

PARLIAMENTARY SALARIES AND ALLOWANCES.

No. 70 of 1967.

AN ACT to make provision for the establishment of a Tribunal to determine the remuneration to be paid to Ministers of the Crown and Officers and Members of Parliament and to repeal the Parliamentary Allowances Act, 1911-1965, and the Members of Parliament, Reimbursement of Expenses Act, 1953-1965.

[Assented to 5th December, 1967.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Parliamentary Salaries and Allowances Act, 1967.* Short title.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Repeals.

3. The Parliamentary Allowances Act, 1911-1965, and the Members of Parliament, Reimbursement of Expenses Act, 1953-1965, are repealed.

Interpre-
tation.

4. (1) In this Act, unless the contrary intention appears—

“basic salary” has the meaning assigned to that expression by paragraph 1 of the Second Schedule to this Act;

“determination” means a determination made by the Tribunal pursuant to section 7 of this Act;

“House” means a House of Parliament;

“member” means a member of either House;

“Ministerial office” means an office that is specified in the First Schedule to this Act;

“remuneration” includes salaries, allowances, fees and other emoluments;

“Tribunal” means the Parliamentary Salaries Tribunal established under this Act.

(2) For the purposes of this Act a person is an officer of Parliament if he is the holder for the time being of the office of—

- (a) President of the Legislative Council;
- (b) Speaker of the Legislative Assembly;
- (c) Chairman of Committees in either House;
- (d) Leader of the Opposition in the Legislative Council;
- (e) Leader of the Opposition in the Legislative Assembly;
- (f) Deputy Leader of the Opposition in the Legislative Assembly;
- (g) Government Whip in the Legislative Council;
- (h) Opposition Whip in the Legislative Council;

- (i) Government Whip in the Legislative Assembly;
- (j) Opposition Whip in the Legislative Assembly;
- (k) the person who not being a Minister of the Crown is the leader of a party in the Legislative Assembly of at least seven members other than a party whose leader is the Premier or the Leader of the Opposition.

5. (1) For the purposes of this Act there shall be a tribunal to be known as the Parliamentary Salaries Tribunal. Parliamentary Salaries Tribunal.

(2) The Tribunal shall consist of three members who shall be appointed by the Governor.

(3) Of the three members of the Tribunal one shall be a judge, a judge of the Supreme Court of another State, or a person who has been a judge of the Supreme Court of this or another State, and one shall be a person who is practising the profession of accountancy and who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants.

(4) The member of the Tribunal who is a judge shall be the Chairman of the Tribunal.

(5) The members of the Tribunal shall be appointed to hold office during the Governor's pleasure.

(6) The members of the Tribunal shall be paid such remuneration, and such sums by way of travelling and other expenses, as the Governor may determine.

6. (1) In this section "Secretary" means the Secretary of the Tribunal. Secretary of the Tribunal.

(2) The Governor may appoint a person as Secretary.

(3) An officer of the Public Service of the State may be appointed as Secretary, and may hold office as Secretary in conjunction with the office held by him under the Public Service Act, 1904.

(4) The Secretary shall, subject to the general directions of the Tribunal, assist the Tribunal in the administration of this Act and the due exercise of the powers and functions of the Tribunal under this Act.

(5) The Secretary may be paid, in respect of his services, such remuneration, if any, as the Governor may determine, but if the Secretary is an officer or temporary employee to whom the Public Service Act, 1904, applies, the Governor shall not determine the amount or rate of remuneration to be paid to the Secretary except on the recommendation of the Public Service Commissioner appointed under that Act.

General
powers and
functions of
the Tribunal.

7. (1) Subject to this Act, the Tribunal may—
- (a) make such determinations; and
 - (b) submit to the Governor such recommendations,

as the Tribunal is required or authorised by this Act to make or submit.

