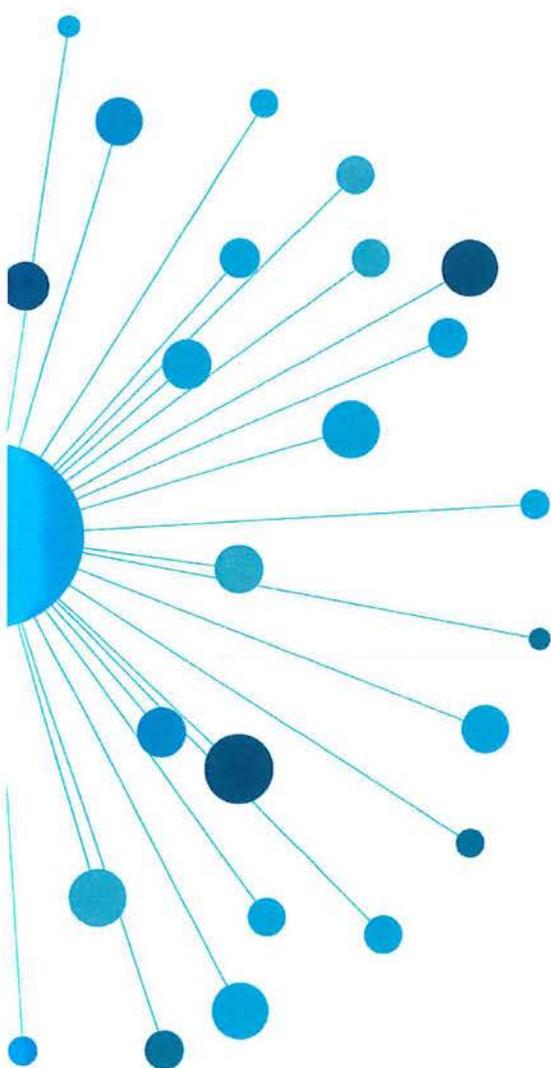


Queensland Independent  
Remuneration Tribunal

# Remuneration Determination

## *2021 Review of Allowances*



Determination 26/2022  
**30 March 2022**

# Determination 26/2022

## Background and Reasons

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### **Tribunal roles and responsibilities**

The *Queensland Independent Remuneration Tribunal Act 2013* (the Act) provides for the Queensland Independent Remuneration Tribunal (the Tribunal) to:

- review and determine remuneration (annual and additional salaries, allowances and entitlements) in connection with members and former members of the Queensland Legislative Assembly (Remuneration Determination), and
- review and determine entitlements of cross bench members to additional staff members (Additional Staff Member Determination).

For a Remuneration Determination, the Tribunal may have regard to the value to the community of a member carrying out their role, functions and responsibilities and the importance of a member being appropriately remunerated for carrying out their role. The Tribunal may also consider relevant laws and any other matters the Tribunal considers appropriate including, for example, the size of an electorate (section 29 of the Act). Before making a Determination, the Tribunal must consult with and consider the views of the Clerk of the Parliament (the Clerk).

The Tribunal must ensure any allowances paid to a member reflect the amount of reasonable expenses incurred by a member in servicing their electorate; ensure these allowances are not a substitute for other remuneration; and ensure accommodation services or other entitlements provided for in section 55 of the Act are not taken into account, such as electorate offices, staffing support and major items of office equipment (section 30 of the Act).

### ***Submissions and consultation***

The Tribunal received submissions from the Clerk and non-Government members. The Tribunal also met with the Committee of the Legislative Assembly (the CLA). All stakeholder engagement has informed the Tribunal's review and the final decisions made in Determination 26/2022.

## Electorate and Communication Allowance

The Electorate and Communication Allowance (ECA) is provided to cover a range of expenditure associated with:

- a) providing constituent assistance and service for the electorate
- b) obtaining and disseminating information to constituents that is relevant to fulfilling parliamentary and constituency responsibilities
- c) meeting incidental costs relating to the operation of a member's electorate office.

The ECA may not be used to meet expenditure for:

- a) private or commercial purposes or to purchase goods and services where the member, or a connected party is the provider of the goods and services
- b) political party activity
- c) electioneering and campaigning purposes.

The ECA is divided into seven categories of expenditure for reporting purposes: i) support for constituents and organisations; ii) hosting costs; iii) production, publication and distribution services; iv) telecommunications and data costs; v) minor equipment; vi) office expenses; and vii) other.

