



## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Statement Number 118

### Members of the ACT Legislative Assembly

#### Jurisdiction

Sub-section 9 (1) of the *Remuneration Tribunal Act 1995* requires the Tribunal to inquire into, and determine, the remuneration and allowances to be paid, and entitlements to be granted to the Chief Minister, the Deputy Chief Minister, and other Ministers. Sub-section 9 (2) requires the Tribunal to inquire into, and determine, the remuneration and allowances to be paid, and other entitlements to be granted, to Members of the Legislative Assembly, other than Ministers by reason of their membership of the Legislative Assembly, or by reason of their holding particular offices, or performing particular functions, in relation to the Legislative Assembly.

Sub-section 9 (3) declares that for the purposes of paragraph (g) of the definition of "office" in sub-section 73 (1) of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth, the Leader of the Opposition in the Legislative Assembly, the Deputy Leader of the Opposition in the Legislative Assembly, the Government Whip in the Legislative Assembly, the Opposition Whip in the Legislative Assembly and the presiding member of a committee of the Legislative Assembly, are declared to be an office to which section 73 of that Act applies.

The Tribunal's last annual review of remuneration, allowances and other entitlements for Members of the Legislative Assembly in May 2002 resulted in Determination 102 dated 28 May 2002.

This latest inquiry, which sought submissions from interested parties, was advertised in the press on 5 and 8 February 2003. All Members of the Legislative Assembly were individually advised of the review and were invited to make submissions.

#### Tribunal Consideration

##### **Submissions**

Submissions were received from the Chief Minister on behalf of Caucus, the Leader of the Opposition, the Clerk of the Legislative Assembly, the Legislative Assembly Members Superannuation Board and ten submissions were received from members of the public.

## **Parity with Commonwealth Members of Parliament**

The Tribunal considered a submission that the base remuneration of Members of the Legislative Assembly be set at 90% of the base remuneration of Commonwealth Members of Parliament.

The Tribunal does not favour such an arrangement that would, in effect, be transferring responsibility for MLAs remuneration to another body. However, the Tribunal has sought an examination of the implications of the ACT Assembly's responsibilities for both local government and state functions and the effect this has on a comparison with other jurisdictions.

## **Base Rate of Salary**

The Tribunal noted that it had again received a submission suggesting that an appropriate comparison for Members would be with the ACT Public Service. The Tribunal considers that it is difficult to directly compare the work and conditions of service of parliamentarians to public servants and does not necessarily see a link between the two.

The Tribunal was mindful of its work over the past few years to bring the level of remuneration for Members of the Assembly up to a level that sufficiently recognises the function and importance of their positions and to improve the relativity with the remuneration payable to comparable jurisdictions.

The Tribunal also considered the prevailing economic factors in the community, including the wage cost index of 3.2% in the public sector, excluding bonus, for the year to December 2002.

Having considered the above issues the Tribunal has decided to increase the base salary by 3.3% or \$2,698 per annum. The new rates are shown in the attached Determination.

## **Additional Salaries Generally**

The rate of additional salary for Offices previously determined will remain at the same proportion of Base Rate of Salary as previously determined by the Tribunal.

## **Aggregation of Entitlements and Allowances**

A submission was made that all entitlements and allowances be aggregated into a single total amount payable to each MLA. These included allowances determined by the Tribunal and administration allowances processed by the Assembly Secretariat. The Tribunal considered that it was inappropriate to combine allowances for individual Members determined by the Tribunal with the administrative allowances provided for the running of Members' offices.

## **Electoral Allowance**

A submission was made that Members of the Legislative Assembly be paid an electoral allowance to cover expenses arising from carrying out normal duties similar to the allowance for Federal Parliamentarians in electorates of less than 2,000km<sup>2</sup>.

The Tribunal considered that the case submitted did not warrant payment of such an allowance. The Tribunal suggested that it would be prepared to consider a more detailed case covering details of electoral allowances in the Commonwealth and States at next years hearing.

## **Motor Vehicle**

The Tribunal considered two submissions for provision of a set of standard options for motor vehicles, such as a tow pack, floor mats, mud flaps and a cargo barrier for a station wagon.

