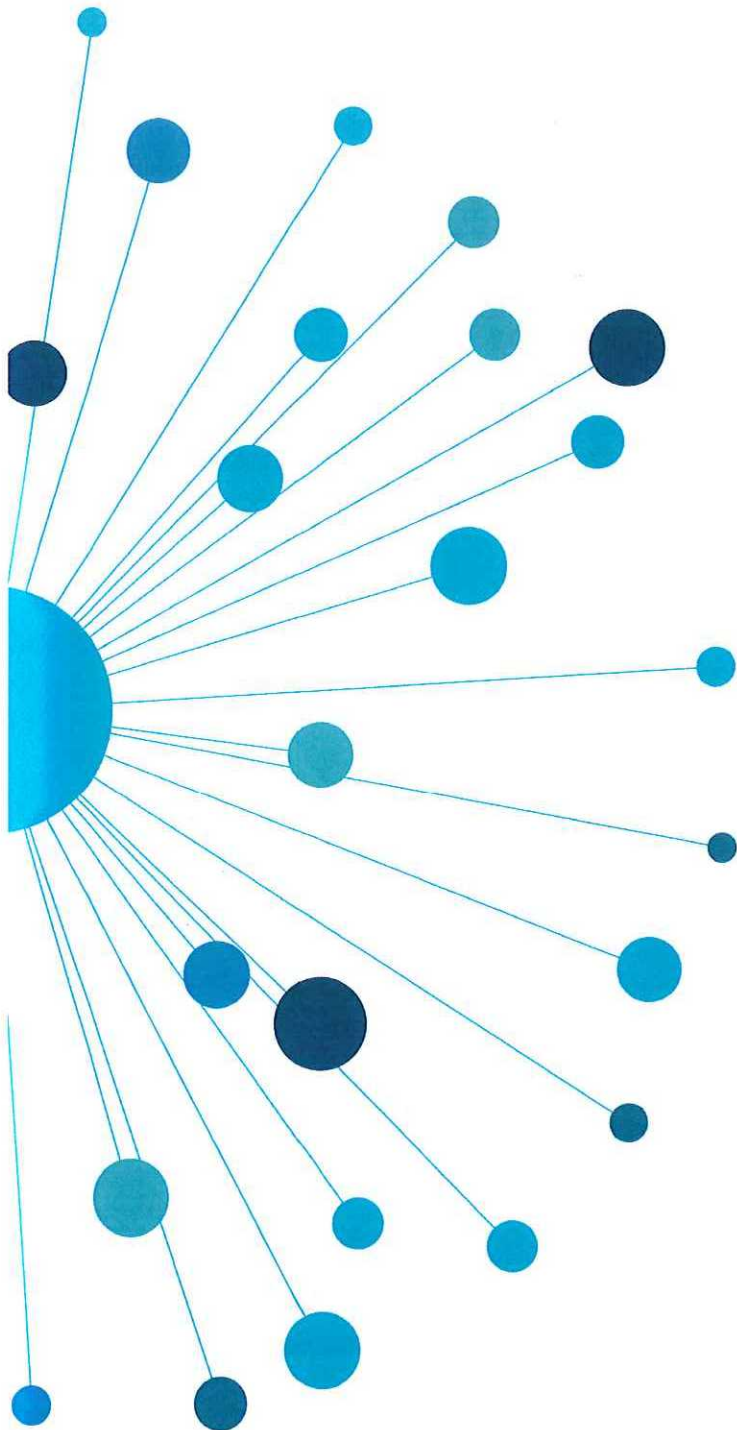


Queensland Independent
Remuneration Tribunal

Remuneration Determination

2021-22 Review of Allowances

Determination 27/2023
27 March 2023



Determination 27/2023

Background and Reasons

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, and took account of, submissions from the Clerk and the Committee of the Legislative Assembly (the CLA) in making Determination 27/2023.

Electorate and Communication Allowance (ECA)

The ECA is provided to cover a range of expenditure associated with:

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

The ECA may not be used to meet expenditure for:

- for private or commercial purposes or to purchase goods and services where the member, or a connect party, is the provider of the goods and services
- political party activity; or
- electioneering/campaigning purposes.

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

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

The quantum of ECA for each band was set in Determination 21/2020 and is shown in Table 1.