Electorates are grouped into four bands based on the following formula which recognises the impact of both the number of electors and area of the electorate on usage of the ECA:

$$\text{Band} = (60 \text{ cents per person registered on the electoral roll}) + (1.5 \text{ cents per square kilometre of electorate area (land only)}).$$

The quantum of ECA for each band (set in Determination 21/2020) are shown in Table 1.

Table 1: Quantum of ECA Bands

Band	Quantum of ECA for each Band
1	\$89,200
2	\$90,900
3	\$93,400
4	\$95,200

Members representing an electoral district of 100,000km<sup>2</sup> or more can elect to be provided with an additional electorate office. If the member has an additional electoral office, they receive an additional \$1,500 per annum to supplement the ECA rates for electorate office cleaning costs (Determination 16/2017).

The *Annual Report of Electorate and Communication Allowance Expenditure by Members of the Legislative Assembly for the period 1 July 2020 to 30 June 2021* (the 2020-21 Annual Report of ECA Expenditure) was tabled by the Clerk of the Legislative Assembly on 28 September 2021.

### *ECA bands and electoral roll data*

Previously, the Tribunal has committed to reviewing electoral roll data and making any necessary adjustments to the allocation of electorates to bands. Data from the Electoral Commission of Queensland (ECQ) as at 29 October 2021 shows an additional 50,086 enrolments have been added to the State electoral roll since the ECA was last considered by the Tribunal on 29 January 2021.

Based on the 29 October 2021 electoral roll data 12 electorates would move bands as follows:

- a) Six electorates moving from Band 2 to Band 3 (Bonney, Burnett, Currumbin, Maroochydore, Rockhampton and Surfers Paradise); and
- b) Six electorates moving from Band 3 to Band 4 (Barron River, Condamine, Logan, Pine Rivers, Redlands and Scenic Rim).

The Tribunal decided that, with effect from 1 July 2021, the ECA bands will be set as follows:

Table 2: Allocation of Electorates to ECA Bands

Band	Amount	Electorates in each Band
1	\$89,200	Gaven, Gladstone, Ipswich, Mundingburra, Oodgeroo, Stretton, Toohey, Waterford
2	\$90,900	Algera, Broadwater, Bundaberg, Burleigh, Capalaba, Chatsworth, Ferny Grove, Glass House, Hinchinbrook, Inala, Ipswich West, Lockyer, Mansfield, Mermaid Beach, Miller, Mirani, Moggill, Mount Ommaney, Mulgrave, Nicklin, Southport, Springwood, Theodore, Thuringowa, Townsville, Whitsunday
3	\$93,400	Aspley, Bancroft, Bonney, Buderim, Burdekin, Burnett, Cairns, Callide, Cooper, Currumbin, Everton, Greenslopes, Kawana, Keppel, Kurwongbah, Lytton, Macalister, Maroochydore, Morayfield, Nanango, Noosa, Nudgee, Rockhampton, Sandgate, Southern Downs, Surfers Paradise, Toowoomba North, Toowoomba South, Woodridge
4	\$95,200	Barron River, Bulimba, Bundamba, Caloundra, Clayfield, Condamine, Cook, Coomera, Gregory, Gympie, Hervey Bay, Hill, Jordan, Logan, Mackay, Maiwar, Maryborough, McConnel, Mudgeeraba, Murrumba, Ninderry, Pine Rivers, Pumicestone, Redcliffe, Redlands, Scenic Rim, South Brisbane, Stafford, Traeger, Warrego

In addition, the Tribunal agreed that electoral roll data will be reviewed annually and if the bands are to be revised, they will be revised from 1 July each financial year.

### *Quantum of ECA bands*

The Tribunal considered the quantum of the ECA bands as part of its annual allowances review. When considering the quantum, the Tribunal takes an evidence-based approach to assessing the quantum of each band of the ECA and reviews ECA expenditure data and other factors impacting on the allowance expenditure.

The breakdown of the 2020 - 21 ECA expenditure data across the seven categories indicates more than 50% of expenditure was on 'production, publication and distribution costs'; followed by, in order of level of expenditure: 'support for constituents and organisations' (25%); 'office expenses' (16%); 'minor equipment' (4.3%); 'hosting costs' (2.4%); 'telecommunications and data costs' (1.4%); and 'other' (0.1%).

