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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)

August 2007

PREAMBLE

The *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than twelve months, to enquire 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 (MPs). The Tribunal issued its last such determination on 18 August 2006. The Tribunal has now completed a further enquiry.

BACKGROUND***Historical Context***

In 2006, the Tribunal reviewed the basis on which it determined the base salary for Members of the Western Australian Parliament, including the relativity of this salary to that paid to Members of the Commonwealth Parliament. It confirmed that it was not committed to there being a fixed relationship and an automatic flow-on to Western Australian Members of base salary adjustments granted to Federal Members.

The 2006 determination removed an allowance of \$6,950 paid to certain office holders in lieu of the use of a second vehicle. The Tribunal also reiterated that there were legislative impediments to its determining appropriate remuneration for Parliamentary Secretaries, the Chairman and members of Parliamentary standing committees. These impediments were subsequently removed through amendments to the *Salaries and Allowances Act 1975* in November 2006, and the Tribunal determined additional remuneration for these office holders. This determination was published on 28 March 2007.

Effective from 1 July 2007, Members of the Commonwealth Parliament and of most other state parliaments received increases in remuneration of 6.7 percent. This resulted from a determination made by the Commonwealth Remuneration Tribunal (CRT) relating to its Principal Executive Officer Structure in the Australian Public Service. The CRT is not empowered to determine the base salary for MPs, however, since December 1999, a regulation under the *Remuneration and Allowances Act 1990* links Members' base salary to a reference salary within the Tribunal's Principal Executive Officer Structure. This Structure is reviewed by the CRT and adjusted as appropriate, from 1 July each year.

The determination of 1 July 2007 relating to the Principal Executive Officer Structure granted the increase of 6.7 percent. This had two components: one of 4.2 percent which recognised increases in the costs of living and the second of 2.5 percent which was in recognition of an increase in productivity. The full 6.7 percent flowed automatically to Members of the Commonwealth Parliament.

The concept of productivity is difficult to apply to any positions where service to the public is a prime objective. The Western Australian Tribunal has no data relating to the productivity of parliamentarians in this state, nor is it aware of any systematic measures of the productivity of the role of MPs in general. Accordingly, it has no means of assessing the appropriateness or otherwise for MPs of the productivity measures applied to the Principal Executive Officer Structure. The Western Australian Tribunal, because of these circumstances, is not able to factor in a productivity component to its determination.

In relation to the base salary component, movements for MPs in all states and territories other than Western Australia and the Australian Capital Territory are tied through state legislation to fixed relativities with salary movements in the Federal Parliament. As a result, there is no independent assessment of the remuneration for Members in these states by an independent tribunal. Consequently, MP's in most states became eligible for the 6.7 percent increase. The table below shows the base remuneration for MPs in the Commonwealth Parliament and the states as a result of the 2007 determination.

Table 1: Base Remuneration of Australian MPs as at 1 July 2007

Jurisdiction	Base Remuneration at 1 July 2007 (\$)	Relativities between Australian Governments
Commonwealth	127,060	
NSW	126,560	\$500 less
Queensland	126,560	\$500 less
Victoria	125,618	\$1,442 less
South Australia	125,060	\$2000 less
Northern Territory	124,060	\$3000 less
Western Australia	118,450	No link
Tasmania	108,242	85.19 per cent of C/wealth
ACT	108,211	No link

The 2007 determination by the CRT attracted considerable public interest. For example, the Victorian Government did not support full flow-on of the CRT determination to its Members of Parliament. Instead it moved to restrict the increase to 3.25 percent. A Bill to amend the Victorian *Parliamentary Salaries and Superannuation Act 1968* is before the Victorian Parliament at present. If passed, it will increase the difference between the remuneration of Federal and Victorian Members from \$1,442 to \$5,733.

In some quarters it was believed that the Western Australian Tribunal's 2006 determination linked Western Australian Members to the Commonwealth decision and that the full increase would flow automatically to state Members. The Western Australian Tribunal issued a variation of its 2006 determination on 29 June 2007 to clarify the situation and to affirm that there was no automatic link.

Current Enquiry

Written submissions from interested individuals and organisations were invited in an advertisement placed in *The West Australian* on 30 May 2007. This process provides an opportunity for members of the public, the Government, MPs themselves or any other interested party to make a submission on the appropriate level of parliamentary remuneration. Six submissions were received—from the Government, a political party, individual MPs and a member of the general public.

In addition to general comments relating to the level of the remuneration of MPs, specific issues raised in these submissions included the need for Members to have access to cable broadband and other improvements in the use of contemporary telecommunications facilities; the need for an augmented Electorate Allowance for those rapidly-expanding electorates where the number of electors significantly exceeds the quotient; and the desirability of salary payments being made fortnightly rather than monthly.

