



**WESTERN
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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATIONS OF THE SALARIES
AND ALLOWANCES TRIBUNAL**

LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS

LOCAL GOVERNMENT ELECTED COUNCIL MEMBERS

MEMBERS OF PARLIAMENT

**CLERKS AND DEPUTY CLERKS OF THE PARLIAMENT
PUBLIC SERVICE OFFICE HOLDERS INCLUDED IN THE
SPECIAL DIVISION OF THE PUBLIC SERVICE AND PERSONS
HOLDING OFFICES PRESCRIBED IN SALARIES AND
ALLOWANCES REGULATION NUMBER 3**

**SENIOR AND ORDINARY MEMBERS OF THE STATE
ADMINISTRATIVE TRIBUNAL**

**COMMISSIONERS OF THE WESTERN AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION**

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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE SALARIES AND ALLOWANCES
TRIBUNAL ON LOCAL GOVERNMENT CHIEF EXECUTIVE
OFFICERS**

Pursuant to Section 7A

June 2014

PREAMBLE

1. Section 7A of the *Salaries and Allowances Act 1975* (‘the SA Act’) requires the Salaries and Allowances Tribunal (‘the Tribunal’) at intervals of not more than twelve months to “inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments”.

BACKGROUND

2. The first determination of the Tribunal regarding the remuneration to be paid or provided to chief executive officers (CEOs) of local governments and regional local governments was issued with effect from 1 July 2012, following passage of amendments to the *Local Government Act 1995* (‘the LG Act’).

3. The Tribunal’s 2012 determination introduced a framework for remunerating local government and regional local government CEOs according to a four band classification model intended to rank the work value of the position and the duties undertaken by the CEO. The 2012 determination also introduced Regional/Isolation Allowances, Housing Allowances and new provisions for the use of motor vehicles.

CURRENT INQUIRY

4. In discharging its statutory requirement with respect to the remuneration of local government CEOs, the Tribunal’s approach has been to—

- advertise for public submissions;
- write via email to local governments and regional local governments inviting them to raise any comments or issues relevant to the remuneration being paid to their CEO;
- seek information from local governments and regional local governments via an online questionnaire as to the remuneration being paid to CEOs in consideration of the 2013 determination;
- consider relevant labour market and economic data; and
- seek advice from the Statutory Adviser, Ms Jennifer Mathews, Director General, Department of Local Government and Communities (DLGC).

SUBMISSIONS

5. An advertisement calling for public submissions to the Tribunal’s inquiry was placed in *The West Australian* newspaper on 15 March 2014 with a closing date of 4 April 2014, and on the Tribunal’s website at <http://www.sat.wa.gov.au/LatestNews/Pages/Default.aspx>.

6. On 10 March 2014, the Tribunal emailed local government and regional local government CEOs to invite submissions related to particular issues and characteristics relevant to their remuneration, with a closing date of 4 April 2014.

7. Local governments were provided with a template submission form to ensure that the Tribunal was able to capture data on a broad range of issues including—

- major growth and development;
- significant social and economic issues;
- significant demand to service and support non-resident needs;
- high impact environmental management issues and responsibilities;
- greater diversity of services delivered than normally provided by similar sized local governments;
- recruitment issues;
- remuneration issues; and
- other distinguishing features.

8. On 11 March 2014, the Tribunal wrote to the Western Australian Local Government Association (WALGA) and the Western Australian division of the Local Government Managers Australia (LGMA), inviting submissions to its inquiry by 4 April 2014.

9. A total of four submissions were received from the following local governments—

- Shire of Lake Grace;
- Shire of Serpentine-Jarrahdale;
- Southern Metropolitan Regional Council; and
- Town of Port Hedland.

10. The Tribunal took into account all feedback received throughout the inquiry process.

QUESTIONNAIRE

11. On 14 March 2014, an online questionnaire was provided to local government and regional local government CEOs in order to obtain information relating to their Total Reward Packages (TRP).

12. Responses to the questionnaire were initially requested by 28 March 2014 however continued to be accepted until 16 May 2014. In total, 139 responses were received from local governments and regional local governments.

13. The Tribunal notes that the Yarra Yarra Catchment Regional Council and the Mid West Regional Council did not provide a response as they ceased operations earlier this year. The Murchison Regional Vermin Council was excused from providing a response as the CEO position continues to be undertaken by the CEO of one of the member local governments who does not receive additional remuneration for this purpose.

14. The Tribunal greatly appreciates the cooperation of those local governments and regional local governments who provided a response to the questionnaire. The information received has enabled the Tribunal to analyse the TRPs being provided to CEOs and understand issues which have arisen since the 2013 determination.

15. The seven local governments that failed to respond to this inquiry have been listed in Schedule 5 of this determination and will be contacted by the Tribunal.

16. The Tribunal reminds all non-respondents that it is the responsibility of the CEO to provide information requested as part of the inquiry process. Although the SA Act provides the Tribunal with the powers of a Royal Commission to subpoena information relevant to its inquiries, it would prefer to work cooperatively with local governments and regional local governments.

17. Failure to provide information to future inquiries of the Tribunal may result in the Tribunal determining specific TRP figures, rather than minimum and maximum ranges.

ASSISTANCE FROM STATUTORY ADVISOR

18. The Tribunal sought advice from Ms Jennifer Mathews, Director General, DLGC, who has been appointed by the Premier in accordance with section 10(4)(c) of the SA Act to assist the Tribunal in its inquiries into the remuneration of local government and regional local government CEOs.

CONSIDERATIONS

19. In undertaking this determination, the Tribunal has been mindful of the magnitude and complexity of the local government sector. With the closure of the Yarra Yarra Catchment Regional Council and the Mid West Regional Council earlier this year, there are now 147 local governments and regional local governments in WA which in 2012-13 accounted for a total operating and capital expenditure of approximately \$4.63 billion.¹ There are approximately 16,000 Full Time Equivalent (FTE) employees spread across geographic areas ranging from 1.5 square kilometres to 371,696 square kilometres.²

20. The Tribunal has again taken into account section 5.41 of the LG Act which outlines the functions of local government CEOs.

21. The information received from individual local governments, CEOs and the Statutory Advisor continues to keep the Tribunal informed on developments across the sector.

Local government population, expenditure and staff levels

22. The Tribunal requested and received the following data from the DLGC—

- Population as at 30 August 2013 (ABS Catalogue 3218.0);
- Total FTE employees 2012-13;
- Operating expenditure 2012-13; and
- Three year averaged capital expenditure (2010-11 to 2012-13).

Range of fees versus a set amount

23. For the past two years, the Tribunal has exercised its authority under section 7A of the SA Act to set the minimum and maximum amounts of remuneration to be paid or provided to local government and regional local government CEOs, rather than determine a specific TRP amount.

24. It continues to be the view of the Tribunal that individual local governments and regional local governments are best placed to assess their own financial capacity to pay their CEO within the determined range.

25. Information relating to a CEO's TRP provided to the Tribunal by local governments and regional local governments will dictate whether remuneration continues to be expressed by reference to a band or determined as a specific amount.

26. The Tribunal is available to provide remuneration advice to local governments and regional local governments as part of the CEO recruitment or reappointment process. If requested, the Tribunal will determine a specific TRP amount rather than a range.

Metropolitan local government reform

27. The Statutory Advisor has informed the Tribunal that the Minister for Local Government will consider the recommendations for metropolitan reform made by the Local Government Advisory Board over the coming months.

¹ Statistics provided by the Department of Local Government and Communities, May 2014.

² Statistics provided by the Department of Local Government and Communities, May 2014.

28. It is understood that all new district changes will be established effective 1 July 2015 and that where Commissioners are appointed, local government elections will be held in October 2015 along with ordinary local government elections.

29. Accordingly, the Tribunal will be reviewing the classifications of local governments impacted by an amalgamation or boundary change in due course and would greatly appreciate the cooperation of local governments in providing any information to assist this process.

Labour market and economic data

30. The Tribunal considered relevant labour market and economic data as well as the State Government's economic forecast in order to determine an economically sustainable adjustment to the current remuneration paid to local government and regional local government CEOs.

Band allocation model

31. The Tribunal continues to utilise the four band classification model adopted in its 2012 determination. The model provides for a broad range of factors to be taken into account including—

- Major growth and development;
- Strategic planning, including risk management;
- Infrastructure development and asset management;
- Significant social/economic/environmental issues;
- Significant demand to service and support non-resident needs;
- Diversity of services;
- Community involvement and advocacy;
- State or national negotiations;
- Operational and managerial requirements;
- Capacity to pay;
- Total expenditure;
- Population; and
- FTEs.

32. The Tribunal gave consideration to all local governments and regional local governments that had the potential to move under the band classification model, despite whether or not a submission was received. Particular attention was given to those local governments and regional local governments where expenditure, population and/or FTE figures had significantly increased over the 2012-13 financial year.

33. The Tribunal emphasises that there is significant room for growth within each band before the Tribunal accepts that an increase in classification is warranted. A request for an increase in classification will only be recognised where it is demonstrated that the local government or regional local government CEO has experienced a substantial and sustained increase in work value. In this respect, the Tribunal will look to align the responsibilities and accountability of a CEO with those of other appointees in the relevant band.

Compliance with Total Reward Package ranges

34. Approximately 93 per cent of local governments and regional local governments responded to the Tribunal's questionnaire regarding CEO remuneration packages. This gave the Tribunal a reasonably high level of confidence in the data provided with the caveat that the Tribunal's executive did not have the opportunity to verify the information provided in each individual response.

35. Data obtained via the questionnaire indicated that 81 per cent of local governments and regional local governments are remunerating their CEO within the TRP range provided for in the Tribunal's 2013 determination. Of these, 38 per cent of CEOs are being remunerated within the top 25 per cent of their awarded band.

36. Numerous local governments and regional local governments provided TRP figures which exceeded the maximum of their awarded band as outlined in the Tribunal's 2013 determination. While the majority of these TRPs were for CEOs classified as preserved for the purposes of clause 43 of the LG Act (Transitional Provisions) and therefore outside of the Tribunal's jurisdiction, a large proportion had simply provided incorrect data. These issues have since been addressed.

37. In saying this, local governments and regional local governments are advised that if a preserved CEO ceases in the position and a temporary acting arrangement is undertaken, that person acting as CEO must receive remuneration which is within the TRP parameters determined by the Tribunal.

38. The Tribunal requests that local governments and regional local governments maintain a record of figures associated with relevant components of the TRP so that accurate information can be easily provided as part of the annual inquiry process. The typical components of a CEO's TRP are outlined in Schedule 1 (Part 1.3) of this determination. Factors which are relevant to a CEO's remuneration and may form part of the TRP are outlined in Schedules 2, 3 and 4. This includes any superannuation guarantee associated with the payment of a Regional/Isolation Allowance, and any associated FBT accrued from the provision of a motor vehicle or accommodation.

39. The Tribunal acknowledges feedback that certain data requested in the questionnaire is also collected annually by the DLGC and WALGA and advises that it will collaborate with key stakeholders to reduce any unnecessary duplication in future inquiry processes.

Preserved CEOs

40. Data received via the questionnaire identified 18 CEOs who are classified as preserved for the purposes of clause 43 of the LG Act (Transitional Provisions), either for the duration of their current contract or for the period in which they remain in the role.

41. Before renewing the contract of a preserved CEO, local governments and regional local governments are required under clause 43(4) of the LG Act to consider the Tribunal's determination regarding the remuneration paid to CEOs of comparable local governments.

Regional/Isolation Allowance

42. The Regional/Isolation Allowance is available to all local governments listed under Schedule 2 (Part 2) of this determination. The allowance is discretionary and local governments have the flexibility to determine an appropriate payment not exceeding the maximum annual figure stated in Part 2 of the Schedule.

43. Of the 50 local governments currently eligible to access the Regional/Isolation Allowance, only 19 provided information in this regard via the questionnaire. Five CEOs reported receiving the maximum annual allowance, with three of these being in the lowest annual allowance category of \$7,500.

44. The CEO of the Shire of Lake Grace advised the Tribunal that he considered his maximum annual Regional/Isolation Allowance of \$7,500 to be insufficient compensation for factors such as remoteness, withdrawal of community services and recruitment difficulties.

45. In considering whether an increase was warranted, the Tribunal analysed relevant regional/isolation factors experienced by the Shire and the other local governments listed under Schedule 2 of its 2013 determination as having access to the \$7,500 allowance.

46. The District Allowance rates available to officers in the General Division of the Public Service form part of the Tribunal's calculation of Regional/Isolation Allowances for local government CEOs. Accordingly, the Tribunal took into consideration the significant changes to the District Allowance rates effective from 1 July 2014.

47. The Tribunal reminds eligible local governments that although the Regional/Isolation Allowance is additional to the TRP, it is to be paid as salary and may attract superannuation guarantee. As salary and superannuation guarantee form part of a CEO's TRP, caution should be taken to ensure that provision of this allowance does not result in the maximum of the awarded TRP range being exceeded.

CONCLUSIONS

48. The Tribunal has determined a general adjustment of 3 per cent to the maximum band ranges payable to local government and regional local government CEOs. All adjustments to the maximum ranges have been rounded to the nearest dollar and are effective 1 July 2014.

49. The Tribunal considers that this adjustment is sufficient given the current economic climate and the information provided by local governments and regional local governments throughout the inquiry process.

50. In light of the above, the Tribunal notes that a local government would have to satisfy itself that there was sound justification to award their CEO an increase above 3 per cent, albeit within the allocated band parameters.

51. The minimum band ranges have been maintained in order to prevent placing undue pressure on those local governments which may not have the financial capacity to pay increased amounts.

52. In continuing to set minimum and maximum amounts, the Tribunal has maintained the ability for local governments and regional local governments to exercise discretion in setting particular amounts within the ranges outlined in this determination.

53. The Tribunal has found that the current classification framework and band allocation model have been effective and that no further amendment is warranted at this time. As with previous determinations, the overlapping ranges within the bands have been maintained to enable councils to take into account all the factors relevant to their local government and community.

54. After considering all of the relevant information, the Tribunal has increased the classification for the City of Kwinana from Band 2 to Band 1. The Tribunal considered a range of factors including the City's increased levels of work value, growth and responsibility outlined in their submission and in data collected by the Tribunal. Whilst the Tribunal is mindful that the City may be impacted by the State Government's metropolitan reform program, the extent of the change will only be understood once recommendations have been made by the Local Government Advisory Board and accepted by the Minister for Local Government. The increase in work value, growth and responsibility factors were considered significant enough to warrant reclassification at this time.

55. Aside from the City of Kwinana, the Tribunal has maintained the classifications awarded to all local governments and regional local governments. Although several local governments demonstrated increases in terms of operating expenditure, FTE and population, they were not considered significant or consistent enough to warrant an increase in classification at present.

56. The Tribunal has increased the maximum annual Regional/Isolation Allowance of \$7,500 to \$10,000 in consideration of information provided by the Shire of Lake Grace and analysis of comparable remote local governments. The other Regional/Isolation Allowance amounts outlined in Tribunal's 2013 determination have been maintained. The Tribunal reminds all eligible local governments that payment of all or part of this allowance remains at the discretion of each individual council, albeit within the parameters set by the Tribunal.

57. No alterations have been made to the Housing Allowance or Motor Vehicle provisions outlined in Schedules 3 and 4 of this determination.

58. Before renewing the contract of a preserved CEO, local governments and regional local governments are required under clause 43(4) of the LG Act to consider the Tribunal's determination regarding the remuneration paid to CEOs of comparable local governments.

59. Nothing in this determination shall be interpreted and/or applied in such a manner as to circumvent the intention of the Tribunal to ensure transparency and accountability in the remuneration of Local Government CEOs.

60. In conclusion, the Tribunal would like to acknowledge those who provided information to this inquiry. This enabled the Tribunal to appreciate the issues impacting various local governments and the wider sector, and also gain feedback regarding the effectiveness of its 2013 determination.

61. The Tribunal also wishes to thank Ms Jennifer Mathews, Director General DLGC, for the invaluable advice and assistance provided by herself and her staff, and express their appreciation to the former Executive Officer, Mr John Lukin, and the current Executive team for the research and dedication that has enabled the compilation of this determination.

This determination will now issue.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

DETERMINATION UNDER SECTION 7A OF THE SALARIES AND ALLOWANCES ACT 1975

GENERAL

1.1 The remuneration listed in this determination comprises all remuneration as defined under the *Salaries and Allowances Act 1975* as including salary, allowances, fees, emoluments and benefits.

1.2 The following Schedules in this determination apply to—

1.2.1 CEOs; and

1.2.2 Acting or temporary CEOs.

1.3 The remuneration specified in this determination is based on a person being appointed to one Local Government CEO position only. In the case of a person being appointed to undertake the duties of more than one CEO position simultaneously, the relevant Local Governments must seek a determination from the Tribunal for the multiple CEO positions held by that person.

1.4 If a Local Government undergoes an amalgamation or a rezoning of Local Government boundaries, the Local Government is required to seek a new determination from the Tribunal.

SCHEDULE 1: TOTAL REWARD PACKAGE

PART 1—LOCAL GOVERNMENT TOTAL REWARD PACKAGE

1.1 Offices listed in this Schedule have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.

1.2 Each classification (Band 1 to Band 4) has a commensurate Total Reward Package (TRP) range. The TRP ranges for local government CEOs are specified at the end of this Part. The TRP ranges for regional local government CEOs are specified in Part 3 of this Schedule.

1.3 Typical components of a TRP include—

- (a) Base salary;
- (b) Annual leave loading;
- (c) Associated FBT accrued (total annual amount of fringe benefits tax paid by the Local Government for all fringe benefits provided to a CEO);
- (d) Association membership fees;
- (e) Attraction/retention allowance, not being provided under Schedule 2;
- (f) Personal benefit value of the provision of a motor vehicle for private use (if applicable) as defined under Schedule 4 of this determination;
- (g) Cash bonus and performance incentives;
- (h) Cash in lieu of a motor vehicle;
- (i) Fitness club fees;
- (j) Grooming/clothing allowance;
- (k) Health insurance;
- (l) School fees and/or child's uniform;
- (m) Superannuation (all mandatory and non-mandatory employer superannuation contributions);
- (n) Travel or any other benefit taken in lieu of salary;

- (o) Travel for spouse or any other member of family;
- (p) Unrestricted entertainment allowance;
- (q) Utilities allowance (any water, power or other utility subsidy provided to the CEO); and
- (r) Any other form of payment, in cash or not, in consideration of a reward or benefit of the CEOs duties.

1.4 The TRP ranges specified in this Schedule are based on the office being of a full-time nature. The relevant TRP shall be payable on a pro rata basis in accordance with the proportion of full-time hours worked.

1.5 The only exclusions from the TRP are—

- (a) The items listed in Schedules 2, 3 and 4 of this determination (however, any superannuation guarantee associated with the payment of a Regional/Isolation Allowance and any associated FBT accrued from the provision of a motor vehicle or accommodation are to be included as part of the TRP);
- (b) Employer obligations such as professional development (restricted to the CEO), reimbursement for genuine work expenses or the cost of recruitment and relocation expenses; and
- (c) Those items that are considered to be a tool of trade by the Local Government (i.e. the equipment needed to undertake the duties of a CEO) and which are not a direct or indirect reward or benefit for the performance of duties as a CEO.

