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SALARIES AND ALLOWANCES ACT 1975

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**SALARIES AND ALLOWANCES  
TRIBUNAL**



**SALARIES AND ALLOWANCES ACT 1975**

## SALARIES AND ALLOWANCES TRIBUNAL

## DETERMINATION

**A DETERMINATION MADE IN ACCORDANCE WITH SECTION 6(1)(c)(d) AND (e) OF THE SALARIES AND ALLOWANCES ACT 1975 FOR PUBLIC SERVICE OFFICE HOLDERS INCLUDED IN THE SPECIAL DIVISION AND PERSONS HOLDING OFFICES PRESCRIBED IN SALARIES AND ALLOWANCES REGULATION NUMBER 3**

The Tribunal last issued a determination dealing with the holders of Special Division positions and prescribed offices on 8 April 2004. In accordance with section 8 of the *Salaries and Allowances Act 1975*, the Tribunal is required to issue a determination at intervals of not more than 12 months. Accordingly it has undertaken a further enquiry into the current classification and remuneration applicable to this group of office-holders.

**BACKGROUND**

The Tribunal, for sometime, has been aware of anomalies and inconsistencies in the classification of some positions within the Special Division and Prescribed Office holder group. These have arisen as a result of machinery of government changes over recent years and also because of increases in the need for special allowances for the attraction and retention of staff.

The Tribunal also has been made aware of some difficulties in recruitment to some of the positions under consideration here, particularly those in the higher classification brackets.

The Tribunal has been reluctant to make changes to individual levels of remuneration or classifications that might aggravate anomalies and inconsistencies. The Tribunal indicated in its determination of April 2004 that it was committed to a comprehensive review of the classification of all positions prior to making any significant adjustments in the salary and allowances of any positions.

It was considered sensible not to finalise the review until such time after the State Election that would enable it to take account of any "machinery of government" changes by the incoming government. The Tribunal will continue to progress the review and a further determination will be issued when it is completed.

**CURRENT REVIEW**

For the purposes of gathering data, the Tribunal placed an advertisement in "The West Australian" of 4 February 2005 calling for submissions from interested persons and organisations.

In making this determination, the Tribunal has taken into account a range of relevant factors including national economic indices published by the Australian Bureau of Statistics, specifically the December Quarter 2004 Consumer Price Index, the November Quarter 2004 Average Weekly Earnings Index and the December Quarter 2004 Labour Price Index; the State Government's current wages policy; movements in wages in Western Australia, and remuneration adjustments to other positions under the Tribunal's jurisdiction in the last twelve months. Recent projections by Australia's leading banks on Consumer Price Index, Average Weekly Earnings Index and the Wage Cost Index (Labour Price Index) have been examined. The Tribunal also has accepted the advice it received on difficulties in the recruitment of some senior staff.

As a consequence, the determination should take into account both adjustments for economic conditions and the need to recognise difficulties in recruitment. The Tribunal has decided on an across-the-board increase and additional margins for office-holders in Groups 2 to 4. The Tribunal notes it will re-assess the case for special allowances on completion of the review of classifications.

Special Division Legal Officers

No further adjustment is made in this determination to the salaries of legal officer positions in the Special Division, remuneration for which has already been the subject of a separate determination effective from 1 January 2005. The existing salary levels are stated in the Schedules which follow for the purposes of consolidation only.

Clerks of the Parliament

The Tribunal also determines the salaries of the Clerk and Deputy Clerk of the Legislative Assembly and of the Legislative Council at the same time as other senior positions in the Special Division and Prescribed Office holders.

**DETERMINATION**

Having given due consideration to all the information at hand, the Tribunal has resolved to grant an across-the-board increase of 3.6 per cent and additional margins for office-holders in Groups 2 to 4. The total increase for Group 2 will be 4.1 per cent, Group 3 will be 4.6 per cent and Group 4 will be 5.1 per cent. The resulting remuneration levels are set out in the First and Fourth Schedules which follow.

The determination will now issue.

Signed at Perth this 7th day of April 2005.

Professor M. C. Wood  
CHAIRMAN  
SALARIES AND ALLOWANCES TRIBUNAL

J. A. S. Mews  
MEMBER

M. L. Nadebaum  
MEMBER

DETERMINATIONS  
FIRST SCHEDULE

**HOLDERS OF OFFICES INCLUDED IN THE SPECIAL DIVISION OF THE PUBLIC SERVICE  
AND PRESCRIBED OFFICES**

Pursuant to section 6(1)(d) and (e) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the salaries to be paid to the officers of the Public Service holding offices included in the Special Division of the Public Service and the persons holding Prescribed Offices, as listed below, shall be the following with effect from 1 May 2005.

