



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement 15 of 2010

Members of the ACT Legislative Assembly

Background

Section 9 of the *Remuneration Tribunal Act 1995* (the Act) requires the Remuneration Tribunal (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,
- other Ministers, and
- other Members of the Legislative Assembly (MLAs), 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) of the Act, read in conjunction with subsection 73(1)(g) of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth), declares:

- 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

to be offices to which section 73 of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth) applies. Section 73 requires the Tribunal to determine the remuneration and allowances of these offices.

The Tribunal's last annual review of remuneration, allowances and other entitlements for Members of the Legislative Assembly was in April 2010 and resulted in Determination 1 of 2010, issued in June 2010.

Tribunal Consideration

Travel Allowance – Within Australia

The Tribunal noted that the amendment to travel entitlements in cases where the Chief Minister, Deputy Chief Minister, a Minister or a Member of the Legislative Assembly nominated by the Chief Minister were required to stay in accommodation nominated by the host jurisdiction or host organisation had not been included in subsequent determinations (Determination 15 of 2007).

The Tribunal decided to issue a new determination to include the entitlement.



**AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL**

Determination 15 of 2010

Members of the ACT Legislative Assembly

Pursuant to Section 9 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 on and from 1 July 2010.

Alan Kerr AM
Chair

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Anne Cahill Lambert AM
Member

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Greg Friedewald
Member

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December 2010



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination 15 of 2010

Members of the ACT Legislative Assembly

The Tribunal determines as follows:

Part A - Members of the Legislative Assembly

1. Base Rate of Salary

- 1.1 The base rate of salary for all Members of the Legislative Assembly shall be \$118,071 per annum.

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

1. Additional Salary

- 1.1 Whether or not any amount is payable under clause 1 of Part A of this Determination, a person holding an Office specified in Column 1 shall be entitled to the rate specified in Column 2 until such time the person ceases to hold the Office:

Column 1 Office	Column 2 Rate per annum of Additional Salary	Column 3 Percentage of Base Salary
Chief Minister	\$129,878	110%
Deputy Chief Minister	\$94,457	80%
Minister	\$82,650	70%
Presiding Officer	\$64,939	55%

Part C – Other Prescribed Offices

1. Additional Salary

1.1 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 while that person is a Member and holds that Office:

Column 1 Office	Column 2 Rate per annum of Additional Salary	Column 3 Percentage of Base Salary
Leader of the Opposition	\$82,650	70%
Deputy Leader of the Opposition	\$53,132	45%
Deputy Presiding Officer	\$17,711	15%
Government Whip	\$11,807	10%
Opposition Whip	\$11,807	10%
Presiding Member of a committee, which is concerned with public affairs rather than the domestic affairs of the Legislative Assembly	\$11,807	10%

Part D - 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 while that person is a Member and holds that office.
- 1.2 The travelling allowance shall be payable where the person incurs costs staying in commercial accommodation. The 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, Deputy Chief Minister, Minister or Presiding Officer, on Assembly or official business as an office holder.

This allowance remains payable to the Chief Minister, Deputy Chief Minister, a Minister or a Member of the Legislative Assembly nominated by the Chief Minister where they seek reimbursement for excess costs incurred in accordance with sub-section 1.2(a).

Column 1 Office	Column 2 Rate of Travelling Allowance per overnight stay
Chief Minister Deputy Chief Minister Minister Presiding Officer Leader of the Opposition	Sydney and Melbourne - \$440 Other capital city - \$360 Other than a capital city - \$235
Other Members	Sydney and Melbourne - \$340 Other capital city - \$280 Other than a capital city - \$210

- 1.2(a) Where the Chief Executive, Deputy Chief Executive, a Minister or a Member of the Legislative Assembly nominated by the Chief Minister:

- is travelling within Australia on official business as an officer holder representing the Government; and
- is required, in exceptional circumstances, to stay in commercial accommodation nominated by the host jurisdiction or host organisation for reasons of security or for similar reasons (for example, an Asia-Pacific Economic Cooperation (APEC) meeting;

then he or she may be reimbursed the actual reasonable costs incurred for accommodation, meals and incidental expenses in excess of the allowances prescribed in Column 2 sub-clause 1.2.

- 1.3 Where the person travelling on official business does not stay in commercial accommodation the rate of travelling allowance shall be \$140 per overnight absence from Canberra.
- 1.4 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 a 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.
- 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 – Executive Members

- 3.1 An Executive Member of the Legislative Assembly is entitled to financial assistance up to a maximum of \$20,000 over the four-year term of the Assembly for a person nominated by the Executive Member to accompany him or her while travelling outside Canberra on official or Assembly business.
- 3.2 The entitlement is available where the Executive Member’s nominee travels in the company of the Executive Member for all or part of that travel.
- 3.3 This entitlement is not cumulative and is to be paid on a pro-rata basis where an Executive Member only serves for part of the term.
- 3.4 The entitlement is available for use on more than one occasion during the term of an Assembly subject to the maximum prescribed in sub-clause 3.1.
- 3.5 An Executive Member shall not be entitled to receive a per diem travelling allowance in respect of travel by the nominee.
- 3.6 Financial assistance may be by way of reimbursement where the Executive Member has met the costs associated with that travel or, provision of a cash advance that the Executive Member shall acquit with evidence of expenditure.
- 3.7 Where the Chief Minister approves travel at Executive expense for a nominee of an Executive Member, this does not diminish the Accompanied Travel Entitlement. The entitlement continues to be available to the Executive Member who may nominate an additional person to accompany him or her.

