



## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Statement Number 102

### 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 June 2001 resulted in Determination 83 dated 8 June 2001.

This latest inquiry, which sought submissions from interested parties, was advertised in the press on 9 and 13 March 2002. 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 the Government, the Chief Minister on behalf of Caucus, Ms Tucker MLA, Ms Dundas MLA, the Clerk of the Legislative Assembly and two submissions were received from members of the public. A submission was also received from Mr Stefaniak MLA relating to the Office of Opposition Whip. The Clerk of the Legislative Assembly made an oral submission. No other submissions were received.

## **Base Rate of Salary**

The Tribunal noted that it had again received several submissions 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.

Of greater relevance, the Tribunal was aware of the current levels of remuneration paid to parliamentarians in other jurisdictions and noted the likely increase of the remuneration for Tasmanian parliamentarians to be awarded in July 2002 of around 3.9%.

The Tribunal considered the prevailing economic factors in the community, including the wage cost index of 3.7% in the public sector, excluding bonus, for the year to September 2001.

The Tribunal was also 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 other comparable jurisdictions.

Having considered the above issues the Tribunal has decided to increase the base salary by \$2,900 per annum. The new rates are shown in the attached Determination. In arriving at this level of increase, the Tribunal is maintaining the position it established last year, while taking into account the environment in which the ACT Legislative Assembly operates.

## **Additional Salary**

### Opposition Whip

Mr Stefaniak MLA made a submission to the Tribunal requesting the Tribunal determine an additional salary for the Office of Opposition Whip.

The Tribunal considered the matter, noting that while it has the authority to determine an additional salary for the office, it had not previously considered the issue. The Tribunal considered the position of other jurisdictions, observing that the ACT was the only Parliament where the Opposition Whip did not receive an additional allowance. The Tribunal has decided to grant an additional salary to the Opposition Whip, at the same level as applies to the Government Whip, which is the general practice in the majority of other Parliaments. The Tribunal also considered the issue of backdating the entitlement and has decided to backdate the payment of the allowance to 1 January 2002 at the same rate as previously applied to the Government Whip, as Mr Stefaniak first raised this issue with the Tribunal in January 2002.

### Leader of a Minority Party

Ms Dundas asked the Tribunal to consider setting an additional salary for the Leader of a Minority Party within the Assembly. The Tribunal sought legal advice as to its ability to set such an allowance and has been advised that it does not currently have the power to do so. If the Assembly felt it was appropriate for the Tribunal to determine such an additional salary, it could amend subsection 9(3) of the *Remuneration Tribunal Act 1995* to give the Tribunal the power to do so.

### 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.

### **Motor Vehicle**

The Tribunal noted that the submission from the Clerk of the Legislative Assembly raised concerns about a level of uncertainty in the vehicle entitlement for Members of the Assembly. The Tribunal noted that, while it was similar to the entitlement for Public Service Executives, in the case of Executives, the Administering Chief Executive sets additional guidelines. After discussion with the Clerk, the Tribunal has determined that:

- the Speaker can set additional guidelines for the provision of vehicles for non-Executive Members of the Assembly; and
- the Chief Minister can set additional Guidelines for the provision of vehicles for Executive Members of the Assembly.

The existing provision, in relation to the Chief Minister approving vehicles outside the determination, will continue to apply until the relevant guidelines have been implemented.

### **Travelling Allowance**

The Tribunal also addressed the Clerk's comments in relation to the class of travel entitlement for Members. In the past the Tribunal has not set the class of travel for Members of the Assembly. However, based on the comments from the Clerk and legal advice that it is within the Tribunal's powers to set such an entitlement, the Tribunal decided to set the entitlement at economy class. In doing so it has given the Speaker for non-Executive Members, and the Chief Minister for Executive Members, the ability to approve either through guidelines or on a case by case basis, a higher class of travel where it is warranted. For example, on longer flights or if travelling with Members of other Parliaments who are travelling in a higher class.

### **Accompanied Travel Entitlement**

The Clerk's submission requested guidance as to whether the Accompanied Travel entitlement was to be provided on a pro-rata basis. The Tribunal accordingly clarifies the situation that during the life of a full term Assembly this entitlement would be provided a maximum of three times.

In his oral submission to the Tribunal the Clerk asked the Tribunal about the intent of this entitlement, noting the possibility of using this entitlement to pay for staff to travel on business with a Member had been raised with the Assembly Secretariat.