(2) At intervals of not more than three years, the Tribunal shall, after such inquiry as it thinks necessary, determine what remuneration should, in its opinion, be paid to Ministers of the Crown and to officers and members of Parliament and at what rates, that remuneration should, in its opinion, be paid.

(3) Without affecting the generality of the provisions of subsection (1) of this section, the powers conferred on the Tribunal by this section include the power to—

- (a) determine that the remuneration payable to Ministers of the Crown and to officers and members of Parliament shall continue to be payable at the same rates respectively as those at which it is payable immediately before the making of the determination;
- (b) determine that any class or kind of remuneration payable at the date of the making of the determination shall, either generally or in particular cases—

- (i) cease to be payable; or
 - (ii) be replaced by remuneration of some other class or kind;
- (c) determine that, in addition to the remuneration payable at the date of the making of the determination, remuneration of some additional class or kind shall be payable, either generally or in particular cases;
- (d) determine that any specified part of the remuneration payable to members shall be subject to adjustment in accordance with variations in the cost of living on such basis and according to such scale and method as may be determined by the Tribunal and specified in a determination; and
- (e) inquire into and make to the Minister such recommendations, if any, as it thinks fit with respect to the rates of the allowances, fees, or emoluments that are, or in the opinion of the Tribunal should be, payable to members of Select Committees of a House or Joint Select Committees of Houses not being Standing Committees.
- (4) Subject to this section, a determination—
- (a) may be made so as to come into force on the date on which it is made or on a date either before or after that date;
 - (b) if it alters any remuneration or rate of remuneration payable at the date of the making of the determination, or provides for the payment of remuneration of any class or kind not payable at that date, shall revoke any other determination in force at the date on which it is made;
 - (c) shall be published in the *Government Gazette*, and thereafter has effect as if it were enacted in this Act; and
 - (d) continues in force until it is revoked by a subsequent determination.
- (5) The date, if any, specified in a determination as the date on which it comes into force shall not be a date earlier than—

- (a) in the case of the first determination made under this Act, the date on which it is made; or
- (b) in the case of any subsequent determination, three years after the date on which the determination revoked by it came into force.

(6) A determination shall not be revoked until it has been in force for at least three years.

Tribunal
has powers
of Royal
Commission.

8. For the purposes of the exercise and performance of its powers and functions under this Act, the Tribunal has all the powers, rights and privileges that are specified in the Royal Commissioners' Powers Act, 1902, as appertaining to a Royal Commission and the provisions of that Act have effect as if they were enacted in this Act and in terms made applicable to the Tribunal.

Procedure
of the
Tribunal.

9. (1) The Governor shall cause the Tribunal to be called together to commence an inquiry for the purposes of section 7 of this Act—

- (a) in the case of the first inquiry to be made by the Tribunal for the purposes of that section, not earlier than the first day of June nineteen hundred and sixty-eight;
- (b) in the case of each subsequent inquiry for the purposes of that section, not later than three years after the date on which the immediately preceding inquiry commenced.

(2) On the making of an inquiry for the purposes of section 7, the Tribunal may regulate its own procedure and may inform itself on any matter in such manner as it thinks fit.

Notification
and publica-
tion of
determina-
tion.

10. (1) As soon as practical after the making of a determination the Chairman of the Tribunal shall—

- (a) notify the Governor of the determination;
- (b) forward to the Governor and to the Treasurer of the State a copy of the determination signed by each member of the Tribunal;
- (c) publish as soon as practical after forwarding the copy to the Governor, a copy of the determination in the *Gazette*.

(2) A determination takes effect as from the day specified therein by the Tribunal as being that day.

11. (1) The Tribunal shall prepare a report by way of explanation of a determination or of any recommendation or by way of giving reasons for making the determination or recommendation and the Chairman of the Tribunal shall send one copy of the report to the Governor and two copies to the Treasurer of the State.

Report by
Tribunal
to be made
and laid
before Par-
liament.