**PART 1—SALARIES AND OFFICES**

		<b>Tenured Salary</b>	<b>Non-tenured Salary</b>
<b>Group 1</b>	Minimum	\$121,390	\$145,668
	Maximum	\$128,773	\$154,528
<b>Group 2</b>	Minimum	\$137,134	\$164,560
	Maximum	\$144,624	\$173,548
<b>Group 3</b>	Minimum	\$156,952	\$188,343
	Maximum	\$171,852	\$206,222
<b>Group 4</b>	Minimum	\$191,276	\$229,531
	Maximum	\$210,201	\$252,241

The salaries are inclusive of Annual Leave Loading. This was effective from 1 August 2000.

<b>AGENCY</b>	<b>OFFICE</b>	<b>CLASSIFICATION</b>	
Department of Agriculture	Director General	Group 3	Maximum
Alcohol and Drug Authority	Chief Executive Officer	Group 1	Maximum
Office of the Auditor General	Auditor General Plus an allowance of 15% of determined salary (inclusive of the incremental allowance) payable to Mr Pearson	Group 4	Minimum
Coastal Shipping Commission	General Manager	Group 2	Minimum
Department for Community Development	Director General	Group 3	Maximum
Department of Conservation and Land Management	Executive Director	Group 3	Maximum
Department of Consumer & Employment Protection	Director General	Group 3	Minimum
	WorkSafe Western Australia Commissioner	Group 1	Maximum
	Commissioner for Fair Trading Plus an attraction/ retention allowance of 7.5% of determined salary payable to Mr Walker	Group 1	Maximum
Department of Culture and the Arts	Director General	Group 2	Maximum

AGENCY	OFFICE	CLASSIFICATION	
Curriculum Council of Western Australia	Chief Executive Officer Plus an allowance to Group 2 Maximum whilst Ms Jeffery also acts in the position of CEO of the Department of Education Services	Group 2	Minimum
Disability Services Commission	Director General	Group 3	Minimum
Office of the Director of Public Prosecutions *Note: With effect from 1 January 2005	Director Legal Services		\$234058*
	Consultant State Prosecutor		\$195492*
East Perth Redevelopment Authority	Chief Executive Officer	Group 1	Maximum
Department of Education and Training	Director General	Group 4	Maximum
	Deputy Director General (Schools)	Group 2	Maximum
	Deputy Director General (Training)	Group 2	Maximum
Department of Education Services	Chief Executive Officer	Group 2	Minimum
Western Australian Electoral Commission	Electoral Commissioner	Group 2	Minimum
	Deputy Electoral Commissioner	PS Level 9	
Office of Energy	Coordinator of Energy Plus an allowance of 15% of determined salary payable to Ms Nolan	Group 2	Maximum
Department of Environment	Chief Executive Officer With an allowance to Group 2 Maximum, whilst the occupant also acts in the position of Chief Executive Officer, Water and Rivers Commission, with effect from 30 September 2004	Group 1	Maximum
Equal Opportunity Commission	Commissioner for Equal Opportunity	Group 1	Maximum
Fire and Emergency Services Authority	Chief Executive Officer	Group 2	Maximum
Department of Fisheries	Executive Director	Group 2	Minimum
Forests Products Commission	General Manager	Group 2	Maximum
Government Employees Superannuation Board	Executive Director Plus an allowance of 15% of determined salary payable to Ms Dolin	Group 3	Minimum
Department of Health	Deputy Director General—Healthcare* *If a Senior Medical Practitioner occupies this position the level of remuneration shall be Group 2 Maximum plus the Incremental Allowance and a loading of 30% in lieu of other allowances normally received.	Group 2	Maximum

AGENCY	OFFICE	CLASSIFICATION	
	Deputy Director General—Corporate & Finance	Group 2	Maximum
	Executive Director—Population Health	Group 2	Minimum
Office of Health Review	Director	Group 1	Maximum
Department of Housing & Works	Director General	Group 3	Maximum
Department of Indigenous Affairs	Commissioner for Aboriginal Planning	Group 2	Minimum
Department of the Registrar Western Australian Industrial Relations Commission	Registrar	Group 1	Minimum
Department of Industry and Resources	Director General	Group 4	Minimum
Office of the Information Commissioner	Information Commissioner	Group 1	Maximum
Office of the Inspector of Custodial Services	Inspector of Custodial Services	Group 1	Maximum
Department of Justice *Note: With effect from 1 January 2005	Director General	Group 3	Maximum
	State Solicitor		\$260065*
	Parliamentary Counsel		\$260065*
	Queen's/Senior Counsel		\$247061*
	State Counsel		\$234058*
	Deputy State Solicitor		\$221055*
	Deputy Parliamentary Counsel		\$221055*
Department of Land Information	Chief Executive	Group 2	Maximum
	Valuer General	Group 1	Minimum
Western Australian Land Authority	Chief Executive Officer	Group 2	Minimum
Library Board of Western Australia	State Librarian	Group 1	Maximum
Department of Local Government & Regional Development	Director General	Group 2	Minimum
Lotteries Commission	Chief Executive Officer	Group 1	Maximum
Main Roads Department	Commissioner of Main Roads	Group 3	Maximum
Mental Health Review Board	President	Group 1	Maximum
Midland Redevelopment Authority	Chief Executive Officer	Group 1	Minimum
Western Australian Museum	Director of the Museum	Group 1	Minimum
Parliamentary Commissioner for Administrative Investigations	Commissioner	Group 3	Minimum
	Deputy Commissioner	Group 1	Minimum
Department for Planning & Infrastructure	Director General	Group 4	Minimum
Western Australian Police Service	Commissioner of Police	Group 4	Minimum
	Executive Director	Group 2	Minimum
	Deputy Commissioner of Police (Operations)	Group 2	Minimum
	Deputy Commissioner of Police (Standards and Reform)	Group 2	Minimum

AGENCY	OFFICE	CLASSIFICATION	
	Assistant Commissioners Plus and allowance of 6.5% of determined salary to Mr Lienert whilst he occupies the position of Assistant Commissioner, Corruption Prevention and Investigation	Group 1	Minimum
Department of the Premier and Cabinet	Director General	Group 4	Maximum
	Executive Director Policy Division	Group 3	Minimum
Office of the Public Sector Standards Commissioner	Commissioner for Public Sector Standards	Group 4	Minimum
Public Transport Authority	Chief Executive Officer Plus an allowance to Group 3 Maximum for the duration of the New Metro Rail Project	Group 3	Minimum
Department of Racing, Gaming and Liquor	Director General	Group 2	Minimum
Rottnest Island Authority	Chief Executive Officer Plus an allowance of 5% of determined salary whilst Mr Amaranti occupies the position.	Group 1	Maximum
Small Business Development Corporation	Managing Director	Group 1	Minimum
Department of Sport and Recreation	Director General	Group 1	Maximum
State Supply Commission	Chief Executive Officer	Group 1	Maximum
Racing and Wagering WA	Chief Executive Officer	Group 1	Maximum
Western Australian Tourism Commission	Chief Executive Officer While occupied by Mr Muirhead the salary shall be at the Group 3 Maximum level	Group 2	Minimum
Department of Treasury & Finance	Under Treasurer	Group 4	Maximum
	Executive Director (Finance)	Group 2	Minimum
	Executive Director (Agency Resources)	Group 2	Minimum
	Executive Director (Economic)	Group 2	Minimum
	Commissioner State Revenue	Group 2	Minimum
Waters and Rivers Commission	Chief Executive Officer	Group 2	Minimum
Workers' Compensation and Rehabilitation Commission	Executive Director	Group 1	Maximum
Zoological Parks Authority	Chief Executive Officer	Group 1	Minimum

**PART 2—NON-TENURED SALARY**

Non-tenured salary is payable to—

- A person holding a Prescribed Office included in section 6(1)(e) of the *Salaries and Allowances Act* and who is appointed on a fixed term contract without any guarantee of continued employment at the expiration of such term
- An officer holding an office included in section 6(1)(d) of the *Salaries and Allowances Act 1975*, who is appointed under the provisions of the *Public Sector Management Act 1994*

on a fixed term contract without any right of continued employment at the expiration of such term

- An officer who does not elect to retain a right of return as provided in section 58 of the *Public Sector Management Act 1994*
- A commissioned police officer whose previous commission is revoked upon appointment as Commissioner, Deputy Commissioner or Assistant Commissioner and who is appointed for a fixed term with no right of return to commissioned rank.

Non-tenured salary is calculated by adding twenty per cent to the determined tenured salary. Unless otherwise indicated, salaries shown in Part 1 are at the tenured rate.

### **PART 3—INCREMENTAL ALLOWANCE**

A person holding a chief executive officer position included in section 6(1)(d) or (e) of the *Salaries and Allowances Act 1975*, on completion of 3 years' continuous service at the same level, is entitled to receive by way of allowance a one step increment to the next classification level. The incremental allowance does not constitute a basis for any further increments.

For example, under the entitlement a chief executive officer classified at Group 2 Minimum would receive an allowance to Group 2 Maximum, or if classified at Group 3 Maximum would receive an allowance to Group 4 Minimum. The incremental salary level for eligible persons classified at the Group 4 Maximum level is—

- Tenured \$231,221
- Non-tenured \$277,465

Persons in receipt of a "personal salary" or a special allowance are not entitled to receive the abovementioned incremental salary unless specifically determined by the Tribunal. The incremental allowance is payable where an allowance attaches to the position itself.

The value of the motor vehicle set out in Part 4 is to be assessed on the actual classification held—that is, receipt of the incremental allowance does not involve upward adjustment of the motor vehicle entitlement.

### **PART 4—MOTOR VEHICLES**

In addition to the salaries determined for the officers and persons holding offices listed in Part 1, the office-holders have an entitlement to a motor vehicle for private use provided through State Fleet, or cash in lieu as part of salary, in accordance with the following criteria—

<b>Classification</b>	<b>Cash Value</b>	<b>Benchmark Vehicle (6 cylinder)</b>
Below Group 1 Minimum	\$14,500	Ford Falcon Gli or Commodore Executive
Group 1 Minimum to Group 2 Minimum	\$16,500	Ford Fairmont (not Ghia) or Commodore Berlina
Group 2 Maximum and above For a position where a salary is determined in lieu of a classification	\$19,200	Ford Fairmont Ghia or Calais The tenured salary of the position should be compared to the tenured salaries for the Group 1 to Group 4 range and the appropriate value obtained.

The Cash Value only becomes operative where a person elects not to be provided with a motor vehicle through State Fleet.

Where a vehicle is provided through State Fleet, the entitlement is either to one of the Benchmark Vehicles shown above or to another vehicle of the individual's choice. In the latter case the difference in cost to Government,

- where greater, is to be met by contribution from the individual, or
- where lesser, is to form part of annual salary.

Where a vehicle other than a Benchmark Vehicle is sought, the method of determining whether an additional contribution must be made by the individual or the surplus paid as part of salary shall be based on the actual cost to Government of the vehicle sought (using the formula detailed below), compared against the more expensive of the Benchmark Vehicles mentioned above. The cost at the time of entering into the lease is applicable.

The provision of vehicles remains an administrative responsibility of the Department to manage in a cost effective manner.

Should an officer choose other than a Benchmark Vehicle, it may have implications on their superable salary. Further information can be obtained from the Government Employees' Superannuation Board's Members' Services Centre.

Non-chief executive officers who wish to vary from the Benchmark Vehicle must also obtain the approval of their chief executive officer for the make and model of vehicle required.

Where an individual wishes to obtain a motor vehicle that varies from the Benchmark Vehicle, the motor vehicle costs must include the lease cost, Fringe Benefits Tax and all other operating



costs based on the relevant figure of kilometres nominated to be travelled annually. The formula to be adopted in valuing the motor vehicle is—

$L + R + aD + \text{FBT}$ , where

L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres*
FBT	=	Fringe Benefits Tax

\*Note: To the extent that in line with State Fleet policy agencies may in practice already have adopted this approach (ie departed from the originally specified 20,000 km per annum calculation base) this is endorsed.

FBT is costed at purchase price (inc GST) x Statutory fraction x Gross up (2.1292) x FBT rate (0.485).

Fringe Benefits Tax Exempt Agencies: Where an organisation is exempt from FBT in accordance with Commonwealth Government legislation, a notional amount equal to the standard FBT must be added to the cost of the benefit.

The cost of vehicle accessories over and above those available to Senior Executive Service members as set out in the "WA Government Fleet Policy and Guidelines", should be borne by the individual.

In most instances the Fleet Manager will provide a total costing for each vehicle.

Should the officer choose not to use the vehicle for business (eg. for travelling to and from work or to meetings during normal working hours), but allows and authorises the vehicle to be used for private use during business hours by another family member or person, he/she is not entitled to access another government vehicle for his/her business or private use.

An individual accessing a vehicle under this Part shall take due care for the condition and security of the vehicle. This includes responsibility for ensuring the vehicle is regularly serviced and maintained at government expense according to the manufacturer's recommended specifications, and making arrangements for off-street parking at home, whenever practicable, with appropriate security precautions taken at all times. Any theft or damage, however slight, should be reported to the Fleet Manager with a view to repairs being affected at the earliest opportunity.

While the vehicle may be used anywhere in Western Australia at no cost to the individual, if the vehicle is driven interstate, the individual is liable for the cost of fuel and oil while interstate. Furthermore, if used interstate the person must be in the vehicle at all times.