Band	Total Reward Package	Number of Local Governments
1	\$244,232—\$370,220	19
2	\$201,433—\$311,907	22
3	\$154,045—\$252,917	35
4	\$125,079—\$195,280	62

PART 2—LOCAL GOVERNMENT CLASSIFICATIONS

Local Government	Band	Total Reward Package
Albany City	2	\$201,433—\$311,907
Armadale City	1	\$244,232—\$370,220
Ashburton Shire	2	\$201,433—\$311,907
Augusta-Margaret River Shire	2	\$201,433—\$311,907
Bassendean Town	3	\$154,045—\$252,917
Bayswater City	1	\$244,232—\$370,220
Belmont City	2	\$201,433—\$311,907
Beverley Shire	4	\$125,079—\$195,280
Boddington Shire	4	\$125,079—\$195,280
Boyp Brook Shire	4	\$125,079—\$195,280
Bridgetown-Greenbushes Shire	3	\$154,045—\$252,917
Brookton Shire	4	\$125,079—\$195,280
Broome Shire	2	\$201,433—\$311,907
Broomehill-Tambellup Shire	4	\$125,079—\$195,280
Bruce Rock Shire	4	\$125,079—\$195,280
Bunbury City	2	\$201,433—\$311,907
Busselton City	2	\$201,433—\$311,907
Cambridge Town	2	\$201,433—\$311,907
Canning City	1	\$244,232—\$370,220
Capel Shire	3	\$154,045—\$252,917
Carnamah Shire	4	\$125,079—\$195,280
Carnarvon Shire	2	\$201,433—\$311,907
Chapman Valley Shire	4	\$125,079—\$195,280
Chittering Shire	3	\$154,045—\$252,917
Claremont Town	3	\$154,045—\$252,917
Cockburn City	1	\$244,232—\$370,220
Collie Shire	3	\$154,045—\$252,917
Coolgardie Shire	3	\$154,045—\$252,917
Coorow Shire	4	\$125,079—\$195,280
Corrigin Shire	4	\$125,079—\$195,280

Local Government	Band	Total Reward Package
Cottesloe Town	3	\$154,045—\$252,917
Cranbrook Shire	4	\$125,079—\$195,280
Cuballing Shire	4	\$125,079—\$195,280
Cue Shire	4	\$125,079—\$195,280
Cunderdin Shire	4	\$125,079—\$195,280
Dalwallinu Shire	4	\$125,079—\$195,280
Dandaragan Shire	3	\$154,045—\$252,917
Dardanup Shire	3	\$154,045—\$252,917
Denmark Shire	3	\$154,045—\$252,917
Derby-West Kimberley Shire	2	\$201,433—\$311,907
Donnybrook Balingup Shire	3	\$154,045—\$252,917
Dowerin Shire	4	\$125,079—\$195,280
Dumbleyung Shire	4	\$125,079—\$195,280
Dundas Shire	4	\$125,079—\$195,280
East Fremantle Town	3	\$154,045—\$252,917
East Pilbara Shire	2	\$201,433—\$311,907
Esperance Shire	2	\$201,433—\$311,907
Exmouth Shire	3	\$154,045—\$252,917
Fremantle City	1	\$244,232—\$370,220
Gingin Shire	3	\$154,045—\$252,917
Gnowangerup Shire	4	\$125,079—\$195,280
Goomalling Shire	4	\$125,079—\$195,280
Gosnells City	1	\$244,232—\$370,220
Greater Geraldton City	1	\$244,232—\$370,220
Halls Creek Shire	3	\$154,045—\$252,917
Harvey Shire	2	\$201,433—\$311,907
Irwin Shire	3	\$154,045—\$252,917
Jerramungup Shire	4	\$125,079—\$195,280
Joondalup City	1	\$244,232—\$370,220
Kalamunda Shire	2	\$201,433—\$311,907
Kalgoorlie-Boulder City	1	\$244,232—\$370,220
Katanning Shire	3	\$154,045—\$252,917
Kellerberrin Shire	4	\$125,079—\$195,280
Kent Shire	4	\$125,079—\$195,280
Kojonup Shire	3	\$154,045—\$252,917
Kondinin Shire	4	\$125,079—\$195,280
Koorda Shire	4	\$125,079—\$195,280
Kulin Shire	4	\$125,079—\$195,280
Kwinana City	1	\$244,232—\$370,220
Lake Grace Shire	4	\$125,079—\$195,280
Laverton Shire	3	\$154,045—\$252,917
Leonora Shire	3	\$154,045—\$252,917
Mandurah City	1	\$244,232—\$370,220
Manjimup Shire	3	\$154,045—\$252,917
Meekatharra Shire	3	\$154,045—\$252,917
Melville City	1	\$244,232—\$370,220
Menzies Shire	4	\$125,079—\$195,280
Merredin Shire	3	\$154,045—\$252,917
Mingenew Shire	4	\$125,079—\$195,280
Moora Shire	3	\$154,045—\$252,917
Morawa Shire	4	\$125,079—\$195,280
Mosman Park Town	3	\$154,045—\$252,917

Local Government	Band	Total Reward Package
Mount Magnet Shire	4	\$125,079—\$195,280
Mount Marshall Shire	4	\$125,079—\$195,280
Mukinbudin Shire	4	\$125,079—\$195,280
Mundaring Shire	2	\$201,433—\$311,907
Murchison Shire	4	\$125,079—\$195,280
Murray Shire	3	\$154,045—\$252,917
Nannup Shire	4	\$125,079—\$195,280
Narembeen Shire	4	\$125,079—\$195,280
Narrogin Shire	4	\$125,079—\$195,280
Narrogin Town	3	\$154,045—\$252,917
Nedlands City	2	\$201,433—\$311,907
Ngaanyatjarraku Shire	4	\$125,079—\$195,280
Northam Shire	2	\$201,433—\$311,907
Northampton Shire	4	\$125,079—\$195,280
Nungarin Shire	4	\$125,079—\$195,280
Peppermint Grove Shire	4	\$125,079—\$195,280
Perenjori Shire	4	\$125,079—\$195,280
Perth City	1	\$244,232—\$370,220
Pingelly Shire	4	\$125,079—\$195,280
Plantagenet Shire	3	\$154,045—\$252,917
Port Hedland Town	1	\$244,232—\$370,220
Quairading Shire	4	\$125,079—\$195,280
Ravensthorpe Shire	3	\$154,045—\$252,917
Rockingham City	1	\$244,232—\$370,220
Roebourne Shire	1	\$244,232—\$370,220
Sandstone Shire	4	\$125,079—\$195,280
Serpentine-Jarrahdale Shire	3	\$154,045—\$252,917
Shark Bay Shire	4	\$125,079—\$195,280
South Perth City	2	\$201,433—\$311,907
Stirling City	1	\$244,232—\$370,220
Subiaco City	2	\$201,433—\$311,907
Swan City	1	\$244,232—\$370,220
Tammin Shire	4	\$125,079—\$195,280
Three Springs Shire	4	\$125,079—\$195,280
Toodyay Shire	3	\$154,045—\$252,917
Trayning Shire	4	\$125,079—\$195,280
Upper Gascoyne Shire	4	\$125,079—\$195,280
Victoria Park Town	2	\$201,433—\$311,907
Victoria Plains Shire	4	\$125,079—\$195,280
Vincent Town	2	\$201,433—\$311,907
Wagin Shire	4	\$125,079—\$195,280
Wandering Shire	4	\$125,079—\$195,280
Wanneroo City	1	\$244,232—\$370,220
Waroona Shire	3	\$154,045—\$252,917
West Arthur Shire	4	\$125,079—\$195,280
Westonia Shire	4	\$125,079—\$195,280
Wickepin Shire	4	\$125,079—\$195,280
Williams Shire	4	\$125,079—\$195,280
Wiluna Shire	4	\$125,079—\$195,280
Wongan Ballidu Shire	4	\$125,079—\$195,280
Woodanilling Shire	4	\$125,079—\$195,280
Wyalkatchem Shire	4	\$125,079—\$195,280

Local Government	Band	Total Reward Package
Wyndham-East Kimberley Shire	2	\$201,433—\$311,907
Yalgoo Shire	4	\$125,079—\$195,280
Yilgarn Shire	3	\$154,045—\$252,917
York Shire	3	\$154,045—\$252,917

PART 3—REGIONAL LOCAL GOVERNMENT TOTAL REWARD PACKAGE

3.1 Part 1 of this Schedule also applies to Regional Local Government CEOs.

Band	Total Reward Package	Number of Local Governments
1	\$244,232—\$370,220	0
2	\$201,433—\$311,907	3
3	\$154,045—\$252,917	2
4	\$125,079—\$195,280	3

PART 4—REGIONAL LOCAL GOVERNMENT CLASSIFICATIONS

Regional Local Government	Band	Total Reward Package Per Annum
Bunbury-Harvey Regional Council	4	\$125,079—\$195,280
Eastern Metropolitan Regional Council	2	\$201,433—\$311,907
Mindarie Regional Council	3	\$154,045—\$252,917
Murchison Regional Vermin Council	—	—
Pilbara Regional Council	4	\$125,079—\$195,280
Rivers Regional Council	3	\$154,045—\$252,917
Southern Metropolitan Regional Council	2	\$201,433—\$311,907
Tamala Park Regional Council	2	\$201,433—\$311,907
Western Metropolitan Regional Council	4	\$125,079—\$195,280

4.1 The Murchison Regional Vermin Council is not awarded a band classification as the CEO position is undertaken by the CEO of one of the member Local Governments who does not receive additional remuneration for this purpose.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SCHEDULE 2: REGIONAL/ISOLATION ALLOWANCE**PART 1—GENERAL**

1.1 Local Governments listed under Part 2 of this Schedule have access to an amount additional to the Total Reward Package for CEO remuneration in recognition of the regional and isolation factors which may affect the attraction and retention of the CEOs of those Local Governments.

1.2 Local Governments are not required to pay all or any of this amount and the payment of this allowance is at the discretion of the Local Government, albeit within the parameters set by the Tribunal.

1.3 When a Local Government chooses to use all or any of this allowance, the payment of the allowance should be properly justified and applied in a transparent manner.

1.4 When a Local Government chooses to pay all or any of this allowance, all of it is to be paid to the CEO as salary.

PART 2—APPLICABLE REGIONAL/ISOLATION ALLOWANCE

Local Government	Maximum Regional/Isolation Allowance Per Annum
Ashburton Shire	\$55,000
Broome Shire	\$35,000
Carnamah Shire	\$30,000
Carnarvon Shire	\$30,000
Chapman Valley Shire	\$30,000

Local Government	Maximum Regional/Isolation Allowance Per Annum
Coolgardie Shire	\$30,000
Coorow Shire	\$30,000
Cue Shire	\$40,000
Derby-West Kimberley Shire	\$45,000
Dundas Shire	\$30,000
East Pilbara Shire	\$55,000
Esperance Shire	\$25,000
Exmouth Shire	\$35,000
Geraldton-Greenough City	\$25,000
Halls Creek Shire	\$65,000
Irwin Shire	\$30,000
Jerramungup Shire	\$25,000
Kalgoorlie-Boulder City	\$30,000
Kent Shire	\$10,000
Kondinin Shire	\$10,000
Kulin Shire	\$10,000
Lake Grace Shire	\$10,000
Laverton Shire	\$40,000
Leonora Shire	\$40,000
Meekatharra Shire	\$40,000
Menzies Shire	\$30,000
Merredin Shire	\$10,000
Mingenew Shire	\$30,000
Morawa Shire	\$30,000
Mount Magnet Shire	\$30,000
Mount Marshall	\$10,000
Mukinbudin Shire	\$25,000
Murchison Shire	\$30,000
Narembeen Shire	\$10,000
Ngaanyatjarraku Shire	\$40,000
Northampton Shire	\$30,000
Nungarin Shire	\$10,000
Perenjori Shire	\$30,000
Port Hedland Town	\$70,000
Ravensthorpe Shire	\$30,000
Roebourne Shire	\$70,000
Sandstone Shire	\$30,000
Shark Bay Shire	\$35,000
Three Springs Shire	\$30,000
Upper Gascoyne Shire	\$35,000
Westonia Shire	\$25,000
Wiluna Shire	\$40,000
Wyndham-East Kimberley Shire	\$45,000
Yalgoo Shire	\$30,000
Yilgarn Shire	\$25,000

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SCHEDULE 3: HOUSING ALLOWANCE**PART 1—GENERAL**

1.1 In recognition of the need for Local Governments to provide accommodation as a result of a lack of suitable housing or recruitment issues, on either a permanent or temporary basis, Local Governments are able to utilise this allowance as required.

1.2 When a Local Government chooses to use utilise this allowance, the payment of the allowance should be properly justified and applied in a transparent manner.

1.3 Any accommodation provided under this Schedule must be located within or adjacent to the Local Government area within which the CEO is employed.

1.4 Local Governments should tailor the provision of any housing allowance to suit their particular circumstances. This may include the CEO making contributions towards the cost of the accommodation.

PART 2—APPLICABLE HOUSING ALLOWANCE

2.1 Where a Local Government owns a property and provides that property to the CEO for accommodation, the value of this accommodation will not be included in the Total Reward Package.

2.2 For reporting purposes, the value of the Local Government owned property shall be valued at the annual Gross Rental Value of the property as determined by the Valuer General. Where applicable, the value shall be apportioned on a pro rata basis for the portion of the year which the property has been provided for the use of the CEO.

2.3 Where a Local Government leases accommodation for the use of the CEO, the lease costs will not be included in the Total Reward Package.

2.4 For reporting purposes, the value of the Local Government leased property shall be the annual actual costs of the accommodation lease. Where applicable, the costs shall be apportioned on a pro rata basis for the portion of the year which the property has been provided for the use of the CEO.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SCHEDULE 4: MOTOR VEHICLE**PART 1—GENERAL**

1.1 For Local Governments listed in Schedule 2 of this determination, any motor vehicle provided to the CEO by the Local Government is to be considered a tool of trade (i.e. a tool needed to undertake the duties of a CEO in these Local Governments). Any private benefit of the vehicle will not be considered as part of the Total Reward Package.

1.2 For Local Governments not listed in Schedule 2 of this determination, the private benefit value of any motor vehicle provided to the CEO by the Local Government is to be included in the Total Reward Package.

PART 2—PRIVATE BENEFIT VALUE

2.1 The private benefit value of the motor vehicle will be dependent on the type of motor vehicle provided, method of ownership (i.e. Local Government owned or leased), maintenance and running costs, insurance, any applicable luxury car tax and the amount of private use of the vehicle (i.e. non-business use).

2.2 As a general rule, the private benefit value would be based upon the annual costs multiplied by the percentage of private use.

2.3 Local Governments and CEOs will need to come to an agreement on the most appropriate way to record the amount of private use in order to calculate the private benefit value.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SCHEDULE 5: LOCAL GOVERNMENT NON-RESPONDENTS

- City of Vincent
- Shire of East Pilbara*
- Shire of Koorda
- Shire of Narembeen
- Shire of Nungarin
- Shire of Westonia*
- Shire of Woodanilling

The asterisk (*) indicates those local governments who did not respond to either the Tribunal's 2013 or 2014 CEO remuneration inquiry.

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE SALARIES AND ALLOWANCES
TRIBUNAL ON LOCAL GOVERNMENT ELECTED COUNCIL
MEMBERS**

Pursuant to Section 7(B)

June 2014

PREAMBLE

1. Section 7B(2) of the *Salaries and Allowances Act 1975* (‘the SA Act’) requires the Salaries and Allowances Tribunal (‘the Tribunal’), at intervals of not more than twelve months, to inquire into and determine—

- a. the amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* (‘the LG Act’) to elected council members for attendance at meetings;
- b. the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
- c. the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

BACKGROUND

2. Following proclamation of relevant sections of the *Local Government Amendment Act 2012* on 8 February 2013, the Tribunal was empowered to determine certain payments to be made or reimbursed to elected council members with effect from 1 July 2013.

3. Sections 5.98 to 5.100 of the LG Act were also amended with effect from 1 July 2013 to complement changes to the SA Act.

4. The legislation entitles elected council members to claim fees, expenses and allowances associated with the performance of functions carried out under the express authority of their local government. These entitlements cannot be taken away by any decision or action of the council.

5. The Tribunal has the capacity to determine either particular amounts for these payments or minimum and maximum ranges within which local governments can then set the amounts.

6. Where the Tribunal has chosen to determine a range, local governments are obliged to set, by absolute majority, the amount to be paid or reimbursed.

7. Elected council members have the ability to waive their entitlements or claim less than the awarded amount by writing to their local government in accordance with any relevant policies.

8. The Tribunal notes that the fees, expenses and allowances outlined in this determination are not intended to be reflective of full time salaries given the recognised element of voluntary community service associated with the role of elected council member.

CURRENT INQUIRY

9. In discharging its statutory requirement with respect to the entitlements of elected council members, the Tribunal’s approach has been to—

- advertise for public submissions;
- write via email to local governments and regional local governments inviting them to raise any comments or issues relevant to the determination of fees, expenses and allowances;
- seek information from local governments and regional local governments regarding the fees, expenses and allowances paid to elected council members in consideration of the 2013 determination;
- consider relevant labour market and economic data; and
- seek advice from the Statutory Adviser, Ms Jennifer Mathews, Director General, Department of Local Government and Communities (DLGC).

SUBMISSIONS

10. An advertisement calling for public submissions to the Tribunal’s inquiry was placed in *The West Australian* newspaper on 22 March 2014 with a closing date of 11 April 2014, and on the Tribunal’s website at <http://www.sat.wa.gov.au/LatestNews/Pages/Default.aspx>.

11. On 27 March 2014, the Tribunal emailed local government and regional local government chief executive officers (CEOs) to invite submissions from themselves and their elected council members on issues relevant to the determination by 18 April 2014.

12. On 31 March 2014, the Tribunal wrote to the Western Australian Local Government Association (WALGA) and the Western Australian division of the Local Government Managers Australia (LGMA), inviting submissions to its inquiry by 18 April 2014.

13. A total of ten submissions were received from seven local governments and three councillors.

14. Aside from those local governments who requested an increase in classification, matters raised in the submissions included that—

- a. Elected council members have responsibility for making strategic decisions and determining substantial budgets but because they are not adequately remunerated, cannot afford to take leave from their main employment to attend relevant training courses to enhance their skills and qualifications;
- b. There is an increasing requirement for elected council members to have a good knowledge of a wide range of legislation and good governance, be approachable and accountable and be strategic thinkers who can plan for their community's future. Remuneration should therefore reflect the level of expertise, knowledge, work load and time commitment of elected council members;
- c. The need to attract and retain young, motivated men and women to the role of elected council member is crucial in order to secure a healthy outlook for local government;
- d. Any future increases to meeting and annual attendance fees should only be awarded to elected council members and not their mayor/president/chairperson in order to make the current pay differential more equitable;
- e. The greater responsibilities of a mayor/president/chairperson are sufficiently rewarded with higher meeting and annual attendance fees and should not be further recognised by provision of an annual allowance;
- f. The annual attendance fee in lieu of council and committee meetings should be amended to include meetings of a prescribed nature in accordance with section 30(3A) of the *Local Government (Administration) Regulations 1996* ('LG Regulations');
- g. The Tribunal should clarify the travel and accommodation reimbursement rates to which elected council members are eligible under the *Public Service Award 1992* ('the Award'), or determine a rate altogether independent of the Award; and
- h. The Tribunal should determine particular amounts of fees and allowances rather than a range to avoid any political grandstanding and remove the requirement for elected council members to vote publicly on aspects of their remuneration.

The Tribunal took into account all feedback received throughout the inquiry process. Several of the issues raised above have been acted upon in this determination.

QUESTIONNAIRE

15. On 4 April 2014, an online questionnaire was provided to local government and regional local government CEOs in order to obtain information relating to the fees, expenses and allowances paid to their elected council members.

16. Responses to the questionnaire were initially requested by 18 April 2014 however continued to be accepted until 16 May 2014. In total, 124 responses were received from local governments and regional local governments.

17. The Yarra Yarra Catchment Regional Council and the Mid West Regional Council were not required to provide a response to the questionnaire as they ceased operations earlier this year. The City of Canning could not respond as they were subject to an Authorised Inquiry and had a Commissioner appointed to act as Council.

18. The Tribunal greatly appreciates the cooperation of those local governments and regional local governments who responded to the questionnaire. The information received has enabled the Tribunal to analyse the fees, expenses and allowances being paid to elected council members and understand issues which have arisen since the 2013 determination.

19. The 22 local governments that failed to respond to this inquiry have been listed in Schedule 2 of this determination and will be contacted by the Tribunal.

20. The Tribunal reminds all non-respondents that it is the responsibility of the CEO to provide information requested as part of the inquiry process. Although the SA Act provides the Tribunal with the powers of a Royal Commission to subpoena information relevant to its inquiries, it would prefer to work cooperatively with local governments and regional local governments.

21. Failure to provide information to future inquiries of the Tribunal may result in the Tribunal determining specific amounts of fees, expenses and allowances, rather than minimum and maximum ranges.

ASSISTANCE FROM STATUTORY ADVISOR

22. The Tribunal sought advice from Ms Jennifer Mathews, Director General, DLGC, who has been appointed by the Premier in accordance with section 10(4)(c) of the SA Act to assist the Tribunal in its inquiries into the fees, expenses and allowances of elected council members.

CONSIDERATIONS

23. In undertaking this determination, the Tribunal has been mindful of the magnitude and complexity of the local government sector. With the closure of the Yarra Yarra Catchment Regional Council and the Mid West Regional Council earlier this year, there are now 147 local governments and regional local governments in WA which in 2012-13 accounted for a total operating and capital expenditure of approximately \$4.63 billion.³ There are approximately 16,000 Full Time Equivalent

³ Statistics provided by the Department of Local Government and Communities, May 2014.

employees and 1,229 elected council members spread across geographic areas ranging from 1.5 square kilometres to 371,696 square kilometres.⁴

24. The Tribunal has again taken into account sections 2.7 to 2.10 of the LG Act which outline the roles and responsibilities of local governments, councillors, mayors, presidents and their deputies.

25. The information received from individual local governments, elected council members and the Statutory Advisor continues to keep the Tribunal informed on developments across the sector.

Range of fees versus a set amount

26. Following requests from several local governments, the Tribunal again considered whether it should determine specific amounts of fees, expenses and allowances or continue determining minimum and maximum ranges.

27. The Tribunal acknowledges that determining a specific amount for each local government and regional local government may depoliticise payments and protect elected council members from being accused of self-interest. However, the Tribunal continues to believe that individual local governments and regional local governments are best placed to assess their own financial capacity to pay in consideration of the workload and responsibilities of their elected council members.

28. In addition, the Tribunal is mindful that removing the ability for local governments to set their own amounts may result in a decrease in payments and heighten dissatisfaction amongst elected council members and the wider sector. This is particularly relevant given that results obtained via the questionnaire demonstrated that a significant number of elected council members claimed the maximum or close to the maximum of the ranges determined by the Tribunal.

Training for elected council members

29. As part of the Tribunal's 2013 inquiry, the Minister for Local Government requested that consideration be given to the possibility of providing incentives for elected council members who participate in training programs in an effort to increase the capacity of local governments to successfully deliver services to the community.

30. Advice received from the DLGC is that \$1.52m of funding (\$260,000 in 2013-14) has been received as part of the Royalties for Region program to enable the delivery of training to elected council members of non-metropolitan local governments. The proposed training project will support country local governments to improve governance and decision-making and upon completion, provide a pathway into the Elected Member stream of the Diploma of Local Government provided by WALGA. The skill set for local government elected council members is set out in the LGA04 Local Government Training Package of the Australian Qualifications Framework.

31. The DLGC has informed the Tribunal that training will be offered in the first instance via two pilot programs to a limited number of elected council members in central regional locations by 30 June 2014.

32. Given that this determination will be issued prior to the DLGC completing its evaluation of the pilot programs, the Tribunal considered that it was not appropriate to provide incentives or rewards for completion of training as part of this determination.

33. The Tribunal will monitor the situation with a view to developing a means of rewarding training as part of the framework of fees, expenses and allowances in the next determination or sooner if the opportunity arises.

Annual attendance fees

34. Several requests were made for the annual attendance fee in lieu of council and committee meetings to also include meetings of a prescribed nature as defined in Regulation 30(3A) of the LG Regulations.

35. Data obtained via the questionnaire did not identify any elected council members who received a per meeting fee for attendance at prescribed meetings in addition to an annual allowance for council and committee meetings. Nevertheless, the Tribunal considers that inclusion of prescribed meetings within the annual attendance fee is warranted to enhance consistency and clarification in the provision of annual attendance fees.

Committee meeting and prescribed meeting attendance fees

36. The Tribunal's 2013 determination did not differentiate between committee meeting and prescribed meeting fees for elected council members and their mayor/president/chairperson.

37. However, the inquiry process found that a number of local governments had made this differentiation and determined one fee for elected council members and another for the mayor/president/chairperson.

38. Whilst it was not the Tribunal's intent for different fees to be set, the Tribunal acknowledges that councils should have the discretion to reward attendance in consideration of the particular representative's role, responsibilities, knowledge and experience.

Metropolitan local government reform

39. The Statutory Advisor has informed the Tribunal that the Minister for Local Government will consider the recommendations for metropolitan reform made by the Local Government Advisory Board over the coming months.

⁴ Statistics provided by the Department of Local Government and Communities, May 2014.

40. It is understood that all new district changes will be established effective 1 July 2015 and that where Commissioners are appointed, local government elections will be held in October 2015 along with ordinary local government elections.