(2) The Treasurer of the State shall cause to be laid upon the table of each House within the first seven sitting days of the House after the receipt by him from the Tribunal, of a copy of any report on a determination or recommendation made by the Tribunal.

12. (1) A determination is binding upon the Crown and all officers and members of Parliament and has effect in relation to the remuneration of Ministers of the Crown and officers and members of Parliament notwithstanding anything to the contrary in any Act passed before the date on which the determination takes effect.

Effect of de-
termination.

(2) Where no date is specified in a determination as provided in subsection (2) of section 10 of this Act, the determination comes into force on the date on which it is made.

(3) A determination shall not be challenged, reviewed, quashed, or called in question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by prohibition, *mandamus*, *certiorari*, or otherwise.

13. (1) Ministers of the Crown and officers and members of Parliament are entitled to be paid such remuneration calculated at such rates and in such manner, and subject to such provisions, as may be determined by the Tribunal under and in accordance with this Act.

Remunera-
tion of
Ministers of
the Crown,
officers and
members of
Parliament.

(2) Until otherwise determined by the Tribunal, the remuneration payable respectively to—

- (a) the holders of Ministerial offices;
- (b) officers of Parliament; and
- (c) members generally,

is payable at the rates prescribed in, and in accordance with the respective provisions of the Second, Third, Fourth and Fifth Schedules to this Act.

Payment of
Electorate
allowance on
alteration of
province or
district.

14. When the boundaries of an electoral province or electoral district are altered pursuant to the Electoral Districts Act, 1947, and whether or not a new name is assigned thereto, the member who was representing the province or district immediately prior to the date on which its boundaries were so altered shall continue to receive the electorate allowance which he was receiving on that date while he represents the province or district, until the allowance ceases to be payable or is altered by virtue of a determination.

Basic salary
to be same
for all
members.

15. Notwithstanding anything contained in this Act, the Tribunal may vary the basic salary of members but no determination shall provide for different rates of basic salary as between members.

Appropriation.

16. All remuneration payable by virtue of this Act or any determination is payable out of the Public Account, which, to the necessary extent, is appropriated accordingly.

FIRST SCHEDULE.

S. 4.

MINISTERIAL OFFICES.

Vide
Government
Gazette
(No. 13),
17/2/67,
p. 501.

Premier, Treasurer and Minister for Tourists.
Deputy Premier and Minister for Agriculture and Electricity.
Minister for Industrial Development and the North-West.
Minister for Education and Native Welfare.
Minister for Mines and Justice, and Leader of the Government in the Legislative Council.
Minister for Lands, Forests and Immigration.
Minister for Works and Water Supplies.
Minister for Local Government, Town Planning and Child Welfare.
Chief Secretary and Minister for Police and Traffic.
Minister for Housing and Labour.
Minister for Transport and Railways.
Minister for Health and Fisheries and Fauna,

or such other twelve offices as shall, from time to time, be designated and declared by the Governor in Council pursuant to subsection (2) of section 43 of the Constitution Acts Amendment Act, 1899 to be the twelve principal executive offices for the purposes of that Act.

SECOND SCHEDULE.

Ss. 4 and 13.

REMUNERATION OF MEMBERS GENERALLY.

Part I—Basic Salary.

1. There is payable to each member an annual salary calculated at the rate of six thousand five hundred dollars a year.
2. The basic salary payable to a member shall be calculated from the day on which the member is elected as a member and, except as provided by paragraph 3 of this Schedule, ceases to be payable on the day on which he ceases to be a member.
3. Where a member of the Legislative Assembly ceases to be a member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time, he is, notwithstanding his cessation of membership, entitled to continue to receive his basic salary until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

PART II—Electorate Allowances.