Compared with 2018-19 data (i.e. pre COVID19 restrictions) there has been a reduction in the expenditure in the categories of 'hosting' and 'support for constituents and organisations' and an increase in expenditure in the category of 'production, publication and distribution services'.

The Tribunal noted it is likely ECA expenditure patterns have been impacted by the COVID-19 pandemic. In the 2020-21 financial year the State was subject to four separate periods of lockdown in January<sup>1</sup>, March<sup>2</sup> and June<sup>3</sup>.

Total monetary amount of ECA expenditure for the 2020-21 financial year has increased by \$2,586,515 to \$8,639,327, compared with \$6,052,812 in 2019-20. Factors impacting on this include:

- a) the \$17,000 increase in the ECA for all 93 members which took effect from 1 November 2020 (Determination 21/2020);
- b) the decision to allow members to retain up to 40% of the total ECA for 2019-20 that is unexpended, as opposed to the usual 10% carryover (Determination 20/2020 and clarified in Determination 22/2020); and
- c) resetting the ECA bands (i.e. combining Bands 1 and 2 and creating a new Band 4) and reallocating electorates leading to a higher proportion of members in higher value bands (Determination 21/2020).

The 2020-21 Annual Report of ECA Expenditure indicates that 86% of all Members spent within their ECA allocation, with the majority of all members expending between 90% - 100% of their ECA amount. This is consistent with previous years except for 2019-20, where there the ECA was underspent, likely as an impact of the introduction of the COVID-19 restrictions which commenced in March 2019.

In 2020 - 21, 14 members spent 100% or more of their ECA allocation. Of the fourteen members who spent over their ECA in 2020-21, the amount overspent ranged up to 9% over their ECA allocation.<sup>4</sup> In 2020-21, 3.8% of all members spent less than 90% of their ECA.<sup>5</sup>

When reviewing the ECA allowance, the Tribunal considered the following economic indicators:

- Average Weekly Ordinary Time Earnings
- Consumer Price Index (CPI) (year average to September Quarter 2021)
- Wage Price Index (for the year ending Sept Qtr 2021)
- Queensland Economic growth
- Reserve Bank of Australia - Economic Outlook – August 2021
- Queensland Government indexation rates (2021 – 22)

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<sup>1</sup> 8 January 2021 – Three day lockdown for Greater Brisbane

<sup>2</sup> 29 March 2021 – Three day lockdown for Greater Brisbane (lifted 5 hours early)

<sup>3</sup> 29 June 2021 – Three day lockdown for South East Queensland, Townsville City, Magnetic Island and Palm Island.

<sup>4</sup> In accordance with the *Members' Remuneration Handbook*, any over-expenditure of the ECA must be met personally by the Member and over expenditure cannot be offset against any future reporting period allowance.

For reporting purposes, the Clerk of the Parliament is only required to report when a member has reached 100% in the Expenditure Annual Reports (see Determination 18/2018). However, the Tribunal encourages members to continue to report over-expenditure to enable assessment of the adequacy of the ECA. However, many members stop reporting once they reach 100% of their allowance.

<sup>5</sup> In accordance with the Handbook, under-expenditure greater than 10% of the total ECA is deemed an overpayment of the original allowance. Under-expenditure will be deducted from future allowances while up to 10% of the total ECA paid for each financial year that is unexpended at 30 June is able to be retained and carried over for use in the next financial year.

As the COVID-19 pandemic has led to an unusual inflationary environment, the Tribunal considered year-average rates of growth in CPI to smooth out quarter-to-quarter volatility that has occurred due to sharp fluctuations in CPI components related to factors such as oil prices and changes in government subsidies (e.g. free childcare, HomeBuilder, etc.).

The Tribunal decided not to increase the quantum of the ECA bands. In making its decision the Tribunal noted that all ECA bands received \$17,000 in additional funding through Determination 21/2020 representing an increase of between 21.7% to 23.5% across the four bands. In addition, the Tribunal noted that the \$17,000 took effect on 1 November 2020 and therefore expenditure data for a full financial year was not yet available.

### *Amendments to the ECA Formula*

Some members and the Clerk raised issues with the Tribunal about the adequacy of the ECA funding for electorates with unique characteristics (e.g. number of enrolled electors significantly higher than average, large sea area in the electorate area). It was submitted that the current ECA formula and the subsequent funding allocation did not address the needs of those electorates with unique characteristics.