41. Accordingly, the Tribunal will be reviewing the classifications of local governments impacted by an amalgamation or boundary change in due course and would greatly appreciate the cooperation of local governments in providing any information to assist this process.

Labour market and economic data

42. The Tribunal considered relevant labour market and economic data as well as the State Government's economic forecast in order to determine an economically sustainable adjustment to the current payments made or reimbursed to elected council members.

Questionnaire results

43. Approximately 84 per cent of local governments and regional local governments responded to the Tribunal's questionnaire regarding the fees, expenses and allowances paid to elected council members. This gave the Tribunal a reasonably high level of confidence in the data provided with the caveat that the Tribunal's executive did not have the opportunity to verify the information provided in each individual response.

44. The questionnaire requested information regarding the gender and age of current local government elected council members. A total of 1115 elected members were reported, comprising of 776 males and 339 females. The majority of elected council members (62 per cent) were reported as being aged between 45 and 64, whereas only 5 per cent were reported as being aged between 18 and 34. The results, albeit unsurprising, highlight the growing need for local governments to attract a more diverse range of people to the role of elected council member.

45. Overall, data obtained via the questionnaire produced similar results and trends to the 2013 inquiry, with local governments allocated to the same classification band often determining comparable levels of entitlements for their elected council members. The most notable difference was that the maximum annual attendance fees and annual allowances claimed this financial year were substantially greater given the increase awarded in the Tribunal's 2013 determination.

46. All band 1 and approximately 83 per cent of band 2 respondents reported that their elected council members claimed an annual attendance fee in lieu of council and committee meeting fees. Of these, 71 per cent of band 1 and 52 per cent of band 2 claimed the maximum of their awarded annual attendance fee. In band 3, 87 per cent of elected council members claimed an annual attendance fee, with approximately 10 per cent claiming the maximum amount. While the number of band 4 elected council members who claimed an annual attendance fee has risen since 2013 (48 per cent compared to 36 per cent), only one local government has claimed the maximum amount. Six regional local government respondents claimed an annual attendance fee, with four receiving the maximum amount of \$10,000.

47. Four local governments indicated that some or all of their elected council members had either waived or elected to only receive part of their entitlements for meeting attendance.

48. With regards to the additional allowance for mayors/presidents and their deputies, all band 1 and 45 per cent of band 2 respondents received an annual allowance. Of these, 65 per cent of band 1 and 41 per cent of band 2 claimed their maximum entitlement. In band 3, 90 per cent of mayors/presidents and their deputies claimed an annual allowance, with approximately 12 per cent claiming the maximum amount. In band 4, 85 per cent of mayors/presidents and their deputies claimed an annual allowance, with four per cent claiming the maximum. The annual allowance figures claimed by band 4 mayors/presidents had the greatest variance of all the bands, with amounts ranging between \$500 to \$19,000.

49. The Tribunal notes that numerous local governments did not provide information regarding their total operating revenue for the 2012-13 financial year in addition to the annual allowances received by their mayors/presidents/chairpersons and deputies. This made it difficult to assess compliance with the Tribunal's 2013 determination.

50. In this regard, the Tribunal reminds local governments that the method for calculating annual allowances was initially outlined in its 2013 determination and replaced previous calculations under the LG Regulations. Since 1 July 2013, the maximum annual allowance that could be paid to a mayor/president/chairperson should not have exceeded the range stated in Table 7 of the Tribunal's 2013 determination or 0.2 per cent of the local government's operating revenue for the 2012-13 financial year, whichever was the lesser amount. This differs from the LG Regulations which previously provided for annual allowances of between \$600 to \$12,000 or 0.002 of operating revenue, whichever was the greater amount, but not more than \$60,000.

51. Local governments are required to apply the Tribunal's determination when calculating annual allowances for mayors/presidents/chairpersons. This is particularly important given the flow on effects which may result if an annual allowance is also awarded to the deputy mayor/president/chairperson (to be not more than 25 per cent of the annual allowance awarded to the mayor/president/chairperson).

52. Additional measures which come to the attention of the Tribunal may be utilised to ensure any aspects of non-compliance with its determinations are raised with the appropriate authority.

Annual review process and provision of data to the Tribunal

53. The Tribunal will annually request information regarding the amounts of fees, expenses and allowances paid to local governments and regional local government elected council members.

54. When the questionnaire for this 2014 inquiry was conducted, the Tribunal was unable to request actual figures relating to the reimbursement of expenses as it had not been a complete financial year since the 2013 determination was issued.

55. Local governments and regional local governments are advised to record all figures relevant to each section of the determination, including reimbursement figures relating to the 2013-14 financial year, as this information will be requested as part of the Tribunal's 2015 inquiry.

CONCLUSIONS

56. During the course of this inquiry, the Tribunal received feedback that the increases awarded in the 2013 determination acknowledged the workload and responsibilities of elected council members, mayors, presidents and chairpersons across a range of different sized local governments.

57. The Tribunal has determined a general adjustment of 3 per cent to the maximum ranges of the council meeting fees, committee meeting and prescribed meeting fees, annual attendance fees in lieu of council and committee meeting fees and the annual allowances for mayors, presidents and chairpersons. All adjustments to the maximum ranges have been rounded to the nearest dollar and are effective 1 July 2014.

58. The Tribunal considers that an increase of 3 per cent is sufficient given the current economic climate and the substantial increases awarded in the 2013 determination. The Tribunal's decision also takes into account information provided by local governments and regional local governments throughout the inquiry process and maintains the understanding that there is a recognised element of community service associated with the role of elected council member.

59. In light of the above, the Tribunal advises that a local government would have to satisfy itself that there was sound justification to award elected council members an increase within their allocated band range which was in excess of 3 per cent.

60. The Tribunal has maintained a separate annual allowance for the Lord Mayor in recognition of the significant ceremonial and civic responsibilities associated with being a representative of the State's capital city and involved in state and national planning initiatives. The 3 per cent general adjustment is therefore also applicable to the maximum range of the annual allowance awarded to the Lord Mayor.

61. The minimum ranges outlined for the abovementioned entitlements in the Tribunal's determination have been maintained in order to prevent placing undue pressure on those local governments which may not have the financial capacity to pay increased amounts.

62. In continuing to set minimum and maximum amounts, the Tribunal has maintained the ability for local governments and regional local governments to exercise discretion in setting particular amounts within the ranges outlined in this determination.

63. The Tribunal has found that the current classification framework and band allocation model have been effective and that no further amendment is warranted at this time. Regional local governments will continue to be provided with a single range of fees and allowances rather than in accordance with the band allocation awarded to them under the Tribunal's 2013 determination for local government CEOs.

64. After considering all of the relevant information, the Tribunal has increased the classification for the City of Kwinana from Band 2 to Band 1. The Tribunal considered a range of factors including the City's increased levels of work value, growth and responsibility outlined in their submission and in data collected by the Tribunal. Whilst the Tribunal is mindful that the City may be impacted by the State Government's metropolitan reform program, the extent of the change will only be understood once recommendations have been made by the Local Government Advisory Board and accepted by the Minister for Local Government. The increases in work value, growth and responsibility factors were considered significant enough to warrant reclassification at this time.

65. Aside from the City of Kwinana, the Tribunal has maintained the classifications awarded to all local governments and regional local governments. Although several local governments demonstrated increases in terms of operating expenditure, FTE and population, they were not considered significant or consistent enough to warrant an increase in classification at present.

66. The annual attendance fees in lieu of council meeting and committee meeting attendance fees have been amended to include meetings of a prescribed nature as defined in Regulation 30(3A) of the LG Regulations. However, the Tribunal did not consider it necessary that the inclusion of prescribed meetings required the maximum ranges of the annual attendance fees to be increased beyond the 3 per cent general adjustment.

67. The Tribunal reinforces its preference for the reimbursement of actual expenses wherever possible and accordingly, has maintained the annual allowances for information and communication technology (ICT) and travel and accommodation provided for in the 2013 determination. Although these annual allowance are to be paid in lieu of reimbursement of such expenses, the Tribunal maintains the fundamental principle that elected council members should not be out of pocket for expenses properly incurred in the fulfilment of their duties and that any expense incurred beyond the annual allowance amount received should continue to be reimbursed in accordance with the LG Regulations.

68. In conclusion, the Tribunal would like to acknowledge those who provided information to this inquiry. This enabled the Tribunal to appreciate the issues impacting various local governments and the wider sector, and also gain feedback regarding the effectiveness of its inaugural determination into the fees, expenses and allowances of elected council members.

69. The Tribunal also wishes to thank Ms Jennifer Mathews, Director General DLGC, for the invaluable advice and assistance provided by herself and her staff, and express their appreciation to

the former Executive Officer, Mr John Lukin, and the current Executive team for the research and dedication that has enabled the compilation of this determination.

The determination will now issue.

Signed this 18th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

**DETERMINATION FOR LOCAL GOVERNMENT
ELECTED COUNCIL MEMBERS PURSUANT TO SECTION 7B
OF THE SALARIES AND ALLOWANCES ACT 1975**

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Explanatory Notes

PART 1: INTRODUCTORY MATTERS

This Part deals with some matters that are relevant to the determination generally.

1.1 Short title

This determination may be cited as the *Local Government Elected Council Members Determination No. 1 of 2014*.

1.2 Commencement

This determination comes into operation on 1 July 2014.

1.3 Content and intent

(1) This determination provides for the amount of fees, expenses and allowances to be paid or reimbursed under the *Local Government Act 1995* (‘the LG Act’) Part 5 Division 8 to elected council members. The determination applies to elected council members who are members of the council of a local government. Under the LG Act section 3.66, it also applies to elected council members who are members of the council of a regional local government.

(2) Where the Tribunal has determined a specific amount for a fee, expense or allowance for elected council members of a local government or regional local government, the amount determined by the Tribunal will be payable to an eligible elected council member.

(3) Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for elected council members of a local government or regional local government, each local government or regional local government council will set an amount within the relevant range determined and the amount set will be payable to an eligible elected council member.

(4) The fees, expenses and allowances determined are intended to recognise the responsibilities of elected council members, mayors and presidents of local governments and chairmen of regional local governments and to remunerate them for the performance of the duties associated with their office.

1.4 Terms used

In this determination, unless the contrary intention appears—

chairman means a person who is elected or appointed from among the members of a council of a regional local government as its chairman;

committee meeting means a meeting of a committee of a council where the committee comprises—

- (a) council members only; or
- (b) council members and employees of the local government or regional local government;

council—

- (a) in relation to a local government, means the council of the local government;
- (b) in relation to a regional local government, means the council of the regional local government;

council member—

- (a) in relation to a local government—
 - (i) means a person elected under the LG Act as a member of the council of the local government; and
 - (ii) includes the mayor or president of the local government;
- (b) in relation to a regional local government—
 - (i) means a person elected under the LG Act as a member of the council of a local government and who is a member of the council of the regional local government; and
 - (ii) includes the chairman of the regional local government;

LG Regulations means the Local Government (Administration) Regulations 1996;

mayor means a council member holding the office of mayor, whether elected by the council from amongst its members or elected by the electors;

operating revenue means revenue that is operating revenue for the purposes of the Australian Accounting Standards made and amended from time to time by the Australian Accounting Standards Board;

president means a council member holding the office of president, whether elected by the council from amongst its members or elected by the electors.

1.5 Pro rata payments

The amount of a person's entitlement to an annual attendance fee or annual allowance specified in this determination shall be apportioned on a pro rata basis according to the portion of a year that the person holds office as a council member and is eligible for the relevant annual attendance fee or annual allowance.

1.6 Local government band allocations

Unless the contrary intention appears, local governments are allocated in this determination to the bands set out in Schedule 1 of this determination. Regional local governments are not allocated to bands.

PART 2: MEETING ATTENDANCE FEES

This Part deals with fees payable to council members for attendance at council meetings and meetings as set out in section 5.98(1) and (2A) of the LG Act and regulation 30(3A) of the LG Regulations.

In particular it deals with fees for attendance at the following meetings—

- (a) council meetings;
- (b) council committee meetings;
- (c) Western Australian Local Government Association (WALGA) Zone meetings;
- (d) Main Roads Western Australia Regional Road Group meetings
- (e) regional local government meetings where an elected council member is deputising;
- (f) meetings attended at the request of a Minister of the Crown;
- (g) meetings where an elected council member is a delegate of the council.

2.1 GENERAL

(1) Pursuant to section 5.98(1)(b) of the LG Act, a council member who attends a council meeting is entitled to be paid the fee set by the local government or the regional local government within the range determined in section 2.2 of this Part for council meeting attendance fees.

(2) Pursuant to section 5.98(1)(b) and (2A)(b) of the LG Act, a council member who attends a committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations is entitled to be paid the fee set by the local government or regional local government within the range determined in section 2.3 of this Part for attending committee meetings or, as the case requires, meetings of that type.

(3) Each of the following meetings is a type of meeting prescribed in regulation 30(3A) of the LG Regulations—

- (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
- (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
- (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
- (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
- (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

(4) Pursuant to section 5.99 of the LG Act, a local government or regional local government may decide by an absolute majority that instead of paying council members an attendance fee referred to in section 5.98(1) of the LG Act, it will pay all council members who attend council or committee meetings a fee set within the range for annual fees determined in section 2.4 of this Part.

(5) Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if—

- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
- (b) the council member is paid an annual fee in accordance with section 5.99 of the LG Act; or
- (c) the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.

(6) In determining the fees set out in this Part, the Tribunal has taken into account a range of factors including—

- (a) the time required to prepare adequately for the meetings including consideration of agenda papers, site visits related to agenda items and consultation with council staff and community members;
- (b) the role of the council member, mayor or president including, but not limited to, representation, advocacy, and oversight and determination of policy and local legislation;
- (c) particular responsibilities associated with the types of meetings attended;
- (d) responsibilities of a mayor, president or chairman to preside over meetings; and
- (e) the relative “size” of the local government as reflected in the Tribunal’s local government banding model.

(7) The Tribunal has not determined a specific meeting attendance fee for the purposes of section 5.98(1)(a) or (2A)(a) of the LG Act.

2.2 COUNCIL MEETING ATTENDANCE FEES—PER MEETING

(1) The ranges of fees in Table 1 and Table 2 apply where a local government or regional local government decides by an absolute majority to pay a council member a fee referred to in section 5.98(1)(b) of the LG Act for attendance at a council meeting.

Table 1: Council meeting fees per meeting—local governments

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$600	\$773	\$600	\$1,159
2	\$363	\$567	\$363	\$760
3	\$188	\$400	\$188	\$618
4	\$88	\$232	\$88	\$477

Table 2: Council meeting fees per meeting—regional local governments

	For a council member other than the chairman		For a council member who holds the office of chairman	
	Minimum	Maximum	Minimum	Maximum
All regional local governments	\$88	\$232	\$88	\$477

2.3 COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES—PER MEETING

(1) The ranges of fees in Table 3 and Table 4 apply where a local government or regional local government decides to pay a council member a fee referred to in—

- (a) section 5.98(1)(b) of the LG Act for attendance at a committee meeting; or
- (b) section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.

Table 3: Committee meeting and prescribed meeting fees per meeting—local governments

For a council member (including the mayor or president)		
Band	Minimum	Maximum
1	\$300	\$386
2	\$181	\$283
3	\$94	\$200
4	\$44	\$116

Table 4: Committee meeting and prescribed meeting fees per meeting—regional local governments

For a council member (including the chairman)		
	Minimum	Maximum
All regional local governments	\$44	\$116

2.4 ANNUAL ATTENDANCE FEES IN LIEU OF COUNCIL MEETING, COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES

(1) The ranges of fees in Table 5 and Table 6 apply where a local government or regional local government decides by an absolute majority that, instead of paying council members an attendance fee referred to in section 5.98 of the LG Act, it will pay all council members who attend council, committee or prescribed meetings an annual fee.

Table 5: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees—local governments

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,000	\$30,900	\$24,000	\$46,350
2	\$14,500	\$22,660	\$14,500	\$30,385
3	\$7,500	\$15,965	\$7,500	\$24,720
4	\$3,500	\$9,270	\$3,500	\$19,055

Table 6: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees—regional local governments

	For a council member other than the chairman		For a council member who holds the office of chairman	
	Minimum	Maximum	Minimum	Maximum
All regional local governments	\$1,750	\$10,300	\$1,750	\$15,450

PART 3: ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT, CHAIRMAN, DEPUTY MAYOR, DEPUTY PRESIDENT AND DEPUTY CHAIRMAN

This Part deals with annual allowances payable to mayors, presidents, chairmen and their deputies in addition to any entitlement to meeting attendance fees or the reimbursement of expenses pursuant to section 5.98 of the LG Act.

In particular, this Part deals with—

- (a) *the entitlement of a mayor, president or chairman to an additional allowance; and*
- (b) *the discretion of a local government or regional local government to pay an additional allowance to a deputy mayor or deputy president or deputy chairman.*

3.1 GENERAL

(1) Pursuant to section 5.98(5) of the LG Act, the mayor or president of a local government and the chairman of a regional local government are entitled, in addition to any fees or reimbursement of expenses payable under section 5.98(1) or (2), to be paid the annual allowance set by the local government or regional local government within the range determined in section 3.2 of this Part.

(2) Pursuant to section 5.98A(1) of the LG Act, a local government or regional local government may decide by an absolute majority to pay the deputy mayor or deputy president of the local government, or the deputy chairman of the regional local government, an allowance of up to the percentage that is determined by the Tribunal of the annual allowance to which the mayor or president of the local government, or the chairman of the regional local government, is entitled under section 5.98(5) of the LG Act. That percentage is determined in section 3.3 of this Part. This allowance is in addition to any fees or reimbursement of expenses payable to the deputy mayor, deputy president or deputy chairman under section 5.98 of the LG Act.

(3) In determining the allowances set out in this Part, the Tribunal has taken into account a range of factors including the following—

- (a) the leadership role of the mayor, president or chairman;
- (b) the statutory functions for which the mayor, president or chairman is accountable;
- (c) the ceremonial and civic duties required of the mayor, president or chairman, including local government business related entertainment;
- (d) the responsibilities of the deputy mayor, deputy president or deputy chairman when deputising;
- (e) the relative “size” of the local government as reflected in the Tribunal’s local government banding model;
- (f) the civic, ceremonial and representation duties particular to the Lord Mayor of Western Australia’s capital city.

3.2 ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT OR CHAIRMAN

(1) The ranges of allowances in Table 7 apply where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act, subject to subsections (3) and (4).

(2) The range of allowances in Table 8 apply where a regional local government sets the amount of the annual local government allowance to which a chairman is entitled under section 5.98(5) of the LG Act, subject to subsection (5).

(3) Despite the provisions of subsection (1), the Perth City Council is to set the amount of the annual local government allowance to which the Lord Mayor is entitled within the range of \$60,000 to \$133,900.

(4) The maximum annual local government allowance for a mayor or president of a local government shall not exceed the maximum allowance applicable to that local government in Table 7 or 0.2 per cent of the local government’s operating revenue for the 2013-14 financial year, whichever is the lesser.

(5) The maximum annual local government allowance for a chairman of a regional local government shall not exceed the maximum allowance applicable to that regional local government in Table 8 or 0.2 per cent of the regional local government’s operating revenue for the 2013-14 financial year, whichever is the lesser.

Table 7: Annual allowance for a mayor or president of a local government

Band	For a mayor or president	
	Minimum	Maximum
1	\$50,000	\$87,550
2	\$15,000	\$61,800
3	\$1,000	\$36,050
4	\$500	\$19,570

Table 8: Annual allowance for a chairman of a regional local government

	For a chairman	
	Minimum	Maximum
All regional local governments	\$500	\$19,570

3.3 ANNUAL ALLOWANCE FOR A DEPUTY MAYOR, DEPUTY PRESIDENT OR DEPUTY CHAIRMAN

(1) The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.

PART 4: EXPENSES TO BE REIMBURSED

This Part deals with expenses for which council members are entitled to be reimbursed pursuant to section 5.98(2) of the LG Act.

In particular, this Part deals with—

- (a) *expense reimbursements prescribed specifically in regulation 31(1) of the LG Regulations that must be paid by a local government or regional local government when claimed by a council member (i.e. telephone and facsimile rental, child care and travel); and*
- (b) *expense reimbursements prescribed in general terms in regulation 32(1) of the LG Regulations that may be approved by a local government or regional local government and claimed by a council member.*

4.1 GENERAL

(1) Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 31(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 4.2(1) to (5) of this Part.

(2) Regulation 31(1) of the LG Regulations prescribes the following kinds of expenses that are to be reimbursed—

- (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
- (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

(3) Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 31(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 4.2(6) and (7) of this Part.

(4) Regulation 32(1) of the LG Regulations prescribes the following kinds of expenses that may be approved by a local government for reimbursement—

- (a) an expense incurred by a council member in performing a function under the express authority of the local government;
- (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person;
- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

4.2 EXTENT OF EXPENSES TO BE REIMBURSED

(1) The extent to which a council member can be reimbursed for rental charges in relation to one telephone and one facsimile machine is the actual expense incurred by the council member.

(2) The extent to which a council member can be reimbursed for child care costs incurred because of attendance at a meeting referred to in regulation 31(1)(b) of the LG Regulations is the actual cost per hour or \$25 per hour, whichever is the lesser amount.

(3) The extent to which a council member of a local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the LG Regulations is—

- (a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- (b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back—
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

(4) The extent to which a council member of a regional local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the LG Regulations is the actual cost for the person to travel from the person's place of residence or work to the meeting and back.

(5) For the purposes of subsections (3) and (4), travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate applicable to the reimbursement of travel costs in the same or similar circumstances under the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of this determination.

(6) The extent to which a council member can be reimbursed for child care costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is the actual cost per hour or \$25 per hour, whichever is the lesser amount.

(7) The extent to which a council member can be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of this determination.

PART 5: ANNUAL ALLOWANCES IN LIEU OF REIMBURSEMENT OF EXPENSES

This Part deals with annual allowances that a local government or regional local government may decide to pay, pursuant to section 5.99A of the LG Act, to all council members in lieu of the reimbursement of expenses of a particular type under section 5.98(2) of the LG Act.