The Tribunal is conscious that MPs are expected to model restraint to the rest of the community in their salary increases. The submissions from both the Government and the member of the public reflected this. The Government's submission emphasised that parliamentarians did not wish to be put into a position where they were out of step with broad trends in the community. It stated that any increase should be 'moderate and economically responsible'.

In making this determination, the Tribunal has considered the submissions it received; the level of remuneration of senior officers in the other jurisdictions for which it has responsibility; movements in a range of economic indicators for salaries and prices; and advice from its Statutory Advisor.

It has also considered in detail the relativity between the base remuneration of Federal and Western Australian Members. The July 2007 decision of the CRT has brought the relativities between the base remuneration of Members of the Western Australian Parliament and those elsewhere in Australia into focus.

The Tribunal has always recognised that the Commonwealth Parliament is the superior legislature in Australia and that Members' salaries should reflect an appropriate differential, all things being equal. However, inevitably, all circumstances will not always be equal. As a result, the base salaries of Western Australian parliamentarians have fluctuated over the years in relation to those of Federal parliamentarians. In a similar vein, whilst the base salary of parliamentarians in most other states is determined through a fixed relativity to that of Federal MPs, these relativities differ between states (see Table 1).

Members of the Australian Parliaments have in common several important functions such as law-making, calling the Executive to account and representing the interests of their electors. However, the contexts in which they work vary. One major difference between them is the number of electors they represent. These differences are illustrated in Table 2 below. The present level of remuneration of Members of the Western Australian Parliament is based on an assessment of their work that was undertaken by the Tribunal in 1999. In order to prepare for the introduction of revised electoral boundaries at the next state election, the Tribunal has decided to review the 1999 assessment and to establish a new base for the remuneration of Members.

The separate matter of payment of salary being fortnightly rather than monthly has been raised with the Tribunal from time to time. However, over the last 12 months, the matter has been raised more widely, including in submissions to this enquiry. Members of the state Public Service are paid fortnightly. The Tribunal has looked into the implications of such a change for MPs and is of the opinion that more frequent payment is appropriate, but has been advised that fortnightly payment presents administrative difficulties. Therefore, as of 1 September 2007, Members will have the option of continuing the present arrangements or being paid twice-monthly.

Provision has also been made in this determination to make MPs salary packaging arrangements more consistent with the broad guidelines for agencies contained in the Government's "Guidelines for Salary Packaging in the WA Public Sector".

BASE REMUNERATION

The Tribunal has determined a base remuneration for a Western Australian MP of \$123,780 per annum with effect from 1 September 2007. This represents a 4.5 percent increase. This will result in the base remuneration of Members of the Western Australian Parliament, as of 1 September 2007, being \$3,280 less than that of Members of the Commonwealth Parliament. The relativity between it and that paid to their counterparts in most other states will also be affected. The likely position as of 1 September 2007 is set out in the table below.

Table 2: Likely base remuneration, relativities and number of electors per Lower House Members, Australian Parliaments, 1 September 2007

Jurisdiction	Likely Base Remuneration at 1 September 2007 (\$)	Relativities between Australian Governments	Ave. number of Electors per Lower House Member as at 30 June 2007
Commonwealth	127,060		
NSW	126,560	\$500 less than C/wealth	47,605
Queensland	126,560	\$500 less	28,799
South Australia	125,060	\$2,000 less	22,727
Northern Territory	124,060	\$3,000 less	4,530
Western Australia *	123,780	\$3,280 less	12,126 to 39,280
Victoria **	125,618/121,327	\$1,422/\$5,733 less	38,694
Tasmania	108,242	85.19 per cent of C/wlth (\$18,818 less)	13,876
ACT	108,211	\$18,849 less	13,824

Sources: The data on electoral enrolments have been taken from the websites of the respective Parliaments, Electoral Commissions, Offices or Departments in each jurisdiction. * The range of elector numbers illustrates the variance between regional and metropolitan electorates. ** Alternative base remuneration figures are provided for Victorian MPs dependent upon whether legislation is passed to limit full flow-on of the 2007 CRT determination.

ALLOWANCES

Electorate Allowance

In each of its determinations in recent years, the Tribunal has moved towards a more generic approach to the Electorate Allowance paid to MPs to assist them in undertaking their duties. This trend is continued in this determination.

The Electorate Allowance, once paid, becomes the property and responsibility of the Member to expend as he/she 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.

The significant increase in the Electorate Allowance awarded in the 2005 determination particularly recognised the need of Members to be able to communicate more regularly and directly with their constituents. It also recognised increases in the technologies available to Members by which they could communicate with their constituents more effectively and efficiently. In the short time since that determination, cable and wireless broadband have become more widely available in the community and there is a far greater use of mobile phones by Members. The Tribunal considers that it should move further in its generic approach to communications technologies in order to continue to facilitate Members communicating with their electors.

