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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATIONS OF THE SALARIES
AND ALLOWANCES TRIBUNAL**

**LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS
AND ELECTED 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 AND ELECTED MEMBERS**

Pursuant to Section 7A and 7B

17 June 2015

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 12 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”.

2. Section 7B(2) of the SA Act requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine—

- 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;
- the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
- the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

CURRENT INQUIRY

3. In discharging its statutory requirement with respect to the remuneration of local government CEOs and elected members, the Tribunal has—

- advertised for public submissions;
- invited local governments and regional local governments inviting them to raise any issues relevant to the remuneration paid to their CEO or to the determination of fees, expenses and allowances for elected council members;
- surveyed local governments and regional local governments as to the remuneration being paid to CEOs and regarding the fees, expenses and allowances paid to elected council members;
- considered relevant labour market and economic data; and
- sought advice from the Statutory Adviser, Jennifer Mathews, Director General, Department of Local Government and Communities (DLGC).

SUBMISSIONS

4. An advertisement calling for public submissions to the Tribunal’s inquiry appeared in *The West Australian* newspaper on 25 February 2015, with a closing date of 10 April 2015, and on the Tribunal’s website at <http://www.sat.wa.gov.au/LatestNews/Pages/Default.aspx>.

5. On 4 March 2015, the Tribunal emailed local governments and regional local governments to invite submissions with a closing date of 10 April 2015.

6. Local governments were provided with a template submission form to ensure 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.

7. On 6 March 2015, 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 10 April 2015.

8. A total of 18 submissions were received. A late submission from the Local Government Managers Australia was also received.

9. No submissions were received from members of the public.

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

- elected members in band 2 local governments were undertaking work and responsibilities at a similar level to band 1 local governments and that the fees provided to band 2 elected members should be set at approximately \$30,000;

- the Tribunal should determine that superannuation should be payable to elected members in roles of a 'full time nature' rather than leave it as a decision of the local government; and
- the difficulties associated with geographically large and remote local governments needs to be adequately recognised in the Tribunal's determinations.

11. The Tribunal considered all feedback received.

QUESTIONNAIRE

12. On 21 April 2015, a questionnaire was provided to local government and regional local government CEOs through an online provider in order to obtain information relating to their Total Reward Packages (TRP)

13. On 23 April 2015, a second questionnaire was provided to obtain information relating to the fees, expenses and allowances paid to their elected council members.

14. Responses to the questionnaires were initially requested by 7 May 2015 but the submission period was extended until 15 May 2015. Late responses were accepted until 5 June 2015. In total, 131 responses were received from local governments and regional local governments for the CEO survey and 127 responses were received for the elected member survey.

15. The Murchison Regional Vermin Council was excused from responding as its CEO role is undertaken by the CEO of one of the member local governments, who does not receive additional remuneration.

16. The information provided assists the Tribunal to make informed decisions. Some questions were developed in response to requests from local governments. The Tribunal greatly appreciates the cooperation of local governments and regional local governments that responded to the questionnaire.

17. The 15 local governments that failed to respond to the CEO survey and 20 local governments that failed to respond to the elected member survey have been identified in the determination and will be contacted by the Tribunal.

18. 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 prefers to work cooperatively with local governments and regional local governments.

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

ASSISTANCE FROM STATUTORY ADVISOR

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

CONSIDERATIONS

21. In undertaking this determination, the Tribunal is mindful of the magnitude and complexity of the local government sector. There are 138 local governments and 10 regional local governments in WA, which in 2013-14 accounted for a total operating and capital expenditure of approximately \$4.88 billion. There are approximately 15,000 Full Time Equivalent (FTE) employees spread across geographic areas ranging from 1.5 square kilometres to 371,696 square kilometres.¹

22. The Tribunal has taken into account sections 2.7 to 2.10 and 5.41 of the LG Act which outlines the roles and responsibilities of local governments, councillors, mayors, presidents and their deputies and the functions of local government CEOs.