The Tribunal considered the ECA formula including the historical basis and whether there was a need for a review.

The Tribunal determined that no review of the ECA formula was required. In reaching this decision, the Tribunal confirmed its view that sea area was not to be included in the calculation of the electorate geographical size and that the use of electoral roll data is preferred over population data.

However, the Tribunal recognised that special additional funding, a high enrolment supplement of \$2500, is appropriate for those electorates in Band 4, with a total number of enrolled electors significantly above the average number of enrolled electors across all electorates, commonly referred to as the quota.<sup>6</sup>

The Tribunal considers that to be eligible for additional funding:

- the electorate must be in ECA Band 4; and
- the number of electors is 25% or more above the quota, over a period of six consecutive months, determined in accordance with the ECQ monthly enrolment data (the high enrolment supplement criteria).

ECA is paid in two instalments annually – in July and January. Members whose electorates have met the high enrolment supplement criteria in the preceding 6 months will receive a pro-rata payment of the additional funding (\$1250) in their half yearly instalment.

## **General Travel Entitlement**

The General Travel Entitlement (GTE) consists of three components:

- i. **Motor Vehicle Allowance (MVA)** - covers expenditure incurred in acquiring and maintaining a member's vehicle.

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<sup>6</sup> The quota is calculated by dividing the total number of electors in the State by the 93 electorates.

- ii. **General Travel Allocation (GTA)** - covers a range of travel expenses incurred by members when required to travel for the primary purpose of conducting parliamentary business.
- iii. **Air Warrant (Alternate) travel** - facilitates travel from certain regional electorates to/from Brisbane to conduct parliamentary business.

On 28 September 2021, the Clerk tabled the:

- *Annual Report of General Travel Allocation Expenditure by Members of the Legislative Assembly for the Period 1 July 2020 to 30 June 2021* (Annual Report of GTA Expenditure)
- *Annual Report of Air Warrant and Alternate Travel Expenditure by Members of the Legislative Assembly for the Period 1 July 2020 to 30 June 2021*

### Motor Vehicle Allowance

The MVA is paid to members in advance on a quarterly basis and there is no carry over to the following year. A motor vehicle purchased or leased with the assistance of the allowance is the property of the member. The allowance is also subject to PAYG income tax and members are required to comply with Australian Taxation Office requirements for motor vehicle allowances.

The MVA is based on the geographic area of electorates as follows:

Table 3: Motor Vehicle Allowance

Band	MVA amount	Band range Electorate km2
Band 1	\$26,300	0-1000
Band 2	\$33,000	1001-10,000
Band 3	\$43,300	10,001 and over

Under the *Members' Remuneration Handbook*, the MVA is not subject to acquittal, reporting or audit requirements. Therefore, there is no data available to enable the Tribunal to assess the quantum of expenditure.

In 2018, the Tribunal increased the MVA by 3% from 1 January 2019 and at that time, the Tribunal expressed a view that any increase in the MVA should be consistent with CPI changes.

In order to assess the adequacy of the MVA, in addition to CPI, the Tribunal also considered the RACQ's *Private Vehicle Expenses 2021*<sup>7</sup> and the *Annual Fuel Price Reports from 2017 to 2021*.

The Tribunal resolved to increase the MVA by 2.9% (rounded to the nearest \$100), in line with the Queensland CPI rate year average to September quarter 2021 for Queensland, with the increase to take effect from 1 July 2022.

### General Travel Allocation

The GTA is the primary travel entitlement available to all members. It covers a range of travel expenses incurred by members (and in limited cases their spouses/staff) when the member is required to travel to conduct 'Parliamentary Business'. Types of expenditure that may be claimed

<sup>7</sup> The RACQ prepares an annual report of the average cost of owning and operating a private vehicle in Queensland.

under the GTA include i) air travel, ii) ground travel and iii) overnight expenses (Daily Travel Allowance).

There are four GTA bands based on the size of each electorate. The current band limits are listed in Table 4.

