

**WESTERN
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STATE OF WESTERN AUSTRALIA

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE
SALARIES AND ALLOWANCES
TRIBUNAL**

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

23 August 2001

PREAMBLE

In 1999 this Tribunal conducted a major inquiry examining the work value of parliamentarians. This culminated in a determination issued in December 1999, which set the salary of a backbench Member at \$95,000 per annum. This placed Western Australian Members at a salary level higher than their interstate and Federal counterparts. The reasons were detailed in the 1999 determination.

That review also removed any entitlement, except superannuation, that Members entering Parliament after the determination would have upon leaving the Parliament. It also reduced to 4 years any residual entitlement that long serving Members would have otherwise been entitled to upon leaving. The Tribunal holds the view that Members should be remunerated for their efforts whilst in the parliament and having regard to the general profile of retiring members, can see no reason for continuing entitlements.

Since the issue of that determination twenty months ago, this Tribunal has not altered the salary of Members. In the interim, through the legislative tie that binds other States to the Federal

Amendments to both the Salaries and Allowances Act 1975 and the Parliamentary Superannuation Act 1970 require the Tribunal to inquire into and issue determinations in respect to the superannuation of Members. An accompanying determination addresses a number of issues presented to the Tribunal.

PURSUANT TO SECTION 6 (1)(a)(ab) and (b)
of the Salaries and Allowances Act 1975

FIRST SCHEDULE

Pursuant to the provisions of the Salaries and Allowances Act 1975 (as amended), the Salaries and

Section 2(3)

Every Member of Parliament, with the exception of those Members who, as a result of the Office held, are provided with a vehicle, shall be entitled to the supply of a private plated motor vehicle for

Office held	% of Basic Salary
Parliamentary Secretary of the Cabinet	45
Chairman of Committees in either House	30
Government Whip in the Legislative Assembly	18
Opposition Whip in the Legislative Assembly	18
Government Whip in the Legislative Council	12
Opposition Whip in the Legislative Council	12

2. If a person holds more than one office, that person shall be paid a salary under this Part in respect of one only of those offices.
3. Where the Legislative Assembly is dissolved or expires by effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by effluxion of time was the Chairman of Committees in the House or is the holder of the office of—
 - (a) Leader of the Opposition in that House;
 - (b) Leader of a recognised non-Government Party of at least five Members in the Legislative Assembly;
 - (c) Deputy Leader of the Opposition in that House;
 - (d) Government Whip in that House; or
 - (e) Opposition Whip in that House

1.5 Members: The indicative travelling allowance for a Member (not being the holder of an office referred to in paragraphs 1.1, 1.2, or 1.3) in securing overnight accommodation when travelling on duty within Australia, as an official representative of the Government or Parliamentary committee or delegation including a Member of a Select Committee of a House or a Joint Select Committee of Houses, shall be the same, and on the same basis, as the rate set for a Minister.

1.6 Members Deputising—

(i) On behalf of the Premier: The indicative tr38c82.202.408.21-0.6(c)n.1(i)-.5(nc)8.4(e for)8.5(a4)6.9(y12.4(7

Section 6—Taxi Fares

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

PART V—POSTAGE ALLOWANCES

There shall be payable to every Member of Parliament, for parliamentary or electorate business, but not for party or personal business, a postage and lettergram allowance at the rate of \$6,000 per annum. This allowance shall be paid monthly.

OFFICE HOLDERS

The Holders of the following Offices, in addition to the allowance granted as a Member, shall receive an

Section 4—Telecard/Teleconferencing

- (i) Where a Member uses a Telecard and seeks to obtain reimbursement through either the electorate office or residential telephone accounts, the Member is to certify that the Member made the calls

PURSUANT TO SECTION 6 (1)(c)
of the SALARIES AND ALLOWANCES ACT 1975

23 August 2001

Section 6(1)(c) of the Salaries and Allowances Act 1975 places the Clerks and Deputy Clerks of both the Legislative Council and Legislative Assembly under the jurisdiction of the Tribunal.

In conducting its inquiries, the Tribunal is satisfied that an increase of 3.7 per cent should be granted to the holders of the positions with effect from 1 September 2001.

The Tribunal determines that the remuneration to be paid to the holders of offices included in Section 6(1)(c) of the Act shall be in accordance with the following, with effect from 1 September 2001.

Clerk of the Legislative Council	\$114,624
Deputy Clerk of the Legislative Council	\$87,306
Clerk of the Legislative Assembly	\$114,624
Deputy Clerk of the Legislative Assembly	\$87,306

Annual Leave Loading is included in the determined salaries.

The holders of these Offices shall be entitled to the supply of a fully maintained motor vehicle of a type or value specified from time to time by the Tribunal, for business and personal use within Western Australia.

Signed at Perth 23 August 2001.

R. H. C. TURNER AM, Chairman.

J. A. S. MEWS, Member.

SALARIES AND ALLOWANCES TRIBUNAL

WESTERN AUSTRALIA
SALARIES AND ALLOWANCES ACT 1975
DETERMINATION
OF THE
SALARIES AND ALLOWANCES TRIBUNAL
Pursuant to Section 6B

23 August 2001

FORMER PREMIERS OF WESTERN AUSTRALIA

Section 6B of the Salaries and Allowances Act 1975 provides that the Tribunal shall, from time to time, as it sees fit, inquire into and determine the entitlements and benefits to be paid or provided to Former Premiers and others.

The role of the Tribunal in this area commenced in 1987 following amendments to the Act. Prior to this time, benefits for former Premiers, Ministers and Office Holders were determined by the Premier of the day. This situation still prevails in a number of other States and Territories.

Since 1996 the Tribunal has been scaling down the benefits available to Ministers, Office holders and Members as they leave the Parliament. In December 1999 the Tribunal determined that future Members entering the Parliament would not have any post parliamentary entitlement.

The benefits available to former premiers have not changed since a determination made in 1991.

Apart from the history presented to the Tribunal when first undertaking the responsibility for former Premiers' entitlements, the Tribunal's experiences centre around the resignation of four Premiers whose individual periods of service as a Premier range from less than 2 years to 8 years. Three have left the Parliament whilst in their forties whilst the fourth is in his fifties. This trend is not unusual. Of the 26 former Premiers of Western Australia, 9 have left the office whilst in their 40's and 7 whilst in their 50's.

In giving this matter consideration the Tribunal finds that all Premiers have a residual workload when leaving the office. Numerous factors contribute to the extent of this workload including length of time in office, post parliamentary occupation and desire to remain in public arena.

The extent to which the State assists a former Premier should in the opinion of the Tribunal be restricted to the necessary protocols expected when a person of such high standing leaves office and the facilitation of attendance at official government functions

The 1991 determination provided the following entitlements to former Premiers.

PART 1—FORMER PREMIERS OF WESTERN AUSTRALIA

The benefits and entitlements granted by virtue of this determination apply to former Premiers who have served not less than one year as Premier.

Section 1—Office Accommodation & Secretarial Support

Former Premiers who have held the office of Premier shall, after leaving the Parliament, be entitled to the use of an office located within Western Australia in a Government owned or leased building for a period of up to six months.

Equipment and staff may be supplied in the same manner as applying to a Member of Parliament.

Section 2—Postage Allowance

For a period of six months after leaving the Parliament, a former Premier shall be entitled to receive postage stamps to a maximum value of half the annual amount granted to a serving Member of Parliament.

Section 3—Motor Vehicle

- 1. For a period of six months after leaving the Parliament, and whilst domiciled in the State of Western Australia, a former Premier, upon request to the Chief Executive, Office of State Administration, shall be entitled to the use of a car and chauffeur.*
- 2. A former Premier shall, after leaving the Parliament, have the option of purchasing the official vehicle which he /she was accustomed to using immediately prior to vacating the office. This option to be exercised within three months of vacating the office.*
- 3. Where a former Premier, who is domiciled in Western Australia, is required or is invited to attend an official function or on special occasions, a former Premier shall upon request to the Chief Executive, Office of State Administration, be entitled to a car and chauffeur from the motor vehicle pool for the purpose of attending the official function or special occasion as the case may be. This entitlement shall continue during the lifetime of the former Premier.*
- 4. Where a former Premier, who is not domiciled in Western Australia, is required or is invited to attend an official function or on special occasions within Australia, a former Premier shall be*

production of receipts, shall not exceed one thousand dollars per financial year. This entitlement shall continue for the same period of time as the former Premier held the office of Premier.

5. *The availability of motor vehicle servicing and ancillary benefits for vehicles owned by former Premiers, as made available through the Department of the Premier prior to 1987 shall remain for those former Premiers who are receiving the benefit and shall, upon the death of the former Premier, pass to the surviving spouse.*

Section 4—Travel

1. *A former Premier shall be entitled to a Life Gold Rail Pass, and the spouse shall likewise be entitled to a Gold Pass but limited to the period of the former Premier's lifetime.*
2. *For a period of 12 months after leaving the Parliament, a former Premier who is required to attend a function resulting from activities directly arising from that role as Premier, shall be entitled to claim the travelling and accommodation costs necessarily incurred.*
3. *At the expiration of the period referred to in 4.2 above, where, as the result of activities directly arising from that role as Premier, a former Premier is invited to an official function to be held at a place outside of Australia, application may be made to the Tribunal detailing the nature of the invitation, the duration, and anticipated cost of travel.*

The Tribunal shall consider and decide whether the application should be approved.

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Section 5—Telephones

1. For twelve months after leaving the Parliament, a former Premier;
 - (a) who is domiciled in Western Australia shall be entitled to reimbursement of or to have paid the rental and all calls on one nominated private telephone at a private residence nominated by the former Premier.
 - (b) who is domiciled outside of Western Australia but within Australia shall be entitled to reimbursement of the rental and all calls, on one nominated private telephone at a private residence nominated by the former Premier, to a total value of one thousand five hundred dollars (\$1500) for the twelve month period.
2. For the purposes of Section 5.1 "Calls" excludes international calls, international telegram.^{3(noa)pnp4.3(c)(ofmAs)}

WESTERN AUSTRALIA
DETERMINATIONS
OF THE
SALARIES AND ALLOWANCES TRIBUNAL
PURSUANT TO PROVISIONS OF
SECTION 6A
OF THE

Clearly the intent of the Parliament in passing this legislation was to allow Members the ability to "salary sacrifice" their compulsory superannuation contributions in much the same way as is available to employees in normal occupations. To this extent, this Tribunal provides a limited form of salary packaging for those persons holding offices under Sections 6 (1) (c), (d) and (e) of the Salaries and Allowances Act 1975.

Given that intent there appears to be no reason why Members should not be able to enter into salary packaging arrangements along similar lines to that contained in the "Guidelines For Salary Packaging In The WA Public Sector", as amended 9 December 1998. A copy of these guidelines can be accessed at _____.

The determination enabling Members to take advantage of this provision has been inserted in the determination made under Section 6 (1) relating to Members of Parliament remuneration.

Signed at Perth 23 August 2001.

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

SALARIES AND ALLOWANCES TRIBUNAL