23. 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

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

- Population as at 30 June 2014 (ABS Catalogue 3218.0);
- Total FTE employees 2013-14;
- Operating expenditure 2013-14; and
- Three year averaged capital expenditure (2011-12 to 2013-14).

Labour market and economic data

25. The Tribunal considered relevant labour market and economic data, as well as the State Government's economic forecasts.

26. In the course of the inquiry, the Tribunal considered a number of serious economic issues evident in the Western Australian economy. In handing down the 2015 Budget, the Treasurer described the current economic situation as "the most challenging economic and fiscal environment the State has faced in at least the last three decades"². General government revenue in 2015-16 is estimated to be \$1.6 billion or 5.8% lower than actual revenue in 2013-14.

27. The Tribunal has also noted—

- the State's economic performance has been affected by the transition of resource projects from construction to production phase, along with substantial drop in commodity prices;

¹ Statistics provided by the Department of Local Government and Communities, May 2015.

² Treasurer's budget speech http://static.ourstatebudget.wa.gov.au/15-16/2015-16-wa-state-budget_bp1.pdf

- declining business confidence reflected in employers reducing capital expenditure and employment levels;
- declining private sector investment in the economy;
- increasing unemployment and redundancies, which are predicted to rise further;
- a substantial decline in the state's economic performance, leaving WA behind most other States and Territories in terms of growth in State Final Demand;
- declining wages in the wider community; and
- low levels of inflation, which has meant that the cost of living for WA employees has not significantly changed compared to this time last year.

28. The challenging economic environment is apparent throughout the state. In arriving at its decision, among other factors, the Tribunal noted significant numbers of redundancies in the mining sector, pay freezes or pay cuts in the private sector, falling property values in the Pilbara and other areas, the public sector's workforce renewal policy and other efficiency measures, the predicted increase in the unemployment rate to 6.25% in 2015/16 which would be the highest level in over a decade.

Band allocation model

29. The Tribunal continues to utilise the four band classification model adopted in its 2012 determination. The model provides for a 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.

30. The Tribunal considered all local governments and regional local governments placed near the top or bottom of a band with the potential to change bands, regardless of whether 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 2013-14 financial year. This is based on the range of factors identified under the band allocation model and not just consideration of one or two indicators of growth in isolation. The Tribunal will continue to review the circumstance of regional and remote local governments to ensure that the particular issues relevant to those local governments are accommodated with the band allocation model.

31. The Tribunal emphasises that there is significant room for growth within each band before 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 has experienced a substantial and sustained increase in work value.

Training for elected council members

32. In response to issues raised by local governments themselves, the Tribunal has continued to evaluate the possibility of providing incentives for elected council members who participate in training programs. The Tribunal has noted advice from DLGC that pilot training programmes are being rolled out. While the Tribunal is generally amenable to providing incentives for elected members to undertake training that will develop the skills related to their core responsibilities, it has determined that it is not appropriate to provide incentives until the completion of the pilot program and the training for elected members is more generally available.

33. The Tribunal will monitor the situation and will consider attendance rates at programmes conducted in 2015-16.

Superannuation

34. The Tribunal has re-examined the issue of superannuation following a submission to the inquiry. The Tribunal has re-affirmed its decision that there already is legislative provision for such arrangements to be made by local governments under the *Income Tax Assessment Act 1936 (Cwlth)*. In addition, the Tribunal found that there was an Australian Tax Office Interpretive Decision which allowed for council members and councils to agree for the whole or part of their attendance fees to be paid into a superannuation fund. Accordingly the Tribunal has left the decision on the superannuation of elected member attendance fees at the discretion of each local government. Further information on superannuation for elected members is contained in the explanatory notes of this determination.

CEO Questionnaire Results

35. Eighty-nine per cent of local governments and regional local governments responded to the Tribunal's questionnaire regarding CEO remuneration packages. Although this response was slightly below the 93 per cent response rate from 2014, the Tribunal is confident in the data provided, although some information involved errors which may have arisen through data entry error or a misunderstanding of the components of remuneration.

