



Australian Capital Territory Remuneration Tribunal

Members of the ACT Legislative Assembly

Determination 14 of 2021

made under the

Remuneration Tribunal Act 1995, section 9 (Inquiries about members of Legislative Assembly)

ACCOMPANYING STATEMENT

Background

The Speaker tabled the Remuneration Tribunal Amendment Bill 2021 and associated explanatory statement in the Legislative Assembly on 11 November 2021.

These amendments provide for the Tribunal to determine the remuneration, allowances and other entitlements to be provided to the following:

- the Whip in the Legislative Assembly of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 4 members of the Legislative Assembly are members of the party.

The Remuneration Tribunal Amendment Bill 2021 was debated and passed in the Legislative Assembly on 25 November 2021.

Considerations

The Tribunal wrote to the Speaker, the Chief Minister, the Opposition Leader and the Greens Leaders requesting submissions about this matter, including whether the existing allowance for the Government Whip and Opposition Whip is appropriate.

A submission was received from the Chief Minister.

The existing Government and Opposition Whip currently receive an allowance of 10% which equates to \$17,152 per annum.

The Tribunal considered the submission from the Chief Minister and the existing allowance that the Government and Opposition Whip currently receive.

Decision

The Tribunal has determined that the Whip in the Legislative Assembly of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) will receive an allowance at the same rate as the Government and Opposition Whip.

The Tribunal issued Determination 15 of 2020 to amend the resettlement allowance. There was a drafting oversight in the resettlement allowance clause in Determination 1 of 2021. The Tribunal has determined that the resettlement allowance will be amended as agreed in Determination 15 of 2020.

December 2021



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1 Commencement

1.1 This instrument is taken to have commenced on 11 December 2021.

2 Base salary

2.1 The base remuneration for Members of the Legislative Assembly (*Member*) is \$171,525 per annum.

3 Additional annual salary

3.1 A person holding an office mentioned in Column 1 of Table 3.1 is entitled to the additional remuneration annually mentioned in Column 2 of Table 3.1.

TABLE 3.1

Column 1 Office	Column 2 additional remuneration above the rate set out in clause 2.1	Column 3 % base remuneration	Column 4 Total remuneration
Chief Minister	\$188,677	110%	\$360,202
Deputy Chief Minister	\$137,220	80%	\$308,745
Minister	\$120,067	70%	\$291,592
Presiding Officer	\$94,339	55%	\$265,864
Leader of the Opposition	\$120,067	70%	\$291,592

Column 1 Office	Column 2 additional remuneration above the rate set out in clause 2.1	Column 3 % base remuneration	Column 4 Total remuneration
Deputy Leader of the Opposition	\$34,305	20%	\$205,830
Deputy Presiding Officer	\$25,729	15%	\$197,254
Government Whip	\$17,152	10%	\$188,677
Opposition Whip	\$17,152	10%	\$188,677
Whip in the Legislative Assembly of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 4 members of the Legislative Assembly are members of the party	\$17,152	10%	\$188,677
Presiding Member of a committee that is concerned with public affairs rather than affairs of the Legislative Assembly	\$17,152	10%	\$188,677

4 **Salary Packaging**

- 4.1 A Member may elect to take their base salary and/or their additional annual salary as:
 - a) salary; or
 - b) a combination of salary and other benefits (a **salary package**).
- 4.2 Salary packaging must be consistent with taxation laws and guidelines issued by the Australian Taxation Office.
- 4.3 Up to 100% of salary can be taken as benefits and related costs such as fringe benefits tax.

- 4.4 Salary packaging must be administered without additional cost to the ACT Government and any fringe benefits tax associated with the provision of a benefit must be included in the salary package.
- 4.5 The Chief Minister may provide guidelines about the administration of this entitlement for Executive members.
- 4.6 The Presiding Officer may provide guidelines about the administration of this entitlement for non-Executive Members.

5 Resettlement Allowance

- 5.1 All Members are entitled to payment of two weeks' salary for every completed year of service plus a pro rata payment for completed months of service since the last completed year of continuous service, capped at a maximum of twelve weeks' salary, if they retire, resign or stand for re-election and are unsuccessful.
- 5.2 The rate of pay of resettlement allowance will be calculated at the base rate of a Member, viz., without any extra loadings for office holders.

6 Travelling allowance—within Australia

- 6.1 In this clause:

Assembly business means travel as part of service on an Assembly committee; travel as a representative of the Assembly branch of the Commonwealth Parliamentary Association or as an office holder of the Association; or travel as a representative of the Assembly as determined by the Speaker. It does not include travel for party political purposes.

commercial accommodation includes a hotel, motel or serviced apartment.

office holder means the Chief Minister, Deputy Chief Minister, Minister or Presiding Officer, except where that term is used in the definition of Assembly business to refer to travel as an office holder of the Commonwealth Parliamentary Association.

