



DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL

Pursuant to Section 6(1) (a) (ab) & (b)

20 August 2003

The *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than twelve months, to inquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, a Parliamentary Secretary appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, and officers and Members of the Parliament. The Tribunal issued its last such determination on 21 August 2002.

The Tribunal has now completed a further review. The related inquiry was formally initiated in May

the option of consolidating these into a single budgetary allocation, to be utilized on a drawdown basis, to meet the individual requirements of Members, as determined by Members.

The Tribunal has sought in this determination where possible to clarify the operation of entitlements provided and to remove uncertainties of interpretation.

To assist with understanding the overall scheme of benefits, it will be noted that the format has been

Pursuant to the provisions of the Salaries and Allowances Act 1975, the Salaries and Allowances Tribunal ("the Tribunal") determines the remuneration to be paid to Ministers of the Crown, the Parliamentary Secretary of Cabinet, a Parliamentary Secretary appointed under Section 44A (1) of the Constitution Acts Amendment Act 1899, officers and members of the Parliament, as follows with

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Section 1 General

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Section 3 Additional electorate allowance 5.3(t)-0.3(a)-6.6(ry Se)-9iscn36.6(ry Se)-9iscPART 4:

1.3 Where the Legislative Assembly is dissolved or expires by effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by effluxion of time was the Chairman of Committees in the House (Deputy Speaker) or is the holder of the office of—

1.3.1 Leader of the Opposition in that House;

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

1.3.3 Deputy Leader of the Opposition in that House;

1.3.4 Government Whip in that House; or

1.3.5 Opposition Whip in that House

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

1.3.6 that person ceases to be a Member by reason of an event other than the dissolution or expiry by effluxion of time of the Legislative Assembly, or

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

whichever event shall first occur.

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

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

3.1 Contributions to superannuation may be made on a salary sacrifice basis within the limits prescribed in the "Guidelines For Salary Packaging In The WA Public Sector". A copy of these guidelines can be found at <http://www.doplar.wa.gov.au/public/circular/1198attach.html>. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

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

1.2 Claims for reimbursement of expenditure incurred must be accompanied by certification that the expense was incurred in connection with the office of Parliamentary Secretary.

1.1 In consideration of the obligations of a Member effectively to service the needs of an electorate the amounts specified in this Part are provided in the form of an electorate allowance, to be utilized as the Member sees fit.

1.2 Although discretion on expenditure rests with the Member, the Tribunal in no way endorses its use for personal, party or political purposes. In the latter area for example, the Tribunal would not consider it appropriate that a Member identify any political party affiliation on any printing or stationery purchased under this provision. Likewise, use of the funds for campaign, electioneering or political party promotion purposes is not supported. The Tribunal in determining the relevant amounts has not taken into account the cost of such activities.

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

2.1 In addition to the salary payable under Part 2 of this determination there is payable to a Member an electorate allowance of \$34,400 per annum, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of this Part.

3.1 In recognition of the increased expenditure incurred by Members servicing large and/or non-Metropolitan electorates, the following amounts shall be paid in addition to the basic electorate allowance provided under Section 2 of this Part.

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
Metropolitan Regions		\$ 2,300
	Roleystone, Swan Hills	\$ 2,300
	Wanneroo	\$11,350
South West Region		\$ 9,900
	Mandurah	\$ 600
	Albany, Bunbury, Dawesville and Mitchell	\$ 1,650
	Vasse	\$ 3,350
	Collie & Murray-Wellington	\$ 5,100
	Stirling and Warren Blackwood	\$ 8,600
Agricultural Region		\$13,500
	Geraldton	\$ 1,650

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

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

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

2.2 "Charter transport" includes charter aircraft, drive yourself vehicles, hire of driver, taxis and such other modes of transport as may be approved as appropriate in the circumstances by the Tribunal.

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 With effect from 1 July 2003, Members representing the electoral districts of Albany, Geraldton and Kalgoorlie shall be entitled to draw upon the charter provision, to a maximum of \$6,300 per financial year for the purpose of hiring motor vehicles whilst in Perth or the electorate on parliamentary and/or electorate business. This provision is made to ensure the Member has transport whilst the motor vehicle provided under Section 4 of Part 4 is in a different location i.e., the electorate or Perth.

2.6 Charges shall only be levied against this provision if the Member undertakes the travel claimed.

2.7 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.

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.

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

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

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

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

1.5 Where a Member claiming under Section 6 of this Part secures overnight accommodation, either travelling from or to any of his or her places of residence for the purposes outlined in each Section, travels for part of a day, reimbursement will be made in accordance with the following formulae—

1.5.1 if departure from any place of residence is—

before 8.00am	- 100 per cent of the daily rate.
8.00am or later but prior to 1.00pm	- 90 per cent of the daily rate.
1.00pm or later but prior to 6.00pm	- 75 per cent of the daily rate.
6.00pm or later	- 50 per cent of the daily rate.

1.5.2 if arrival back at any place of residence is—

8.00am or later but prior to 1.00pm	- 10 per cent of the daily rate.
1.00pm or later but prior to 6.00pm	- 25 per cent of the daily rate.
6.00pm or later but prior to 11.00pm	- 50 per cent of the daily rate.
11.00pm or later	- 100 per cent of the daily rate.

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

1.7 A claim for accommodation allowances under this Part must be submitted within 90 days from the

44A(1) of the Constitution Acts Amendment Act 1899, when travelling within Australia on official duty as the holder of that position, who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres of the Perth GPO, are contained in Section 7 of this Part.

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

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

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.

2.7.2 On behalf of the Leader of the Opposition in the Legislative Assembly, or the Leader of a recognised non-Government Party (as defined in Section 2 of Part 2): The indicative accommodation allowance for a Member who at the written request of the above mentioned Leader, deputises for the Leader at a function, and who actually incurs expense on overnight accommodation at a place situated outside a radius of 50 kilometres from any place of residence of that Member is the same rate, and on the same basis, prescribed for a Minister.

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

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

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

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

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

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

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

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

5.1.1 sittings of that Member's House of Parliament

5.1.2 meetings of committees of which that Member is a member

5.1.3 attendance at official government, parliamentary or vice regal functions

5.1.4 any other official duties pertaining to parliamentary or electorate matters

there shall be payable to a Member who maintains a place of residence in or adjacent to and represents the Mining and Pastoral, Agricultural or South West Region, or any District contained within those Regions, an amount per annum based on 80 nights at Rate A set out in Section 7.1 of this Part.

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

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

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

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

Avon, Collie, Greenough, Merredin, Moore, Murray, Roe, Stirling, Vasse, Wagin, Warren Blackwood and Murray-Wellington	60 nights
Burrup, Eyre, Kimberley Ningaloo & Pilbara	80 nights
Regions—Mining and Pastoral, Agricultural and Southwest	100 nights

7.1 Commercial accommodation—

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

7.2 Non-commercial accommodation—

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

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

1.2 "Standard telephone" and "approved telephone" refers to the telephones considered appropriate from time to time by the Director General, Department of the Premier and Cabinet.

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

2.1 Every Member of Parliament (other than Ministers, 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 (Deputy Speaker), and any others whose private telephone rentals and calls are paid in full from public funds under arrangements not dealt with by this determination) shall receive as an allowance payment to that Member by way of reimbursement of the rental and 85 per centum of all charges for calls incurred by that Member in respect of—

2.1.1 One standard telephone in that Member's private residence or, where that Member reasonably maintains more than one residence by reasons of membership of Parliament, in each such residence. The rental charges levied for additional telephone sockets shall be included in the reimbursement of rental.

2.1.2 One additional telephone line for the use of a facsimile machine; and