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**SALARIES AND ALLOWANCES ACT 1975
DETERMINATION VARIATION
OF THE
SALARIES AND ALLOWANCES TRIBUNAL
Pursuant to Section 6(1) (a) (ab) & (b)**

PREAMBLE

The Tribunal has been asked to clarify some aspects of the determination which issued under Section 6(1)(a)(ab) and (b) of the *Salaries and Allowances Act 1975* on 18 August 2006.

The first issue concerns the cessation date of the allowance of \$6,950 formerly paid to Members who chose not to access a Government supplied motor vehicle, or, in some cases, a second motor vehicle. In the substantive determination the Tribunal stated, "The Tribunal has determined to cease it with effect on and from the end of the first pay period after the issuing of this determination".

It has been put to the Tribunal this could mean the pay period ending on 30 September 2006, being the first full pay period after 18 August 2006.

The Tribunal considered this aspect of the determination to have immediate effect, however, chose a pay period ending for administrative convenience. The Tribunal intended the allowance to conclude on the date of the end of the pay period in which the determination issued and now determines the allowance to cease on and from 31 August 2006.

The second issue sought clarification of the entitlement to an allowance of \$15,000 in circumstances where a Member has no vehicle supplied from any Government source. A new Section 4.2 in Part 4 of the determination has now been inserted.

The Tribunal expects Members to make informed choices about this allowance and the motor vehicle(s) entitlements. The Tribunal will monitor the use of the options available. It is not the intention of the Tribunal that these options be used as a means of changing motor vehicles at times other than the expiration of a normal lease.

The third issue concerns the 'Metropolitan Expenses of Members Representing Regions or Districts Therein' as contained in Part 6 Section 5 of the determination.

Section 5 previously provided an allowance for qualifying Members based on 80 nights at the commercial accommodation rate for Perth as prescribed in Part 6 Section 7 of the determination. The Tribunal received representations to the effect that 80 nights was inadequate. The Tribunal is of the view that Members should not be unnecessarily fettered by arbitrary barriers in carrying out their proper duties. Accordingly, having regard to sitting times, committee work and other commitments the Tribunal decided to increase the limit from 80 nights to 120 nights.

It has subsequently come to the attention of the Tribunal that the interpretation and practice applied to Section 5 has been to pay an unaccountable allowance equal to the 80 nights at the Perth rate regardless of actual nights spent in the metropolitan region. With the increase in maximum nights to 120 the practice has been drawn to the attention of the Tribunal. Section 5 has now been amended to ensure that the allowance is only to be paid upon certification of actual nights spent in the metropolitan region.

These points of clarification retain the effective date of the substantive determination of 1 September 2006 unless otherwise stated.

The determination will now issue.

Signed this 13th day of September 2006.

Professor M. C. WOOD,
Chairman

J. A. S. MEWS,
Member

M. L. NADEBAUM,
Member

Salaries and Allowances Tribunal.

SCHEDULE
DETERMINATION
OF THE

SALARIES AND ALLOWANCES TRIBUNAL

Pursuant to Section 6(1) (a) (ab) and (b)

Pursuant to the provisions of the *Salaries and Allowances Act 1975*, the Salaries and Allowances Tribunal determines the remuneration to be paid to Ministers of the Crown, the Parliamentary Secretary of Cabinet, a Parliamentary Secretary appointed under Section 44A (1) of the *Constitution Acts Amendment Act 1899*, members of committees, officers and Members of the Parliament. This determination, as amended from time to time, is hereby varied by a further determination set out below and is effective from 1 September 2006, unless otherwise stated—

Insert and replace in Part 4 Section 4.2—

‘Any Member who forgoes the entitlement in Section 4.1 above and has no other Government supplied motor vehicle shall be paid an amount of \$15,000 per annum, payable monthly with the Base Electorate Allowance provided in Section 2 of this Part. Where any Member becomes entitled to access a Government supplied motor vehicle under an arrangement not covered by this determination and is thereby provided with such a motor vehicle then any entitlement under this Section shall cease immediately upon provision of the motor vehicle.’

Insert in Part 6 Section 5.1 after the words ‘...within those Regions,’—

‘an amount per night at the Perth rate set out in Section 7.1 of this Part for up to 120 nights. If at any time or times during a year a place of residence in or adjacent to the relevant aforementioned Region or District is not maintained then no entitlement applies under this Section during that time or times. Entitlements under this Section shall be paid upon the Member certifying the number of nights when commercial metropolitan accommodation and related expenses were incurred for the above purposes.’

Insert in Part 6 Section 5.2 as the last sentence in that Section—

‘For certification purposes the use by a Member of a place of residence to which this Section applies shall be deemed to constitute the incurring of residential metropolitan accommodation and related expenses to which this Section 5 applies.’

Insert and replace Part 4 Section 4 as follows—

SECTION 4: MOTOR VEHICLE

4.1 Every Member of Parliament, with the exception of those Members who as a result of an office held are supplied with a Government owned motor vehicle under arrangements not covered by this determination, shall be entitled to the supply of a Government owned private plated motor vehicle for parliamentary, electorate and private use within Western Australia.

4.2 A Member, representing the South West, Agricultural and Mining and Pastoral Region or any District contained therein, who is provided with a Government owned motor vehicle as a result of an office held, may make application to the Tribunal for the issue of an electorate motor vehicle. The application should detail the reasons why a second vehicle is required and provide certification that the principal use of the vehicle will be for electorate purposes.

4.3 Any Member who forgoes the entitlements in Sections 4.1 and 4.2 above and has no other Government supplied motor vehicle shall be paid an amount of \$15,000 per annum, payable monthly with the Base Electorate Allowance provided in Section 2 of this Part. Where any Member becomes entitled to access a Government supplied motor vehicle under an arrangement not covered by this determination and is thereby provided with such a motor vehicle then any entitlement under this Section shall cease immediately upon provision of the motor vehicle.

Signed this 13th day of September 2006.

Professor M. C. WOOD,
Chairman

J. A. S. MEWS,
Member

M. L. NADEBAUM,
Member

Salaries and Allowances Tribunal.