Accordingly, this determination removes Members' entitlement to a specific allowance for fixed telephone lines in their private residence(s) and 85 percent of the calls made on these lines. An amount of \$3,500 has been added to the Electorate Allowance to compensate for the discontinuing of the entitlement as outlined in Part 7, Section 2 of the previous determination and to provide for greater flexibility overall in the use of communications technologies.

This arrangement will take effect from 1 September 2007. However as telephone billing cycles may not coincide with this date, MPs may be reimbursed for the appropriate rental and call charges on a pro-rata basis up to 31 August 2007 in accordance with the Tribunal's determination of 18 August 2006.

The exception to this change will be those Members (as specified in Part 3, Section 2) who have their private telephone rentals and calls paid from public funds under arrangements not dealt with by this Tribunal. The arrangement outlined in Part 7, Section 2 in the 2006 determination will remain for these nominated officers who will not receive the additional \$3,500 in their Electorate Allowance.

Charter Transport Allowance

An adjustment of approximately 10 percent has been made to the Charter Transport Allowance in recognition of the increased costs of air charter.

Additional Electorate Allowance

This allowance is currently granted to Members representing the largest, most remote or least accessible electorates.

Submissions have been received advocating an additional Electorate Allowance for particular Members whose electorates are growing rapidly. One of these, the electorate of Wanneroo, had an enrolment of 39,280 at 30 June 2007, 74 percent above the enrolment at February 2002. There are substantially increased costs for the Member given the rapid growth in enrolments. Other electorates also have grown in enrolments but from a smaller base. For this reason, the Tribunal has determined that an allowance for an electorate growing at an exceptional rate will apply only to the seat of Wanneroo. An amount of \$6,500 is allowed for this purpose.

The Tribunal, having regard to the circumstances outlined above and also taking account of the allowances and resources available to Members from other than the Tribunal, has determined to increase the Electorate Allowance from \$43,000 per annum to \$48,500 per annum—this includes the additional \$3,500 communications technologies component.

The determination will now issue.

Signed this 17th day of August 2007.

Dr M. C. WOOD
Chairman

M. L. NADEBAUM
Member

Salaries and Allowances Tribunal.

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

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 2007, unless otherwise stated.

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[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, 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.

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 \$123,780.

SECTION 2: ADDITIONAL REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY SECRETARY OF THE CABINET 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.

Office Held	Percent of Base Remuneration	Additional Remuneration	Total Remuneration
Premier in conjunction with a ministerial office	132	\$163,390	\$287,170
Deputy Premier in conjunction with a ministerial office	97	\$120,067	\$243,847
Leader of the Government in the Legislative Council in conjunction with a ministerial office	90	\$111,402	\$235,182
Minister of the Crown	80	\$99,024	\$222,804
Leader of the Opposition in the Legislative Assembly	80	\$99,024	\$222,804
President of the Legislative Council	66	\$81,695	\$205,475
Speaker of the Legislative Assembly	66	\$81,695	\$205,475

Office Held	Percent of Base Remuneration	Additional Remuneration	Total Remuneration
Leader of the Opposition in the Legislative Council	45	\$55,701	\$179,481
Deputy Leader of the Opposition in the Legislative Assembly	45	\$55,701	\$179,481
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	\$55,701	\$179,481
Parliamentary Secretary of the Cabinet	45	\$55,701	\$179,481
Chairman of Committees in either House (Deputy Speaker)	30	\$37,134	\$160,914
Government Whip in the Legislative Assembly	18	\$22,280	\$146,060
Opposition Whip in the Legislative Assembly	18	\$22,280	\$146,060
Parliamentary Secretary	15	\$18,567	\$142,347
Government Whip in the Legislative Council	12	\$14,854	\$138,634
Opposition Whip in the Legislative Council	12	\$14,854	\$138,634
Chairman of a Standing Committee	10	\$12,378	\$136,158
Deputy Chairman of a Standing Committee	7.5	\$9,284	\$133,064
Member of a Standing Committee	7	\$8,665	\$132,445

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". A copy of these guidelines can be found at www.docep.wa.gov.au/lr/LabourRelations/Content/Public%20Sector/Resources/Circulars/Pages/1198at tach.html. 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 owned motor vehicle by other persons, unless for emergency purposes, is not supported.

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 \$48,500 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; and

2.1.2 less \$3,500 for the holder of any office who receives payment of private telecommunication charges from public funds not dealt with by this determination, including 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.

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.

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
South West Region		\$8,700
	Stirling and Warren-Blackwood	\$7,200
Agricultural Region		\$12,900
	Avon and Wagin	\$ 7,200
	Greenough, Merredin, Moore and Roe	\$11,200
Mining and Pastoral Region		\$19,300
	Central Kimberley-Pilbara, Kimberley, Murchison-Eyre, and North West Coastal	\$18,200

3.2 In recognition of the exceptional rate of population growth in the Wanneroo electorate, an additional electorate allowance of \$6,500 will be provided to meet increased costs of serving this electorate.