Table 1: Quantum of ECA per ECA band

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 100,000km² or more can elect to be provided with an additional electorate office. If the member has a second electorate office, they receive an additional \$1,500 per annum to supplement the ECA for electorate office cleaning costs (*Determination 16/2017 refers*).

In Determination 26/2022, the Tribunal determined to provide a 'High Enrolment Supplement' of \$2,500 per financial year to members if:

- their 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 Electoral Commission of Queensland monthly enrolment data.

ECA bands and electoral roll data

Consistent with the Tribunal's previous commitment to review the electoral roll data, the Tribunal reviewed the electoral roll data as at 30 November 2022 and decided to review the electoral data again in August 2023.

Expenditure of the ECA

The *Annual Report of Electorate and Communication Allowance Expenditure by Members of the Legislative Assembly 1 July 2021 – 30 June 2022* (the 2021 - 22 Annual Report of ECA Expenditure) was tabled by the Clerk of the Legislative Assembly on 16 September 2022.

The ECA is divided into seven categories of expenditure for acquittal and reporting purposes:

- 1) support for constituents and organisations
- 2) hosting costs
- 3) production, publication and distribution services
- 4) telecommunications and data costs
- 5) minor equipment
- 6) office expenses
- 7) other

The Tribunal reviewed members' expenditure of the ECA for 2021 - 22 and made the following observations:

- consistent with previous financial years, *Production, Publication and Distribution Services* constituted the primary category of expenditure at 40% of the total ECA expended, noting however, this has reduced as a percentage of overall ECA expenditure compared with 2020 - 21 when *Production, Publication and Distribution Services* constituted 51% of the total ECA expended by members;
- *Support for Constituents and Organisations* has increased as a proportion of total ECA expenditure constituting 35% of ECA expenditure in 2021 - 22 up from 25% in 2020 - 21;
- in 2021 - 22 all members expended over 80% of their ECA (apart from the Member for Callide who resigned in March 2022) and there has been an increase in members

- expending between 95% and 100% of their ECA compared with 2020 - 21 and 2019 - 20; and
- six members expended 100% of their ECA, or over, in 2021 - 22 compared with twelve members in 2020 - 21.

The Tribunal observed that the expenditure data suggests that the quantum of ECA remains appropriate and that notwithstanding increasing costs, current allowances reflect the amount of reasonable expenses incurred by a member in servicing their electorate.

High Enrolment Supplement

In Determination 26/2022, the Tribunal determined that members are entitled to receive a High Enrolment Supplement of \$2,500 per financial year if the High Enrolment Supplement criteria are met:

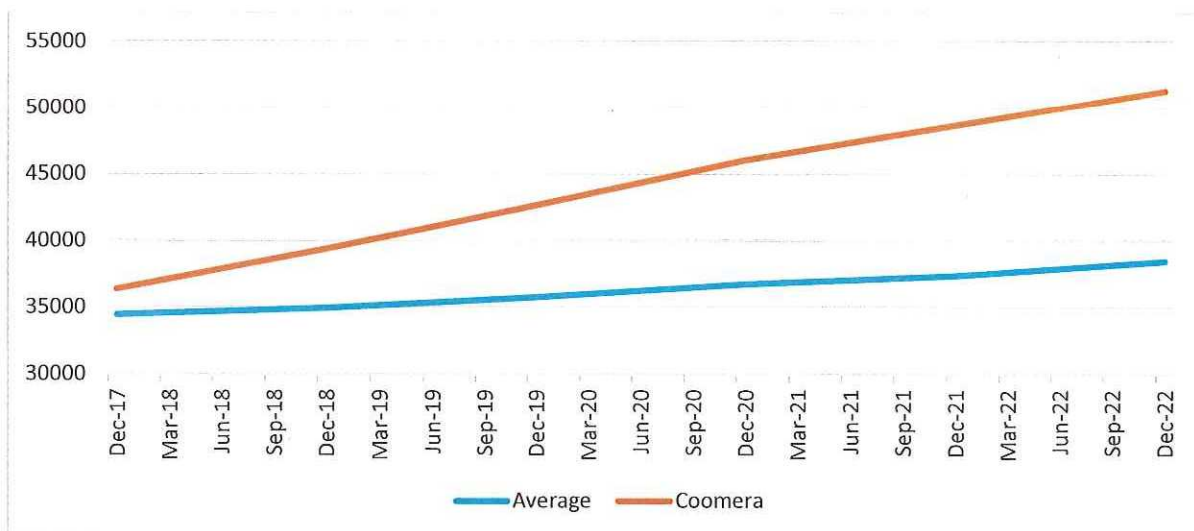
- the electorate is in ECA Band 4; and
- the number of electors is 25% or more above the quota, over a period of six consecutive months, determined in accordance with the ECQ monthly enrolment data.