36. Data obtained through the questionnaire indicated that approximately 86 per cent of local governments and regional local governments are remunerating their CEO within the TRP range provided for in the Tribunal's 2014 determination. Of these, 27 per cent of CEOs are being remunerated within the top 25 per cent of their band.

37. Seventeen local governments and regional local governments provided TRP figures which exceeded the maximum of their band as outlined in the Tribunal's 2014 determination. The majority of these TRPs were for CEOs classified as preserved for the purposes of clause 43 the LG Act (Transitional Provisions) and therefore outside the Tribunal's jurisdiction. However there were a few instances where local governments or regional local governments reported a TRP above the range determined by the Tribunal, while some of these may be due to data collection errors, the Tribunal strongly advises that it is local governments' own responsibility to ensure they comply with the Tribunal's determinations.

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

39. 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.

Elected Member Questionnaire results

40. Approximately 86 per cent of local governments and regional local governments responded to the Tribunal's questionnaire regarding the fees, expenses and allowances paid to elected members. The Tribunal is reasonably confident in the data provided, although, as for data on CEOs, some responses contained errors.

41. In response to issues raised in 2012 by local government expressing a desire to ensure the representation of the local government reflected the demography of their communities, the questionnaire requested information regarding the gender and age of elected council members. A total of 1024 elected members were reported, comprising 701 males and 232 females. The majority of elected council members (51 per cent) were reported as being aged between 45 and 64 with a further 24 per cent being aged above 64 years. With only 4.3 per cent were reported as being aged between 18 and 34.

42. The survey has indicated that an increasing number of councils are electing to provide an annual attendance fee rather than a fee per meeting. All band 1 and band 2 respondents reported that their elected council members claimed an annual attendance. In band 3, 28 of the 31 respondents claimed an annual attendance fee. While the number of band 4 elected council members who claimed an annual attendance fee was 18 out of 52. Five regional local governments out of the seven that responded claimed an annual attendance fee.

43. With respect to the additional allowance for mayors/presidents, the survey indicated only 3 local governments and 2 regional local governments did not provide an annual allowance for their Mayors, Presidents or Chairpersons.

CEO Regional/Isolation Allowance

44. The Regional/Isolation Allowance is available to all local governments listed under Part 3 of the CEO determination. The allowance is discretionary and local governments have the flexibility to determine an appropriate payment not exceeding the maximum annual figure stated.

45. Forty-four out of 50 local governments currently eligible to access the Regional/Isolation Allowance responded to the Tribunal's questionnaire. Of these, 18 provided information indicating that they were paying their CEO some form of Regional/Isolation Allowance. Seven CEOs reported receiving the maximum annual allowance. The total amount of Regional/Isolation Allowance paid ranged from \$10,000 to \$62,475.

46. 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 the superannuation guarantee. As the superannuation guarantee forms 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.

Annual review process and provision of data to the Tribunal

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

48. The Tribunal appreciates the feedback received regarding improvements to the questionnaire process and will look to implement these changes for the 2016 inquiry

49. Local governments and regional local governments are advised to record all figures for each elected member and CEO relevant to each section of the determination, including reimbursement figures relating to the 2014-15 financial year, as this information will be requested as part of the Tribunal's 2016 inquiry.

CONCLUSIONS

50. In light of the serious economic issues evident in the Western Australian economy, the circumstances demand a degree of caution in any decision of the Tribunal. The Tribunal has determined there will be no increase at this time in the remuneration, fees, expenses or allowance ranges provided for CEOs or elected members.

51. The Tribunal notes that a majority of local governments retain the capacity to provide an increase within the current band parameters. Each local government must satisfy itself that there is sound justification to award their CEO an increase within their allotted band in the current economic climate.

