



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Statement Number 171

Members of the ACT Legislative Assembly

Background

Subsections 9 (1) and (2) of the *Remuneration Tribunal Act 1995* require 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, 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 subsection 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 was in April 2004 and resulted in Determination 144 dated 27 April 2004.

This latest inquiry, which sought submissions from interested parties, was advertised in the press on 29 January 2005. All Members of the Legislative Assembly were individually advised of the review by letter and were invited to make submissions.

Tribunal Consideration

Base Rate of Salary

The Tribunal was mindful of its work over the past few years to ensure that the level of remuneration for Members of the Legislative Assembly sufficiently reflects the function and importance of the office, and to ensure appropriate relativity with the remuneration paid to parliamentarians in other jurisdictions.

The Tribunal also considered prevailing economic factors for the year to December 2004, including recent wage and labour cost indices published by the Australian Bureau of Statistics.

The Tribunal decided to increase the base rate of salary paid to Members of the Legislative Assembly to \$99,937 per annum.

Additional salary paid to holders of prescribed offices will remain at the proportion of base salary previously determined by the Tribunal.

The new rates are shown in the attached Determination.

Travelling Allowance – Within Australia

The Tribunal decided to increase the travelling allowance for Members.

Accompanied Travel – Executive Members

The Tribunal decided that Executive Members of the Legislative Assembly are entitled to \$20,000 for accompanied travel to cover the four-year term of an Assembly.

Accompanied Travel/Travel for Study and Investigations – Non- Executive Members

The Tribunal decided to combine the accompanied travel and the study and investigations entitlements into one entitlement to cover the four-year term of the Assembly.

The Tribunal decided that non-Executive Members be entitled to an amount of \$24,000 for the term of an Assembly for the purposes of accompanied travel **and** travel for study and investigations.

Cash in Lieu of Motor Vehicle

The Tribunal decided to increase the supplementary general allowance from \$13,950 to \$15,500 per annum.

Salary Packaging

The Tribunal determined that all Members should have access to salary packaging in accordance with the provisions set out in this determination.

ACT Remuneration Tribunal
April 2005



AUSTRALIAN CAPITAL TERRITORY
REMUNERATION TRIBUNAL

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Determination Number 171

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 2005 except where otherwise stated.

Alan Kerr AM
Chair

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Roberta McRae OAM
Member

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Jill Greenwell
Member

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April 2005



AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

Determination Number 171

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 \$99,937 per annum.

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 while that person is a Member and holds that Office:

Column 1 Office	Column 2 Rate per annum of Additional Salary
Leader of the Opposition	\$69,956
Deputy Leader of the Opposition	\$44,972
Deputy Presiding Officer	\$14,991
Government Whip	\$9,994
Opposition Whip	\$9,994
Presiding Member of a committee, which is concerned with public affairs rather than the domestic affairs of the Legislative Assembly.	\$9,994

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

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
Chief Minister	\$109,931
Deputy Chief Minister	\$79,950
Minister	\$69,956
Presiding Officer	\$54,966

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.

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.

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 - \$390 Other capital city - \$315 Other than a capital city - \$205
Other Members	Sydney and Melbourne - \$300 Other capital cities - \$245 Other than a capital city - \$185

1.2 Where the person travelling on official business does not stay in commercial accommodation the rate of travelling allowance shall be \$120 per overnight absence from Canberra.

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 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 may nominate a person 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, and the Executive Member has met the costs associated with the travel.

3.3 The Executive Member is entitled to reimbursement of the nominee’s travel costs up to a maximum of \$20,000 to cover the four-year term of an Assembly. 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 An Executive 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 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.

3.6 The entitlement is available for use on more than one occasion during the term of an Assembly.

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

4.1 A non-Executive Member of the Legislative Assembly may nominate a person to accompany him or her while travelling outside Canberra on official or Assembly business.

4.2 The entitlement is available where the non-Executive Member's nominee travels in the company of the non-Executive Member for all or part of that travel, and the non-Executive Member has met the costs associated with the travel.

4.3 A non-Executive Member shall also 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.

4.4 The non-Executive Member is entitled to reimbursement of the costs up to a maximum of \$24,000 to cover the four-year term of an Assembly. This entitlement covers both accompanied travel and travel for studies and related purposes. It is not cumulative and is to be paid on a pro-rata basis where a non-Executive Member only serves for part of the term.

4.5 A non-Executive Member shall not be entitled to receive a per diem travelling allowance in respect of any travel by the nominee.

4.6 Where the Presiding Officer approves travel at Executive expense for a nominee of a non-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.

4.7 The entitlement is available for use on more than one occasion during the term of an Assembly.

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 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 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

5.3 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

5.4 Notwithstanding clause 5.3, 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

5.5 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

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

Vehicle Options and Modifications

- 5.7
- (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

5.8 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.

5.9 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 relevant Corporate area.

5.10 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

5.11 Where a Member elects to take an allowance instead of a vehicle, that Member is entitled to receive a supplementary general allowance of \$15,500 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 Speaker, 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 No more than 75% of the total salary shown in this determination is to 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 Speaker, may provide guidelines in relation to the operation and administration of this entitlement.

8. Revocation of Previous Determination

8.1 Determination Number 144 made on 27 April 2004 is revoked.

9. Date of Effect

9.1 The date of effect of this Determination is **1 July 2005**.