It was also determined that members whose electorate has met the High Enrolment Supplement criteria in the preceding 6 months will receive a pro-rata payment of the additional funding of \$2,500 per annum, paid in half yearly instalments. This took effect from 1 July 2022, with the exception of the Member for Coomera who received an additional amount of \$2,500 per annum for the 2021 - 22 financial year.

The Member for Coomera continues to be the only member eligible to receive the High Enrolment Supplement. The Tribunal noted that Coomera is an outlier in terms of voter enrolment and population increases and accordingly the member for Coomera is required to expend a greater amount of their ECA to service the electorate and support his constituents.

Figure 1 shows the increase in voter registrations in Coomera compared with the average number of enrolled electors for an electoral district (the quota) since the last State Electoral redistribution took effect.

Figure 1: comparison of average number of enrolled electors for an electoral district and Coomera



The Tribunal notes that high enrolment numbers are likely to continue to be an issue for the Coomera electorate in the medium term, noting that the next State electoral redistribution is due to occur following the State General Election in 2024.

The Tribunal also noted that there are other electorates above the quota that have not yet met the criteria for the High Enrolment Supplement. The Tribunal is mindful that any adjustment to

the quantum of the High Enrolment Supplement will only impact on the Member for Coomera until other electorates meet the High Enrolment Supplement eligibility criteria.

The Tribunal noted that the High Enrolment Supplement amount of \$2500 is equivalent to the greatest difference between the ECA bands (i.e. the difference between band 2 and band 3).

The Tribunal decided to increase the High Enrolment Supplement to \$5,000 per financial year with no further consideration of changes to the quantum of the High Enrolment Supplement to occur until the next State Electoral Redistribution takes effect.

General Travel Entitlement (GTE)

The GTE consists of three components:

1. the Motor Vehicle Allowance - covers expenditure incurred in acquiring and maintaining a member's vehicle.
2. the General Travel Allocation - covers a range of travel expenses incurred by members (and in limited cases, their spouses and staff) when required to travel for the primary purpose of conducting Parliamentary Business¹ (incorporates air and ground travel and overnight expenses).
3. Air Warrant (Alternate) travel - facilitates travel from certain regional electorates to/from Brisbane to conduct Parliamentary Business.

The Parliamentary Business Overnight Rate (Brisbane) (PBOR) can also be claimed (outside of the GTA) by members representing certain electorates for overnight stays in Brisbane where the member is travelling for the primary purpose of conducting Parliamentary Business in Brisbane city.

Motor Vehicle Allowance (MVA)

The MVA is provided to cover expenditure incurred in acquiring and maintaining a member's vehicle. It 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 this allowance is the property of the member.

The MVA bands, amounts and electorate sizes are detailed in Table 2.

Table 2: Motor Vehicle Allowance

Band	MVA amount	Electorate km2
Band 1	\$27,100	0-1000
Band 2	\$34,000	1001-10,000
Band 3	\$44,600	10,001 and over

In accordance with Determination 2/2013, the MVA is not subject to acquittal, reporting or audit requirements. The allowance is subject to PAYG income tax and members are required to comply with Australian Taxation Office (ATO) requirements as they relate to motor vehicle allowances.

The Tribunal has considered:

¹ Definition of Parliamentary Business includes Parliamentary Committee business and is provided at p.23 of the *Remuneration Handbook* available at <https://www.parliament.qld.gov.au/Members/Members-and-Former-Members-Entitlements>

- RACQ's *Private Vehicle Expenses 2022 Report*² and fuel cost reports³ on the cost of owning and operating vehicles for private purposes over the last five years, noting increased costs for fuel, registration and insurance, tyres and battery, and service and repairs;
- the Australian Bureau of Statistics Consumer Price Index Data for Brisbane from September 2021 to September 2022 showing a 9.2% increase in transport costs, and
- a selection of economic indices for 2021 - 22.