52. The Tribunal has considered all local governments considered to have potential to change classification by being upgraded or downgraded. In reviewing the classification framework, band allocation model and all other relevant information, the Tribunal has upgraded the City of Belmont from Band 2 to Band 1. The Tribunal considered a range of factors including the City's involvement in major infrastructure projects including Gateway WA and the airport rail link, increased levels of work value, growth and responsibility outlined in their submission and in data collected by the Tribunal. While the Tribunal acknowledges that other local governments have experienced differing levels of growth and increased complexity, it was considered that this growth can be accommodated within their existing band classification.

53. The Tribunal has changed the travel reimbursement rates for elected members from the *Public Service Award 1992* to the *Local Government Officers' (Western Australia) Interim Award 2011*.

54. The Tribunal has made no further changes to its determination.

55. 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.

56. 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 allowances 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.

57. 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 and the provision of fees, expenses and allowances to elected members.

58. Information on the remuneration of CEOs and elected council members is available to the public under section 5.94 of the LG Act or through the minutes of council meetings.

59. In conclusion, the Tribunal would like to acknowledge those who assisted with this inquiry. Information provided enabled the Tribunal to appreciate the issues impacting various local governments and the sector generally, and also gain feedback regarding the effectiveness of its determinations.

This determination will now issue.

Signed this 17th day of June 2015.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

DETERMINATION FOR LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS PURSUANT TO SECTION 7A OF THE SALARIES AND ALLOWANCES ACT 1975

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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 *Local Government Chief Executive Officers Determination No. 1 of 2015*.

1.2 Commencement

This determination comes into operation on 1 July 2015.

1.3 Content and intent

- (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.
- (2) The determination applies to—
 - a. Chief Executive Officers; and
 - b. Acting Chief Executive Officers.
- (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.
- (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.

1.4 Pro rata payments

The amount of a person's entitlement to remuneration specified in this determination shall be apportioned on a pro rata basis according to the portion of a year that the person holds office.

1.5 Local government band allocations

Unless the contrary intention appears, local governments are allocated in this determination to the bands set out in Part 2 of this determination.

PART 2—TOTAL REWARD PACKAGE

This Part deals with the remuneration payable to Chief Executive Officers.

2.1 GENERAL

- (1) Offices listed in this Part 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 Total Reward Package (TRP) range.
- (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.
- (4) The only exclusions from the TRP are—
- a. The items listed in Parts 3, 4 and 5 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.

2.2 LOCAL GOVERNMENT CLASSIFICATION

(1) The ranges of TRP in Table 1 apply where a local government or regional local government has been classified into the relevant band.

Table 1: Local Government band classification—Total Reward Package range

Band	Total Reward Package	Number of Local Governments or Regional Local Governments
1	\$244,232—\$370,220	20
2	\$201,433—\$311,907	24
3	\$154,045—\$252,917	37
4	\$125,079—\$195,280	65

(2) Local Governments have been classified in Table 2 below.

Table 2: Local Government band classification

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	1	\$244,232—\$370,220
Beverley Shire	4	\$125,079—\$195,280
Boddington Shire	4	\$125,079—\$195,280
Boyup 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

Local Government	Band	Total Reward Package
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
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

Local Government	Band	Total Reward Package
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
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

Local Government	Band	Total Reward Package
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
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

(3) Regional Local Governments have been classified in Table 3 below.

Table 3: Regional Local Government band classification

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) 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.

PART 3—REGIONAL/ISOLATION ALLOWANCE

This Part deals with the Regional/Isolation Allowance that may payable to Chief Executive Officers from Local Governments identified in this Part.

3.1 GENERAL

(1) Local Governments listed under Table 4 in this Part 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.

(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

(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.

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

3.2 REGIONAL/ISOLATION ALLOWANCE

(1) Local Governments eligible to for the Regional/Isolation Allowance have been classified below in Table 4.

Table 4: 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
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

Local Government	Maximum Regional/Isolation Allowance Per Annum
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

PART 4—HOUSING ALLOWANCE

This Part deals with the Housing Allowance that may be payable to Chief Executive Officers.