4. In addition to the basic salary payable to him, there is payable to a member, in respect of the expenses of discharging his duties, an electorate allowance at the appropriate rate specified in the second column of the table set forth hereunder opposite the name of the Electoral Province or Electoral District that the member represents in the House to which he is a member, namely—

<i>First Column.</i>	<i>Second Column.</i>
Name of Electoral Province.	Rate of Electorate Allowance Per Year.
	\$
Lower North	2,800
North	2,800
South	2,200
South-East	2,200
Upper West	2,200
Central	2,000
South-West	2,000
Lower West	1,800
Lower Central	1,800
West	1,800
Metropolitan	1,400
North Metropolitan	1,400
North-East Metropolitan	1,400
South Metropolitan	1,400
South-East Metropolitan	1,400

<i>First Column.</i>	<i>Second Column.</i>
Name of Electoral District.	Rate of Electorate Allowance Per Year.
	\$
Kimberley	2,800
Pilbara	2,800
Gascoyne	2,800
Murchison-Eyre	2,800
Albany	2,000
Roe	2,200
Stirling	2,000
Boulder-Dundas	2,200
Kalgoorlie	2,000
Merredin-Yilgarn	2,200
Geraldton	2,000
Greenough	2,200
Moore	2,000
Avon	1,800
Mount Marshall	2,000
Northam	1,800
Blackwood	2,000
Vasse	2,000
Warren	2,000
Collie	1,800
Katanning	1,800
Narrogin	1,800
Bunbury	1,800
Murray	1,800
Wellington	1,800
Dale	1,400
Darling Range	1,400
Toodyay	1,800
Cottesloe	1,400
Floreat	1,400
Nedlands	1,400
Perth	1,400
Subiaco	1,400
Balcatta	1,400
Karrinyup	1,400
Mount Hawthorn	1,400
Mount Lawley	1,400
Wembley	1,400
Ascot	1,400
Belmont	1,400
Maylands	1,400
Mirrabooka	1,400
Swan	1,400
Cockburn	1,400
East Melville	1,400
Fremantle	1,400
Melville	1,400
Canning	1,400
Clontarf	1,400
South Perth	1,400
Victoria Park	1,400

5. A member while he is a Minister of the Crown or while he is the Leader of the Opposition in the Legislative Assembly, is entitled to only three-quarters of the rate per annum of the electorate allowance shown in this Schedule as applicable to the Electoral Province or Electoral District for which that member is elected.
6. The electorate allowance payable to a member under paragraph 4 of this Schedule shall be calculated from the day on which he is elected as a member and, except as provided by paragraph 7 of this Schedule, ceases to be payable on the day on which he ceases to be a member.
7. Where a member of the Legislative Assembly ceases to be a member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time, he is, notwithstanding the cessation of his membership, entitled to continue to receive the electorate allowance payable to him under paragraph 4 of this Schedule until the day fixed for the taking of the poll next following the dissolution or expiry of that House.

Part III.

8. The basic salary and electorate allowance payable to a member under the foregoing provisions of this Schedule shall be paid by equal instalments on the last day of each month.

THIRD SCHEDULE.

S. 13.

REMUNERATION OF MINISTERS OF THE CROWN.

1. (1) In addition to the basic salary and electorate allowance payable by virtue of the Second Schedule to this Act, there is payable—
 - (a) to the person for the time being holding the office of Premier in conjunction with a ministerial office, a salary calculated at the rate of six thousand five hundred dollars a year;
 - (b) to the person for the time being holding the office of Deputy Premier in conjunction with a ministerial office, a salary calculated at the rate of four thousand four hundred dollars a year;
 - (c) to the person for the time being holding the office of Leader of the Government in the Legislative Council in conjunction with

a ministerial office, a salary calculated at the rate of four thousand three hundred dollars a year;

(d) to each person, not being a person referred to in paragraph (a), (b) or (c) of this subparagraph, for the time being holding a ministerial office, a salary calculated at the rate of three thousand dollars a year.

(2) If a person holds more ministerial offices than one, he shall be paid a salary under this paragraph in respect of one only of those offices.

2. The salary payable by virtue of paragraph 1 of this Schedule shall be paid by equal instalments on the last day of each month.