In particular, this Part deals with allowances to be paid instead of—

- (a) *expense reimbursements prescribed specifically in regulation 31(1) of the LG Regulations that must be paid by a local government or regional local government when claimed by a council member (i.e. telephone and facsimile rental, child care and travel); and*
- (b) *expense reimbursements prescribed in general terms in regulation 32(1) of the LG Regulations that may be approved by a local government or regional local government and claimed by a council member.*

5.1 GENERAL

(1) Pursuant to section 5.99A of the LG Act, a local government or regional local government may decide by absolute majority that instead of reimbursing council members under the LG Act section 5.98(2) for all of a particular type of expense, it will pay all council members, for that type of expense, the annual allowance determined in section 5.2 of this Part or, as the case requires, an annual allowance within the range determined in that section.

(2) Where a local government or regional local government has decided to pay council members an annual allowance for an expense of a particular type instead of reimbursing expenses of that type under section 5.98(2) of the LG Act, section 5.99A of the LG Act provides for reimbursement of expenses of that type in excess of the amount of the allowance.

(3) In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following—

- (a) the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;
- (b) the capacity of local governments to set allowances appropriate to their varying operational needs;
- (c) the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads);
- (d) the varying travel requirements of council members in local governments associated with geography, isolation and other factors.

5.2 ANNUAL ALLOWANCES DETERMINED INSTEAD OF REIMBURSEMENT FOR PARTICULAR TYPES OF EXPENSES

(1) In this section—

ICT expenses means—

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or
- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;

travel and accommodation expenses means—

- (a) travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or
- (b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.

(2) For the purposes of section 5.99A(b) of the LG Act, the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.

(3) For the purposes of section 5.99A(a) of the LG Act, the annual allowance for travel and accommodation expenses is \$50.

SCHEDULE 1: LOCAL GOVERNMENT BAND ALLOCATIONS

LOCAL GOVERNMENT	BAND
Albany City	2
Armadale City	1
Ashburton Shire	2
Augusta-Margaret River Shire	2
Bassendean Town	3
Bayswater City	1
Belmont City	2
Beverly Shire	4
Boddington Shire	4
Boyup Brook Shire	4

LOCAL GOVERNMENT	BAND
Bridgetown-Greenbushes Shire	3
Brookton Shire	4
Broome Shire	2
Broomehill-Tambellup Shire	4
Bruce Rock Shire	4
Bunbury City	2
Busselton City	2
Cambridge Town	2
Canning City	1
Capel Shire	3
Carnamah Shire	4
Carnarvon Shire	2
Chapman Valley Shire	4
Chittering Shire	3
Claremont Town	3
Cockburn City	1
Collie Shire	3
Coolgardie Shire	3
Coorow Shire	4
Corrigin Shire	4
Cottesloe Town	3
Cranbrook Shire	4
Cuballing Shire	4
Cue Shire	4
Cunderdin Shire	4
Dalwallinu Shire	4
Dandaragan Shire	3
Dardanup Shire	3
Denmark Shire	3
Derby-West Kimberley Shire	2
Donnybrook Balingup Shire	3
Dowerin Shire	4
Dumbleyung Shire	4
Dundas Shire	4
East Fremantle Town	3
East Pilbara Shire	2
Esperance Shire	2
Exmouth Shire	3
Fremantle City	1
Gingin Shire	3
Gnowangerup Shire	4
Goomalling Shire	4
Gosnells City	1
Greater Geraldton City	1
Halls Creek Shire	3
Harvey Shire	2
Irwin Shire	3
Jerramungup Shire	4
Joondalup City	1
Kalamunda Shire	2
Kalgoorlie-Boulder City	1
Katanning Shire	3
Kellerberrin Shire	4
Kent Shire	4

LOCAL GOVERNMENT	BAND
Kojonup Shire	3
Kondinin Shire	4
Koorda Shire	4
Kulin Shire	4
Kwinana City	1
Lake Grace Shire	4
Laverton Shire	3
Leonora Shire	3
Mandurah City	1
Manjimup Shire	3
Meekatharra Shire	3
Melville City	1
Menzies Shire	4
Merredin Shire	3
Mingenew Shire	4
Moora Shire	3
Morawa Shire	4
Mosman Park Town	3
Mount Magnet Shire	4
Mount Marshall Shire	4
Mukinbudin Shire	4
Mundaring Shire	2
Murchison Shire	4
Murray Shire	3
Nannup Shire	4
Narembeen Shire	4
Narrogin Shire	4
Narrogin Town	3
Nedlands City	2
Ngaanyatjarraku Shire	4
Northam Shire	2
Northampton Shire	4
Nungarin Shire	4
Peppermint Grove Shire	4
Perenjori Shire	4
Perth City	1
Pingelly Shire	4
Plantagenet Shire	3
Port Hedland Town	1
Quairading Shire	4
Ravensthorpe Shire	3
Rockingham City	1
Roebourne Shire	1
Sandstone Shire	4
Serpentine-Jarrahdale Shire	3
Shark Bay Shire	4
South Perth City	2
Stirling City	1
Subiaco City	2
Swan City	1
Tammin Shire	4
Three Springs Shire	4
Toodyay Shire	3
Trayning Shire	4

LOCAL GOVERNMENT	BAND
Upper Gascoyne Shire	4
Victoria Park Town	2
Victoria Plains Shire	4
Vincent Town	2
Wagin Shire	4
Wandering Shire	4
Wanneroo City	1
Waroona Shire	3
West Arthur Shire	4
Westonia Shire	4
Wickepin Shire	4
Williams Shire	4
Wiluna Shire	4
Wongan Ballidu Shire	4
Woodanilling Shire	4
Wyalkatchem Shire	4
Wyndham-East Kimberley Shire	2
Yalgoo Shire	4
Yilgarn Shire	3
York Shire	3

Signed this 18th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SCHEDULE 2: LOCAL GOVERNMENT NON-RESPONDENTS

- Shire of Coorow
- Shire of Cue
- Shire of Dalwallinu*
- Shire Dandaragan
- Shire of Derby- West Kimberley
- Shire of East Pilbara
- Shire of Gnowangerup
- Shire of Kent*
- Shire of Lake Grace*
- Shire of Mukinbudin
- Shire of Narembeen*
- Shire of Nungarin*
- Shire of Waroona
- Shire of Westonia*
- Shire of Wongan-Ballidu
- Shire of Woodanilling
- Shire of Wyndham- East Kimberley
- Shire of Yalgoo
- Shire of Trayning
- Town of Mosman Park
- Town of Vincent
- Western Metropolitan Regional Council

The asterisk (*) indicates those local governments who did not respond to either the Tribunal's 2013 or 2014 inquiry into the fees, expenses and allowances of elected council members.

EXPLANATORY NOTES

This section does not form part of the determination

1. Entitlements

The entitlement of a council member to a fee, allowance or reimbursement of an expense established under the LG Act, the LG Regulations and this determination, cannot be proscribed, limited or waived by a local government. Any eligible claim against those entitlements is to be paid in accordance with the applicable financial procedures of the local government.

2. Local governments to set amounts within the range determined

Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for members of the council of a local government or a regional local government, each council is to set, by absolute majority, an amount within the relevant range determined and the amount set will be payable to elected council members.

3. Superannuation

Nothing in this determination establishes a liability for the payment of superannuation by local governments. Elected council members are eligible for superannuation payments if their council has resolved unanimously to become an Eligible Local Governing Body (ELGB) pursuant to section 221A and section 221B of the *Income Tax Assessment Act 1936* (Cwlth). Where the council is an ELGB, it is deemed to have an employer/employee relationship with its elected council members and this attracts the application of a number of statutory obligations. Alternative arrangements described in Australian Taxation Office (ATO) Interpretative Decision ATO ID 2007/205 allow for elected council members and councils to agree for whole or part of meeting attendance fees to be paid into a superannuation fund. Where the council is an ELGB, fees for attendance at council, committee and prescribed meetings (whether paid via a per meeting fee or annual allowance) are to be inclusive of any superannuation guarantee liability. This information is not published by way of legal or financial advice.

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE SALARIES AND ALLOWANCES
TRIBUNAL FOR THE REMUNERATION OF MEMBERS OF
PARLIAMENT**

June 2014

1. The Salaries and Allowances Act 1975 (“the Act”) requires the Salaries and Allowances Tribunal (“the Tribunal”) to inquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, Parliamentary Secretaries appointed under Section 44A(1) of the Constitution Acts Amendment Act 1899, members of committees, and officers and Members of the Parliament.
2. By issuing this Determination, the Tribunal has discharged its statutory obligation under section 8(a) of the Act, to issue a determination within 12 months of the last determination relating to offices identified in sections 6(1)(a), 6(1)(ab), 6(1)(b) and 6AA.
3. The Tribunal’s previous determination in relation to the remuneration of Members of Parliament was issued on 9 August 2013.
4. In conducting this inquiry the Tribunal has taken into account existing levels of remuneration of Members of Parliament within the context of wage and salary rates applying generally in the community.
5. The performance of the Western Australian economy and forecasts as to its likely future performance have been assessed, along with labour market and economic information, the Government’s most recent Public Sector Wages Policy Statement, Financial Strategy Statement and Financial Projection Statement.
6. In fulfilling its statutory responsibilities, the Tribunal has determined that an economic adjustment to reflect changes in the Consumer Price Index should be applied.
7. It has determined that an increase of \$5,585 will apply to the base salary of a back bench Member of Parliament. This amount shall be applied to all office holders.
8. The Tribunal is continuing its work to review the remuneration provided to Members of Parliament, which also includes reviewing all current allowances and reimbursements.
9. It is intended that matters arising from this review will be addressed in future determinations.

DETERMINATION

10. The Tribunal has adjusted the base remuneration and additional remuneration (salary components) provided to Members of Parliament by \$5,585.
11. The Postal Service Allowances for Certain Office Holders have been adjusted to reflect price increases applied by Australia Post in March 2014.
12. The Tribunal has not made any other adjustments to electorate allowances pending the completion of a full review of allowances and reimbursements.

The determination will now issue.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member
Salaries and Allowances Tribunal

B. J. MOORE
Member

**DETERMINATION OF THE
SALARIES AND ALLOWANCES TRIBUNAL**

Pursuant to Section 6(1) (a) (ab) (b) and 6AA of the *Salaries and Allowances Act 1975*

Pursuant to the provisions of the *Salaries and Allowances Act 1975*, the Salaries and Allowances Tribunal (“the Tribunal”) determines the remuneration to be paid to Ministers of the Crown, the Parliamentary Secretary of Cabinet, a Parliamentary Secretary appointed under Section 44A (1) of the *Constitution Acts Amendment Act 1899*, members of committees, officers and Members of the Parliament, as hereunder follows with effect from 1 July 2014, unless otherwise stated—

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[Entitlement administered by: # Parliamentary Departments, Parliament House

* State Administration, Department of the Premier and Cabinet]

PART 1: PAYMENT OF REMUNERATION

SECTION 1: GENERAL

1.1 The remuneration payable to a Member under this determination shall be calculated and appropriately adjusted on and from the day following the day on which the Member is elected as a Member and, except as provided by paragraph 1.2 of this Section and Part 8, shall cease to be payable at the end of the day that the person ceases to be a Member.

1.2 Where a Member of the Legislative Assembly ceases to be a Member by reason of the dissolution of that House or the expiry by the effluxion of time, the Member is, notwithstanding that Member's cessation of membership, entitled to continue to receive the remuneration provided in this determination up to and including the date of the election following the dissolution or expiry of that House.

1.3 Where the Legislative Assembly is dissolved or expires by the effluxion of time, a person who is the Parliamentary Secretary of the Cabinet or immediately before the dissolution or expiry by the effluxion of time was the Chairman of Committees in the House (Deputy Speaker) or is the holder of the office of—

- 1.3.1 Leader of the Opposition in that House;
- 1.3.2 Leader of a recognised non-Government party (as defined in Section 2 of Part 2 of this determination);
- 1.3.3 Deputy Leader of the Opposition in that House;
- 1.3.4 Government Whip in that House; or
- 1.3.5 Opposition Whip in that House;
- 1.3.6 Recognised minor party Whip (as defined in Section 2 of Part 2 of this determination) in that House;

is entitled to receive the remuneration payable to that office holder by virtue of Section 2 of Part 2 of this determination until—

1.3.7 that person ceases to be a Member by reason of an event other than the dissolution or expiry by the effluxion of time of the Legislative Assembly; or

1.3.8 another person is elected or appointed to the office held by that person;

whichever event shall first occur.

1.4 Remuneration payable under Parts 2, 3 and 6 (Section 4) of this determination shall be paid by equal instalments either monthly or twice monthly and becomes thereupon the property of the Member. Remuneration relating to part of a pay period should be calculated as 1/365 of the annual amount specified in this determination multiplied by the relevant number of days.

1.5 In this determination where reference is made in the text to "... a year ..." or "... per annum ..." this should be taken to mean a financial year. Where benefits or entitlements are provided with specific reference in the text to "... a financial year ..." these cease on and from 30 June each year and no carryover of any unexpended portion is permitted. Accordingly, the advance purchasing of relevant benefits such as those relating to travel in one financial year to be utilised in another financial year is not permitted.

PART 2: REMUNERATION

SECTION 1: BASE REMUNERATION OF MEMBERS OF PARLIAMENT

1.1 There is payable to each Member of Parliament an annual base remuneration of \$154,223.

SECTION 2: ADDITIONAL REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY SECRETARIES AND OFFICE HOLDERS OF THE PARLIAMENT

2.1 In addition to the base remuneration payable to a Member under Section 1 of this Part of this Determination there is payable to the person for the time holding the office specified in the table hereunder additional remuneration per annum.

Office Held	Additional Remuneration	Total Remuneration
Premier in conjunction with a ministerial office	\$196,202	\$350,425
Deputy Premier in conjunction with a ministerial office	\$144,179	\$298,402
Leader of the Government in the Legislative Council in conjunction with a ministerial office	\$133,774	\$287,997
Minister of the Crown	\$118,910	\$273,133
Leader of the Opposition in the Legislative Assembly	\$118,910	\$273,133
President of the Legislative Council	\$98,101	\$252,324
Speaker of the Legislative Assembly	\$98,101	\$252,324
Leader of the Opposition in the Legislative Council	\$81,751	\$235,974
Deputy Leader of the Opposition in the Legislative Assembly	\$66,887	\$221,110
The person who not being a Minister of the Crown is the leader in the Parliament of a party of at least five Members of Parliament other than a party whose Leader is the Premier or the Leader of the Opposition (referred to in this determination as the "Leader of a recognised non-Government party")	\$66,887	\$221,110
Parliamentary Secretary of the Cabinet	\$66,887	\$221,110
Chairman of Committees in either House (Deputy Speaker)	\$44,591	\$198,814
Government Whip in the Legislative Assembly	\$26,755	\$180,978
Opposition Whip in the Legislative Assembly	\$26,755	\$180,978
Parliamentary Secretary	\$22,296	\$176,519
Government Whip in the Legislative Council	\$22,296	\$176,519
Opposition Whip in the Legislative Council	\$17,837	\$172,060
Chairman of a Standing Committee	\$14,864	\$169,087
The person who is the Whip in the Legislative Council or the Legislative Assembly of a party of at least 7 members other than a party whose leader is the Premier or the Leader of the Opposition and the first mentioned party in the case of the Whip in the Legislative Council has 7 members or more in that House or in the case of the Whip in the Legislative Assembly has 7 or more members in that House. (referred to as a "recognised minor party Whip")	\$12,777	\$167,600

Office Held	Additional Remuneration	Total Remuneration
Deputy Chairman of a Standing Committee	\$11,148	\$165,371
Member of a Standing Committee	\$10,405	\$164,628

2.2 If a person holds more than one office, that person shall be paid additional remuneration under this Part in respect of only one of those offices.

SECTION 3: SALARY PACKAGING

3.1 Salary packaging contributions may be made within the limits prescribed in the “Guidelines for Salary Packaging in the WA Public Sector 2012—Amended”. A copy of these guidelines can be found at: https://www.commerce.wa.gov.au/sites/default/files/atoms/files/cda_2012_no.04_amendments_to_support_introduction_of_choice_of_superannuation_fund_super_choice.pdf Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

PART 3: ELECTORATE ALLOWANCES

SECTION 1: GENERAL

1.1 In consideration of a Member’s obligations to effectively represent the needs of an electorate and to undertake parliamentary duties, the amounts specified in this Part are provided in the form of an Electorate Allowance, to be utilised as the Member sees fit.

1.2 The Tribunal, in determining the relevant amounts, has not taken into account the cost of activities such as campaigning, electioneering or political party promotion.

1.3 The motor vehicle provided to Members under Section 4 of this Part forms part of the Electorate Allowance and not part of a remuneration package. The Tribunal has determined that the motor vehicle can be used for private purposes and from time to time it is anticipated that electorate staff or a family member will use the vehicle. Use of a Government leased or owned motor vehicle by other persons, unless for emergency purposes, is not permitted.

SECTION 2: BASE ELECTORATE ALLOWANCE

2.1 In addition to the basic remuneration payable under Part 2 of this determination, there is payable to a Member an Electorate Allowance of \$67,000 per annum.

2.2 Any expenditure incurred at the request of the Member in seeking a variation to the standard applied to a motor vehicle in Section 4 of this Part, will be deducted from the Electorate Allowance specified in 2.1.

2.3 The obligations taken into account by the Tribunal in determining the Base Electorate Allowance include, but are not limited to—

- 2.3.1 Information and communication technology, including mobile phone calls, SMS and other electorate related telephone calls made outside of the electorate office, newsletters, web publications;
- 2.3.2 Awards and support for community groups or individuals;
- 2.3.3 Hospitality and entertainment;
- 2.3.4 Advertising (not electioneering); and
- 2.3.5 Stationery and printing.

2.4 To assist a Member who has not previously represented an electoral District or Region to establish their electorate office, application may be made to the administering authority of this entitlement for 3 months’ worth of their Base Electorate Allowance.

SECTION 3: ADDITIONAL ELECTORATE ALLOWANCE

3.1 In recognition of the increased expenditure incurred by Members representing the largest, most remote or least accessible electorates, the following amounts shall be paid in addition to the Base Electorate Allowance provided under Section 2 of this Part.

Table 1: Additional Electorate Allowances

ELECTORAL REGION	ELECTORAL DISTRICT	ADDITIONAL ALLOWANCE PER ANNUM
Mining and Pastoral Region		\$22,650
	Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara	\$21,250
Agricultural Region		\$15,150
	Central Wheatbelt, Moore and Wagin	\$13,150
South West Region		\$10,200
	Warren-Blackwood	\$8,450

SECTION 4: MOTOR VEHICLE

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

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

4.3 Any Member who foregoes the entitlement in paragraph 4.1 or 4.2 of this Section and has no other Government supplied motor vehicle shall be paid an amount of \$25,000 per annum, payable monthly or twice monthly with the Base Electorate Allowance provided in Section 2 of this Part. The Tribunal determines that this option is not to be used as a means of changing or returning motor vehicles at times other than the expiration of a normal lease. Where any Member becomes entitled to access a Government supplied motor vehicle under an arrangement not covered by this determination and is thereby provided with such a motor vehicle, then any entitlement under this Section shall cease immediately upon provision of the motor vehicle.

4.4 Motor vehicles issued to Members through this provision shall be to the notional lease value of \$25,000 per annum.

4.5 The notional lease value must include the lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is—

L + R + aD + FBT + I + LCT, where		
L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury car tax

4.6 FBT is costed at applicable Australian Taxation Office rates. FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).

4.7 Members representing the South West, Agricultural and Mining and Pastoral Regions or any District contained therein can apply to the Tribunal for the issue of a four wheel drive vehicle in lieu of the entitlement mentioned in paragraph 4.4 of this Section, provided that the vehicle will be used predominantly in the Region or District to which the Member has been elected. Four wheel drive vehicles shall be of a standard, the cost of which does not exceed the Toyota Prado GXL Automatic 3.0 litre Turbo Diesel.

4.8 Members representing the South West, Agricultural or Mining and Pastoral Regions and any District contained therein are entitled to have "Roo" bars, electronic animal deterrent devices, radiator insect screens, window tinting and driving lights or any other equipment appropriate to a Members' safety, fitted to the supplied vehicle at no additional cost to them.

4.9 Where a Member requires, for operational or personal reasons, a model of vehicle, the notional lease cost of which exceeds the notional lease value specified in paragraph 4.4 or the notional lease value of the benchmark vehicle specified in paragraph 4.7 of this Section as the case may be, all additional costs (including Goods and Services Tax, Fringe Benefits Tax and insurance), shall, subject to there being sufficient funds, be met from the Member's Base Electorate Allowance under Section 2 of this Part or the Charter Transport Allowance under Section 2 of Part 4. In that event, the relevant allowance shall immediately be reduced proportionately.

4.10 The method of determining whether an additional contribution must be made by the Member, shall be based on the notional lease cost to Government of the vehicle sought (using the formula detailed at 4.5 above), compared with the relevant notional lease value determined in this section. The cost at the time of entering into the lease is applicable.

4.11 The Tribunal's prior approval is required in the event it is necessary to use the vehicle for travel into the Northern Territory or South Australia.

4.12 An individual accessing a vehicle under this Part shall take due care of the condition and security of the vehicle. The agency administering motor vehicle entitlements under this Part shall ensure that members receiving those entitlements are aware of their obligations with respect to routine and periodic maintenance of motor vehicles in accordance with the Department of Finance's "WA Government Fleet Policy and Guidelines", effective 1 October 2013.

PART 4: TRAVELLING ALLOWANCE**SECTION 1: CHARTER TRANSPORT ALLOWANCE**

1.1 "Charter transport" includes charter aircraft, drive yourself vehicles, hire of driver, hire of taxis, and such other modes of transport as may be approved as appropriate in the circumstances by the Tribunal. In the case of taxi hire whilst in Perth or the electorate on parliamentary or electorate business, this provision is made available to ensure the Member has transport whilst the motor vehicle provided under Section 4 of Part 3 is in a different location i.e., the electorate or Perth.

1.2 Members representing the under mentioned electorates shall, except where scheduled airlines are operating at reasonably convenient times, be entitled at Government cost to use charter transport within or for the service of their electorates (within Western Australia) and to undertake parliamentary duties, but such cost shall not exceed the amounts specified hereunder for each financial year, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of Part 3.