4.1 GENERAL

- (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.
- (2) When a Local Government chooses to utilise this allowance, the payment of the allowance should be properly justified and applied in a transparent manner.
- (3) Any accommodation provided under this Part must be located within or adjacent to the Local Government Area within which the CEO is employed.
- (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.

4.2 APPLICABLE HOUSING ALLOWANCE

- (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) 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.

(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.

(4) For reporting purposes, the value of the Local Government leased property shall be the annual actual costs of the accommodation lease.

PART 5—MOTOR VEHICLE

This Part deals with the provision of motor vehicles to Chief Executive Officers.

5.1 GENERAL

(1) For Local Governments listed in Table 4 under Part 3 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.

(2) For Local Governments not listed in Table 4 under Part 3 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.

5.2 PRIVATE BENEFIT VALUE

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

(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 17th day of June 2015.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SCHEDULE 1: LOCAL GOVERNMENT NON-RESPONDENTS

- Bayswater City
- Carnarvon Shire
- Manjimup Shire
- Meekatharra Shire
- Mingenew Shire
- Morawa Shire
- Ngaanyatjarraku Shire
- Perenjori Shire
- Serpentine-Jarrahdale Shire
- South Perth City
- Subiaco City
- Swan City
- Wongan Ballidu Shire
- Yalgoo Shire
- Southern Metropolitan Regional Council

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 2015*.

1.2 Commencement

This determination comes into operation on 1 July 2015.

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

Band	For a council member (including the mayor or president)	
	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 2014-15 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 2014-15 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 contained in Section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011* 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	1
Beverley Shire	4
Boddington Shire	4
Boyup Brook Shire	4
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

Local Government	Band
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
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

Local Government	Band
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
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 17th day of June 2015.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

SCHEDULE 2: LOCAL GOVERNMENT NON-RESPONDENTS

- Albany City;
- Bayswater City;
- Canning City;
- Capel Shire;
- Dumbleyung Shire;
- Kellerberrin Shire;
- Kondinin Shire;
- Manjimup Shire;
- Meekatharra Shire;
- Mingenew Shire;
- Morawa Shire;
- Mount Marshall Shire;
- Narembeen Shire*;
- Ngaanyatjarraku Shire;
- Serpentine-Jarrahdale Shire;
- Southern Metropolitan Regional Council;
- Subiaco City;
- Swan City;
- Woodanilling Shire*;
- Yalgoo Shire*.

The asterisk (*) indicates those local governments who did not respond to the Tribunal's 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 REMUNERATION OF MEMBERS OF PARLIAMENT****PREAMBLE**

(1) The Salaries and Allowances Tribunal has completed its annual inquiry into the rates of remuneration provided to Members of Parliament. This Determination is issued pursuant to the Tribunal's statutory obligation to inquire into and determine, at least once every 12 months, remuneration for Members of the Parliament.

(2) It is important that levels of remuneration reflect the demands placed on Members, but also that payments and entitlements accord with standards acceptable to the community in which the Members serve.

(3) In circumstances where market forces, globalisation and technological changes now impact more directly on the State, there is an expectation from the community that their elected representatives will have the capacity to respond to these forces in order to secure the wellbeing of the State so that they can continue to enjoy the prosperity that previous generations have built.

(4) In these times of rapid change it is important that the community can continue to attract people committed to public service and that the value of Members of Parliament is assessed within the context of the demands placed upon them and community standards of remuneration. This is the basis upon which the Tribunal continues to evaluate levels of remuneration.

(5) However, at this time it has been deemed prudent that there be no increase to the salary of Members of Parliament. This is in line with other public offices within the Tribunal's jurisdiction. The circumstances faced by the community dictate that wage and salary restraint be exercised.

(6) In arriving at this conclusion, the Tribunal considered the significant challenges in the Western Australian economy and the short term outlook. It has also noted labour market and economic information, the Government's most recent Public Sector Wages Policy Statement, Financial Strategy Statement and Financial Projection Statement.