The Tribunal has decided to increase the MVA for all bands by 2.5% with effect from 1 January 2023.

General Travel Allocation (GTA)

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 include air travel, ground travel and overnight expenses (Daily Travel Allowance). The GTA is an allocation held by the Parliamentary Service and claimed by members.

There are four bands of the GTA based on the land area of each electorate. The current bands, amounts and ranges are listed in Table 3.

Table 3: General Travel Allocation Bands

Band	Amount	Range km2
1	\$18,360	0 – 4,499
2	\$30,040	4,500 - 49,999
3	\$40,000	50,000 – 99,999
4	\$79,700	100,000 and over

On 16 September 2022, the Clerk tabled the *Annual Report of General Travel Allocation Expenditure by Members of the Legislative Assembly for the Period 1 July 2021 to 30 June 2022*.

The Tribunal reviewed members' claims from the GTA for 2021 - 22 and made the following observations:

- airfares and the Daily Travel Allowance (DTA) continue to be the primary categories of GTA claimed by members;
- the total quantum of GTA claims for all members prior to the COVID-19 pandemic (2018-19) are significantly higher than in the following financial years;
- total GTA claims by members in 2021 - 22 have remained consistent since 2018 - 19 with the majority of members claiming less than 40% of their GTA;
- in 2021 - 22, no members claimed more than 100% of their GTA, one member claimed 100% of their GTA and four members claimed 90-100% of their GTA; and
- average claims from the GTA for 2021 - 22 for each band follow:
 - Band 1 members – 15% of GTA
 - Band 2 members – 44% of GTA
 - Band 3 members – 34% of GTA

² <https://www.racq.com.au/about-us/news-and-media/news/2022/12/racq-vehicle-operating-costs-2022>

³ <https://www.racq.com.au/car/fair-fuel-prices>

- o Band 4 members – 71% of GTA

The Tribunal determined that the quantum of the GTA is sufficient for all bands.

Opposition Spokespersons

In their submissions, the Clerk and the CLA raised that Opposition Spokespersons and Leaders of Minor Parties are called upon to undertake official travel more frequently than the majority of other backbench members and there is no recognition in the current framework for this additional travel.

The Tribunal noted that no Opposition Spokespersons claimed over 100% of their GTA in 2021-22, and agreed to consider the matter further on review of the 2022-23 allowance expenditure data.

Cross bench members – additional staff member travel

The Tribunal committed to reviewing expenditure on travel for the Parliamentary Policy Officer allocated to each cross bench member. The Tribunal notes that only two cross bench members claimed travel for their additional staff member from their GTA in 2021 - 22 and that the amount of GTA claimed for this travel does not require a subsequent adjustment to the quantum of the GTA.

Daily Travel Allowance (DTA) and Parliamentary Business Overnight Rate (PBOR)

DTA

When a member travels for the primary purpose of conducting Parliamentary Business, and that travel necessitates an overnight absence from their normal place of residence, and associated overnight expenses are incurred, then a DTA may be claimed from the GTA.

DTA may be claimed to meet a variety of expenses including:

- accommodation
- meals/beverages
- hotel telephone/data costs
- dry cleaning
- incidentals
- portorage

The amount of the DTA is provided at Table 4.

Table 4: DTA rate for travel within Australia, New Zealand (NZ) or Papua New Guinea (PNG)

Location of overnight stay	Amount
State and Territory capital cities within Australia as well as Wellington (NZ) and Port Moresby (PNG)	\$399.00 per day
All other destinations	\$284.00 per day

Note: Where a member is provided with complimentary accommodation or stays with relatives or friends a DTA rate of 1/3rd of the full rate applies.

Where a member is required to travel overseas, other than to NZ or PNG, the rate is \$333.00 per day.

PBOR

The PBOR is claimable for overnight stays in Brisbane where the stay is for the primary purpose of Parliamentary Business. 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.

The PBOR rates are detailed in Table 5 on the following page.