Table 2: Charter Transport Allowance

ELECTORAL REGION	ELECTORAL DISTRICT	CHARTER TRANSPORT ALLOWANCE (Per Financial Year)
Mining and Pastoral Region		\$48,300
	Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara	\$48,300
Agricultural Region		\$32,750
	Central Wheatbelt, Moore and Wagin	\$26,850
	Geraldton	\$11,450
South West Region		\$26,850
	Albany and Warren-Blackwood	\$11,450

1.3 The Charter Transport Allowance shall not be applied to any travel outside the relevant financial year for which the allowance is granted.

1.4 Where a Member uses air charter services to travel between two or more locations serviced by commercial air services (regular public transport) and there is no direct commercial air service between those locations, the amount deducted from the Member's charter transport allowance shall be the difference between the cost of air charter via the direct route between the two or more locations and the cost of a business class fare (or where a business class fare is not available, the full economy fare) for the shortest commercial air service route between the same locations. The balance of the cost of the air charter shall be paid from the consolidated fund.

1.5 Where a charter itinerary requires travel into the Northern Territory or South Australia, Tribunal approval is required prior to the payment being accepted as a debit to this provision.

1.6 Charges shall only be levied against this Section if the Member undertakes the travel claimed.

1.7 Claims for reimbursement or accounts received in respect of travel undertaken using this provision must be submitted within 90 days from the date that the travel is undertaken. In the case of demonstrated exceptional circumstances, the administering authority for such claims may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Part, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a claim. Exceptional circumstances for which an extension will be approved, will only be where the Member has demonstrated that the delay has been as a result of the receipt of invoices being delayed for reasons outside the Member's control (e.g. invoices having been misdirected in the mail), or in circumstances where ill health or bereavement have prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

SECTION 2: TAXI FARE ALLOWANCE

2.1 For the purpose of attending a sitting of a house or committee of Parliament or a party meeting, a Member, not representing a metropolitan electorate, shall be entitled to claim reimbursement of taxi fares necessarily incurred when travelling between the Parliament and any transport terminal or overnight accommodation in the metropolitan area.

2.2 A Member shall be entitled to claim reimbursement of taxi fares incurred when travelling between the Parliament and any overnight accommodation after a sitting of the house or committee of Parliament which extends beyond 10.00 pm.

2.3 Where a Member has claimed an entitlement under sub section (2.2) above, the Member may also claim reimbursement of taxi fares for the return trip to the Parliament the next day.

PART 5: ACCOMMODATION ALLOWANCES**SECTION 1: GENERAL**

1.1 For the purposes of this Part the allowances are only claimable where overnight accommodation is involved on official Government, parliamentary or electorate business.

1.2 Claims made must be accompanied by certification that the expense was incurred in accordance with the relevant section of this Part and this shall be sufficient evidence to establish a valid claim. The member must retain sufficient evidence to support the facts of the certification should an audit of payments be conducted.

1.3 In the case of commercial accommodation, a tax invoice, or where a tax invoice is not available, a statutory declaration must accompany claims.

1.4 "Commercial accommodation" means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.

1.5 Where a Member is elected and takes office within the financial year, the allowances contained under sections 5 and 6 of this part shall be calculated on a pro rata basis.

1.6 Where a section in this Part refers to an accommodation allowance, the relevant total daily allowance is determined to be the relevant Australian Taxation Office reasonable benefit limit applicable at the date of travel. The Australian Taxation Office reasonable benefit limit 2013/14 rates can be found in Taxation Determination TD 2013/16. For the purpose of calculating the appropriate salary limits in the Taxation Determination, the salary of a Member of Parliament shall be comprised of the base remuneration and any additional remuneration set out in Part 2 Sections 1 and 2 of this determination together with the base electorate allowance set out in Part 3 Section 2 of this determination. Where travel involves part of a day, the allowance payable will be calculated in accordance with the following formulae—

1.6.1 If departure from any place of residence is—

before 8.00am	- 100 per cent of the daily rate.
8.00am or later but prior to 1.00pm	- 90 per cent of the daily rate.
1.00pm or later but prior to 6.00pm	- 75 per cent of the daily rate.
6.00pm or later	- 50 per cent of the daily rate.

1.6.2 If arrival back at any place of residence is—

8.00am or later but prior to 1.00pm	- 10 per cent of the daily rate.
1.00pm or later but prior to 6.00pm	- 25 per cent of the daily rate.
6.00pm or later but prior to 11.00pm	- 50 per cent of the daily rate.
11.00pm or later	- 100 per cent of the daily rate.

1.7 Claims made in respect of non-commercial accommodation shall be paid at 40 per cent of the applicable daily rate or pro-rata daily rate specified in paragraphs 1.6, 1.6.1 and 1.6.2 in this Part.

1.8 Claims made under paragraph 1.6 of this Section in respect of the entitlement granted in Section 6 of this Part form part of the annual entitlement.

1.9 A claim for Accommodation Allowances under this Part must be submitted within 90 days from the date the travel is completed. In the case of demonstrated exceptional circumstances, the administering authority may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Part, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a claim. Exceptional circumstances for which an extension will be approved, will only be where the Member has demonstrated that the delay has been as a result of the claim submission being delayed for reasons outside the Member's control (e.g. the claim submission having been misdirected in the mail), or in circumstances where ill health or bereavement has prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

1.10 For the purposes of guidance in the use of entitlements under this Part, the Tribunal would envisage the maintenance of a residence to involve an arrangement under which a legal right to ongoing occupancy by the Member exists, founded on ownership of the relevant property by that Member (or his or her partner) or a formal tenant's rental or leasing agreement entered into by that Member. Entitlements for maintenance of residences under this Part shall be paid upon appropriate documentary evidence being provided to demonstrate maintenance of a residence and certifying the number of nights for which the residence was maintained.

1.11 The reimbursement provided by this Part of the determination shall be reduced to the extent that the expenses of Members are entitled to be reimbursed or paid from any other source, including any provision or arrangement of the Parliament or Executive Government.

SECTION 2: EXPENSES OF OFFICE HOLDERS ON OFFICIAL GOVERNMENT BUSINESS

2.1 The actual costs of accommodation incurred by the holders of offices mentioned in this Section should be debited to the Corporate Credit Card provided to the particular office holder. The rates contained in paragraph 1.6 of this Part are deemed to be indicative of the reasonable accommodation costs. Where the costs reasonably and properly incurred exceed the indicative rates and have been debited to an official Corporate Credit Card, the actual costs shall be met.

2.2 The Accommodation Allowances payable under this section apply to a Member of Parliament holding an office mentioned in this section when travelling within Australia on official duty as the holder of that position, for expenses actually incurred on overnight accommodation at a place situated outside a radius of 50 kilometres of the Perth GPO.

2.3 The following office holders are entitled to claim an allowance under this section—

- 2.3.1 the Premier;
- 2.3.2 a Minister of the Crown;
- 2.3.3 the Parliamentary Secretary of the Cabinet and Parliamentary Secretaries appointed under Section 44A(1) of the *Constitution Acts Amendment Act 1899*;
- 2.3.4 the Deputy Premier; and
- 2.3.5 the Leader of the Opposition in the Legislative Council, the Leader of the Opposition in the Legislative Assembly and the Leader of a recognised non-Government party (as defined in Section 2 of Part 2).

2.4 A Member is entitled to claim an allowance under this section who, for the time being, is appointed to act in lieu of the permanent occupant in any of the positions referred to in paragraph 2.3 of this Section. For the time he or she is acting in that position, the Member's Accommodation Allowance shall be the same rate, and on the same basis, prescribed for the permanent office holder

2.5 A Member is entitled to claim an allowance under this section when deputising for the Premier, the Leader of the Opposition in the Legislative Assembly, or the Leader of a recognised non-Government party (as defined in Section 2 of Part 2) who at the written request of the relevant office holder, deputises for the Premier or the Leader at a function, and who actually incurs expense on overnight accommodation, at a place situated outside a radius of 50 kilometres from any place of residence of that Member. For the time he or she is deputising in that position, the Member's Accommodation Allowance shall be the same rate, and on the same basis, prescribed for the permanent office holder.

SECTION 3: EXPENSES OF MEMBERS ON PARLIAMENTARY COMMITTEE BUSINESS

3.1 The indicative Accommodation Allowance for a Member in securing overnight accommodation when travelling on duty within Australia as an official representative of a parliamentary committee or delegation including a member of a Committee of a House or a Joint Committee of both Houses, shall be the same, and on the same basis, as the rate set under Section 1.6. Where the costs reasonably and properly incurred exceed the rates contained in Section 1.6, the actual costs shall be met.

SECTION 4: EXPENSES OF MEMBERS ON PARLIAMENTARY OR PARLIAMENTARY POLITICAL PARTY BUSINESS

4.1 In order to provide all Members with the ability to travel to a place within Western Australia for parliamentary purposes or to attend a parliamentary party meeting, Members shall be entitled to claim reimbursement of accommodation (inclusive of meals and incidentals) expenditure to a maximum of 8 nights per financial year. The rates contained in paragraph 1.6 of this Part should be deemed to be indicative of the maximum reasonable costs that can be claimed. Where the costs reasonably and properly incurred exceed the indicative rates, the actual costs shall be met.

4.2 This provision does not impact on or replace any allowance provided by the Tribunal under Part 9 of this determination or determined by the Treasurer under Section 11A of the *Salaries and Allowances Act 1975*.

4.3 For the purposes of guidance in the use of this entitlement it is pointed out that—

- 4.3.1 If the purpose of the travel were that of promoting lay party political business (for example, campaigning or fundraising activity or pursuing the development of local branches of the party) its use would not generally be considered appropriate. It is recognised however that separation of roles is not always clear-cut, as lay party political business may often involve policy formulation activity, which then translates into or informs the Member's stance on matters raised in Parliament.
- 4.3.2 Ultimately therefore, the matter of claiming the entitlement (where a meeting of parliamentary party colleagues is not involved) is one for judgement by the Member, who should be satisfied and able to demonstrate that the activity has direct relevance to the performance of his or her functions in the Parliament.

4.4 A claim shall not be made under this Section for a purpose covered by Section 5 of this Part.

SECTION 5: METROPOLITAN EXPENSES OF MEMBERS REPRESENTING REGIONS OR DISTRICTS THEREIN

5.1 In consideration of metropolitan accommodation and related expenses associated with—

- 5.1.1 sittings of that Member's House of Parliament;
- 5.1.2 meetings of parliamentary committees of which that Member is a member;
- 5.1.3 attendance at official Government, parliamentary or Vice Regal functions; and
- 5.1.4 any other official duties pertaining to parliamentary or electorate matters;

there shall be payable to a Member who maintains a place of residence in or adjacent to and represents the Mining and Pastoral, Agricultural or South West Region, or any District contained within those Regions, an amount of \$273 per night for up to 120 nights per financial year.

5.2 If at any time or times during a year a place of residence in or adjacent to the relevant aforementioned Region or District is not maintained then no entitlement applies under this Section during that time or times.

5.3 Where a Member referred to in paragraph 5.1 of this Section also maintains for the purpose of the Member's parliamentary role a place of residence in the Metropolitan Regions, the allowance shall be paid on the same basis as though that Member resided solely in or adjacent to the District or Region to which he or she has been elected. In this circumstance the allowance is granted to cover costs associated with maintaining residences in both areas.

5.4 Where a Member referred to in paragraph 5.1 of this Section above has a residence or residences solely in the Metropolitan Regions that Member shall not be entitled to receive the Accommodation Allowance contained in this Section.

SECTION 6: MEMBERS' EXPENSES WITHIN THE ELECTORATE

6.1 In addition to that applying in Section 5 of this Part, Members representing the District or Regions listed in paragraph 6.3 of this Section may, claim accommodation and associated expenses in accordance with paragraph 1.6 of this Part for each overnight stay at a place in or adjacent to their electorate, but not within a radius of 50 kilometres of any residence of the Member.

6.2 For the purpose of guidance in administering this entitlement, a location may or may not be considered adjacent to an electorate depending on a range of factors including the proximity of suitable accommodation, the distance to be travelled to a Member's residence and the distance to be travelled to reach a commercial transport departure point where a Member is utilising commercial transport in the course of their parliamentary or electorate duties.

6.3 The maximum number of nights claimable per financial year shall be—

Warren-Blackwood, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Wagin and Vasse	60 nights
Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara	80 nights
Regions—Mining and Pastoral, Agricultural and South West	100 nights

PART 6: TELEPHONE AND POSTAL SERVICE ALLOWANCES

SECTION 1: TELEPHONE ALLOWANCES FOR ELECTORATE OFFICES

1.1 Every Member of Parliament provided with an electorate office shall receive as an allowance, payment of the rental and all charges for calls incurred by that Member in respect of up to five approved telephone lines in that Member's electorate office.

1.2 The use of electorate office telephones by persons other than Members of Parliament and staff, unless for parliamentary and electorate purposes, is not supported by this determination.

1.3 In this Section, "calls" include all charges (other than international calls) as usually included on normal accounts rendered to subscribers.

SECTION 2: PARLIAMENT HOUSE

2.1 In so far as a Member of Parliament charged for any telephone calls or the use of teleconferencing or video conferencing facilities made by the Member from Parliament House, that Member shall receive, as an allowance or emolument, payment of all such charges.

SECTION 3: TELECONFERENCING

3.1 Where a Member uses audio or video conferencing and seeks to obtain reimbursement, the Member is to certify the topic of the conference and its relevance to the role of the Member as a Member of the Western Australian Parliament.

SECTION 4: POSTAL SERVICE ALLOWANCES FOR CERTAIN OFFICE HOLDERS

4.1 The holders of the following offices, in addition to the allowance granted as a Member, shall receive an annual allowance, payable monthly, in consideration of the need to purchase postal services for the office held. The allowance is not to be used for electorate, party or personal business.

OFFICE HOLDER	RATE PER ANNUM
Leader of the Opposition in the Legislative Assembly	\$14,150
Leader of the Opposition in the Legislative Council	\$10,650
Leader of a recognised non-Government party (as defined in Section 2 of Part 2)	\$10,650
Deputy Leader of the Opposition in the Legislative Assembly	\$7,100

4.2 The Tribunal in determining the relevant amounts has not taken into account the cost of activities such as campaigning, electioneering or political party promotion.

PART 7: REGIONAL SITTINGS OF THE PARLIAMENT

SECTION 1: GENERAL

1.1 Claims for reimbursement under this Part shall be subject generally to the conditions set out in Section 1 of Part 5.

1.2 For the purposes of this Part the rates contained in Section 1.6 of Part 5 should be deemed to be indicative of the reasonable accommodation costs that can be claimed. Where the costs reasonably and properly exceed the indicative rates, the actual costs shall be met.

SECTION 2: SITTINGS OF THE PARLIAMENT OTHER THAN IN PERTH

2.1 Subject to paragraph 2.2 of this Section, where a sitting of either House of the Parliament is held at a location other than Parliament House in Perth, Members are entitled to reimbursement of all costs or expenses incurred for the purposes of—

- 2.1.1 Travel to and from the location of the sitting. Use of charter aircraft (other than through the Government's air charter arrangements) is not permitted unless the location of the sitting is not serviced by regular air services.
- 2.1.2 Travel, accommodation and meals at the location of the sitting for the following periods—
 - (a) the duration of the sitting;
 - (b) up to two nights prior to the commencement of the sitting; and
 - (c) up to two nights after the sitting ceases.

2.2 The reimbursement provided by this determination shall be reduced to the extent that the expenses of Members are entitled to be reimbursed or paid from any other source, including any provision or arrangement of the Parliament or Executive Government, or any determination dealing with fares made by the Treasurer under Section 11A of the *Salaries and Allowances Act 1975*.

PART 8: RESETTLEMENT ENTITLEMENT**SECTION 1: GENERAL**

1.1 A Member of Parliament is entitled to receive a Resettlement Entitlement as a lump sum payment under the provision of Sections 1.3 or 1.4 of this Part when a Member ceases to be a Member of either House of the Parliament.

1.2 This allowance is to facilitate a Member's transition from public office to private life. This allowance will assist the Member to access resettlement advice and services including, financial counselling, re-employment counselling, out-placement services, educational or training costs and any other costs a Member deems necessary. The Resettlement Entitlement is not intended to apply at the time a Member resigns in order to nominate for a position in another House of the Parliament and is subsequently appointed as a Member of the other House.

1.3 Where a Member ceases to be a Member of the Parliament after serving two terms or less of either House of the Parliament, from the date the Member first took office, the Member shall be entitled to receive the Resettlement Entitlement calculated at the rate of three monthly pay periods of base salary applicable under Part 2 Section 1 of this determination as at the time of ceasing to be a Member.

1.4 Where a Member ceases to be a Member of the Parliament after serving more than two terms but not more than three terms of either House of the Parliament, from the date the Member first took office, the Member shall be entitled to receive the Resettlement Entitlement calculated at the rate equivalent to two monthly pay periods of base salary applicable under Part 2 Section 1 of this determination as at the time of ceasing to be a Member.

1.5 Notwithstanding the provisions of Sections 1.3 and 1.4 of this Part, a Member shall not be eligible to receive more than one Resettlement Entitlement.

1.6 The Resettlement Entitlement shall not apply to a Member who resigns for the purpose of nominating as a candidate for either the Legislative Assembly or Legislative Council or another House of Parliament and is subsequently elected or appointed a Member of either the Legislative Assembly or Legislative Council or another House of Parliament.

1.7 A person shall not be entitled to a Resettlement Entitlement under this Part if he or she is disqualified for membership of the Legislature under Section 32(1)(b) of the *Constitution Acts Amendment Act 1899*.

PART 9: PARLIAMENTARY TRAVEL

This Part deals with travelling and accommodation allowances and related expenses additional to those set out in Part 4 and Part 5 of this determination. In particular it deals with expenses which are to be reimbursed to Members of Parliament for—

- (a) *travel, accommodation and incidental expenses incurred within Australia or overseas while on parliamentary business; and*
- (b) *attendance at conferences which inform and assist a Member of Parliament in the performance of their parliamentary business.*

SECTION 1: GENERAL

1.1 In this section—

term of the Parliament means—

a term of the Parliament of Western Australia which,

- (a) for a Member of the Legislative Assembly is deemed to have commenced the day after the poll for a general election and to have finished on the day of the poll in the year in which the seats in the Legislative Assembly would ordinarily be vacated by the effluxion of time;
- (b) for a Member of the Legislative Council is deemed to have commenced on 22 May in the year of a general election or conjoint election and finished on 21 May in the year in which the seats in the Legislative Council would ordinarily be vacated by the effluxion of time.

conferences means—

- (a) meetings, seminars and short courses (excluding complete tertiary degree or diploma courses) conducted by professional bodies, educational organisations and special interest groups.

parliamentary business means—

- (a) representing the interests of electors and residents of the electoral region or district to which a Member has been elected;
- (b) participating in the decision-making processes of the Parliament; and
- (c) the actions taken by a Member to inform themselves and develop policy, whether on an individual basis, a political party basis or otherwise, in relation to matters which are relevant to (a) and (b) of this subsection.

1.2 In addition to any allowances or expense which may be paid or reimbursed under Part 4 and Part 5 of this determination, a Member of Parliament who incurs an expense of the following type while on parliamentary business is entitled to be reimbursed to the extent determined in Section 2.1 to 2.5 of this Part—

- 1.2.1 travel fares;
- 1.2.2 overnight accommodation expenses;
- 1.2.3 conference attendance fees; and
- 1.2.4 meals and other expenses incidental to travel and attendance at conferences.

1.3 The types of expenses specified in Section 1.2 of this Part are to be utilised by a Member in person except in special circumstances where a Member may need physical or medical assistance requiring the Member to be accompanied by another person.

1.4 A Member is not entitled to claim reimbursement of expenses under this Part which have been paid or reimbursed by any other party or parties.

1.5 The entitlement shall not apply for the period between the issue of the writ for a general election or writs for a conjoint election pursuant to the Electoral Act 1907 and the day fixed by the writ or writs for the taking of the poll, except in circumstances where—

- 1.5.1 a Member has incurred eligible travel and accommodation expenses and commenced the relevant travel prior to the issue of the writ or writs; or
- 1.5.2 a Member has incurred expenses for a conference or short-course and the relevant conference or short-course has commenced.

1.6 The entitlement shall not apply to a Member of the Legislative Council who has failed to be elected at a general election or a by-election and who in the same year as the aforementioned election is to vacate their seat in the Legislative Council by the effluxion of time or as a consequence of having resigned from their appointment as a Member.

1.7 An application for reimbursement of expenses specified in this Part shall be in writing and clearly demonstrate that the expenses have been incurred for the purposes specified in this Part.

1.8 The daily amount referred to in Section 2.4 of this Part which a Member can be reimbursed for accommodation expenses, meals and incidentals for purposes specified in this Part, may be paid as an advance where a valid application has been made.

SECTION 2: EXTENT OF REIMBURSEMENT

2.1 The total extent to which a Member of Parliament can be reimbursed for expenses specified in this Part is \$27,000 over the relevant term of the Parliament.

2.3 The amount of a person's entitlement to reimbursement of expenses specified in this Part shall be apportioned on a pro rata basis according to the portion of the relevant term of the Parliament that the person holds office as a Member of Parliament.

2.4 The daily amount which a Member of Parliament can be reimbursed for accommodation expenses, meals and incidentals for purposes specified in this Part shall be—

- 2.4.1 the relevant Australian Taxation Office reasonable benefit limits for accommodation, meals and incidentals set out in Taxation Determination TD 2013/16 where the Member utilises commercial accommodation located in Australia; and
- 2.4.2 up to \$400 per day for accommodation plus the relevant Australian Taxation Office reasonable benefit limit for meals and incidentals set out in Taxation Determination TD 2013/16 where a Member utilises commercial accommodation located outside Australia.

2.5 The daily amount which a Member can be reimbursed in respect of non-commercial accommodation utilised in Australia or outside Australia shall be 40 per cent of the amounts specified in subsections 2.4.1 and 2.4.2 of this Section.

SECTION 3: TRANSITIONAL PROVISIONS

3.1 The extent to which a Member of Parliament can be reimbursed under section 2 of this Part is to be reduced to the extent that Member of Parliament has already claimed reimbursement in the same term of Parliament for expenses eligible under the Imprest Travel Allowance determined pursuant to section 11A of the Act.

