18                                   | \$26,077                       | \$170,948                 |
| Parliamentary Secretary  | 15                                   | \$21,731                       | \$166,602                 |
| Government Whip in the Legislative Council   | 12                                   | \$17,385                       | \$162,256                 |
| Opposition Whip in the Legislative Council   | 12                                   | \$17,385                       | \$162,256                 |
| Chairman of a Standing Committee   | 10                                   | \$14,487                       | \$159,358                 |
| Deputy Chairman of a Standing Committee  | 7.5                                  | \$10,865                       | \$155,736                 |
| Member of a Standing Committee   | 7                                    | \$10,141                       | \$155,012                 |

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

### **SECTION 3: SALARY PACKAGING**

3.1 Salary packaging contributions may be made within the limits prescribed in the "Guidelines for Salary Packaging in the WA Public Sector 2007—Amended". A copy of these guidelines can be found at: [http://www.commerce.wa.gov.au/LabourRelations/PDF/Circulars/7\\_07.pdf](http://www.commerce.wa.gov.au/LabourRelations/PDF/Circulars/7_07.pdf). Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

### **PART 3: ELECTORATE ALLOWANCES**

#### **SECTION 1: GENERAL**

1.1 In consideration of the obligations of a Member effectively to represent 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 remuneration 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 a Government leased or owned motor vehicle by other persons, unless for emergency purposes, is not permitted.

**SECTION 2: BASE ELECTORATE ALLOWANCE**

2.1 In addition to the basic remuneration payable under Part 2 of this determination, there is payable to a Member an Electorate Allowance of \$61,985 per annum—

2.1.1 less any expenditure incurred at the request of the Member in seeking a variation to the standard applied to a motor vehicle in Section 4 of this Part.

2.2 The obligations taken into account by the Tribunal in determining the Base Electorate Allowance include, but are not limited to—

2.2.1 Communication (e.g. mobile phone calls, SMS and other electorate related telephone calls made outside of the electorate office, newsletters, web publications);

2.2.2 Awards and support for community groups or individuals;

2.2.3 Hospitality and entertainment;

2.2.4 Advertising (not electioneering); and

2.2.5 Stationery and printing.

2.3 To assist a Member who has not previously represented an electoral District or Region to establish their electorate office, there is payable to a Member up to 3 months' worth of their Base Electorate Allowance in advance on application to the authority administering this entitlement.

**SECTION 3: ADDITIONAL ELECTORATE ALLOWANCE**

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

**Table 6: Additional Electorate Allowances**

| ELECTORAL REGION           | ELECTORAL DISTRICT  | ADDITIONAL ALLOWANCE PER ANNUM |
|----------------------------|---|--------------------------------|
| Mining and Pastoral Region |   | \$22,050                       |
|                            | Eyre, Kalgoorlie, Kimberley, North West (North West Central effective from 10 March 2013) and Pilbara | \$20,700                       |
| Agricultural Region        |   | \$14,750                       |
|                            | Central Wheatbelt, Moore and Wagin  | \$12,800                       |
| South West Region          |   | \$9,950                        |
|                            | Blackwood—Stirling (Warren-Blackwood effective from 10 March 2013)                                    | \$8,200                        |

**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 provided with a Government leased or owned motor vehicle under arrangements not covered by this determination, shall be entitled to the supply of a Government leased or owned private plated motor vehicle for parliamentary, electorate and private use within Western Australia.

4.2 A Member, representing the South West, Agricultural or Mining and Pastoral Region or any District contained therein, who is provided with a Government leased or owned motor vehicle as a result of an office held, may make application to the Tribunal for the issue of an electorate motor vehicle. 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.

4.3 Any Member who foregoes the entitlement in paragraph 4.1 or 4.2 of this Section and has no other Government supplied motor vehicle shall be paid an amount of \$22,650 per annum, payable monthly or twice monthly with the Base Electorate Allowance provided in Section 2 of this Part. The Tribunal determines that this option is not to be used as a means of changing or returning motor vehicles at times other than the expiration of a normal lease. Where any Member becomes entitled to access a Government supplied motor vehicle under an arrangement not covered by this determination and is thereby provided with such a motor vehicle, then any entitlement under this Section shall cease immediately upon provision of the motor vehicle.

4.4 Motor vehicles issued to Members through this provision shall be to the notional lease value of \$22,650 per annum.

4.5 The notional lease value must include the lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is:

$L + R + aD + \text{FBT} + I + \text{LCT}$ , where

L = Lease payments

R = Registration costs

a = Running cost per kilometre

D = nominated annual kilometres

FBT = Fringe Benefits Tax

I = Insurance

LCT = Luxury car tax

4.6 FBT is costed at applicable Australian Taxation Office rates. For the year ending 31 March 2012, FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0647) x FBT rate (0.465).

4.7 Members representing the South West, Agricultural and Mining and Pastoral Regions or any District contained therein can apply to the Tribunal for the issue of a four wheel drive vehicle in lieu of the entitlement 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 Toyota Prado GXL Automatic 3.0 litre Turbo Diesel.

4.8 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.

4.9 Where a Member requires, for operational or personal reasons, a model of vehicle, the notional lease cost of which exceeds the notional lease value specified in paragraph 4.4 or the notional lease value of the benchmark vehicle specified in paragraph 4.7 of this Section as the case may be, 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 Base Electorate Allowance under Section 2 of this Part or the Charter Transport Allowance under Section 2 of Part 4. In that event, the relevant allowance shall immediately be reduced proportionately.

4.10 The method of determining whether an additional contribution must be made by the Member, shall be based on the notional lease cost to Government of the vehicle sought (using the formula detailed at 4.5 above), compared with the relevant notional lease value determined in this section. The cost at the time of entering into the lease is applicable.

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

4.12 An individual accessing a vehicle under this Part shall take due care of the condition and security of the vehicle. The agency administering motor vehicle entitlements under this Part shall ensure that members receiving those entitlements are aware of their obligations with respect to routine and periodic maintenance of motor vehicles consistent with the "WA Government Fleet Policy and Guidelines".

#### PART 4: TRAVELLING ALLOWANCE

##### SECTION 1: CHARTER TRANSPORT ALLOWANCE

1.1 "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 3 is in a different location i.e., the electorate or Perth.

1.2 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 for each financial year, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of Part 3.

**Table 7: Charter Allowance**

| ELECTORAL REGION           | ELECTORAL DISTRICT  | CHARTER TRANSPORT ALLOWANCE (Per Financial Year) |
|----------------------------|---|--|
| Mining and Pastoral Region |   | \$46,500   |
|                            | Eyre, Kalgoorlie, Kimberley, North West (North West Central effective from 10 March 2013) and Pilbara | \$46,500   |
| Agricultural Region        |   | \$31,550   |
|                            | Central Wheatbelt, Moore and Wagin  | \$25,850   |
|                            | Geraldton   | \$11,000   |
| South West Region          |   | \$25,850   |
|                            | Albany and Blackwood-Stirling (Warren-Blackwood effective from 10 March 2013)                         | \$11,000   |

1.3 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.

1.4 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.

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

1.6 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 the case of demonstrated exceptional circumstances, the administering authority for such claims may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Part, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a claim. Exceptional circumstances for which an extension will be approved, will only be where the Member has demonstrated that the delay has been as a result of the receipt of invoices being delayed for reasons outside the Member's control (e.g. invoices having been misdirected in the mail), or in circumstances where ill health or bereavement have prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant 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 2: TAXI FARE ALLOWANCE

2.1 A Member, not being a metropolitan 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 5: ACCOMMODATION ALLOWANCES

### SECTION 1: GENERAL

1.1 For the purposes of this Part the allowances are only claimable where overnight accommodation is involved on official Government, parliamentary and/or electorate business.

1.2 Claims made must be accompanied by certification that the expense was incurred in accordance with the relevant section of this Part and this shall be sufficient evidence to establish a valid claim. The member must retain sufficient evidence to support the facts of the certification should an audit of payments be conducted.

1.3 In the case of commercial accommodation, a tax invoice 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 section in this Part refers to an accommodation allowance, the relevant total daily allowance is determined to be the relevant Australian Taxation Office reasonable benefit limit applicable at the date of travel. The Australian Taxation Office reasonable benefit limit 2011/12 rates can be found in Taxation Determination TD 2012/17. For the purpose of calculating the appropriate salary limits in the Taxation Determination, the salary of a Member of Parliament shall be comprised of the base remuneration and any additional remuneration set out in Part 2 Sections 1 and 2 of this determination together with the base electorate allowance set out in Part 3 Section 2 of this determination. Where travel involves part of a day, the allowance payable will be calculated 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 in respect of non-commercial accommodation shall be paid at 40 per cent of the applicable daily rate or pro-rata daily rate specified in paragraphs 1.5, 1.5.1 and 1.5.2 in this Part.

1.7 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.

1.8 A claim for Accommodation Allowances under this Part must be submitted within 90 days from the date the travel is completed. In the case of demonstrated exceptional circumstances, the administering authority may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Part, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a

claim. Exceptional circumstances for which an extension will be approved, will only be where the Member has demonstrated that the delay has been as a result of the claim submission being delayed for reasons outside the Member's control (e.g. the claim submission having been misdirected in the mail), or in circumstances where ill health or bereavement has prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant 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.

1.9 For the purposes of guidance in the use of entitlements under this Part, 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. Entitlements for maintenance of residences under this Part shall be paid upon appropriate documentary evidence being provided to demonstrate maintenance of a residence and certifying the number of nights for which the residence was maintained.

1.10 The reimbursement provided by this Part of the 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.

## **SECTION 2: EXPENSES OF OFFICE HOLDERS ON OFFICIAL GOVERNMENT 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 paragraph 1.5 of this Part are deemed to be indicative of the reasonable accommodation 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 Accommodation Allowances payable under this section apply to a Member of Parliament holding an office mentioned in this section when travelling within Australia on official duty as the holder of that position, for expenses actually incurred on overnight accommodation at a place situated outside a radius of 50 kilometres of the Perth GPO.

2.3 The following office holders are entitled to claim an allowance under this section—

2.3.1 the Premier;

2.3.2 a Minister of the Crown;

2.3.3 the Parliamentary Secretary of the Cabinet and Parliamentary Secretaries appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899*;

2.3.4 the Deputy Premier; and

2.3.5 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).

2.4 A Member is entitled to claim an allowance under this section who, for the time being, is appointed to act in lieu of the permanent occupant in any of the positions referred to in paragraph 2.3 of this Section. For the time he or she is acting in that position, the Member's Accommodation Allowance shall be the same rate, and on the same basis, prescribed for the permanent office holder.

2.5 A Member is entitled to claim an allowance under this section when deputising for the Premier, 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) who at the written request of the relevant office holder, deputises for the Premier or 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. For the time he or she is deputising in that position, the Member's Accommodation Allowance shall be the same rate, and on the same basis, prescribed for the permanent office holder.

## **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 both Houses, shall be the same, and on the same basis, as the rate set under Section 1.5. Where the costs reasonably and properly incurred exceed the rates contained in Section 1.5, 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 (inclusive of meals and incidentals) expenditure to a maximum of 8 nights per financial year. The rates contained in paragraph 1.5 of this Part should be deemed to be indicative of the maximum 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 parliamentary committees of which that Member is a member;

5.1.3 attendance at official Government, parliamentary or Vice Regal functions; and

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 of \$266 per night for up to 120 nights per financial year.

5.2 If at any time or times during a year a place of residence in or adjacent to the relevant aforementioned Region or District is not maintained then no entitlement applies under this Section during that time or times.

5.3 Where a Member referred to in paragraph 5.1 of this Section also maintains for the purpose 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.

5.4 Where a Member referred to in paragraph 5.1 of this Section above has a residence or residences solely in the Metropolitan Regions that Member shall not be entitled to receive the Accommodation 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 6.3 of this Section may, claim accommodation and associated expenses in accordance with paragraph 1.5 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 For the purpose of guidance in administering this entitlement, a location may or may not be considered adjacent to an electorate depending on a range of factors including the proximity of suitable accommodation, the distance to be travelled to a Member's residence and the distance to be travelled to reach a commercial transport departure point where a Member is utilising commercial transport in the course of their parliamentary or electorate duties.

6.3 The maximum number of nights claimable per financial year shall be:

|  |            |
|--|------------|
| Blackwood-Stirling, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Wagin and Vasse | 60 nights  |
| Eyre, Kalgoorlie, Kimberley, North West and Pilbara  | 80 nights  |
| Regions—Mining and Pastoral, Agricultural and South West   | 100 nights |

### **PART 6: TELEPHONE AND POSTAL SERVICE ALLOWANCES**

#### **SECTION 1: TELEPHONE ALLOWANCES FOR ELECTORATE OFFICES**

1.1 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.

1.2 The use of electorate office telephones by persons other than Members of Parliament and staff, unless for parliamentary and electorate purposes, is not supported by this determination.

1.3 In this Section, "calls" include all charges (other than international calls) as usually included on normal accounts rendered to subscribers.

#### **SECTION 2: PARLIAMENT HOUSE**

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

**SECTION 3: TELECONFERENCING**

3.1 Where a Member uses audio or video conferencing and seeks to obtain reimbursement, the Member is to certify the topic of the conference and its relevance to the role of the Member as a Member of the Western Australian Parliament.

**SECTION 4: POSTAL SERVICE ALLOWANCES FOR CERTAIN OFFICE HOLDERS**

4.1 The holders of the following offices, in addition to the allowance granted as a Member, shall receive an annual allowance, payable monthly, in consideration of the need to purchase postal services for the office held. The allowance is not to be used for electorate, party or personal business.

| OFFICE HOLDER   | RATE PER ANNUM |
|---|----------------|
| Leader of the Opposition in the Legislative Assembly                            | \$12,100       |
| Leader of the Opposition in the Legislative Council                             | \$9,100        |
| Leader of a recognised non-Government party (as defined in Section 2 of Part 2) | \$9,100        |
| Deputy Leader of the Opposition in the Legislative Assembly                     | \$6,050        |

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

4.3 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 7: 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 5.

1.2 For the purposes of this Part the rates contained in Section 1.5 of Part 5 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; and
  - (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.

**PART 8: RESETTLEMENT ENTITLEMENT****SECTION 1: GENERAL**

1.1 A Member of Parliament is entitled to receive a Resettlement Entitlement as a lump sum payment under the provision of Sections 1.3 or 1.4 of this Part when a Member ceases to be a Member of either House of the Parliament.

1.2 This allowance is to facilitate a Member's transition from public office to private life. This allowance will assist the Member to access resettlement advice and services including, financial counselling, re-employment counselling, out-placement services, educational or training costs and any other cost a Member deems necessary.

1.3 Where the Member ceases to be a Member of the Parliament after serving two terms or less of either House of the Parliament, from the date the Member first took office, the Member shall be entitled to receive the Resettlement Entitlement calculated at the rate equivalent to 3 monthly pay periods of base salary applicable under Part 2 Section 1 of this determination as at the time of ceasing to be a Member.

1.4 Where the Member ceases to be a Member of the Parliament after serving more than two terms but not more than three terms of either House of the Parliament, from the date the Member first took office, the Member shall be entitled to receive the Resettlement Entitlement calculated at the rate equivalent to 2 monthly pay periods of base salary applicable under Part 2 Section 1 of this determination as at the time of ceasing to be a Member.

1.5 Notwithstanding the provisions of Section 1.3 and 1.4 of this part, a Member shall not be eligible to receive more than one Resettlement Entitlement.

1.6 A person who is disqualified for membership of the Legislature under Section 32(1)(b) of the *Constitution Acts Amendment Act 1899* shall be disqualified from receiving any Resettlement Entitlement under this Part.

Signed this 10th day of August 2012.

W. S. COLEMAN AM,  
Chairman.

C. A. BROADBENT,  
Member.

B. J. MOORE,  
Member.

Salaries and Allowances Tribunal.

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