

**Submission to Tasmanian Industrial Commission  
Parliamentary Salaries and Allowances**

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**Whips** – There should be no additional payment made to Whips. This is for 2 reasons.

Firstly, the definition of ‘whip’ as it pertains to Parliament in the Oxford Dictionary (1998) is as follows;

*an official of a political party appointed to maintain parliamentary discipline amongst its members, especially as to ensure attendance and voting in debates.*

As a party whip works for the benefit of his or her party, any additional remuneration should be paid by the political party with no cost incurred by the taxpayer.

Secondly, while a historic position brought from England (its lower house has 650 members) the current size of the House of Assembly (25 members) with the Liberal party holding 13 seats does not justify the position of a whip or any additional salary. With the opposition having smaller numbers in the House, this is even more applicable.

If a political party consisting of nine ministers, one Speaker, one Parliamentary Secretary, one backbencher and, currently, a government whip cannot organise attendance and voting at ‘debates’ without a whip, then one would have to question their abilities. This applies to the Opposition whip as well, although I would suggest that this position does not act for all members who are not part of the dominant party.

**Secretary to Cabinet**

There are two questions relating to this position, unnecessary in the current parliament.

1. What is the role and duties of this position?
2. What is the relationship between this position and the Premier, Cabinet Office and Office of the Secretary of the Department of Premier and Cabinet?

Currently no member of parliament is recognised as the Secretary to Cabinet in the Tasmanian Parliament website. There is no member of Parliament listed as the secretary to cabinet in the Tasmanian Government’s Cabinet website. Given the propensity of all members of parliament to tell the world about themselves, it can be concluded that some other person is in the role of secretary to cabinet.

The Cabinet Handbook footnote reads, as follows;

*The Cabinet Secretary may be a person appointed to that role under the Constitution Act 1934, a Parliamentary Secretary to Cabinet appointed by the Premier, a member of Cabinet nominated by the Premier, or the Secretary of the Department of Premier and Cabinet or their delegate. In this Handbook the term "Cabinet Secretary" is used to refer to any of these positions.*

[The appointment of *the Secretary of the Department of Premier and Cabinet or their delegate* appears to disagree with the Constitution Act 1934 which states that:

**8F Appointment of Secretary to Cabinet**

*(1) The Governor may, from time to time, appoint a Member of the Council or the Assembly to hold office as Secretary to Cabinet.*

*(2) A person shall not be appointed to hold office as Secretary to Cabinet if he is a Minister of the Crown.*

*(3) A person shall not be appointed as a Minister of the Crown if he is holding office as Secretary to Cabinet. ]*

Based on the Cabinet Handbook, if no member of Parliament is acting as the secretary to cabinet, does the person in this position receive an additional salary in excess of \$42,000? If a member of parliament is appointed secretary to cabinet, does the salary of the Secretary of the Department of Premier and Cabinet decrease by the same amount? A similar question could be asked of the Secretary of the Department of Premier and Cabinet where his or her delegate acts as the secretary to cabinet – what proportion of the \$42000 plus does the Secretary of the Department of Premier and Cabinet or his or her delegate receive?

If the current non-member of Parliament secretary to cabinet is capable of undertaking this work without additional remuneration, is not a parliamentary member of the ‘ruling’ political party as capable?

Alternatively, given that the appointment of the secretary to cabinet is an appointment by the premier, the role of secretary to cabinet is not part of the employment of the Secretary of the Department of Premier and Cabinet. Does this mean that the position of secretary to cabinet, when a member is appointed to this role, costs the taxpayer over \$84,000.

Overall the information provided for additional salary does not provide adequate justification. This information should include the arguments why the salary regime relating to an additional ‘position’ held by a member of parliament should be substantially different from the same position held by a non member when undertaking the same function.

**Leader and Deputy Leader for the Government**

I question the additional salary paid to the Leader and Deputy Leader for the Government. It is assumed that these positions would be held by members of the political party that has formed government. This is the existing case with the two Liberal members holding these positions.

It is assumed that both Liberal members would:

1. support the actions of the Liberal government; and
2. exhibit and illustrate their loyalty to their sponsoring political party.

If these assumptions are valid, then it would mean prosecuting the government’s agenda in the council irrespective of any additional salary.

An additional question is the function of the President of the Council. Given that one of the principal purposes of the Council is to review any legislation referred to it by the Assembly, this

'government business' must feature as a strong consideration in setting the council's agenda and work timetable.

There are no boundaries given to this position. Is this all government business (negotiations surrounding teacher and nurse pay levels) or is it just the legislation passed by the Assembly's dominant political party?

As with the position of 'whip', these are political party appointments and additional salaries should be paid by the political party.

It would be interesting for the Commission to discuss governance issues relating to the Legislative Council if the house's dominant political party did not have one of its members on the council. If the positions of leader and deputy leader of government business are required, how would the Council function if no member of the Assembly's dominant political party was elected to the Council?

This is possible given the strong history of independents. If this did occur, how and at what monetary cost would the government of the day have its legislation addressed by the Council?

### **Base Salary**

The issues paper provides as an appendix what it considers to be the roles of a member of parliament. However there is little information as to whether or not the current members are fulfilling these.