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Table 5: PBOR for stays in Brisbane CBD

Circumstance	Amount
Members provided with overnight accommodation in the Parliamentary Annexe	\$133.00 per day
Members representing Brisbane based electorates not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay	\$133.00per day
Other Members not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay	\$399.00 per day

The DTA and PBOR amounts were last amended by the Tribunal in Determination 21/2020, based generally on the ATO allowances detailed in Taxation Determination TD 2019/11.

TD 2022/10⁴ is the current ATO taxation determination that applies to the 2022-23 income year with amounts of allowances for overnight stays at a higher rate than those currently provided to members. The Tribunal has received advice that the cost for travel to High Cost Country Centres (Other domestic destinations) has increased due to significant increases in commercial accommodation prices.

The Tribunal has decided to increase the DTA and PBOR rates as follows:

Table 6: DTA rates

Location of overnight stay	Current Amount	New Amount
State and Territory capital cities within Australia as well as Wellington (New Zealand) and Port Moresby (Papua New Guinea)	\$399.00 per day	\$416.00 per day
All other destinations	\$284.00 per day	\$330.00 per day

Note: Where a member is provided with complimentary accommodation or stays with relatives or friends a DTA rate of 1/3rd of the full rate applies.

Table 7: PBOR rates

Circumstance	Current Amount	New Amount
Members provided with overnight accommodation in the Parliamentary Annexe	\$133.00 per day	\$139.00 per day
Members representing Brisbane based electorates not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay	\$133.00per day	\$139.00 per day
Other Members not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay	\$399.00 per day	\$416.00 per day

Where a 1/3rd DTA or PBOR rate applies, this will be rounded up to \$139.00 per day.

The Tribunal confirmed the current overseas DTA rate of \$333.00 per day is to remain unchanged.

The Tribunal notes that the increased DTA rates may lead to an increase in the overall GTA claimed by members. The Tribunal will monitor members' GTA claims in 2023 to ensure the quantum of the GTA remains sufficient.

⁴ <https://www.ato.gov.au/law/view/document?docid=TXD/TD202210/NAT/ATO/00001#H44>

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Any inconsistencies between earlier Tribunal Determinations and Determination 27/2023 are resolved in favour of Determination 27/2023. Matters in earlier Determinations not addressed in this Determination are confirmed by the Tribunal and not amended.

Electorate and Communication Allowance – High Enrolment Supplement

1. The Tribunal determines that the High Enrolment Supplement is \$5,000 per financial year and that this amount will not be re-considered until the next State Electoral Redistribution takes effect.
2. The Tribunal determines that the High Enrolment Supplement of \$5,000 per financial year is to be paid to the Member for Coomera from 1 January 2023.

Motor Vehicle Allowance

3. The Tribunal determines that the Motor Vehicle Allowance will increase by 2.5% for all bands and that the increase will be back dated to 1 January 2023.

General Travel Allocation – Daily Travel Allowance

4. The Tribunal determines that the Daily Travel Allowance will be set as follows:

Location of overnight stay	Amount
State and Territory capital cities within Australia as well as Wellington (New Zealand) and Port Moresby (Papua New Guinea)	\$416.00 per day
All other destinations	\$330.00 per day

5. Where 1/3rd of the Daily Travel Allowance amount applies, the Tribunal determines that this will be set at \$139.00 per day.
6. The Tribunal determines that the changes in the Daily Travel Allowance amount applies from 1 January 2023.

Parliamentary Business Overnight Rate

7. The Tribunal determines that the Parliamentary Business Overnight Rate will be set as follows:

Circumstance	Amount
Members provided with overnight accommodation in the Parliamentary Annexe	\$139.00 per day
Members representing Brisbane based electorates not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay	\$139.00 per day
Other Members not provided with overnight accommodation in the Parliamentary Annexe who stay in commercial accommodation facilities for an overnight stay	\$416.00 per day

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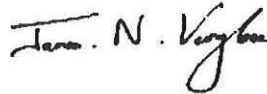
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8. The Tribunal determines that the change in the Parliamentary Business Overnight Rate will apply from 1 January 2023.

Date of Determination: 27 March 2023



Keitha Dunstan
Chairperson



Jim Varghese
Member



Patrick Weller
Member