- 6.2 Travelling allowance covers the reasonable cost for travel outside of Canberra and is payable at the rates that correspond with the amounts set out in the relevant Australian Taxation Office Taxation Determination relating to reasonable travel and overtime meal allowance expense amounts for each income year, for:
 - a) accommodation; and
 - b) meals; and
 - c) incidental expenses.
- 6.3 Travelling allowance is payable if a Member must stay overnight:
 - a) on Assembly business; or
 - b) for an office holder — on official business as an office holder; or
 - c) for a Member other than an office holder — on official business on behalf of an office holder.
- 6.4 Travelling allowance is not payable for travel for party political purposes.

6.5 An office holder or a Member nominated by the Chief Minister to represent an office holder on official business is entitled to an additional travelling allowance to cover the actual costs of accommodation, meals and incidental expenses up to the value that the office holder would have received, if:

- a) it is appropriate and reasonable for the conduct of the official business for the person to stay in accommodation at the same location where a meeting is held, or nearby to where a meeting is held; or
- b) it is appropriate and reasonable for the conduct of the official business for the person to stay in accommodation with other participants of a meeting; or
- c) the person is required to stay in commercial accommodation nominated by the host jurisdiction or host organisation; or
- d) there are exceptional circumstances.

6.6 If a Member travelling on Assembly or official business does not stay in commercial accommodation, the travelling allowance is a rate of one third of the total daily rate in the relevant Australian Taxation Office Taxation Determination, rounded upwards to the nearest dollar.

7 Travelling allowance—outside Australia

7.1 A Member who travels overseas on office holder or Assembly business may:

- a) be reimbursed the actual, reasonable costs incurred for accommodation and travel expenses up to the amounts as set out in the relevant Australian Taxation Office Taxation Determination;
- b) be provided with a per diem allowance for meals and incidentals as set out in the relevant Australian Taxation Office Taxation Determination; and
- c) be provided a cash advance for anticipated costs for accommodation and travel costs which must be acquitted within eight weeks of returning to Canberra.

8 Class of air travel

8.1 Members are entitled to business class air travel when travelling on Assembly or official business.

8.2 Members are provided with one airline lounge membership of their choice.

8.3 The Chief Minister may provide guidelines about the administration of all travel entitlements for Executive Members contained in this Determination.

8.4 The Presiding Officer may provide guidelines about the administration of all travel entitlements for non-Executive Members contained in this Determination.

9 Incidental travel in conjunction with Official travel

9.1 The Tribunal notes that there is a practice whereby Members travelling on official business have been permitted to include incidental travel in such trips at no additional cost to the Territory.

9.2 For the avoidance of doubt, the Tribunal determines that Members may combine incidental personal travel with official travel, provided there is no additional cost to the Territory. If the period of such incidental travel is greater than 40% of the period

of official travel, a pro rata contribution must be made to the overall cost of the travel.

- 9.3 The Chief Minister may provide guidelines about the administration of this entitlement for Executive Members.
- 9.4 The Clerk may provide guidelines about the administration of this entitlement for non-Executive Members as per the *Financial Management Act 1996*.


10 Motor vehicle

- 10.1 All Members are entitled to:
- a) an allowance of \$25,500 per annum (a privately plated motor vehicle will no longer be offered as an option); and
 - b) an allowance of \$2,500 per annum for taxis/hire cars to travel to and from official functions where private transport may not be appropriate in the interests of workplace safety and/or security; and
 - c) a car parking space at or near the Legislative Assembly.
- 10.2 Where a Member already has a vehicle lease in place at the time of this Determination, the lease is able to continue but shall not be renewed.
- 10.3 The allowance at 10.1(a) is not payable to Members who have leased vehicles at the time of the determination, until any existing vehicle lease has expired and the vehicle is surrendered.
- 10.4 The Chief Minister may provide guidelines about the administration of this entitlement for Executive Members.
- 10.5 The Presiding Officer may provide guidelines about the administration of this entitlement for non-Executive Members.

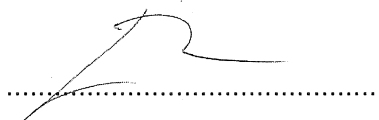
11 Revocation of previous determination

- 11.1 Determination 1 of 2021 is revoked.

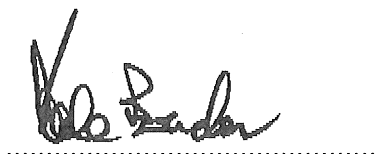
Ms Sandra Lambert AM
Chair



Dr James Popple
Member



Mr Dale Boucher PSM
Member



December 2021