These roles are listed as:

- (i) A representative of the people in their electorate who must play an active role in their community - listening and providing advice and assistance to, and advocating for, individual constituents,*
- (ii) Providing a direct link between their electorate and the Parliament,*
- (iii) Advocating on behalf of their constituency as a whole,*
- (iv) Contacting and supporting the communities within their electorate and acting as a lobbyist for local interest groups,*
- (v) Performing parliamentary functions as a member of the House of Assembly or Legislative Council, such as debating legislation and participating in general debates, scrutinising the actions of the executive government through asking questions on notice or without notice and making speeches, particularly on topics that affect their constituency,*
- (vi) Serving on parliamentary committees, as required, to examine specific issues and legislation that comes before the Parliament,*
- (vii) Participating in internal party processes and meetings, and being a communicator for their party's policies, where applicable, and*
- (viii) Promoting Tasmania and advocating on behalf of the State.*

It can be argued that the most dominant factor in the work of a member is membership of his or her sponsoring political party. This means that the seventh role in the list above dominates.

Given the electoral system in Tasmania, questions arising include:

- How often do the five members from one electorate get together to discuss the problems facing their electorate?

- Have they all lobbied for an agreed or similar solution to such a problem and/or provided combined voice in parliament?
- How often have the five members of an electorate voted as a block on an issue which is contentious for political parties?

Such questions lead to wondering about the basis upon which the Commission determines the base salary.

From the information provided, the general argument appears to be the position of Tasmanian politicians (equally described as committee members as each house is a committee) amongst public officials of the state and their relative ranking amongst other Australian 'committees'.

The criteria and method for determining the salary or wage of any group of people should be the same for all people. It should not matter whether they are politicians, plumbers, nurses or kitchen hands.

## **Electoral Allowances**

### **Legislative Council**

Table 8 illustrates the differences between electorates. Currently there is a difference of \$18898 (1 July 1918) between the highest and lowest allowances. It is assumed that each electorate would have a set of core purposes on which this allowance can be spent.

Currently the allowance of Group 5 electorates (\$32394) meets the needs of this core. Any amounts above this are provided for specific and documented reasons and any use of funds in excess of the lowest allowance should be restricted to these specific purposes. This would mean that monies for airfares to Flinders and King Islands can't be used to pay for postage.

### **House of Assembly**

Similar points apply to the house although the amounts differ. Again, any additional funds are provided above the lowest electoral allowance, the reasons for these additional funds must be identified, the spending of such funds must be restricted to these purposes and relevant details documented.

Generally for both houses, some restrictions should be placed on 'saving' up an electoral allowance for use in an election campaign, be a state or federal election. Unspent electoral allowances should not be carried over to the following year.

### **Specific expenses**

The actual items that can be claimed as an electoral expense should meet the requirements of the Australian Tax Office.

There should be a requirement for each member to provide a report on how they have spent their electoral allowance. The information in these reports would be publicly available as are *Register of Interests of Members* statements. As it can be assumed that each member keeps detailed records of his or her electoral allowance, this is not a great ask. Also it allows greater transparency in how members are spending the taxpayers' dollars.

### **Home office expenses**

These should be treated separately as any 'improvements' (desk, book shelves, etc. ) would remain with the member after he or she leaves office. It is suggested that the basic needs and requirements of a home office be identified and any additions above these are at the member's expense. These expenses could then be claimed as a tax deduction.

### **Committee Fees**

The additional salary to the Chair of a Committee is adequate. Providing an allowance above this should not be provided, especially as serving on parliamentary committees is identified as one of the basic roles of a member. In addition, the Chairs of these committees should be adequately resourced and this support should also be considered when considering sitting fees for committee chairs.

### **Taxi Fares**

Given that members are provided with a vehicle or support for a private vehicle, taxi fares should not be part of the electoral allowance. It can be argued that using a taxi can be more efficient and effective but this use is the choice of the member. The costs incurred can be included as an expense on his or her tax return.

### **Away from Home Travelling Allowance.**

While this allowance should be paid, there are three points which need to be clarified to allow transparency in its use.

- What is the definition of 'official parliamentary business'?
- When does 'official parliamentary business' occur eg sitting days only? and
- Who determines 'official parliamentary business' – speaker, president, clerk of the house, etc.?

Where a member exceeds this allowance, any excess should be considered as a personal expense.

### **Bass Strait Islands Travelling Allowance**

This should continue on condition that the additional expense of having these islands within an electorate is not part of a higher electoral allowance.

### **Resettlement Allowance**

Members voluntarily and knowingly enter into a contract for one election cycle which they know may or may not be renewed at election time. Thus all should be well aware that their financial circumstances may change at election time. Any 'financial shock' reflects on a member's opinion of his or her opinion of themselves and/or poor management of his or her personal finance, a skill or lack thereof he or she would have brought to the parliament.

There is a substantial number of people on contracts of varying lengths of time with an assortment of conditions that receive no resettlement or similar allowance. The history of treatment of sub-contractors is an example of the many other people who receive a far greater

'financial shock' when a contract is terminated.

If a resettlement allowance is to be provided, it should be kept to a minimum and instead of reflecting that provided to members of other parliaments, the allowance should reflect the equivalent paid to Tasmania's public servants.

Finally, the Tribunal should consider possible changes to the Tasmanian Electoral Act which is under review.