Table 4: General Travel Allocation Bands

Band	Amount	Range km2	No. of electorates in Bands
<b>Band 1</b>	\$18,360	0 – 4,499	76
<b>Band 2</b>	\$30,040	4,500 - 49,999	11
<b>Band 3</b>	\$40,000	50,000 – 99,999	2
<b>Band 4</b>	\$79,700	100,000 and over	4

An analysis of GTA expenditure for 2020-2021 found that member claims have increased by \$102,700, from \$591,417 in 2019-20 to \$694,231 in 2020-21. The Tribunal noted that although expenditure in 2020-21 has increased from 2019-20, the rates of expenditure are not at the same levels of 2018-19, prior to the COVID-19 pandemic, apart from the DTA which has increased by 4% (\$10,179) since 2018-19.

Data from the Annual Report of GTA Expenditure by Members shows the following:

- Band 1 – members expended between 0% and 110%, with average expenditure of 17% of their GTA
- Band 2 – members expended between 0.8% and 104%, with average expenditure of 42%
- Band 3 – members expended between 46% and 52%, with average expenditure of 49%, and
- Band 4 – members expended between 30% and 102%, with average expenditure of 73%.

#### Band 4 Members

In Determination 18/2018, the Tribunal committed to monitoring the GTA claims of the four members in Band 4 (Warrego, Cook, Gregory and Traeger) to ensure the quantum of the GTA is adequate.

In 2020-21, members in Band 4 claimed between 30% and 102% of their GTA with an average spend of \$58,400.

The Members for Cook and Gregory claimed significantly less from their GTA in 2020-21 than prior to the COVID-19 pandemic, while the Members for Traeger and Warrego have expended a similar proportion of their GTA.

Both the Member for Traeger and the Member for Warrego have claimed a significant proportion of their GTA on airfares with the Member for Traeger claiming 76% (\$60,670) and Member for Warrego claiming 84% (\$66,887) of their GTA of \$79,700. Both members have private aircraft which they use for travel and also make use of charter flights and commercial flights when available. All types of air travel fall under the category of 'airfares' and the higher costs associated with maintaining and using a private aircraft and charter flights may account for those members claiming a higher proportion of their GTA on airfares.

In addition, the Member for Warrego is an Opposition Shadow Minister and the Member for Traeger is the leader of a minor party which may contribute to the higher amount of travel claimed from their GTA.

Comparatively, the Member for Cook had the next highest dollar amount of their GTA claimed for airfares equating to 15% (\$12,000) followed by the Member for Surfers Paradise (Band 1) who spent 63% (\$11,600) of their GTA on airfares.

The Tribunal decided that the quantum of the GTA is adequate at this time and will continue to monitor expenditure against all bands to ensure the allocation is sufficient.

### *Daily Travel Allowance (DTA)*

The current DTA rate claimable from the GTA for overnight stays is:

- \$399 per day for State and Territory capital cities within Australia, as well as Wellington in New Zealand and Port Moresby in Papua New Guinea
- \$284 per day for all other destinations.

Table 5: DTA Expenditure and proportion of expenditure against the ECA

	2018-19	2019-20	2020-21
DTA	\$253,170 (29%)	\$204,882 (35%)	\$263,349 (38%)

As shown in Table 5, the Annual Report for GTA Expenditure indicates that DTA expenditure has increased by 4% from 2018-19 to 2020-21 (from \$253,170 to \$263,349) and the percentage of expenditure against the GTA has increased from 29% in 2018-19 to 35% in 2019-20 and 38% 2020-21.

The Tribunal noted that the DTA was last increased in Determination 21/2020 (August 2020), with the increase coming into effect on 1 November 2020. The Tribunal will continue to monitor DTA expenditure from the GTA to ensure the quantum of the GTA remains sufficient to enable members to travel to conduct parliamentary business.

### *Cross Bench Members - Staff Travel*

On 23 July 2020, the QIRT Act was amended to provide the Tribunal with the additional function of reviewing and determining the entitlements of cross bench members to additional staff members.

In Determination 23/2021 of 24 February 2021, The Tribunal resolved that a cross bench member's additional staff member (Parliamentary Policy Officer) could travel with the cross bench member, and that the cost of the officer's travel can be met from the cross bench member's GTA, provided the member is conducting Parliamentary business related to specific categories.<sup>8</sup> The Tribunal committed to monitoring the claims of cross bench members for additional staff travel to ensure the quantum of the GTA remained sufficient for cross bench members.

Three cross bench members claimed travel for staff from their GTA and ECA for the four-month period from 24 February 2021 to 30 June 2021 for a total of \$3,388.

As the entitlement has been in effect for a limited time, the Tribunal will continue to monitor expenditure by cross bench members on additional staff travel.