Signed this 24th day of June 2014

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE SALARIES AND ALLOWANCES
TRIBUNAL FOR CLERKS AND DEPUTY CLERKS OF THE
PARLIAMENT****PUBLIC SERVICE OFFICE HOLDERS INCLUDED IN THE
SPECIAL DIVISION OF THE PUBLIC SERVICE AND PERSONS
HOLDING OFFICES PRESCRIBED IN SALARIES AND
ALLOWANCES REGULATION NUMBER 3**

Pursuant to Sections 6(1) (c) (d) and (e)

June 2014

1. In accordance with Section 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975* (“the SA Act”), the Salaries and Allowances Tribunal (“the Tribunal”) is required to inquire into and determine, the remuneration to be paid or provided to—

- the Clerk of the Legislative Council or Clerk of the Legislative Assembly or the Deputy Clerk of either House;
- officers of the Public Service holding offices including in the Special Division of the Public Service; and
- a person holding any other office of a full-time nature, created or established under a law of the State, that is prescribed for the purposes of this section, but not being an office the remuneration for which is determined by or under any industrial award or agreement made or in force under any other law of the State.

2. In discharging its statutory requirements with respect to the remuneration for Clerks of the Parliament and holders of offices in the Special Division of the Public Service and Prescribed offices, the Tribunal’s approach has been to—

- Advertise for public submissions;
- Write to all office holders;
- Request advice from the Statutory Advisor; and
- Give consideration to the relevant labour market and economic data including the—
 - o Public Sector Wages Policy Statement 2014;
 - o Government Financial Strategy Statement; and
 - o Government Financial Projections Statement.

3. This process provides an opportunity for members of the public, the Government, the office holders or any other interested party to make a submission. It also helps to inform the Tribunal of changes which might have taken place in the roles or responsibilities over the past year and other remuneration issues.

4. In exercising its statutory responsibilities, the Tribunal applies broad principles upon which levels of remuneration are determined for all categories of offices and positions coming within the scope of the SA Act. These principles, particularised to the Clerks of the Parliament, Special Division and Prescribed Office holders, have been applied by the Tribunal to make judgments with respect to the remuneration and entitlements in this determination. These principles are—

- the value of the offices to the State and our democratic system of government;
- measures of the “work value” of the offices; and
- the level of remuneration of the offices within the context of wage and salary rates applying generally in the community.

First Schedule—***Special Division CEOs, Special Division Non-CEOs and Prescribed Office Holders***

5. The Tribunal has evaluated all Special Division and Prescribed Office positions contained in the First Schedule of the Determination. The Tribunal is concerned with the disparity in percentage based increases advantaging those higher earners within its jurisdiction. For example, a 3.0 per cent increase to an officer receiving \$429,409 per annum would result in a dollar increase of \$12,882 per annum, whereas a 3.0 per cent increase to an officer receiving \$182,483 per annum would result in an increase of \$5,474 per annum. Accordingly, this determination will award a fixed rate increase of \$5,474 which shall apply to all office holders.

Work Value

6. There is an expectation that senior executives within the Public Service and other statutory office holders will have to meet the challenges of changing roles and responsibilities arising from policy initiatives, changing priorities and the demands of the community. To warrant an increase in

classification and/or remuneration the changes in the work value of the position must be significant. They must result in a fundamental change in the character of the office above the demands that an effective senior executive must meet on an ongoing basis.

7. Accordingly, the Tribunal acknowledges that two positions have demonstrated changes in the work value of their positions and as a result will receive an increase in their remuneration. These positions are the Director General, Department of Aboriginal Affairs and the Managing Director, Insurance Commission of WA.

Motor Vehicle

8. The Tribunal has considered the changes made to the FBT calculations by the Australian Taxation Office and have amended the FBT formula accordingly. No other changes to the motor vehicle entitlements have been made.

District and Travel Allowances

9. The district and travel allowances applicable to office holders based in regional locations have been examined during the inquiry. The Department of Commerce is responsible for adjusting the District Allowance rates available to officers in the General Division of the Public Service. There have been significant changes in these District Allowances and new rates will apply from 1 July 2014. In the past, the Tribunal has linked the District Allowance in our determination to that of the Public Service. Consequently, these rates have been changed accordingly.

10. The Tribunal has considered the housing and utilities subsidies and noted that none of the office holders eligible for housing and utilities subsidies have advised of any rental increases since the last determination. Taking these and other factors into account, no change has been made to the rates of subsidy in this determination.

Superannuation

11. This determination has not varied the superannuation entitlements contained in Part 6 of the First Schedule. However, it is noted that under the *Superannuation Guarantee (Administration) Act 1992* (Cth) the minimum superannuation rate will increase to 9.5 per cent as of 1 July 2014 which will lead to a small net remuneration increase for those office holders who previously had been receiving 9.25 per cent State contributions to their superannuation. This increase has no effect on those office holders currently receiving superannuation under a defined benefit scheme such as the Gold State Superannuation Scheme.

Second Schedule—Senior Legal Offices

12. The Tribunal is currently undertaking a review of Senior Legal Offices, and has made minor changes to the banding salary structure as a result of the salary pressures being exerted at the lower classification levels of senior legal officers in the General Division. As Senior Legal Offices are within the Special Division, the Tribunal have determined that they will also receive a fixed rate increase of \$5,474 per annum.

Third Schedule—Court Registrars

13. The Tribunal has continued to determine the remuneration of Court Registrars at the same time as it has reported on judicial salaries. Accordingly, the Tribunal have determined that the Court Registrars will receive a 2.5 per cent increase in remuneration. Further, the notional value of a motor vehicle for Court Registrars has been increased to \$24,000 per annum.

Fourth Schedule—Director of Public Prosecutions and Deputy Director of Public Prosecutions

14. The positions of Director of Public Prosecutions and the Deputy Director of Public Prosecutions have been reviewed and the Tribunal is satisfied with the remuneration relativities. The Tribunal has determined that these officers will receive a fixed rate increase to their remuneration of \$5,474 per annum.

Fifth Schedule—Clerks and Deputy Clerks of the Parliament

15. The remuneration of the Clerks and Deputy Clerks of the Parliament has been reviewed and the Tribunal has determined that these officers will receive a fixed rate increase to their remuneration of \$5,474 per annum.

Sixth Schedule—Solicitor General

16. The remuneration of the Solicitor General has been reviewed and the Tribunal has determined that this office will receive a fixed rate increase of \$5,474 per annum.

CONCLUSION

17. The Tribunal has examined the remuneration provided to the Clerks of the Parliament and Special Division and Prescribed Office holders based upon the principles of remuneration set out above and within the framework of salaries for these office holders generally. The following salary increases shall apply with effect from 1 July 2014—

- Schedule 1—Special Division CEOs and Non-CEOs and Prescribed Office Holders—\$5,474 per annum increase
- Schedule 2—Senior Legal Offices—\$5,474 per annum increase
- Schedule 3—Court Registrars—2.5% per annum increase
- Schedule 4—DPP, Deputy DPP—\$5,474 per annum increase

- Schedule 5—Clerks and Deputy Clerks of the Parliament—\$5,474 per annum increase
- Schedule 6—Solicitor General—\$5,474 per annum increase

The determination will now issue.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

**FOR CLERKS AND DEPUTY CLERKS OF THE PARLIAMENT
PUBLIC SERVICE OFFICE HOLDERS INCLUDED IN THE SPECIAL DIVISION OF THE
PUBLIC SERVICE AND PERSONS HOLDING OFFICES PRESCRIBED IN SALARIES AND
ALLOWANCES REGULATION NUMBER 3**

Pursuant to Sections 6(1) (c) (d) and (e)

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1.1 Remuneration

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PART 1: INTRODUCTORY MATTERS

This Part deals with some matters that are relevant to the determination generally.

1.1 Short title

This determination may be cited as the *Special Division and Prescribed Office holders Determination No. 1 of 2014*.

1.2 Commencement

This determination comes into operation on 1 July 2014.

1.3 Content and intent

(1) This determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to officers of the Special Division of the Public Service and the holders of offices prescribed for the purposes of section 6(1)(e) of the *Salaries and Allowances Act 1975* (‘the SA Act’).

1.4 Terms used

In this determination, unless the contrary intention appears—

remuneration means salary, allowances, fees, emoluments and benefits (whether in money or not);

salary means the portion of remuneration which is paid as money;

Special Division officer means the holder of an office which has been included in the Special Division of the Public Service pursuant to section 38 of the *Public Sector Management Act 1994* and for the purposes of section 6(1)(d) of the SA Act;

Prescribed Officer means the holder of an office which has been created or established under a law of the State, that is prescribed for the purposes of section 6(1)(e) of the SA Act.

1.5 Conditions of service

(1) Unless the conditions of service of a Special Division officer or Prescribed officer are determined pursuant to a law of the State other than the SA Act, the conditions of service specified in this determination will apply.

(2) To the extent that terms and conditions of employment affect remuneration (e.g. paid leave), office holders listed in this Schedule are entitled to the same terms and conditions as contained in the *Public Service Award 1992* as at the date of this determination and the *Public Service and Government Officers General Agreement 2011*.

(3) Where there is any inconsistency between this determination and the terms and conditions of the *Public Service Award 1992* and the *Government Officers General Agreement 2011*, the conditions of service specified in this determination shall prevail to the extent of any inconsistency.

1.6 Salary Packaging

An Office holder identified in this determination is entitled to participate in salary packaging arrangements for superannuation and novated leases in accordance with the “Guidelines for Salary Packaging in the WA Public Sector” document, which can be accessed at—

https://www.commerce.wa.gov.au/sites/default/files/atoms/files/cda_2012_no.04_amendments_to_support_introduction_of_choice_of_superannuation_fund_super_choice.pdf

FIRST SCHEDULE

SPECIAL DIVISION AND PRESCRIBED OFFICE HOLDERS

PART 1: SALARY

This Part deals with the salary payable to a Special Division officer or a Prescribed officer listed below.

1.1 General

The amount of a person’s entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

1.2 Offices and salaries

(1) The annual salaries specified in the Tables of this Part apply to the holders of the corresponding offices identified in each Table.

(2) The salaries are inclusive of annual leave loading.

(3) A person holding more than one Special Division or Prescribed Office, shall receive remuneration for one such office only, being the office classified or remunerated at the highest level.

Table: 1—Special Division CEOs

SPECIAL DIVISION CEOs

Office	Department or Agency	Band	Office Holder	Salary
Director General	Aboriginal Affairs	3	C Weeks	\$248,296
Director General	Agriculture and Food	2	R Delane	\$299,656
Chief Executive Officer	Alcohol and Drug Authority	4	N Guard	\$229,939
Director General	Attorney General	2	C Gwilliam	\$313,735
Chief Executive Officer	Botanic Gardens and Parks Authority	4	M Webb	\$216,804
Managing Director	Central Institute of Technology	4	N Fernandes	\$216,804
Managing Director	Challenger Institute of Technology	4	E Harris	\$206,899
Chief Executive Officer	ChemCentre	4	P Millington	\$216,804
Director General	Child Protection	2	Vacant	\$-
Director General	Commerce	2	B Bradley	\$313,735
Commissioner	Corrective Services	2	J McMahon	\$361,645
Director General	Culture and the Arts	3	D Ord	\$232,058
Managing Director	CY O'Connor Institute	4	J Scott	\$199,636
Registrar	Department of the Registrar, Western Australian Industrial Relations Commission	4	S Bastian	\$216,804
Director General	Disability Services Commission	2	R Chalmers	\$339,723
Managing Director	Durack Institute of Technology	4	B Beevers	\$199,636
Director General	Education	1	S O'Neill	\$434,883
Chief Executive Officer	Education Services	3	R Strickland	\$258,277
Director General	Finance	1	A Nolan	\$396,343
Chief Executive Officer	Fisheries	2	S Smith	\$313,735
Director	Gascoyne Development Commission	4	S Webster	\$212,047
Managing Director	Goldfields Institute of Technology	4	K Doig	\$199,636

SPECIAL DIVISION CEOs

Office	Department or Agency	Band	Office Holder	Salary
Director	Goldfields-Esperance Development Commission	4	Vacant	\$-
Chief Executive Officer	Government Employees Superannuation Board	2	H Rosario	\$336,519
Director	Great Southern Development Commission	4	B Manning	\$199,636
Managing Director	Great Southern Institute of Technology	4	L Rozlapa	\$199,636
Director General	Housing	1 (Review when vacant)	G Searle	\$396,343
Managing Director	Insurance Commission of Western Australia	2	R Whithear	\$336,519
Director	Kimberley Development Commission	4	J Gooding	\$199,636
Managing Director	Kimberley Training Institute	4	K Dickinson	\$199,636
Commissioner	Mental Health Commission	1 (To be reviewed)	T Marney	\$434,883
Chief Executive Officer	Metropolitan Cemeteries Board	4	P Deague	\$216,804
Chief Executive Officer	Metropolitan Redevelopment Authority	3	K Kinsella	\$258,277
Director	Mid-West Development Commission	4	G Treasure	\$201,228
Director General	Mines and Petroleum	2	R Sellers	\$339,723
General Manager	Office of the Environmental Protection Authority	3	K Taylor	\$265,014
Director General	Parks and Wildlife	2	J Sharp	\$299,656
Director	Peel Development Commission	4	M Teede	\$199,636
General Manager	Perth Theatre Trust	4	A Ferris	\$201,453
Director	Pilbara Development Commission	4	K King	\$205,544
Managing Director	Pilbara Institute	4	M Boundy	\$199,636
Director General	Planning	2	G McGowan	\$299,656
Managing Director	Polytechnic West	4	J Jamieson	\$199,636
Director General	Premier and Cabinet	1	P Conran	\$434,883
Chief Executive Officer	Public Transport Authority	2	R Waldock	See Director General, Department of Transport
Director General	Racing, Gaming and Liquor	3	B Sargeant	\$284,591
Director General	Regional Development	3 (To be reviewed)	Vacant	\$-
Chief Executive Officer	Rottnest Island Authority	4	P Amaranti	\$216,804
Chief Executive Officer	School Curriculum and Standards Authority	3	A Blagaich	\$258,277
Small Business Commissioner	Small Business Development Corporation	4	D Eaton	\$227,936
Director	South West Development Commission	4	D Punch	\$199,636
Managing Director	South West Institute of Technology	4	D Anderson	\$199,636
Director General	Sport and Recreation	3	R Alexander	\$284,591
Director General	State Development	1	S Wood	\$396,343
Chief Executive Officer	State Supply Commission	4	Vacant	\$-

SPECIAL DIVISION CEOs

Office	Department or Agency	Band	Office Holder	Salary
Director General	Training and Workforce Development	2	R Shean	\$361,645
Director General	Transport	1	R Waldock	\$396,343
Under Treasurer	Treasury	1	Vacant	\$-
Director General	Water	3	M De Lacey	\$248,296
Managing Director	West Coast Institute of Training	4	M Hoad	\$199,636
Chief Executive	Western Australian Land Information Authority	3	M Bradford	\$270,374
Director	Wheatbelt Development Commission	4	W Newman	\$199,636
Chief Executive Officer	WorkCover Western Australia Authority	4	M Reynolds	\$232,058
Chief Executive Officer	Zoological Parks Authority	4	S Hunt	\$232,058

Table: 2—Prescribed Office Holders**PRESCRIBED OFFICE HOLDERS**

Office	Department or Agency	Office Holder	Salary
Commissioner for Equal Opportunity	Equal Opportunity Commissioner	A Lucas	\$248,296
Commissioner	Fire and Emergency Services	W Gregson	\$361,644
General Manager	Forest Products Commission	Vacant	\$-
Director	Health and Disability Services Complaints Office	A Donaldson	\$232,058
State Librarian	Library Board of Western Australia	M Allen	\$232,058
Commissioner of Main Roads	Main Roads	R Waldock	See Director General, Department of Transport
President	Mental Health Review Board	M Hawkins	\$238,530
Auditor General	Office of the Auditor General	C Murphy	\$396,343
Commissioner for Children and Young People	Office of the Commissioner for Children and Young People	Vacant	\$232,058
Director of Public Prosecutions	Office of the Director of Public Prosecutions	-	See Fourth Schedule
Deputy Director of Public Prosecutions	Office of the Director of Public Prosecutions	-	See Fourth Schedule
Information Commissioner	Office of the Information Commissioner	S Bluemmel	\$232,058
Inspector of Custodial Services	Office of the Inspector of Custodial Services	N Morgan	\$232,058
Solicitor General	Office of the Solicitor General	-	See Sixth Schedule
Commissioner	Parliamentary Commissioner for Administrative Investigations	C Field	\$361,645
Deputy Commissioner	Parliamentary Commissioner for Administrative Investigations	G (Mary) White	\$195,127
Public Sector Commissioner	Public Sector Commission	M Wauchope	\$434,883
Deputy Electoral Commissioner	Western Australian Electoral Commission	C Avent	\$163,936
Electoral Commissioner	Western Australian Electoral Commission	Vacant	\$-
Director of the Museum	Western Australian Museum	A Coles	\$226,974
Commissioner of Police	Western Australian Police Service	K O'Callaghan	\$434,883
Deputy Commissioner Operations	Western Australian Police Service	S Brown	\$276,984

PRESCRIBED OFFICE HOLDERS

Office	Department or Agency	Office Holder	Salary
Deputy Commissioner Specialist Services	Western Australian Police Service	Vacant	\$-
Assistant Commissioner Traffic & Emergency Response	Western Australian Police Service	N Anticich	\$209,199
Assistant Commissioner Metropolitan Region	Western Australian Police Service	G Budge	\$209,199
Assistant Commissioner (Business Technology) - Chief Information Officer	Western Australian Police Service	K Properjohn	\$209,199
Assistant Commissioner Intelligence & Communications	Western Australian Police Service	D Bell	\$209,199
Assistant Commissioner State Crime	Western Australian Police Service	C Ward	\$209,199
Assistant Commissioner Professional Development	Western Australian Police Service	M Fyfe	\$209,199
Assistant Commissioner Judicial Services	Western Australian Police Service	P Zanetti	\$209,199
Assistant Commissioner Professional Standards	Western Australian Police Service	D Staltari	\$209,199
Assistant Commissioner Regional WA	Western Australian Police Service	G Dreiberger	\$209,199
Chief Executive Officer	Western Australian Tourism Commission	S Buckland	\$301,794

Table 3—Special Division Non-CEOs**SPECIAL DIVISION NON-CEOs**

Office	Department or Agency	Band	Office Holder	Salary
Public Trustee	Attorney General	4	B Roche	\$224,452
Executive Director, Courts and Tribunal Services	Attorney General	4	R Warnes	\$209,199
Executive Director Consumer Protection / Commissioner for Consumer Protection	Commerce	3	A Driscoll	\$224,452
Executive Director, WorkSafe / WorkSafe Western Australia Commissioner	Commerce	4	L McCulloch	\$209,199
Executive Director, Building Commission / Building Commissioner	Commerce	4	P Gow	\$209,199
Executive Director, Labour Relations	Commerce	4	R Horstman	\$209,199
Deputy Commissioner, Youth Justice Services	Corrective Services	3	Vacant	\$-
Deputy Commissioner, Adult Justice Services	Corrective Services	3	S Maines	\$250,719
Deputy Director General, Finance and Administration	Education	2	J Leaf	\$276,985
Deputy Director General, Schools	Education	3	D Axworthy	\$242,809
Deputy Director General, Building Management and Works	Finance	2	Vacant	\$-
Deputy Director General, Public Utilities Office	Finance	2	R Challen	\$326,047
Executive Director, Government Procurement	Finance	3	R Alderton	\$224,452

SPECIAL DIVISION NON-CEOs

Office	Department or Agency	Band	Office Holder	Salary
Commissioner of State Revenue	Finance	3	W Sullivan	\$224,452
Deputy Commissioner, Support and Capability	Fire and Emergency Services	4	S Fewster	\$224,453
Deputy Commissioner, Operations	Fire and Emergency Services	4	L Bailey	\$224,452
Deputy Director General	Health	2	Vacant	\$-
Executive Director, Resource Strategy	Health	2	W Salvage	\$276,985
Executive Director, System Policy and Planning	Health	2	Vacant	\$-
Managing Director	Main Roads WA	2	S Troughton	\$326,047
Deputy Director General, Approvals and Compliance	Mines and Petroleum	3	T Griffin	\$224,452
Deputy Director General, Strategic Policy	Mines and Petroleum	3	M Andrews	\$224,452
Deputy Auditor General	Office of the Auditor General	3	G Clarke	\$224,452
Deputy Director General, Economic and Deregulation	Premier and Cabinet	2	D Smith	\$302,760
Deputy Director General, Community and Health Services	Premier and Cabinet	2	R Brown	\$302,760
Assistant Director General, State Security and Emergency Coordination	Premier and Cabinet	4	G Hay	\$224,452
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	R May	\$224,452
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	J Catlin	\$224,452
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	L Genoni	\$224,452
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	T Leeming	\$224,452
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	A Rutherford	\$224,452
Deputy Commissioner, Accountability, Policy and Performance	Public Sector Commission	3	F Roche	\$224,452
Deputy Commissioner, Agency Support	Public Sector Commission	3	D Volaric	\$224,452
Managing Director	Public Transport Authority	2	M Burgess	\$276,985
Deputy Director General, State Initiatives	State Development	3	Vacant	\$-
Deputy Director General, Policy, Planning and Investment	Transport	2	S McCarrey	\$276,985
Managing Director, Transport Services	Transport	2	N Lyhne	\$276,985
Executive Director, Strategic Policy and Evaluation	Treasury	4	Vacant	\$-
Executive Director, Infrastructure and Finance	Treasury	4	Vacant	\$-
Deputy Under Treasurer	Treasury	2	M Barnes	\$276,985
Executive Director, Economic	Treasury	4	M Court	\$224,452
Executive Director	Western Australian Police Service	3	A Kannis	\$276,985

PART 2: CLASSIFICATION FRAMEWORK FOR SPECIAL DIVISION OFFICES

This Part deals with the classification framework applicable to Special Division offices listed in Part 2 of this schedule.

2.1 General

- (1) Special Division offices listed in this Schedule have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.
- (2) Each classification (Band 1 to Band 4) has a commensurate indicative annual salary as specified in this Section. The salary is inclusive of annual leave loading and no additional leave loading should be paid. The salary is exclusive of other benefits described further below in Parts 3, 4, 5 and 6.
- (3) Chief Executive Officers (CEOs) have been designated a higher salary range within each Band in recognition of the distinction between CEOs with end of line responsibility and non-CEOs in subordinate positions.
- (4) The Tribunal will review the classification of an office when that office becomes vacant and prior to a new appointment being made.

