



Australian Capital Territory Remuneration Tribunal

Members of the ACT Legislative Assembly

Determination 2 of 2012

made under the

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

ACOMPANYING STATEMENT

Background

Under section 9 of the *Remuneration Tribunal Act 1995* (the Act) the Remuneration Tribunal (Tribunal) is required to inquire into, and determine, the remuneration, allowances and other entitlements for:

- the Chief Minister;
- the Deputy Chief Minister;
- other Ministers; and
- Members of the Legislative Assembly (Members) other than Ministers.

Section 9 of the Act, read in conjunction with section 73 of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth), requires the Tribunal to determine the remuneration and allowances for the:

- Leader of the Opposition;
- Deputy Leader of the Opposition;
- Government Whip;
- Opposition Whip; and
- presiding member of a committee of the Legislative Assembly.

The Tribunal's last inquiry into remuneration, allowances and other entitlements for Members was in September 2011. Following the inquiry, the Tribunal issued Determination 16 of 2011 in September 2011.

The Tribunal called for submissions in February 2012 and inquired into Member's remuneration, allowances and other entitlements in March 2012. This Determination sets out the Tribunal's decisions following that inquiry.

The Tribunal has decided to use a simplified, more contemporary format with plain English terminology in its Determinations. While the presentation and wording are different, the remuneration, allowances and other entitlements provided to Members have changed only as set out below.

Changes to remuneration, allowances and other entitlements and reasoning

The Tribunal considered information from a number of sources as part of its inquiry. On this occasion the Tribunal was most interested in:

- the remuneration of Members compared with parliamentarians in other jurisdictions;
- increase in remuneration for Members in recent years compared with other offices in the ACT jurisdiction, such as the judiciary and public service;
- national economic indicators, in particular the Labour Price Index, Average Weekly Earnings and the Consumer Price index; and
- the Government's Submission.

No other submissions were received in relation to the Tribunal's call for submissions.

Having balanced these considerations the Tribunal decided to:

- increase the base salary for Members by 3.5% to \$125,259 per annum (clause 2 of the Determination);
- increase the additional annual salary for office holders to reflect the increase in the base salary (clause 3 of the Determination); and
- increase the Travelling Allowance for Travel within Australia by 3.3% (clause 5 of the Determination).

The Tribunal decided to hold another inquiry into Member's remuneration, allowances and other entitlements close to the beginning of the next Assembly.

ACT Remuneration Tribunal
May 2012



Australian Capital Territory Remuneration Tribunal

Members of the ACT Legislative Assembly

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1 Commencement

1.1 This instrument commences on 1 July 2012.

2 Base salary

2.1 The base salary for a Members of the Legislative Assembly (**Member**) is \$125,259 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 annual salary mentioned in Column 2 of Table 3.1.

TABLE 3.1

Column 1 Office	Column 2 additional salary	Column 3 % base salary
Chief Minister	\$137,785	110%
Deputy Chief Minister	\$100,207	80%
Minister	\$87,681	70%
Presiding Officer	\$68,892	55%
Leader of the Opposition	\$87,681	70%
Deputy Leader of the Opposition	\$56,366	45%
Deputy Presiding Officer	\$18,789	15%
Government Whip	\$12,526	10%
Opposition Whip	\$12,526	10%

Column 1 Office	Column 2 additional salary	Column 3 % base salary
Presiding Member of a committee that is concerned with public affairs rather than affairs of the Legislative Assembly	\$12,526	10%

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 Travelling allowance—within Australia

- 5.1 In this clause:
- commercial accommodation** includes a hotel, motel or serviced apartment.
- office holder** means the Chief Minister, Deputy Chief Minister, Minister or Presiding Officer.
- 5.2 Travelling allowance covers the reasonable cost for travel outside of Canberra of:
- a) accommodation, and
 - b) meals; and
 - c) incidental expenses.
- 5.3 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.
- 5.4 A person holding an office mentioned in Column 1 of Table 5.4 is entitled to the travelling allowance mentioned in Column 2 of Table 5.4.

TABLE 5.4

Column 1 Office	Column 2 Travelling allowance per overnight stay
Chief Minister Deputy Chief Minister Minister Presiding Officer Leader of the Opposition	Sydney and Melbourne - \$475 other capital city - \$385 other than a capital city - \$255
other Members	Sydney and Melbourne - \$365 other capital city - \$300 other than a capital city - \$230

- 5.5 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 in excess of the allowances mentioned in Column 2 in Table 5.4 if:—
- 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
 - 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
 - the person is required to stay in commercial accommodation nominated by the host jurisdiction or host organisation; or
 - there are exceptional circumstances.
- 5.6 If a Member travelling on Assembly or official business does not stay in commercial accommodation the travelling allowance is \$145 for each overnight stay.

6 Travelling allowance—outside Australia

- 6.1 An Executive Member who travels overseas on official or Assembly business may—
- be reimbursed the actual, reasonable costs incurred for accommodation, meals, travel and transfer expenses; and
 - be provided a cash advance for anticipated costs for accommodation, meals, travel and transfer costs.
- 6.2 If an Executive member is provided a cash advance they must acquit the advance by providing evidence of expenditure within eight weeks of returning to Canberra.
- 6.3 A non-Executive Member who travels overseas on official or Assembly business—
- may be reimbursed the actual, reasonable costs incurred for accommodation and transfer expenses; and
 - must be paid a travelling allowance to cover meal and incidental daily travel expenses based on the reasonable amounts set out in [Taxation Determination 2011/17, Income tax: what are the reasonable travel and overtime meal](#)

[allowance expense amounts for the 2011-12 income year?](#), and any relevant determination that supersedes Taxation Determination 2011/17.

7 Accompanied travel entitlement—Executive Members

- 7.1 The accompanied travel entitlement provides financial assistance to allow an Executive Member to be accompanied by a person they nominate (the ***nominee***) while travelling outside Canberra on official or Assembly business.
- 7.2 The accompanied travel entitlement is:
- a) up to \$20,000 in total over the four-year term of the Assembly; and
 - b) available if the nominee travels in the company of the Executive Member for all or part of travel on official or Assembly business; and
 - c) available for use on more than one occasion during the term of an Assembly subject to the maximum; and
 - d) not cumulative; and
 - e) paid on a pro-rata basis where an Executive Member only serves for part of the term.
- 7.3 An Executive Member is not entitled to receive a travelling allowance under clause 5 or clause 6 for travel by the nominee.
- 7.4 The accompanied travel entitlement may be:
- a) reimbursement if the Executive Member has met the cost of the travel; or
 - b) by cash advance that the Executive Member must acquit with evidence of expenditure.
- 7.5 If the Chief Minister approves travel at Executive expense for a nominee, the cost of this travel does not reduce the accompanied travel entitlement; the entitlement is still available to the Executive Member who may nominate an additional person to accompany him or her.

8 Studies and accompanied travel entitlement—non-Executive Members

- 8.1 The studies and accompanied travel entitlement provides financial assistance to non-Executive Members—
- a) for travel for the purpose of undertaking studies or investigations of matters relating to his or her duties and responsibilities as a Member; or
 - b) for travel to attend conferences or training courses; or
 - c) to allow a non-Executive Member to be accompanied by a person they nominate (the ***nominee***) while travelling outside Canberra on official or Assembly business, if:
 - i) the nominee travels in the company of the non-Executive Member for all or part of the travel; and
 - ii) the non-Executive Member does not receive a travelling allowance in respect of any travel by the nominee.

- 8.2 The studies and accompanied travel entitlement is:
- a) up to \$24,000 in total over the four-year term of an Assembly; and
 - b) available for use on more than one occasion during the term of an Assembly subject to the maximum; and
 - c) not cumulative; and
 - d) paid on a pro-rata basis where a non-Executive Member only serves part of the term

8.3 If the Presiding Office approves travel at non-Executive expense for a nominee, the cost of this travel does not reduce the studies and accompanied travel entitlement; the entitlement is still to be available to the non-Executive Member who may nominate an additional person to accompany him or her.

- 8.4 The studies and accompanied travel entitlement may be:
- a) reimbursement if the non-Executive Member has met the costs of the travel; or
 - b) by cash advance that the non-Executive Member must acquit with evidence of expenditure.

9 Class of air travel

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

9.2 The Chief Minister may provide guidelines about the administration of this entitlement for Executive members.

9.3 The Presiding Officer may provide guidelines about the administration of this entitlement for non-Executive Members.

10 Motor vehicle

10.1 A Member is entitled:

- a) to the use of a fully maintained private-plated passenger motor vehicle chosen by the Member from within the Territory's leasing arrangements (**vehicle**); or
- b) to elect, either initially or at the end of an existing vehicle lease, to take an allowance of \$17,500 per annum instead of a vehicle.

10.2 A Member is not entitled to choose a vehicle if the maximum vehicle value, determined by the Territory's fleet provider based on the manufacturer's recommended retail price, exceeds \$46,000 (excluding GST) at the time an order is placed for that vehicle by the Territory's fleet provider (the **value ceiling**).

10.3 If a Member has a disability that affects their ability to drive a vehicle, the Member is entitled to any modifications to the vehicle that a relevant medical practitioner certifies in writing are reasonably necessary to enable the Member to drive the vehicle.

10.4 A Member is 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.

- 10.5 A vehicle is provided for use on Assembly and official business and for private purposes.
- 10.6 A Member must not use the vehicle for personal gain, or the personal gain of any other person.
- 10.7 A Member must not permit another person to use the vehicle for the Member's personal gain or the personal gain of another person.
- 10.8 When a vehicle is being used for private purposes, it must only be driven by the Member it is allocated to, or by a person nominated in writing by that Member to the relevant corporate area.
- 10.9 The Chief Minister may provide guidelines about the administration of this entitlement for Executive members.
- 10.10 The Presiding Officer may provide guidelines about the administration of this entitlement for non-Executive Members.

11 Mobile telephone/personal digital assistant allowance—non-Executive Members

- 11.1 A non-Executive Member is entitled to a mobile telephone/personal digital assistant allowance of \$4,000 per annum.
- 11.2 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.
- 11.3 The allowance is to be paid fortnightly.

12 Revocation of previous determination

- 12.1 Determination 16 of 2011 (Members of the ACT Legislative Assembly) is revoked.
- 12.2 Determination 15 of 2007 (Members of the ACT Legislative Assembly) is revoked.

Anne Cahill Lambert AM
Chair

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Colin Adrian
Member

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Dated: 10 May 2012