The Tribunal had previously determined that the vehicle chosen by each MLA must not exceed the recommended retail price (including GST) of a standard Holden Berlina Station Wagon with automatic transmission and a 3.8 litre engine.

Within this requirement the Tribunal determined that a Member may choose optional items of equipment (in addition to those which are provided as part of the standard fit-out of a vehicle) as long as the total cost of the vehicle and optional items of equipment does not exceed the price of a standard Holden Berlina Station Wagon as indicated above.

## **Travel for the Purposes of Study and Investigations**

A submission was made that there were anomalies in the amounts of the allowances for Clause 5 relating to Travel for the Purposes of Studies and Investigations and Clause 3 relating to Accompanied Travel Entitlement.

The Tribunal considered that MLAs have a number of options for travel to be paid or reimbursed and after close examination of these two clauses considered that the amount of \$3,000 in clause 5 should not be increased at this time.

## **Redundancy Payments**

Submissions were made seeking the application of a termination or redundancy payment for MLAs who lose office. The submissions sought benefits similar to public service Executives and staff employed under the Legislative Assembly (Member's Staff) Act 1989.

As redundancy payments are not paid to parliamentarians in the Commonwealth or States or Territories the Tribunal considered that there was no justification for a redundancy payment in the present circumstances. The Tribunal suggested that the proponents might prepare a more detailed submission for next years hearing.

### **Access to Superannuation before Age 55**

Members of the Legislative Assembly receive superannuation benefits in accordance with the Superannuation (Legislative Assembly Members) Act 1991. The Tribunal considered a submission seeking access by MLAs to these benefits before age 55 as at present MLAs who leave the Assembly before age 55 cannot access their superannuation.

The Tribunal determined that it has no power to determine access by MLAs to superannuation prior to age 55.

### **Qantas Club Membership**

The Tribunal determined that joining fees and subscription fees for membership of the Qantas Club should continue to be part of the administrative allowances paid by the Assembly Secretariat and was not a matter for determination by the Tribunal.



AUSTRALIAN CAPITAL TERRITORY  
REMUNERATION TRIBUNAL

**Determination Number 118**

**Members of the ACT Legislative Assembly**

Pursuant to subsections 9 (1), (2) and (3) of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid, and other entitlements to be granted, to Members of the Legislative Assembly.

This Determination shall take effect from 1 July 2003 except where otherwise stated.

Bill Lawrence MBE  
Chair

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April 2003

Roberta McRae OAM  
Member

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Alan Kerr AM  
Member

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## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Determination Number 118

#### The Tribunal determines as follows:

#### **Part A - Members of the Legislative Assembly**

##### **1. Basic Rate of Salary**

1.1 The basic rate of salary for all Members of the Legislative Assembly shall be \$84,448 per annum with effect from 1 July 2003.

##### **2. Additional Salary**

2.1 A Member of the Legislative Assembly holding an Office specified in column 1 shall be entitled to the rate of additional salary specified in column 2 with effect from 1 July 2003 while that person is a Member and holds that Office: -

<b>Column 1 Office</b>	<b>Column 2 Rate per annum of Additional Salary</b>
Leader of the Opposition	\$59,114
Deputy Leader of the Opposition	\$38,002
Deputy Presiding Officer	\$12,667
Government Whip	\$8,445
Opposition Whip	\$8,445
Presiding Member of a committee, which is concerned with public affairs rather than domestic affairs of the Legislative Assembly.	\$8,445

**Part B - Chief Minister, Deputy Chief Minister, Ministers, and the Presiding Officer**

**1. Additional Salary**

1.1 Whether or not any amount be payable under clause 1 of Part A of this Determination a person holding an Office specified in column 1 shall also be entitled to the rate of salary specified in column 2 with effect from 1 July 2003:

<b>Column 1 Office</b>	<b>Column 2 Rate per annum of additional salary</b>
Chief Minister	\$92,893
Deputy Chief Minister	\$67,558
Minister	\$59,114
Presiding Officer	\$46,446

**Part C - Other Entitlements**

**1. Travelling Allowance - within Australia**

1.1 A person holding an office specified in column 1 shall be entitled to the rate of travelling allowance specified in column 2 with effect from 1 July 2003. The travelling allowance shall be payable for each overnight stay in commercial accommodation when the person travels outside Canberra, but within Australia on Assembly business or, in the case of the Chief Minister, a Deputy Chief Minister, a Minister or the Presiding Officer, on Assembly or official business as an office holder.

<b>Column 1 Office</b>	<b>Column 2 Rate of Travelling Allowance per overnight stay</b>
Chief Minister Deputy Chief Minister Minister Presiding Officer Leader of the Opposition	Sydney and Melbourne - \$345 Other capital city - \$280 Other than a capital city - \$180
Other Members	Sydney and Melbourne - \$265 Other capital cities - \$215 Other than a capital city - \$165

1.2 Where the person travelling on official business does not stay in commercial accommodation the rate of travelling allowance shall be \$105 per overnight absence from Canberra with effect from 1 July 2003.

1.3 For the purposes of travelling allowance “commercial accommodation” means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.

## **2. Travelling Allowance - Outside Australia**

2.1 Where an Executive or non-Executive Member of the Legislative Assembly travels overseas on official or Assembly business he or she may be reimbursed the actual, reasonable costs incurred for accommodation, meals, travel and transfer expenses with effect from 1 July 2003.

2.2 The Member may be provided with a cash advance against anticipated costs for accommodation, meals, travel and transfer costs and shall acquit the advance by production of evidence of expenditure within eight weeks of the Member’s return to Canberra.

## **3. Accompanied Travel Entitlement**

3.1 A Member of the Legislative Assembly may nominate a person to accompany the Member while travelling outside Canberra on official or Assembly business.

3.2. The Accompanied Travel Entitlement is available where the Member’s nominee travels in the company of the Member for all or part of that travel, and the Member has met the costs associated with the travel.

3.3. The Member is entitled to reimbursement of the nominee’s travel costs up to a maximum of \$2,000 in each financial year. This entitlement is not cumulative and is to be paid on a pro-rata basis where a Member only serves for part of a year.

3.4. A Member shall not be entitled to receive a per diem travelling allowance in respect of travel by the nominee.

3.5. Where the Chief Minister approves travel at Executive expense for a nominee of a Member, this does not diminish the Accompanied Travel Entitlement. The Accompanied Travel Entitlement continues to be available to the Member who may nominate an additional person to accompany the Member.

3.6. Where the Presiding Officer approves travel at Assembly expense for a nominee of a Member this does not diminish the Accompanied Travel Entitlement. The Accompanied Travel Entitlement continues to be available to the Member who may nominate an additional person to accompany the Member.

#### **4. Motor Vehicle**

##### Entitlement to the use of a Vehicle

4.1 The Chief Minister, Deputy Chief Minister, a Minister, the Presiding Officer, or a Member of the Legislative Assembly shall, at his or her request, be entitled to the use of a private-plated passenger motor vehicle chosen by the Member from within the Territory's leasing arrangements ("vehicle") in accordance with the following conditions.

##### Value Ceiling

4.2 A Member is not entitled to choose a vehicle where the recommended retail price of that vehicle (including GST) exceeds the recommended retail price (including GST) of a standard Holden Berlina Station Wagon with automatic transmission and a 3.8 litre engine, calculated by the Territory's Fleet Manager at the time an order is placed for that vehicle.

##### Standard Vehicle

4.3 A Member may choose:

- (a) an Australian-made vehicle having an engine capacity of over 1.8 litres; or
- (b) a vehicle having an engine capacity of 1.8 litres or less.

Australian made shall be taken to mean a motor vehicle that has undergone a process of colour coated painting in Australia and has passed final quality control at the end of a production line in Australia.

##### Non-Standard Vehicles

4.4 Notwithstanding clause 4.3, a Member may choose a non-Australian made vehicle having a capacity of over 1.8 litres, where:

- (a) the vehicle has a seating capacity of 7 or more: or
- (b) the vehicle has been modified to meet environmental concerns,

provided the cost of the vehicle does not exceed the value ceiling specified in this Determination.