Table: 4—Indicative annual salary (inclusive of annual leave loading) range for the classification of Chief Executive Officers in the Special Division of the Public Service

Special Division Chief Executive Officers		
Band	Annual Salary Range	
Band 1	\$361,645	\$508,663
Band 2	\$299,656	\$361,645
Band 3	\$232,058	\$299,656
Band 4	\$199,636	\$232,058

Table: 5—Indicative annual salary (inclusive of annual leave loading) range for the classification of non-Chief Executive Officers in the Special Division of the Public Service

Special Division non-Chief Executive Officers		
Band	Annual Salary Range	
Band 1	Not applicable	Not applicable
Band 2	\$276,985	\$326,047
Band 3	\$224,452	\$276,985
Band 4	\$187,957	\$224,452

PART 3: MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in this Schedule.

3.1 General

- (1) In addition to the salary determined for the office holders listed in Part 1 of this Schedule, those office holders have an entitlement to an allowance which may be taken as cash with salary or may be utilised to access a motor vehicle for private use leased through State Fleet.
- (2) The vehicle (being part of the Government-owned State Fleet) should be managed in accordance with the policies and conditions established and amended from time to time by the Department of Finance (the effective owner of the State Fleet). Applicable terms and conditions are currently set out in the document "State Fleet—Agency General Agreement".
- (3) A person holding more than one Special Division or Prescribed Office, shall be entitled to a motor vehicle or cash in lieu of a motor vehicle for one such office only, being the office classified or remunerated at the highest level.
- (4) An individual accessing a vehicle under this Part shall take due care of 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 should be reported to the Fleet Manager.
- (5) Motor vehicles leased for office holders under this determination or a previous determination of the Tribunal shall not be changed or cash in lieu taken prior to the expiration of the lease.
- (6) 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 outside of Western Australia, the custodian must be in the vehicle at all times that it is being used.
- (7) Should the officer choose not to use the vehicle, supplied through State Fleet, for business, or for travelling to and from work, 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 private use, including transport to and from work.

(8) Should the officer choose to take cash in lieu of a motor vehicle supplied through State Fleet, it is not the Tribunal's intent that this should result in additional government expense or an increase in the government fleet to provide transport for the office holder during business hours. The office holder is not entitled to claim a mileage allowance for use of their private vehicle for work purposes. Neither is he or she entitled to access another government vehicle for their personal use including transport to and from work.

3.2 Notional value of the lease and the cost to the Office Holder

(1) The notional value of the lease (and all associated costs) per annum shall be

Table: 6—Notional Value of a Motor Vehicle

Salary of Office Holder	Notional value of the lease
Below \$246,397 p.a.	\$20,300 p.a.
Equal to or above \$246,397 p.a.	\$22,650 p.a.

(2) The notional value of the lease shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

(3) Office holders located in non-metropolitan locations that require a four wheel drive vehicle for operational reasons, can apply to the employing authority for the issue of a four wheel drive vehicle in lieu of the entitlement mentioned in this Section. Four wheel drive vehicles shall be of a standard, the cost of which does not exceed the Toyota Prado GXL Automatic 3.0 litre Turbo Diesel.

(4) The total lease cost of the chosen vehicle and accessories determined in this section, must be borne by the office holder. This includes the purchase cost of any accessories and the installation cost and removal costs if required, before disposal of the vehicle. No additional costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.

(5) Where the total lease and associated costs of a vehicle and accessories in accordance with this determination is less than the relevant motor vehicle benefit determined in this section, the difference in the cost to Government is to be paid fortnightly as part of the office holder's remuneration.

(6) The method of determining whether an additional contribution must be made by the office holder or the surplus is to be paid to the office holder, shall be based on the notional lease cost to the Government of the vehicle sought (using the formula detailed below), compared with the relevant notional lease value determined for the benefit in this section. The cost at the time of entering into the lease is applicable.

(7) The notional value of the vehicle benefit must include the lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is outlined in Table 7 below.

Table: 7—Value of a Motor Vehicle Formula

Value of a Motor Vehicle =
 $L + R + aD + \text{FBT} + I + \text{LCT}$, where

L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury Car Tax

(8) FBT is costed at applicable Australian Taxation Office rates. FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).

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.

(9) Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage patterns.

3.3 Choice of motor vehicle

(1) Where an office holder elects to access a leased vehicle under State Fleet arrangements, he/she may choose any vehicle and accessories in the relevant Western Australian Government Common Use Contract or an "off contract" vehicle and accessories available under Government leasing arrangements in accordance with the following criteria.

(2) Vehicles with V8 engines are not included. Supercharged and turbo-charged engines with a capacity greater than 3.0 litres are not included.

(3) Office holders unable to lease their choice of vehicle within the scope of the arrangements set out in this determination should elect to make their own arrangements to meet their personal transport needs.

3.4 Cash value of the motor vehicle benefit

(1) Where a person elects not to be provided with a motor vehicle through State Fleet he/she is entitled to the cash value being paid fortnightly as additional remuneration. The relevant cash value is to be determined in accordance with the following criteria—

Table: 8—Cash Value of a Motor Vehicle

Salary of Office Holder	Cash Value
Below \$246,397 p.a.	\$20,300 p.a.
Equal to or above \$246,397 p.a.	\$22,650 p.a.

(2) The cash value of a motor vehicle shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

PART 4: DISTRICT AND TRAVEL ALLOWANCES

This Part deals with the district and travel allowances paid or provided to Office holders listed in this Part.

4.1 District Allowances

(1) Officer holders listed in this Section shall be entitled to applicable district allowances in accordance with the *District Allowance (Government Officers) General Agreement 2010* and relevant provisions of the *Public Service Award 1992* as at the date of this determination. Applicable FBT shall be payable by the relevant department or agency.

(2) For the purposes of calculating the standard rate, dependant rate or partial dependant rate applicable under the *District Allowance (Government Officers) General Agreement 2010*, the standard rates set out in Table 6 below shall form the basis of the calculations unless and until determined otherwise by the Tribunal.

Table: 9—District Allowances

Office	Department or Agency	Office Holder	Annual District Allowance (Standard Rate)
Managing Director	Durack Institute of Technology	B Beevers	\$1,206
Director	Gascoyne Development Commission	S Webster	\$4,267
Managing Director	Goldfields Institute of Technology	K Doig	\$2,289
Director	Kimberley Development Commission	J Gooding	\$9,230
Managing Director	Kimberley TAFE	K Dickinson	\$8,132
Director	Mid West Development Commission	G Treasure	\$1,206
Director	Pilbara Development Commission	K King	\$12,865
Managing Director	Pilbara Institute	M Boundy	\$12,865

4.2 Travel Allowances—Annual Leave Travel Concessions

(1) Office holders listed in this Section are entitled to travel allowances in accordance with the *Public Service Award 1992* (as at the date of this determination) and described in clause 23(10) of that Award as “Annual Leave Travel Concessions”.

Table: 10—Travel Allowances—Annual Leave Travel Concessions

Office	Department or Agency	Office Holder
Director	Gascoyne Development Commission	S Webster
Managing Director	Goldfields Institute of Technology	K Doig
Director	Kimberley Development Commission	J Gooding
Managing Director	Kimberley TAFE	K Dickinson
Director	Pilbara Development Commission	K King
Managing Director	Pilbara Institute	M Boundy

PART 5: HOUSING AND UTILITIES

This Part deals with the housing and utilities subsidies paid or provided to Office holders listed in this Part.

5.1 Rental subsidies

(1) Office holders identified in this section shall be entitled to applicable Government Regional Officers Housing (GROH) rental subsidies which are aligned generally to Department of Housing policies including the *Tenant Rent Setting Framework Policy (August 2006)*.

(2) The rental subsidy shall be payable to GROH for the benefit of the office holders up to the specified value in Table 11, based on rates calculated using the Department of Housing on-line rent calculator which can be accessed at: http://www.housing.wa.gov.au/currenttenants/governmentemployeehousing/rentcalculation/Pages/groh_rent_calc.aspx.

(3) Applicable FBT shall be paid by the office holder’s department or agency.

(4) Where the office holder's tenancy is for a portion of the year, the maximum annual rental subsidy shall apply on a pro rata basis.

(5) Office holders are to advise the Tribunal of GROH rent adjustments as soon as practicable after they occur. The Tribunal will ordinarily take these rent adjustments into account when conducting the annual review of remuneration for Special Division and Prescribed Office holders and when a new office holder is appointed.

Table: 11—Rental Subsidies

Office	Department or Agency	Office Holder	Maximum Annual Rental Subsidy
Director	Gascoyne Regional Development Commission	S Webster	\$13,000
Managing Director	Goldfields Institute of Technology	K Doig	\$13,300
Director	Mid West Development Commission	G Treasure	\$15,100
Director	Pilbara Development Commission	K King	\$13,600
Managing Director	Pilbara Institute	M Boundy	\$13,700

5.2 Home ownership subsidies

(1) Office holders identified in this section shall be entitled to applicable Government home loan subsidies which are aligned generally to the Department of Housing's *Home Ownership Subsidy Scheme for Government Employees in Regional Western Australia (November 2001)*.

(2) The home ownership subsidy shall be payable for the benefit of the office holder up to the maximum specified in Table 12 below.

(3) The subsidy shall be paid in accordance with and for the period specified in the relevant Home Loan Subsidy Agreement between the office holder and their Department or agency identified in Table 12 below.

(4) Applicable FBT shall be paid by the office holder's department or agency.

Table: 12—Home Ownership Subsidies

Office	Department or Agency	Office Holder	Maximum Annual Home Ownership Subsidy
Director	Kimberley Development Commission	J Gooding	\$9,100 (\$175 per week)

5.3 Electricity subsidies

(1) Office holders listed in this Section shall be entitled to claim electricity subsidies as specified in Table 13 below. These electricity subsidies are based generally on the air conditioning subsidies applicable under the Department of Housing's *Government Housing Air Conditioning Policy (October 2001)*.

(2) Claims made under this Section must be accompanied by a tax invoice for electricity utilised at the residence ordinarily occupied by the office holder within the relevant Development Commission region where the office holder's department or agency is located.

(3) A claim for an electricity subsidy made under this Section must be submitted within 90 days of the due payment date of the tax invoice. In the case of exceptional circumstances, the administering authority may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Section, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a claim. Exceptional circumstances, for which an extension will be approved, will only be where the office holder has demonstrated that the claim submission has been delayed for reasons outside the office holder's control or in circumstances where ill health or bereavement has prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

(4) Applicable FBT shall be paid by the office holder's department or agency.

Table: 13—Electricity Subsidies

Office	Department or Agency	Office Holder	Maximum Annual Electricity Subsidy
Director	Gascoyne Development Commission	S Webster	\$1,771

Office	Department or Agency	Office Holder	Maximum Annual Electricity Subsidy
Managing Director	Goldfields Institute of Technology	K Doig	\$1,665
Director	Kimberley Development Commission	J Gooding	\$2,896
Managing Director	Kimberley TAFE	K Dickinson	\$1,554
Director	Pilbara Development Commission	K King	\$3,000
Managing Director	Pilbara Institute	M Boundy	\$2,999

PART 6: SUPERANNUATION ENTITLEMENTS

This Part deals with the superannuation entitlements paid or provided to Office holders listed in this Schedule.

6.1 General

(1) Employer superannuation contributions are payable in accordance with the obligations applicable under the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *State Superannuation Act 2000* and the *State Superannuation Regulations 2001* or the *Fire and Emergency Services Regulations 1986*, as the case may be, unless determined otherwise in this Schedule.

(2) Superannuation contributions to the Gold State Super scheme are based on the concept of remuneration set out in Regulation 5 of the *State Superannuation Regulations 2001*. Contributions to an accumulation scheme, whether a GESB accumulation scheme or a scheme of choice, are determined by the concept of Ordinary Time Earnings (OTE) defined in the *Superannuation Guarantee (Administration) Act 1992* (Cth) and 'over OTE items' as defined in the *State Superannuation Regulations 2001*. The Department of Treasury document titled *Ordinary Time Earnings and the Treatment of Allowances and Payments for Superannuation Remuneration Purposes—General Principles* provides useful guidance on this matter. The document can be found on the Department of Treasury web site at—

http://www.treasury.wa.gov.au/cms/uploadedFiles/Treasury/State_finances/ote_treatment_allowances_payments_superannuation_remuneration_general_principles.pdf?n=1655.

(3) Superannuation contributions to the Fire and Emergency Services Superannuation Fund are governed by the *Superannuation Guarantee (Administration) Act 1992* (Cth) and the *Fire and Emergency Services Regulations 1986*.

(4) The position of Inspector of Custodial Services, while held by Mr N Morgan shall be paid superannuation in accordance with the *UniSuper*.

(5) The position of CEO, Metropolitan Cemeteries Board, while held by Mr P Deague shall be paid superannuation in accordance with the *WA Local Government Superannuation Plan*.

(6) A Gold State member electing to take a motor vehicle or the cash equivalent in lieu of a motor vehicle is not entitled to have either amount included for superannuation purposes. Similarly, a West State or GESB Super member electing to take a vehicle does not have the cash value of that vehicle included for superannuation. However if they elect to take a cash equivalent in lieu of a motor vehicle then this amount is included for the purposes of superannuation.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SECOND SCHEDULE SENIOR LEGAL OFFICES

Pursuant to section 6(1)(d) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid per annum to the holders of the offices listed below and is as follows.

PART 1—SALARY

This part deals with the salary payable to the holders of the offices listed below

1.1 General

The amount of a person's entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

1.2 Offices and salaries

(1) The salary is inclusive of annual leave loading.

(2) A person holding more than one Special Division or Prescribed Office, shall receive remuneration for one such office only, being the office classified or remunerated at the highest level.

Table: 14—Remuneration and Offices

Office	Department or Agency	Band	Office Holder	Annual Salary
State Solicitor	Attorney General	1	P Evans	\$434,644
Parliamentary Counsel	Attorney General	1	W Munyard	\$434,644
State Counsel	Attorney General	2	Vacant	\$-
State Counsel— Queen's/Senior Counsel	Attorney General	2	G Tannin SC	\$391,888
Deputy State Solicitor— Queen's/Senior Counsel	Attorney General	2	R Mitchell SC	\$380,998
Deputy State Solicitor	Attorney General	2	J Young	\$370,265
Deputy State Solicitor— Commercial	Attorney General	2	N Egan	\$370,265
Deputy Parliamentary Counsel	Attorney General	2	A Harvey	\$370,265
Deputy Parliamentary Counsel	Attorney General	2	G Jamieson	\$370,265
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	Vacant	\$-
Senior Adviser, State Solicitor's Office	Attorney General	3	J O'Halloran	\$348,811
Consultant State Prosecutor—Queen's/Senior Counsel	Office of the Director of Public Prosecutions	3	L Petrusa	\$338,082
Senior Parliamentary Counsel	Attorney General	3	G Lawn	\$328,082
Senior Parliamentary Counsel	Attorney General	3	P Tremlett	\$328,082
Director Legal Services	Office of the Director of Public Prosecutions	3	M Bugg	\$328,082
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	C Barbagallo	\$328,082
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	A Forrester	\$328,082
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	J Scholz	\$328,082
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	B Meertens	\$328,082 (Review when vacant)
Senior Adviser, State Solicitor's Office	Attorney General	3	K Glancy	\$272,234
Adviser, State Solicitor's Office	Attorney General	4	A Sefton	\$259,409
Senior Assistant Parliamentary Counsel	Attorney General	4	L O'Dwyer	\$237,941
Adviser, State Solicitor's Office	Attorney General	4	A Komninos	\$225,934
Adviser, State Solicitor's Office	Attorney General	4	I Petersen	\$225,934

1.3 Salary Packaging

The entitlement to salary packaging arrangements set out in Part 1 Section 1.6 of this determination apply to office holders listed in this Schedule.

PART 2: CLASSIFICATION FRAMEWORK

This part deals with the classification framework applicable to the holders of Senior Legal Offices listed in Part 1 of this Schedule.

3.1 General

(1) Offices listed in this Schedule have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.

(2) Each classification (Band 1 to Band 4) has a commensurate indicative annual salary as specified in this Section. The salary is inclusive of annual leave loading and no additional leave loading should be paid. The salary is exclusive of other benefits described further below in Part 3 of this Schedule.

(3) The Tribunal will review the classification of an office when that office becomes vacant and prior to a new appointment being made.

Table: 15—Indicative annual salary (inclusive of annual leave loading) range for the classification of Senior Legal Offices

SENIOR LEGAL OFFICES		
Band	Salary Range	
Band 1	\$405,614	\$467,174
Band 2	\$340,474	\$405,614
Band 3	\$272,234	\$340,474
Band 4	\$225,000	\$272,234

PART 3—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in this schedule.

3.1 General

The holders of the offices listed in this Schedule have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$22,650 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to office holders listed in this Schedule.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

THIRD SCHEDULE COURT REGISTRARS

Pursuant to section 6(1)(d) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid to the holders of the offices listed.

PART 1—SALARY

This part deals with the salary payable to the holders of the offices listed below

1.1 General

The amount of a person's entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

1.2 Offices and salaries

(1) The salary is inclusive of annual leave loading.

(2) A person holding more than one Special Division or Prescribed Office, shall receive remuneration for one such office only, being the office classified or remunerated at the highest level.

Table: 16—Annual salary (inclusive of annual leave loading) for Court Registrars

OFFICE	ANNUAL SALARY
Supreme Court	
Principal Registrar	\$334,950
Registrar	\$296,620
District Court	
Principal Registrar	\$311,947
Registrar	\$293,113
Deputy Registrar	\$284,319

1.3 Salary Packaging

The entitlement to salary packaging arrangements set out in Part 1 Section 1.6 of this determination apply to office holders listed in this Schedule.

PART 2—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in this schedule.

2.1 General

The holders of the offices listed in this Schedule have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$24,000 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to office holders listed in this Schedule.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

FOURTH SCHEDULE**DIRECTOR OF PUBLIC PROSECUTIONS AND DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS**

Pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to the holder of the offices of the Director of Public Prosecutions and the Deputy Director of Public Prosecutions.

PART 1—SALARY AND ALLOWANCES

This Part deals with the salary and allowances payable to the Director of Public Prosecutions and the Deputy Director of Public Prosecutions.

1.1 General

The salaries determined in this Part are inclusive of annual leave loading.

1.2 Director of Public Prosecutions

(1) The holder of the office of Director of Public Prosecutions is to be paid a salary of \$479,327 per annum.

(2) All other allowances payable from time to time are the same as provided to a Puisne Judge of the Supreme Court of Western Australia.

(3) Pursuant to clause 2(a) of the *Director of Public Prosecutions Act 1991* the Director of Public Prosecutions has the same annual leave, sick leave and long service leave entitlements as an officer of the public service.

1.3 Deputy Director of Public Prosecutions

(1) The holder of the office of Deputy Director of Public Prosecutions is to be paid a salary of \$386,819 per annum.

(2) All other allowances payable from time to time are the same as provided to a District Court Judge of Western Australia.

1.4 Salary Packaging

The entitlement to salary packaging arrangements set out in Part 1, Section 1.6 of this determination applies to the Director of Public Prosecutions and the Deputy Director of Public Prosecutions.

PART 2—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to the Director of Public Prosecutions and the Deputy Director of Public Prosecutions.

2.1 General

The Director of Public Prosecutions and the Deputy Director of Public Prosecutions each have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$26,900 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to these office holders.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

**FIFTH SCHEDULE
CLERKS AND DEPUTY CLERKS OF THE PARLIAMENT**

Pursuant to section 6(1)(c) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to Clerk of the Legislative Council or Clerk of the Legislative Assembly or the Deputy Clerk of either House.

PART 1—SALARY

This part deals with the salary payable to the holders of the offices listed below.

1.1 General

The amount of a person's entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

1.2 Offices and salaries

(1) The salary is inclusive of annual leave loading.

(2) A person holding more than one Special Division or Prescribed Office, shall receive remuneration for one such office only, being the office classified or remunerated at the highest level.

Table: 17—Annual salary (inclusive of annual leave loading) for the Clerks and Deputy Clerks of the Parliament

OFFICE	ANNUAL SALARY
Clerk of the Legislative Council	\$216,138
Deputy Clerk of the Legislative Council	\$166,216
Clerk of the Legislative Assembly	\$216,138
Deputy Clerk of the Legislative Assembly	\$166,216

1.3 Salary Packaging

The entitlement to salary packaging arrangements set out in Part 1 Section 1.6 of this determination apply to office holders listed in this Schedule.

PART 2—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in this Schedule.

2.1 General

The holders of the offices listed in this Schedule have an entitlement to the supply of a fully maintained motor vehicle for business and private use.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

**SIXTH SCHEDULE
SOLICITOR-GENERAL**

Pursuant to section 4 of the *Solicitor-General Act 1969* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to the holder of the office of the Solicitor-General.

PART 1—REMUNERATION

This Part deals with the remuneration payable to the holder of the office listed below

1.1 Remuneration

The holder of the office of Solicitor-General is entitled to remuneration of \$586,349 per annum inclusive of salary, motor vehicle entitlement and superannuation.

1.2 Salary Packaging

The entitlement to salary packaging arrangements set out in Part 1 Section 1.6 of this determination applies to the Solicitor-General.

1.3 Motor Vehicle benefits

For the purpose of superannuation the notional value of the motor vehicle entitlements is \$26,900 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to the Solicitor-General.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE REMUNERATION OF SENIOR AND ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE TRIBUNAL

1. The Salaries and Allowances Tribunal ("Tribunal") issues this Determination pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* ("the Act").
2. Section 8 of the Act requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine the remuneration to be paid to a person holding any office prescribed for the purposes of that section.
3. Senior and Ordinary Members ("Members") of the State Administrative Tribunal are so prescribed in regulation 3 of the *Salaries and Allowances Regulations 1975*.
4. The Tribunal's previous determination in relation to Members was issued on 22 November 2013.
5. In March 2014 the Tribunal invited submissions by advertising in *The West Australian* newspaper, through the Tribunal website and by writing to key office holders.
6. The Tribunal received a submission from Timothy Sharp, Acting President of the State Administrative Tribunal. The Minister for Commerce also provided a submission on behalf of the Government.
7. The Tribunal considered the performance of the Western Australian economy and forecasts as to its likely future performance. The Tribunal has taken into account labour market and economic information, the Government's most recent Public Sector Wages Policy Statement, Financial Strategy Statement and Financial Projection Statement.
8. The Minister for Commerce's submission provided details of the performance of the Western Australian economy, which he states has moderated over the past year. The pace of growth is expected to moderate further in 2014-15 and beyond.
9. The Tribunal noted economic forecasts included in the 2014-15 Budget Papers, as stated in Table 1.