<sup>8</sup> Member's Remuneration Handbook, page 27 notes that in the event that staff need to travel but the criteria is not met, certain costs may be acquitted under the ECA.

### *Parliamentary Business Overnight Rate (PBOR)*

The PBOR is claimable for overnight stays in Brisbane. The PBOR is not charged against the member's GTA, but the total sum of claims is reported as a note to the Annual GTA Report tabled in the Parliament.

In Determination 21/2020 the Tribunal increased the rate of the Parliamentary Business Overnight Rate. The current PBOR is shown in Table 6.

Table 6: Parliamentary Business Overnight Rate

Circumstance	Amount
Members provided with overnight accommodation in the Parliamentary Annexe	\$133.00 per day (1/3 <sup>rd</sup> of the current DTA capital city rate)
Members representing Brisbane based electorates not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay (e.g. hotel)	\$133.00 per day (1/3 <sup>rd</sup> of the current DTA capital city rate)
Other members not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay (e.g. hotel)	\$399.00 per day (DTA rate)

The following table compares PBOR claims over a three-year period from 2018 to 2021.

Table 7: PBOR Claims

	2018-19	2019-20	2020-21
Total PBOR amount claimed	\$435,130	\$307,020	\$484,043
Total number of days claimed	4,042	2924	3561
Average PBOR amount claimed per member	\$4,678	\$3,232	\$4,840
Average number of days claimed per member	43.5	30.7	35.6

The Tribunal noted that \$484,043 was claimed under PBOR in 2020-21, an increase of \$177,023 from 2019-20. This may be a result of:

- members being able to travel to Brisbane for parliamentary business more frequently in 2020-21 as a result of the easing COVID-19 pandemic restrictions
- increase in claimable amount of the PBOR following Determination 21/2020 which took effect on 1 November 2020

The total amount of PBOR claimed in 2020-21 is higher than that claimed in 2018-19, however, the average number of days claimed per member is lower (2018-19 – 43.5 and 2020-21 – 35.6)

The Tribunal also noted that Opposition Spokespersons tend to claim the PBOR at a higher rate as they are required to travel to Brisbane for Parliamentary Business on a regular basis as part of their role and responsibilities.

### *Air Warrants and alternate travel*

Twenty-four members representing certain regional electorates are provided with an allocation of 60 Air Warrants per financial year to facilitate travel from the member's electorate to Brisbane and/or return.

Members entitled to Warrant travel are also able to utilise 'alternate' travel options i.e. charter flights, kilometric allowance for travel by private vehicle. The Clerk is required to review all claims and prepare an annual report regarding expenditure against the Warrant allocation. Any unused Warrants as at 30 June each year lapse.

The Tribunal reviewed the use of Air Warrants and alternate travel. It was noted that in 2018-19 only two members claimed alternate travel. In 2019-20, claims increased to eight members and in 2020-21, five members claimed alternate travel. The continued use in alternate travel in 2020-21 may be a consequence of travel choices during the COVID-19 pandemic.

Determination 18/2018 provided members with the option to convert their air warrant allocation to a kilometric rate of reimbursement equivalent to that received by public service employees.

In 2020, the Tribunal made Ruling 2/2020 enabling the Clerk to decide the appropriate rate of kilometric allowance at either 80 cents per kilometre or 37.5 cents per kilometre depending on the circumstances of the travel (i.e. whether a member is 'required' to use their vehicle). It is likely that due to the COVID-19 pandemic some members were required to use their vehicle and able to claim the 80 cents per kilometre rate, leading to a higher overall expenditure of alternate travel.

### *Travel for opposition spokespersons and leaders of minor parties*

GTA expenditure data for Opposition Spokespersons in the 2020-21 financial year was reviewed by the Tribunal. It was noted that of the 18 Opposition Spokespersons, 17 were within their GTA. Four members claimed between 80% and 100% of their GTA and 13 members expended under 80% of their GTA. One member expended 11% over their GTA allocation.

As noted in Determination 21/2020, the Tribunal received submissions regarding the provision of an additional allowance for travel for Opposition Spokespersons. In Determination 21/2020, the Tribunal resolved to:

*"...to write to the Premier recommending amendment to the Opposition Handbook to enable Opposition Spokespersons to claim travel expenses from the budget for the Office of the Leader of the Opposition and an appropriate increase to the opposition budget to facilitate this additional cost. The Tribunal will revisit the matter of travel for Opposition Spokespersons following a response from the Premier.*

The Tribunal agreed to consider the matter further once a position has been received from the Premier and Minister for the Olympics.

