



# AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

## Statement Number 144

### Members of the ACT Legislative Assembly

#### Jurisdiction

Subsection 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. Subsection 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.

Subsection 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 April 2003 resulted in Determination 118 dated 8 April 2003.

This latest inquiry, which sought submissions from interested parties, was advertised in the press on 4 and 7 February 2004. All Members of the Legislative Assembly were individually advised of the review and were invited to make submissions.

#### Tribunal Consideration

##### **Submissions**

One submission was received from the Clerk of the Legislative Assembly and one submission was received from a member of the public.

## **Base Rate of Salary**

The Tribunal was again 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 relativity with the remuneration payable to Parliamentarians in comparable jurisdictions.

The Tribunal also considered the prevailing economic factors in the community, including the wage cost index of 3.7% nationally and 4.5% in the ACT, for the year to December 2003.

Having considered the above issues the Tribunal decided to increase the base salary of Members of the Legislative Assembly by 4.0% or \$3,378 per annum. The new rates are shown in the attached Determination.

## **Additional Salaries Generally**

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

## **Payment of Travelling Allowance**

The Tribunal reviewed the travelling allowance provisions and decided to defer a decision on amending the provisions and seek further advice on options for the payment of travelling allowance to Members.

## **Accompanied Travel Entitlement**

The Tribunal considered whether there should be an increase in the amount prescribed for accompanied travel entitlements as there had not been an increase since 1997. The Tribunal decided to defer a decision and requested that further information be provided by the Tribunal Secretariat.

## **Motor vehicle – Cash in lieu**

The Tribunal considered whether there should be an increase in the cash in lieu amount where a Member elects to take the allowance instead of the motor vehicle. The Tribunal determined that the cash in lieu allowance should be increased to \$13,950 per annum.

## **Submission by member of the public**

The Tribunal considered the submission from a member of the public that the Chief Minister, Ministers, Leader of the Opposition and Deputy Leader of the Opposition be provided with an entitlement to a car with driver for the purposes of transport to and from official engagements.

The Tribunal decided not to adopt the proposals outlined.



AUSTRALIAN CAPITAL TERRITORY  
REMUNERATION TRIBUNAL

**Determination Number 144**

**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 2004 except where otherwise stated.

Alan Kerr AM  
Chair

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April 2004

Roberta McRae OAM  
Member

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Jill Greenwell  
Member

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## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Determination Number 144

#### 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 \$87,826 per annum with effect from 1 July 2004.

##### **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 2004 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	\$61,479
Deputy Leader of the Opposition	\$39,522
Deputy Presiding Officer	\$13,174
Government Whip	\$8,783
Opposition Whip	\$8,783
Presiding Member of a committee, which is concerned with public affairs rather than domestic affairs of the Legislative Assembly.	\$8,783

**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 2004:

<b>Column 1 Office</b>	<b>Column 2 Rate per annum of additional salary</b>
Chief Minister	\$96,609
Deputy Chief Minister	\$70,261
Minister	\$61,479
Presiding Officer	\$48,305

**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 2004. 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	Sydney and Melbourne - \$345
Deputy Chief Minister	Other capital city - \$280
Minister	Other than a capital city - \$180
Presiding Officer	
Leader of the Opposition	
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 2004.

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 2004.

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.

##### No Access to Prestige, Sports or Convertible Models

4.5 A Member is not entitled to choose a prestige, sports or convertible vehicle, even if such a vehicle would satisfy the other conditions of this Determination. Prestige cars include Ford Fairlane, Ford LTD, Holden Caprice, Holden Statesman and equivalent vehicles made by other manufacturers.

#### 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 \$13,950 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.

## **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;
- is undertaking a domestic flight with a flying time of three hours or more;
- 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 on medical grounds;
- 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 118 made on 8 April 2003 and Determination Number 142 made on 18 October 2003 are revoked.

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