## **PART 5—REMUNERATION PACKAGE VALUE**

For the purposes of calculating the value of the remuneration package the employer cost of superannuation should be included in addition to the salary and the amount determined by the Tribunal for the motor vehicle provided.

Motor Vehicle: Part 4 contains the determination as to the value ascribed to the motor vehicle that will be provided or the amount that can be taken in lieu of a vehicle. Should an officer choose to take cash in lieu of a vehicle, it may have implications on their superannuable salary. A key issue here is that the Cash Value of the vehicle is not included in the officer's salary for superannuation purposes. Also if the officer chooses a vehicle with a value below the benchmark vehicle then the surplus returned in additional salary is not included in the officer's salary for superannuation purposes.

An initial guide on this issue can be obtained on the Government Employees' Superannuation Board's (GESB) website at [www.gesb.wa.gov.au/employers](http://www.gesb.wa.gov.au/employers). (Then go to Publications and Forms, Guides, Salaries and Allowances Guide. Then use the Bookmark tag on the left hand side of the screen to scroll to Part Two, Salaries and Allowances Index and scroll to 'in lieu of a motor vehicle' heading.) Further information can be obtained from the GESB's Members' Services Centre.

Superannuation: Due to the closure of superannuation schemes over the past 19 years, it is not possible to prescribe the value per person of the superannuation benefit. It is generally assumed that where a person was a member of the Western Australian public sector prior to the 30 December 1995, the value of superannuation is twelve per cent of basic salary. For those who joined after that date, the superannuable component is in accordance with that required under the Superannuation Guarantee Levy, which is currently nine per cent of salary.

Salary packaging in respect to superannuation and novated leases can be effected in accordance with the "Guidelines for Salary Packaging in the WA Public Sector" document, which can be accessed at [www.docep.wa.gov.au/lr/LabourRelations/Content/Public%20Sector/Resources/Circulars/Pages/1198attach.html](http://www.docep.wa.gov.au/lr/LabourRelations/Content/Public%20Sector/Resources/Circulars/Pages/1198attach.html). One of the key issues in these guidelines is that employees are allowed only to package up to 50% of their Total Employment Cost, other than in FBT exempt agencies where the limit is 30%.

Signed at Perth this 7th day of April 2005.

Professor M. C. Wood  
CHAIRMAN  
SALARIES AND ALLOWANCES TRIBUNAL

J. A. S. Mews  
MEMBER

M. L. Nadebaum  
MEMBER

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SECOND SCHEDULE

**COURT REGISTRARS**

Pursuant to section 6(1)(d) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the salaries to be paid to the holders of the offices listed below are as follows with effect from 1 January 2005—

• Supreme Court	Principal Registrar	\$223,396
	Registrar	\$197,832
• District Court	Principal Registrar	\$208,053
	Registrar	\$195,492
	Deputy Registrar	\$175,779

The salaries are inclusive of Annual Leave Loading.

The holders of these offices have the same entitlement to a motor vehicle (selected from the Government's Common Use Contract no.012A1994 as amended from time to time) as a person referred to in Part 4 of the First Schedule.

Signed at Perth this 7th day of April 2005.

Professor M. C. Wood  
CHAIRMAN  
SALARIES AND ALLOWANCES TRIBUNAL

J. A. S. Mews  
MEMBER

M. L. Nadebaum  
MEMBER

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THIRD SCHEDULE

**DIRECTOR OF PUBLIC PROSECUTIONS**

Pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines that the holder of the office of Director of Public Prosecutions is entitled to the salary and allowances payable from time to time to a Puisne Judge of the Supreme Court of Western Australia.

The holder of the office is entitled to a motor vehicle of the type provided to a Puisne Judge.

Signed at Perth this 7th day of April 2005.

Professor M. C. Wood  
CHAIRMAN  
SALARIES AND ALLOWANCES TRIBUNAL

J. A. S. Mews  
MEMBER

M. L. Nadebaum  
MEMBER

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FOURTH SCHEDULE

**CLERKS OF THE PARLIAMENT**

Pursuant to section 6(1)(c) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the salaries to be paid to the holders of the offices listed below shall be as follows with effect from 1 May 2005:

• Clerk of the Legislative Council	\$129,903
• Deputy Clerk of the Legislative Council	\$98,944
• Clerk of the Legislative Assembly	\$129,903

- Deputy Clerk of the Legislative Assembly

\$98,944

The salaries are inclusive of Annual Leave Loading.

The holders of these offices are also entitled to the supply of a fully maintained motor vehicle for business and private use.

Signed at Perth this 7th day of April 2005.

Professor M. C. Wood

J. A. S. Mews

M. L. Nadebaum

CHAIRMAN

MEMBER

MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

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