## **Transition Allowance**

The Transition Allowance for Members of Parliament was considered and set in Determination 5/2014. The basis of the transition allowance is to assist members to transition from Parliament to the community and the general workforce.

Some key themes that justified the payment of the allowance included:

- the majority of Members of Parliament are not eligible to access a pension or superannuation benefit (related to their service in the Parliament) immediately upon ceasing to be a member;
- a member does not receive leave entitlements or the cash equivalent
- there may be difficulties in transitioning from public life to private life

- a redundancy/severance payment is generally provided to employees in the general workforce when their 'employment' is involuntarily terminated, and
- most jurisdictions provide a similar allowance.

In making Determination 5/2014 the Tribunal noted the following:

- Ordinarily for an employee to receive a termination payment they are required to leave their position involuntarily. Where an employee leaves voluntarily they do not receive a termination payment. The Tribunal noted that 'a redundancy/severance payment is generally provided to employees, when their 'employment' is involuntarily terminated'.
- A member who chooses to leave has time to prepare for and find other employment, whereas a member who loses their seat at an election has to find alternative employment immediately afterward. The Tribunal noted that a member '... may need time to finalise their (Member) responsibilities given the 'immediate' nature of the 'dismissal'.
- Generally, other jurisdictions at the time required the member to leave involuntarily, although what constituted 'involuntary' differed between jurisdictions.

#### Extending the eligibility criteria

The Tribunal was requested to consider concerns expressed by some members regarding anomalies in the way the current eligibility criteria for the Transition Allowance is applied. Specifically, the Tribunal was asked to consider whether eligibility for the allowance should be extended to include a member who voluntarily elects not to stand after a long period of service.

In considering this issue, the Tribunal reviewed the approach to the Transition/Resettlement Allowances provided by other jurisdictions across Australia to Members of Parliament.

Currently, NSW and Tasmania are the only two jurisdictions where members do not have an entitlement to a Transition/Resettlement allowance. Western Australia, Victoria, Northern Territory and the Australian Capital Territory apply a transition allowance for voluntary separation (with some exceptions for those who run for office in another Parliament). The Commonwealth, South Australia and Queensland for involuntary separation only.

The Tribunal determined by majority decision, that there be no change to the current arrangements at this stage but is an issue which will be monitored.

Mr Tutt (Chairperson) was of dissenting view to the majority and supports the position that where a Member who has served three consecutive terms retires from Parliament voluntarily, and there has been no misconduct, the Member should receive 12 weeks base salary. The payment of the allowance after serving three consecutive terms takes into account that unlike other members of the workforce who complete a set period of service with their employer and retire/resign voluntarily, Members of Parliament are not entitled to Long Service Leave.

The Tribunal agreed that the Secretariat is to undertake further research on the Transitional Allowance, including what is provided in other jurisdictions and how misconduct is defined and determined.

## Additional allocation of staff for cross bench Members

Part 2, subdivision 3 of the Act provides for the Tribunal to review and determine entitlements of cross bench members to additional staff members (additional staff member determination).

On 24 February 2021, the Tribunal made Determination 23/2021 in regard to “Additional staff member entitlement for cross bench members” which states:

1. The Tribunal determines that each member who was a cross bench member as at 24 November 2020 is entitled to a 0.5 full time equivalent (FTE) at the salary rate applicable within the Parliamentary Service equivalent to an Administration Officer level 7 (AO7) under the *State Government Entities Certified Agreement 2019 – Queensland Parliamentary Service Award – State 2015*.
2. Appointments to the positions should be made by way of an Employment Contract pursuant to section 27 of the *Parliamentary Service Act 1988* or via secondment arrangements if the person is appointed from an existing Queensland public sector position.
3. The position description for the AO7 ‘Parliamentary Policy Officer’ should be settled by the Clerk of the Parliament as the employing authority.
4. The Parliamentary Policy Officer (PPO) will provide Parliamentary support to the cross bench member and must not:
  - a. support the cross bench member in their electorate or political party functions, or
  - b. be a ‘connected party’ to the cross bench member as defined in the *Member’s Remuneration Handbook* (Remuneration Handbook).
5. Subject to (4) above, the cross bench member has discretion to decide the work arrangements, work location, hours, and schedule for the 0.5 AO7 PPO.

In March 2022, the Tribunal considered correspondence received from two cross bench members seeking an increase in the additional staffing allocation and the removal of the limitation that prevents the PPO from supporting the cross bench member in their electorate office or at political party functions.

The Tribunal supports an increase in the staffing allocation for cross bench members from 0.5 to 1 FTE position, retaining the limitation preventing the PPO from supporting the cross bench member in their electorate office or at political party functions.

# Determination 26/2022

Any inconsistencies between earlier Tribunal Determinations and Determination 26/2022 are resolved in favour of Determination 26/2022. Matters in earlier Determinations not addressed in this Determination are confirmed by the Tribunal and not amended.

## *Electorate and Communication Allowance*

- The Tribunal determines that electorates will be allocated to the following Electorate and Communication Allowance (ECA) bands with effect from 1 July 2021:

Band	Amount	Electorates
1	\$89,200	Gaven, Gladstone, Ipswich, Mundingburra, Oodgeroo, Stretton, Toohey, Waterford
2	\$90,900	Algerster, Broadwater, Bundaberg, Burleigh, Capalaba, Chatsworth, Ferny Grove, Glass House, Hinchinbrook, Inala, Ipswich West, Lockyer, Mansfield, Mermaid Beach, Miller, Mirani, Moggill, Mount Ommaney, Mulgrave, Nicklin, Southport, Springwood, Theodore, Thuringowa, Townsville, Whitsunday
3	\$93,400	Aspley, Bancroft, Bonney, Buderim, Burdekin, Burnett, Cairns, Callide, Cooper, Currumbin, Everton, Greenslopes, Kawana, Keppel, Kurwongbah, Lytton, Macalister, Maroochydore, Morayfield, Nanango, Noosa, Nudgee, Rockhampton, Sandgate, Southern Downs, Surfers Paradise, Toowoomba North, Toowoomba South, Woodridge
4	\$95,200	Barron River, Bulimba, Bundamba, Caloundra, Clayfield, Condamine, Cook, Coomera, Gregory, Gympie, Hervey Bay, Hill, Jordan, Logan, Mackay, Maiwar, Maryborough, McConnel, Mudgeeraba, Murrumba, Ninderry, Pine Rivers, Pumicestone, Redcliffe, Redlands, Scenic Rim, South Brisbane, Stafford, Traeger, Warrego

- The Tribunal determined that Members are to receive a high enrolment supplement in ECA of \$2,500 per financial year if:
  - the electorate is in ECA Band 4; and
  - the number of electors is 25% or more above the quota, over a period of six consecutive months, determined in accordance with the ECQ monthly enrolment data (the high enrolment supplement criteria).
- ECA is paid in two instalments annually – in July and January. Members whose electorates have met the high enrolment supplement criteria in the preceding 6 months will receive a pro-rata payment of the additional funding (\$1250) in their half yearly instalment.
- The Tribunal's decision for the payment of the high enrolment supplement is to take effect from 1 July 2022, with the exception of the Member for Coomera who is to receive an additional ECA of \$2,500 per annum for the 2021/22 financial year.

## *Transition Allowance*

- The Tribunal determined through a majority decision, not to extend the Transition Allowance to Members who retire voluntarily.

*Additional allocation of staff for cross bench Members*

6. The Tribunal determined that the staffing allocation for cross bench members increase from the current allocation of 0.5 full time equivalent (FTE) for a Parliamentary Policy Officer position, to one (1.0) FTE position, to be employed under the same conditions as detailed in Determination 23/2021.
7. The Tribunal's decision for an additional Parliamentary Policy Officer position for cross bench members is to take effect from date of Determination.

*Motor Vehicle Allowance*

8. The Tribunal decided to increase the quantum of the Motor Vehicle Allowance by 2.9% rounded up to the nearest \$100, with effect from 1 July 2022.

**Date of Determination:** 30 March 2022

**Effective Date:** Various



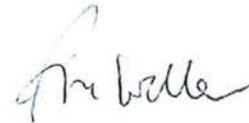
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**Mr Walter Tutt**  
Chairperson



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**Ms Jill Lang AM**  
Member



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**Emeritus Professor**  
**Patrick Weller AO, FASSA**  
Member