FOURTH SCHEDULE.

S. 13.

REMUNERATION OF OFFICERS OF PARLIAMENT.

1. In addition to the basic salary and electorate allowance payable to him by virtue of the Second Schedule to this Act, there is payable—
 - (a) to the person for the time being holding the office of President of the Legislative Council, a salary calculated at the rate of fifteen hundred dollars a year;
 - (b) to the person for the time being holding the office of Speaker of the Legislative Assembly, a salary calculated at the rate of fifteen hundred dollars a year;
 - (c) to any person for the time being holding the office of Chairman of Committees in either House, a salary calculated at the rate of seven hundred dollars a year;
 - (d) to the member of the Legislative Assembly who is for the time being the Leader of the Opposition, a salary calculated at the rate of two thousand dollars a year;
 - (e) to the member of the Legislative Assembly who is for the time being the Deputy Leader of the Opposition, a salary calculated at the rate of seven hundred dollars a year;

- (f) to the member of the Legislative Council who is for the time being the Leader of the Opposition in the Legislative Council a salary calculated at the rate of seven hundred dollars a year;
 - (g) to the person who is for the time being the Government Whip in the Legislative Council, a salary calculated at the rate of four hundred dollars a year;
 - (h) to the person who is for the time being the Opposition Whip in the Legislative Council, a salary calculated at the rate of four hundred dollars a year;
 - (i) to the person who is for the time being the Government Whip in the Legislative Assembly, a salary calculated at the rate of six hundred dollars a year;
 - (j) to the person who is for the time being the Opposition Whip in the Legislative Assembly, a salary calculated at the rate of six hundred dollars a year;
 - (k) to the person not being a Minister of the Crown who is for the time being leader in the Legislative Assembly of a party of at least seven members other than a party whose respective leaders are the Premier and the Leader of the Opposition, a salary calculated at the rate of three hundred dollars a year;
2. The salary payable to a person by virtue of paragraph 1 of this Schedule shall be paid by equal instalments on the last day of each month.
3. Where the Legislative Assembly is dissolved or expires by effluxion of time, a person who is the holder of the office of—
- (a) Leader of the Opposition in that House;
 - (b) Deputy Leader of the Opposition in that House;
 - (c) Government Whip in that House; or
 - (d) Opposition Whip in that House,

is entitled notwithstanding the dissolution or expiry of that House to receive the salary and allowance, if any, payable to him by virtue of paragraph 1 of this Schedule until the date fixed for the taking of the poll next following the dissolution or expiry of that House.

FIFTH SCHEDULE.

S. 13.

ALLOWANCE TO MEMBERS IN RESPECT OF EXPENSES
INCURRED IN DISCHARGING DUTIES OF
CERTAIN OFFICES.

In addition to any remuneration payable under the foregoing Schedules to this Act there shall be payable to the holders for the time being of the following offices the following allowances, namely—

Office Occupied by the Member of Parliament.	Rate of Expenses.
	\$
Premier	1,200
Deputy Premier	600
Leader of the Government in the Legislative Council	600
Ministers of the Crown (other than the Premier, Deputy Premier, and the Leader of the Government in the Legislative Council)	400
Leader of the Opposition in the Legis- lative Assembly	400
Deputy Leader of the Opposition in the Legislative Assembly	200
Leader of the Opposition in the Legis- lative Council	200
Deputy Leader of the Opposition in the Legislative Assembly (where there is a party of at least seven members other than a party whose respective leaders are the Premier and the Leader of the Opposition)	150
The person who not being a Minister of the Crown is the leader in the Legislative Assembly of a party of at least seven members other than a party whose respective leaders are the Premier and the Leader of the Opposition	200
President of the Legislative Council	300
Speaker of the Legislative Assembly	300
Chairman of Committees in the Legis- lative Council	150
Chairman of Committees in the Legis- lative Assembly	150