4. Travel for Studies and Investigations Entitlement/Accompanied Travel – Non-Executive Members

- 4.1 A non-Executive Member of the Legislative Assembly is entitled to financial assistance up to a maximum of \$24,000 over the four-year term of an Assembly for the following purposes:
- (a) travel by the non-Executive Member 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, provided the travel allowance component of any financial assistance provided is in accordance with Part D, sub-clauses 1.1 and 1.2 of this Determination; and
 - (b) travel by a person nominated by the non-Executive Member to accompany him or her while travelling outside Canberra on official or Assembly business, provided:
 - (i) the non-Executive Member's nominee travels in the company of the non-Executive Member for all or part of the travel;
 - (ii) a non-Executive Member shall not be entitled to receive a per diem travelling allowance in respect of any travel by the nominee; and
 - (iii) where the Presiding Office approves travel at non-Executive expense for a nominee of a non-Executive Member, this does not diminish the entitlement under this part. The entitlement continues to be available to the non-Executive Member who may nominate an additional person to accompany him or her.
- 4.2 This entitlement is not cumulative and is to be paid on a pro-rata basis where a non-Executive Member only serves part of the term.
- 4.3 The entitlement is available for use on more than one occasion during the term of an Assembly subject to the maximum prescribed in sub-clause 4.1.
- 4.4 Financial assistance may be by way of either reimbursement where the non-Executive Member has met the costs associated with that travel, or provision of a cash advance that the non-Executive Member shall acquit with evidence of expenditure.

5. Motor Vehicle

Entitlement to the use of a Vehicle

- 5.1 A Member of the Legislative Assembly shall, at his or her request, be entitled to the use of a fully maintained 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

- 5.2 A Member is not entitled to choose a vehicle where the recommended retail price of that vehicle (including GST) exceeds \$46,890 at the time an order is placed for that vehicle by the Territory's Fleet Manager.

Vehicle Options and Modifications

- 5.3 If a Member has a disability that affects 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.
- 5.4 A Member shall be entitled to choose optional items of equipment, provided that the total cost of the vehicle and the optional items of equipment do not exceed the value ceiling specified in this Determination.

General

- 5.5 A vehicle is provided for use on Assembly and official business and for private purposes. A Member must not, however, use the vehicle for personal gain, or the personal gain of any other person. A Member must not permit another person to use the vehicle for the Member's personal gain or the personal gain of another person.
- 5.6 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 relevant Corporate area.
- 5.7 In the case of Executive Members, the Chief Minister, and in the case of non-Executive Members, the Presiding Officer, may provide additional guidelines in relation to the operation and administration of this entitlement.

Allowance in lieu of motor vehicle

- 5.8 Where a Member elects, either initially or at the end of an existing lease, to take an allowance instead of a vehicle, that Member is entitled to receive a supplementary general allowance of \$17,000 per annum.

6. Class of Air Travel

- 6.1 Members shall be entitled to business class air travel when travelling on Assembly or official business.
- 6.2 In the case of Executive Members, the Chief Minister, and in the case of non-Executive Members, the Presiding Officer, may provide guidelines in relation to the operation and administration of this entitlement.

7. Salary Packaging

- 7.1 Subject to the following conditions, a Member of the Legislative Assembly may elect to take salary shown in this Determination as salary or take a combination of salary and other benefits best suited to his or her personal needs and preferences.

- 7.2 The salary packaging scheme is to be consistent with taxation laws and guidelines applicable to salary packaging schemes, as issued by the Australian Taxation Office.
- 7.3 Up to 100% of the total salary shown in this Determination may be taken as benefits and related costs such as fringe benefits tax.
- 7.4 The scheme shall be operated and administered so that there will be no additional cost to the ACT Government. In particular, any fringe benefits tax associated with the provision of a benefit is to be included in the salary package.
- 7.5 In the case of Executive Members, the Chief Minister, and in the case of non-Executive Members, the Presiding Officer, may provide guidelines in relation to the operation and administration of this entitlement.

8. Mobile Telephone/Personal Digital Assistant Allowance – Non-Executive Members Non-Executive Members of the Legislative Assembly are entitled to a mobile telephone/personal digital assistant allowance of \$4,000 per annum.

8.1 The allowance is to cover costs associated with the purchase of a mobile telephone and/or personal digital assistant, hands free connections in a motor vehicle, call costs and other related costs.

8.2 The allowance is to be paid fortnightly.

9. Revocation of Previous Determination

9.1 Determination 1 of 2010, dated June 2010 is revoked.

10. Date of Effect

10.1 This Determination takes effect on and from 1 July 2010 except for sub-clauses 1.2 (other than the rates specified) and 1.2(a) of Part D that takes effect on and from 1 September 2007.