Table 1. Forecasts for Major Western Australian Economic Aggregates

Economic Aggregates	2012-13 Actual	2013-14 Estimated Actual	2014-15 Budget Estimate	2015-16 Forward Estimate	2016-17 Forward Estimate	2017-18 Forward Estimate
	%	%	%	%	%	%
Gross State Product	5.1	3.75	2.75	3.0	4.25	5.0
State Final Demand	5.0	0.25	0.0	0.75	1.5	2.0
Employment	3.5	1.5	1.5	1.75	1.75	2.0
Unemployment Rate(a)	4.4	5.0	5.5	5.25	5.0	4.75
Consumer Price Index	2.3	3.0	2.75	2.5	2.5	2.5
Wage Price Index	4.0	3.25	3.25	3.5	3.5	3.75
Population	3.5	2.6	2.1	2.1	2.1	2.1

(a) Data expressed in terms of the annual average during the financial year.

Source: Department of Treasury, *Economic Forecasts as at May 2014*

10. The submission from the Acting President of the State Administrative Tribunal supported the continuation of relativities between the Members of the State Administrative Tribunal and other judicial officers in Western Australia. It also suggested current motor vehicle entitlements should be maintained.

11. The Tribunal notes the role of the State Administrative Tribunal in Western Australia's justice system. It has considered the remuneration of Members within the general framework of remuneration provided to judicial office holders and court registrars under the Tribunal's jurisdiction.

DETERMINATION

12. The Tribunal has examined the remuneration provided to Members based upon the principles of remuneration set out above, submissions provided to the inquiry and the framework of salaries for judicial office holders and court registrars under the Tribunal's jurisdiction.

13. The Tribunal has not identified a need for an increase in remuneration for Members beyond an economic adjustment of 2.5% to accommodate changes to the Consumer Price Index.

14. Motor vehicle entitlements will be maintained at the current level.

The determination will now issue.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE REMUNERATION OF SENIOR AND ORDINARY MEMBERS
OF THE STATE ADMINISTRATIVE TRIBUNAL**

Pursuant to Section 6(1)(E)

PART 1: INTRODUCTORY MATTERS

This part deals with some matters that are relevant to the determination generally.

1.1 Short Title

This determination may be cited as the *Senior and Ordinary Members of the State Administrative Tribunal Determination No. 1 of 2014*.

1.2 Commencement

This determination comes into operation on 1 July 2014.

1.3 Content and intent

(1) This determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to holders of offices of the State Administrative Tribunal prescribed for the purposes of section 6(1)(e) of the *Salaries and Allowances Act 1975*.

(2) The offices to which this determination applies are the Senior and Ordinary Members of the State Administrative Tribunal as prescribed in regulation 3 of the *Salaries and Allowances Regulations 1975*.

(3) This determination fulfils the Tribunal's obligations provided in section 8 of the *Salaries and Allowances Act 1975*, with respect to the Senior and Ordinary Members of the State Administrative Tribunal.

1.4 Terms used

In this determination, unless the contrary intention appears—

Senior Member means a Senior Member appointed under the *State Administrative Tribunal Act 2004*;

Ordinary Member means an Ordinary Member appointed under the *State Administrative Tribunal Act 2004*.

1.5 Conditions of service

(1) Pursuant to section 119(4) of the *State Administrative Tribunal Act 2004* the Governor may determine the leave of absence to which a Senior or an Ordinary Member is entitled and any other terms and conditions of service as a Senior or an Ordinary Member.

(2) To the extent that conditions of service affect remuneration (e.g. paid leave of absence), a Senior and an Ordinary Member are entitled to the same terms and conditions as contained in the *Public Service Award 1992* and the *Public Service and General Officers Agreement 2011*. Where there is any inconsistency between the remuneration payable under this determination and as determined by the Governor under section 119(1) of the *State Administrative Tribunal Act 2004*, the remuneration specified in this determination shall prevail to the extent of the inconsistency.

(3) In accordance with section 119(3) of the *State Administrative Tribunal Act 2004*, the emoluments and benefits to which a Senior and an Ordinary Member are entitled cannot, during the member's term of office, be changed to be less favourable without the member's consent.

1.6 Salary Packaging

A Senior and an Ordinary Member are entitled to participate in salary packaging arrangements for superannuation and novated leases in accordance with the "Guidelines for Salary Packaging in the WA Public Sector", which can be accessed at http://www.commerce.wa.gov.au/LabourRelations/PDF/Circulars/2012_004.pdf

PART 2: SALARY

This part deals with the salary payable to a Senior or an Ordinary Members for the performance of their duties pursuant to their appointments under the *State Administrative Tribunal Act 2004*.

2.1 General

The amount of a person's entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

2.2 Offices and salaries

The annual salaries specified in Table 1 of this Part apply to Senior and Ordinary Members.

Table 1: Annual salaries payable to Senior and Ordinary Members

OFFICE	ANNUAL SALARY
Senior Member	\$321,695
Ordinary Member	\$241,272

PART 3: MOTOR VEHICLE BENEFITS

This Part deals with motor vehicle benefits paid or provided to a Senior or an Ordinary Member.

3.1 General

- (1) In addition to the salary determined for the holders of offices listed in Part 2 of this Determination, those office holders are entitled to an allowance which may be taken as cash with salary or may be utilised to access a motor vehicle for private use leased through State Fleet.
- (2) The motor vehicle (being part of the Government-owned State Fleet) should be managed in accordance with the policies and conditions established and amended from time to time by the Department of Finance (the effective owner of the State Fleet). Applicable terms and conditions are currently set out in the Department of Finance's document, *State Fleet—Agency General Agreement*, which took effect on 1 March 2013.
- (3) A person holding more than one Special Division or Prescribed Office, shall be entitled to a motor vehicle or cash in lieu of a motor vehicle for one such office only, being the office classified or remunerated at the highest level.
- (4) An individual accessing a vehicle under this Part shall take due care of the condition and security of the vehicle. This includes responsibility for regular servicing and maintenance 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 at all times. Theft or damage should be reported to the Fleet Manager.
- (5) Motor vehicles leased for office holders under this determination or a previous determination of the Tribunal shall not be changed or cash in lieu taken prior to the expiration of the lease.
- (6) While the vehicle may be used anywhere in Western Australia at no cost to the individual, the individual is liable for the cost of fuel and oil incurred when driving interstate. Furthermore, if used outside of Western Australia, the custodian must be in the vehicle at all times that it is being used.
- (7) Should the officer choose not to use the vehicle supplied through State Fleet for business, or for travelling to and from work, but allows and authorises the vehicle to be used for private use during business hours by another family member or person, they are not entitled to access another government vehicle for private use, including transport to and from work.
- (8) Should the officer choose to take cash in lieu of a motor vehicle supplied through State Fleet, it is not the Tribunal's intent that this should result in additional government expense or an increase in the government fleet to provide transport for the office holder during business hours. Office holders are not entitled to claim mileage allowance for use of private vehicles for work purposes. Neither are they entitled to access another government vehicle for their personal use including transport to and from work.

3.2 Notional value of the lease and the cost to the Office Holder

- (1) The notional value of the lease (and all associated costs) per annum is \$24,000.
- (2) The notional value of the lease shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.
- (3) The total lease cost of the chosen vehicle and accessories determined in this section must be borne by the office holder. This includes the purchase cost of any accessories, including installation and removal costs if required, before disposal of the vehicle. No additional costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.
- (4) Where the total lease and associated costs of a vehicle and accessories in accordance with this determination is less than the relevant motor vehicle benefit determined in this section, the difference in the cost to Government is to be paid fortnightly as part of the office holder's remuneration.
- (5) The method of determining whether an additional contribution must be made by the office holder or the surplus is to be paid to the office holder, shall be based on the notional lease cost to the Government of the vehicle sought (using the formula detailed below), compared with the relevant notional lease value determined for the benefit in this section. The cost at the time of entering into the lease is applicable.
- (6) The notional value of the vehicle benefit must include lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is—

Value of Motor Vehicle = $L + R + aD + \text{FBT} + I + \text{LCT}$, where

L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury Car Tax

- (7) FBT is costed at applicable Australian Taxation Office rates: purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).
- (8) Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage.

3.3 Choice of Motor Vehicle

(1) Where office holders elect to access a leased vehicle under State Fleet arrangements, they may choose any vehicle and accessories in the relevant Western Australian Government Common Use Contract or an “off contract” vehicle and accessories available under Government leasing arrangements in accordance with the following criteria.

(2) Vehicles with V8 engines are not included. Supercharged and turbo-charged engines with a capacity greater than 3.0 litres are not included.

(3) Office holders unable to lease their choice of vehicle within the scope of the arrangements set out in this determination should elect to make their own arrangements to meet their personal transport needs.

3.4 Cash Value of the Motor Vehicle Allowance

(1) Where officeholders elect to not be provided with a motor vehicle through State Fleet they are entitled to the cash value being paid fortnightly as additional remuneration. The relevant cash value is \$24,000 per annum.

(2) The cash value of the motor vehicle allowance shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

The determination will now issue.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE REMUNERATION OF COMMISSIONERS OF THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

1. The Salaries and Allowances Tribunal ("Tribunal") issues this Determination pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* ("the Act").
2. Section 8 of the Act requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine the remuneration to be paid to a person holding any office prescribed for the purposes of that section.
3. The offices of the members of the Western Australian Industrial Relations Commission are so prescribed in section 20 of the *Industrial Relations Act 1979* for the purposes of section 6(1)(e) of the Act.
4. By issuing this Determination, the Tribunal discharges its statutory obligations under section 8 of the Act, with respect to offices of the members of the Western Australian Industrial Relations Commission.
5. The Tribunal's previous determination in relation to the WAIRC was issued on 22 November 2013.
6. In March 2014 the Tribunal invited submissions by advertising in *The West Australian* newspaper, through the Tribunal website and by writing to key office holders.
7. The Tribunal received a joint submission from the Chief Commissioner, Senior Commissioner and Commissioners of the Western Australian Industrial Relations Commission. The Minister for Commerce also provided a submission on behalf of the Government.
8. The Tribunal considered the performance of the Western Australian economy and forecasts as to its likely future performance. The Tribunal has taken into account labour market and economic information, the Government's most recent Public Sector Wages Policy Statement, Financial Strategy Statement and Financial Projection Statement.
9. The Minister for Commerce's submission provided details of the performance of the Western Australian economy, which he states has moderated over the past year. The pace of growth is expected to moderate further in 2014-15 and beyond.
10. The Tribunal noted economic forecasts included in the 2014-15 Budget Papers.

Forecasts for Major Western Australian Economic Aggregates

Economic Aggregates	2012-13 Actual	2013-14 Estimated Actual	2014-15 Budget Estimate	2015-16 Forward Estimate	2016-17 Forward Estimate	2017-18 Forward Estimate
	%	%	%	%	%	%
Gross State Product	5.1	3.75	2.75	3.0	4.25	5.0
State Final Demand	5.0	0.25	0.0	0.75	1.5	2.0
Employment	3.5	1.5	1.5	1.75	1.75	2.0
Unemployment Rate(a)	4.4	5.0	5.5	5.25	5.0	4.75
Consumer Price Index	2.3	3.0	2.75	2.5	2.5	2.5
Wage Price Index	4.0	3.25	3.25	3.5	3.5	3.75
Population	3.5	2.6	2.1	2.1	2.1	2.1

^(a)Data expressed in terms of the annual average during the financial year.

Source: Department of Treasury, *Economic Forecasts as at May 2014*

11. The WAIRC submission raised issues relating to salary relativities and the jurisdictional role of the Industrial Relations Commission. The place of the Commission in the hierarchy of the judicial system was highlighted. For example, the Commission remains an appellate body for decisions made in the Industrial Magistrate's Court.
12. The Tribunal acknowledges the jurisdiction and role of the Western Australian Industrial Relations Commission within the state's judicial system.
13. It is also mindful of the recent determination of the Commonwealth Remuneration Tribunal that there would be no annual adjustment to remuneration for judicial offices in its jurisdiction.

Leave loading

14. Section 20(10) of the *Industrial Relations Act 1979* states that the rights of a commissioner to paid leave of absence and to lump sum payments on ceasing to hold office shall be not less than those of a permanent officer under the *Public Sector Management Act 1994* (PSMA).

15. These rights are not specified in the PSMA but are provided for in the *Public Service Award 1992* and the *Public Sector General Agreement 2011* as paid leave of 4 weeks with 17.5% loading. In the event a person ceases to be employed in that office, they are entitled to a lump sum payment equivalent to any outstanding leave.

16. The Department of Commerce's *Circular to Departments and Authorities No 1 of 2014* applies to all public sector Awards that provide for annual leave loading. The Circular states that the maximum annual leave loading that may be paid on four weeks' annual leave is \$1,615.80.

17. The level of remuneration identified in this determination is inclusive of leave loading entitlements.

DETERMINATION

1. The Tribunal has determined an increase in remuneration for Commissioners above a 2.5% economic adjustment in consideration of changes to the consumer price index.

2. The final level of remuneration includes any leave loading to which Commissioners are otherwise entitled under the *Public Sector Management Act 1994* (WA).

3. The determination will now issue.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE REMUNERATION OF COMMISSIONERS OF THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Pursuant to Section 6(1)(e)

PART 1: INTRODUCTORY MATTERS

This part deals with some matters that are relevant to the determination generally.

1.1 Short Title

This determination may be cited as the *Commissioners of the Western Australian Industrial Relations Commission Determination No. 1 of 2014*.

1.2 Commencement

This determination comes into operation on 1 July 2014.

1.3 Content and intent

(1) This determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to holders of offices of the Western Australian Industrial Relations Commission (the Commission) prescribed for the purposes of section 6(1)(e) of the *Salaries and Allowances Act 1975*.

(2) The offices to which this determination applies are the offices of the members of the Commission other than the President as prescribed in section 20(2) of the *Industrial Relations Act 1979*.

(3) This determination fulfils the Tribunal's obligations provided in section 8 of the *Salaries and Allowances Act 1975*, with respect to the holders of offices of the Commission.

1.4 Terms used

In this determination, unless the contrary intention appears—

Chief Commissioner means a Chief Commissioner appointed under the *Industrial Relations Act 1979*;

Senior Commissioner means a Senior Commissioner appointed under the *Industrial Relations Act 1979*;

Commissioner means a commissioner appointed under the *Industrial Relations Act 1979*.

1.5 Conditions of service

(1) Pursuant to section 20(10) of the *Industrial Relations Act 1979* a Chief Commissioner, Senior Commissioner and Commissioner have a right to paid leave of absence and to lump sum payments on ceasing to hold office for the money equivalent of leave of absence which shall not be less than those applicable to a permanent public office under the *Public Sector Management Act 1994*.

(2) To the extent that conditions of service affect remuneration (e.g. paid leave of absence), a Chief Commissioner, Senior Commissioner and Commissioner are entitled to the same terms and conditions as contained in the *Public Service Award 1992* and the *Public Service and Government Officers General Agreement 2011*. Where there is any inconsistency between the remuneration payable under this determination and the terms of the *Public Service Award 1992* and the *Public Service and Government Officers General Agreement 2011*, the remuneration specified in this determination shall prevail to the extent of any inconsistency.

1.6 Salary Packaging

A Chief Commissioner, Senior Commissioner and Commissioner are entitled to participate in salary packaging arrangements for superannuation and novated leases in accordance with the “Guidelines for Salary Packaging in the WA Public Sector” document, which can be accessed at—

http://www.commerce.wa.gov.au/LabourRelations/PDF/Circulars/2012_004.pdf

PART 2: SALARY

This part deals with the salary payable to a Chief Commissioner, Senior Commissioner or Commissioner for the performance of their duties pursuant to their appointments under the *Industrial Relations Act 1979*.

2.1 General

The amount of a person’s entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

2.2 Offices and salaries

(1) The annual salaries specified in Table 1 of this Part apply to a Chief Commissioner, Senior Commissioner and Commissioner.

(2) The annual salaries specified are inclusive of leave loading entitlements.

Table 1: Annual salaries payable to a Chief Commissioner, Senior Commissioner and Commissioner

OFFICE	ANNUAL SALARY
Chief Commissioner	\$342,137
Senior Commissioner	\$319,677
Commissioner	\$302,940

PART 3: MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to a Chief Commissioner, Senior Commissioner or Commissioner.

3.1 General

(1) Each Chief Commissioner, Senior Commissioner and Commissioner is entitled to the provision of a fully maintained motor vehicle for business and private use.

(2) All vehicles (being part of the Government-owned State Fleet) are to be managed in accordance with the policies and conditions established and amended from time to time by the Department of Finance (the effective owner of the State Fleet). Applicable terms and conditions are set out in the Department of Finance’s document, *State Fleet—Agency General Agreement*, which took effect on 1 March 2013.

(3) Selection of appropriate vehicles is to be subject to consultation between the Chief Commissioner and the Department of the Registrar of the Commission as the department administratively supporting the Commission and therefore the “Agency” responsible for managing the leasing arrangements for vehicles provided under this determination.

(4) In providing for the use of a motor vehicle under this arrangement, the Tribunal requires that the Department of the Registrar of the Commission will take account of the following principles established by the Tribunal. The provision of a motor vehicle should—

- (a) meet the operational conveyance needs of the Commissioners;
- (b) provide for adequate safety and security of Commissioners;
- (c) be representative of fair value and benefit;
- (d) be supportive of the efficient, effective and ethical use of State resources;
- (e) be consistent with current principles of environmental sustainability, in particular, fuel efficiency and Government emissions targets;
- (f) be commensurate with the status of Commissioners; and
- (g) where private use of a vehicle is permitted, provide scope for personal preference in choice of motor vehicle consistent with the above principles.

(5) Motor vehicles leased for a Chief Commissioner, Senior Commissioner and Commissioner shall not be changed prior to the expiration of the lease unless it is for operational reasons approved by the Chief Commissioner and the Department of the Registrar of the Commission.

(6) In order to contain additional administrative costs associated with “off contract” leases, office holders may request cost quotations for not more than three vehicles outside the Government’s Common Use Contract for motor vehicles, in the process of selecting a vehicle under this arrangement.

(7) Vehicles with V8 engines are not included. Turbo charged and supercharged engines with a capacity greater than 3.0 litres are not included.

(8) Each lease is to be tailored to achieve the most cost-effective arrangement based on individual usage patterns.

(9) The Chief Commissioner must approve the selection of the vehicle and approve that the provision of an off road vehicle and factory fitted "roo" bar is substantiated by operational need.

3.2 Value of the Motor Vehicle Benefit

(1) For the purposes of determining the value of the motor vehicle lease relative to the value of the relevant benefit set out in this determination, the lease value shall be based on a whole of life lease over two years/40,000 kilometres. The lease value will be determined at the time of ordering the motor vehicle and will be inclusive of the cost of accessories. No additional costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.

(2) The notional value of the vehicle benefit must include lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is—

Value of Motor Vehicle = $L + R + aD + \text{FBT} + I + \text{LCT}$, where

L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury Car Tax

(3) FBT is costed at applicable Australian Taxation Office rates: purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).

(4) A Chief Commissioner is entitled to the provision of a vehicle to the notional value of \$26,900 per annum.

(5) A Senior Commissioner and Commissioner are entitled to the provision of a vehicle to the notional value of \$25,400 per annum.

(6) The notional values specified in this Section shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by the relevant office holder.

(7) A Chief Commissioner, Senior Commissioner and Commissioner may choose any vehicle and accessories in the relevant Western Australian Government Common Use Contract or an "off contract" vehicle and accessories available under Government leasing arrangements, the total cost of which does not exceed the maximum cost of accessing a motor vehicle benefit determined in this Part. Where the total cost of the chosen vehicle and accessories exceeds the maximum cost of accessing a motor vehicle benefit determined in this Part, the additional cost must be borne by the individual. This includes the purchase cost of any accessories and the installation cost and removal costs if required, before disposal of the vehicle.

(8) Off road vehicles shall be of a standard, the cost of which does not exceed the lease value of the Toyota Prado GXL Auto 3.0 litre Turbo Diesel fitted with "roo" bar (air bag compliant). This includes the purchase cost of other essential accessories approved by the Chief Commissioner.

PART 4: TRAVELLING AND ACCOMMODATION ALLOWANCE

This Part deals with the travelling and accommodation allowance to be paid or reimbursed to a Chief Commissioner, Senior Commissioner and Commissioner.

4.1 General

(1) A Chief Commissioner, Senior Commissioner and Commissioner shall be entitled to claim a travelling and accommodation allowance or reimbursement as specified in this Part while travelling on official business.

(2) Claims for overnight stays in the Perth metropolitan area shall be subject in each case to the approval of the Chief Commissioner.

4.2 Allowance or reimbursement payable

(1) Where an overnight stay away from home is involved, a travelling and accommodation allowance (inclusive of accommodation, meals and incidentals) shall be payable in accordance with the Australian Taxation Office reasonable benefit limit 2013/14 rates found in Taxation Determination TD 2013/16 and where accompanied by certification that the expense was appropriately incurred.

(2) If the reasonably and properly incurred travelling and accommodation expenses exceed the abovementioned specified rates, the actual costs should be reimbursed. Receipts or vouchers must be provided in support of any claim for reimbursement in excess of the specified rate.

(3) Part payment of travelling and accommodation allowances shall apply in the following circumstances—

- Where the Chief Commissioner, Senior Commissioner or Commissioner is accommodated in private, non-commercial accommodation, such as the home of a family member or friend, a rate of one third of the specified rate shall be payable.
- Where the cost of commercial accommodation is met by an entity other than the Chief Commissioner, Senior Commissioner or Commissioner, an allowance shall be payable in accordance with the relevant Australian Taxation Office reasonable benefit limit 2013/14

rates found in Taxation Determination TD 2013/16 for meals and incidentals where accompanied by certification that the expense was appropriately incurred.

- (c) Where in the case of commercial accommodation referred to in sub section (b) above, the cost of a meal or meals is met by an entity other than the Chief Commissioner, Senior Commissioner or Commissioner, the amount of travelling allowance shall be reduced by the relevant amount or amounts referred to in the preceding paragraph.

Signed this 24th day of June 2014.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal