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 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 A Member, representing the South West, Agricultural or Mining and Pastoral Region or any District contained therein, who is provided 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. 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 \$15,000 per annum, payable monthly or twice monthly with the Base Electorate Allowance provided in Section 2 of this Part. 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 of a standard, the cost of which does not exceed the more expensive of a Ford Futura or Commodore Berlina (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 Regions 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 Prado GXL Manual 3.0 litre Turbo Diesel or the Nissan Patrol ST Manual 3.0 litre Turbo 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 of this Section 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 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.

4.9 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 4: 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 3, and uses a privately owned vehicle to travel between the Member's residence and Perth, or to a place for the purposes listed in subparagraph 1.1.2 hereunder, the Member shall be paid a motor vehicle allowance at current Public Service rates for the shortest practicable route, provided such travel—

1.1.1 is not less than 100 kilometres return; and

1.1.2 is for the purpose of attending—

- (a) a sitting of Parliament or a meeting of that Member's parliamentary political party; or
- (b) a meeting of a parliamentary committee of which that Member is a member; or
- (c) an official Government, parliamentary or Vice-Regal function;

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

1.2 Where, in the opinion of the Salaries and Allowances Tribunal as the case may require, a scheduled commercial air service could have been used for the travel referred to in paragraph 1.1 in this Section, the motor vehicle allowance payable under this Section shall not exceed the value of the commercial air fare between the Member's residence and the nearest airport in order to travel to and from Perth by aircraft for the purposes listed in paragraph 1.1.2 of this Section.

SECTION 2: CHARTER TRANSPORT ALLOWANCE

2.1 "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.

2.2 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, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of Part 3, with effect from 1 July 2007.

ELECTORATE REGION	DISTRICT	PER FINANCIAL YEAR
Mining and Pastoral Region		\$35,700
	Central Kimberley-Pilbara, Murchison-Eyre and North West Coastal	\$35,700
	Kimberley	\$24,200
	Kalgoorlie*	\$8,200
Agricultural Region		\$24,200
	Greenough, Merredin, Moore and Roe	\$19,400
	Avon and Wagin	\$8,200
	Geraldton*	\$8,200
South West Region		\$19,400
	Albany*, Stirling and Warren- Blackwood	\$8,200

* 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 3 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.

2.3 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 5: ACCOMMODATION ALLOWANCES

SECTION 1: GENERAL

1.1 For the purposes of this Part the allowances are only claimable where overnight accommodation is involved.

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

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 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 percent of the daily rate.
8.00am or later but prior to 1.00pm	- 90 percent of the daily rate.
1.00pm or later but prior to 6.00pm	- 75 percent of the daily rate.
6.00pm or later	- 50 percent 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 percent of the daily rate.
1.00pm or later but prior to 6.00pm	- 25 percent of the daily rate.
6.00pm or later but prior to 11.00pm	- 50 percent of the daily rate.
11.00pm or later	- 100 percent 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, 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.

1.8 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 Section 7 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 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, for expenses actually incurred 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 Leader and Leader of a Recognised non-Government Party: 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 Leaders, deputises for the Leader at a function, and who actually incurs expense on overnight accommodation, at a place situated outside a radius of 50 kilometres from 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 both 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 maximum 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 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 per night at the Perth rate set out in Section 7.1 of this Part for up to 120 nights.

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 6.2 of this Section may, claim accommodation and associated expenses in accordance with either the commercial or non-commercial levels contained in Western Australia North or South of the 26th parallel rate 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 South West	100 nights

SECTION 7: ACCOMMODATION ALLOWANCE—RATES OF PAYMENT

7.1 Commercial accommodation—

LOCATION	PREMIER	MINISTERS OF THE CROWN, OFFICE HOLDERS	MEMBERS
Perth	NIL	NIL	\$210
WA North of the 26th parallel	\$455	\$440	As per the rates in the Public Service Award 1992—Schedule—Locality North of 26 degrees South Latitude
WA South of the 26th parallel	\$300	\$210	\$175
Sydney	\$425	\$350	\$300
Melbourne	\$400	\$380	\$280
Brisbane, Adelaide	\$330	\$310	\$260
Darwin	\$330	\$310	\$250
Hobart, Canberra	\$330	\$310	\$230
Other Areas	\$300	\$220	\$185

7.2 Non-commercial accommodation—

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

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 use of teleconferencing 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	\$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

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 7 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*.

Signed this 17th day of August 2007.

Dr M. C. WOOD
Chairman

M. L. NADEBAUM
Member

Salaries and Allowances Tribunal.