4.5 This entitlement does not include access to prestige, sports or convertible vehicles, even when these are within the value ceiling specified in this Determination. Prestige cars include Ford Fairlane, Ford LTD, Holden Caprice, Holden Statesman and equivalent vehicles made by other manufacturers. Sports models include vehicles that have side skirts or spoilers fitted.

##### Running and Maintenance Costs

4.6 The Territory shall meet all running and maintenance expenses for a vehicle.

### Vehicle Options and Modifications

- 4.7 (a) If a Member has a disability that effects his or her ability to drive a vehicle, the Member shall be entitled to have such modifications or options to the vehicle as a relevant medical practitioner certifies in writing as being reasonably necessary to enable the Member to drive the vehicle.
- (b) A Member shall be entitled to have the vehicle fitted with facilities to allow the operation of a mobile phone from the vehicle.
- (c) A Member shall be entitled to choose optional items of equipment (in addition to those which are provided as part of the standard fit-out of a vehicle and in addition to the facilities referred to in paragraph (b) above), provided that the total cost of the vehicle and the optional items of equipment (but excluding the cost of the facilities referred to in paragraph (b) above) does not exceed the value ceiling specified in this Determination.

### General

4.8 A vehicle is provided for use on Assembly and official business and for private purposes. However, a Member must not use the vehicle for personal gain, or permit the vehicle to be used by others for personal gain.

4.9 When a vehicle is being used for private purposes, it must only be driven by the Member to whom it is allocated, or by a person nominated in writing by that Member to the Assembly Secretariat.

4.10 In the case of Executive Members, the Chief Minister, and in the case of non-Executive Members, the Speaker, may provide additional guidelines in relation to the operation and administration of this entitlement.

### Cash in Lieu

4.11 Where a Member elects to take an allowance instead of a vehicle, that Member is entitled to receive a supplementary general allowance of \$11,500 per annum.

## **5. Travel for the Purposes of Studies and Investigations**

5.1 A non-Executive Member of the Assembly shall be entitled to financial assistance from the Assembly for travel for the purpose of undertaking studies or investigations of matters relating to his or her duties and responsibilities as a Member, or to attend conferences or training courses, subject to the following conditions.

5.2 During the life of each Assembly the maximum amount of the entitlement is \$3,000 in respect of the cost of fares, travelling allowance, conference fees and other training expenses incurred.

5.3 Subject to the limitation in sub-clause 5.2, the entitlement is available for use on more than one occasion during the life of each Assembly.

5.4 With the approval of the Presiding Officer a non-Executive Member may be permitted to draw on the entitlement after submitting details of the purpose of the journey, the period of the journey, a detailed itinerary of the places to be visited and details of any proposed attendance at conferences or training to be undertaken.

5.5 Within eight weeks of completing the journey or attending the conference, a non-Executive Member who has drawn upon the entitlement shall submit to the Presiding Officer a written report detailing the travel undertaken and expenses incurred (including any reimbursement received for nominee accompanied travel), names and area of responsibility of persons contacted, a summary of business undertaken, and, in relation to any approved training undertaken, a report on that training.

## **6. Class of Air Travel**

6.1 Executive and non-Executive Members shall be entitled to economy class air travel when travelling on Assembly of official business.

6.2 Executive and non-Executive Members shall be entitled to business class air travel in circumstances where:

- The Member is travelling overseas;
- The Member is undertaking a domestic flight with a flying time of three hours or more;
- The Member has established, to the satisfaction of the Chief Minister, in the case of Executive Members or to the satisfaction of the Speaker, in the case on non-Executive Members, that business class travel is required on medical grounds;
- The Member has established, to the satisfaction of the Chief Minister, in the case of Executive Members or to the satisfaction of the Speaker, in the case of non-Executive Members, that business class travel is required because of a need to travel with persons travelling business class during the flight.

6.3 In the case of Executive Members, the Chief Minister, and in the case of non-Executive Members, the Speaker, may provide guidelines in relation to the operation and administration of this entitlement.

## **7. Revocation of Previous Determinations**

7.1 Determination Number 102 made on 28 May 2002 and Determination Number 108 made on 11 October 2002 are revoked.