The Tribunal, in providing this entitlement, did so on the basis that it was to provide the Member with companionship when travelling. It therefore is not intended to be used to pay for the travel costs of a Member's staff, unless they are travelling merely for the purposes of companionship, and not as an employee. In such cases this Tribunal would expect the staff member to be on leave.

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

Ms Dundas in her submission argued that the study and investigations entitlement of \$2,700 for the life of the Assembly was inadequate. The Tribunal, acknowledging that it had not reviewed this allowance since it was first determined in 1998 and accordingly increased the allowance to \$3,000 for the life of the Assembly.

The Clerk asked the Tribunal if this entitlement was to be considered as a pro-rata entitlement where a Member did not serve for the life of the Assembly. The Tribunal accordingly clarify its intention that this is not a pro rata entitlement .

The Tribunal noted that this entitlement is paid where a Member is undertaking study and investigations of matters relating to his or her duties and responsibilities as a Member. As a result additional information would be gained by the Assembly to assist in its deliberations. It would be unfair to penalise a Member who has undertaken this work for the Assembly by requiring the Member to meet part of the costs.

### **General**

The Tribunal noted one submission suggested that reviews of Members' entitlements should only occur once in the term of each Assembly. The Tribunal is bound by Section 13 of the *Remuneration Tribunal Act 1995* which requires the Tribunal to make determinations on each office at intervals of not more than one year. This requirement can only be amended by the Legislative Assembly.

One submission requested the Tribunal review the level of the mobile phone and the discretionary allowances. The Tribunal is not involved in the setting of these allowances and suggested that the Member discuss them with the Assembly Secretariat.



**AUSTRALIAN CAPITAL TERRITORY  
REMUNERATION TRIBUNAL**

**Determination Number 102**

**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 2002 except where otherwise stated.

Bill Lawrence MBE  
Chair

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May 2002

Ken Searson  
Member

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## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Determination Number 102

#### 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 \$81,750 per annum with effect from 1 July 2002.

##### **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 2002 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	\$57,225
Deputy Leader of the Opposition	\$36,790
Deputy Presiding Officer	\$12,265
Government Whip	\$8,175
Opposition Whip	\$8,175
Presiding Member of a committee, which is concerned with public affairs rather than domestic affairs of the Legislative Assembly.	\$8,175

2.2 The Opposition Whip is entitled to an annual allowance of \$7,900 to be paid on a pro-rata basis for the period 1 January 2002 to 30 June 2002.

**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 2002: -

<b>Column 1 Office</b>	<b>Column 2 Rate per annum of additional salary</b>
Chief Minister	\$89,925
Deputy Chief Minister	\$65,400
Minister	\$57,225
Presiding Officer	\$44,965

**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 2002. 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 2002.

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

1.4 Executive and non-Executive Members shall be entitled to a class of travel of economy class, unless:

- in the case of Executive Members, the Chief Minister; or
  - in the case of non-Executive Members, the Speaker;
- through guidelines, or on a case by case basis, agrees to travel at a higher class.

## **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 2002.

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. Provision 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 a private-plated vehicle for use on Assembly, official and private business. Any vehicle provided must be sourced through the Government's leasing arrangements.

4.2 Vehicles provided under this clause shall be Australian made, except for those vehicles up to and including 1.8 litre engine capacity where no limitations apply in relation to country of manufacture.

4.3 Subject to 4.1 the Chief Minister may, in special circumstances, agree to the provision of a non-Australian made vehicle above the 1.8 litre limit.

4.4 In the case of Executive Members the Chief Minister and for non-Executive Members, the Speaker, may provide additional guidelines in relation to the provision of a vehicle under this entitlement. Where such guidelines exist they may supersede clause 4.3 of this Determination and may provide further restrictions in relation to clause 4.2.

4.5 All running and maintenance costs shall be met by the Government.

4.6 When used for private purposes the vehicle is to be driven only by the person to whom the vehicle is provided or a person nominated by the person to whom the vehicle is provided.

4.7 A person who is entitled to be provided with a vehicle under this clause and who does not take up the vehicle is entitled to receive a supplementary general allowance of \$11,500 per annum with effect from 1 July 2002.

4.8 For the purposes of sub-clause 4.2 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.

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

6.1 Determination Number 83 made on 8 June 2001 is revoked.