(7) This Determination includes some outcomes from an ongoing review by the Tribunal into all aspects of remuneration, allowances and entitlements provided to Members. At this time, the Tribunal's conclusions, based on this Review, have resulted in changes to some allowances and entitlements. The Tribunal's decisions largely focus on a Member of Parliament's capacity to undertake their electorate and parliamentary roles and aim for a balance between—

- (i) ensuring Members have capacity to effectively undertake their roles;
- (ii) maintaining standards of accountability; and
- (iii) decreasing the administrative burden on Members and administering agencies.

(8) The review process is incomplete and not all outcomes have been finalised.

Statutory context

(9) The *Salaries and Allowances Act 1975* (the Act) requires 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.

(10) Section 8(a) of the Act provides that a determination relating to offices identified in sections 6(1)(a), 6(1)(ab) and 6(1)(b) must be issued within 12 months of the previous determination. The Tribunal's most recent determination in relation to the remuneration of Members of Parliament was issued on 24 June 2014.

(11) By issuing this Determination, the Tribunal discharges its obligation under section 8(a).

(12) In accordance with section 10A of the Act, those determinations by the Tribunal made under sections 6(1)(a) and (ab) have taken consideration of the—

- (i) Public Sector Wages Policy Statement 2014; and
- (ii) financial position and fiscal strategy of the State, as stated in the Government's Financial Strategy Statement and Government Financial Projections Statement, released as part of the State Budget on 14 May 2015.

Economic context

(13) The Tribunal noted a number of serious challenges facing the Western Australian economy. In the 2015 Budget, the Treasurer described the current economic situation as "the most challenging economic and fiscal environment the State has faced in at least the last three decades". General Government revenue in 2015-16 is estimated to be \$1.6 billion or 5.8% lower than actual revenue in 2013-14.

(14) The Tribunal has also noted—

- (i) the State's economic performance has been affected by the transition of resource projects from construction to production phase, along with substantial drop in commodity prices;

- (ii) declining business confidence reflected in employers reducing capital expenditure and employment levels;
- (iii) declining wages in the wider community; and
- (iv) extremely low levels of inflation, which has meant that the cost of living for WA employees has not significantly changed compared to this time last year.

(15) The challenging economic environment is apparent throughout the State. The Tribunal noted significant numbers of redundancies in the mining sector, pay freezes and pay cuts in the private sector and public sector budget constraints and efficiency measures. The rate of unemployment is projected to reach 6.25% in 2015-16. This would be the highest level in over a decade.

Summary of decisions in this Determination

(16) There will no increase at this time to the salaries of Members of Parliament.

(17) The Tribunal has reviewed all aspects of remuneration, allowances and entitlements provided to Members. While there will be no increase in remuneration, the Tribunal considers allowances separately and notes that they are an important means by which a Member must meet the costs of effectively representing their electorate.

(18) A number of decisions in this Determination relate to allowances and entitlements. The Tribunal's focus has been on a Member's capacity to undertake their official business and maintaining accountability. In summary, these decisions are as follows—

Electorate Allowances

(19) The Tribunal is mindful that electorate expenses have not been adjusted since 2013, and expenses for printing, stationery and office equipment have generally increased at the rate of inflation. In addition, population growth has caused an increase in the average number of electors per electorate. It is considered reasonable for Electorate Allowances to be adjusted according to inflation generally and for actual increases in postage costs. The Tribunal has also incorporated specific costs identified in the Review, which are—

- (i) safety equipment on vehicles provided to Regional Members, and
- (ii) access to Electorate Management data, which will no longer be provided to Members by a Government agency.

Transport Allowances

(20) The Tribunal has reduced the Charter Transport Allowance provided to Regional Members. The limit on this Allowance did not appropriately reflect the needs of Regional Members. However, the Tribunal acknowledges the importance of charter transport for access to remote areas of the State and will closely monitor the impact of this change over the next 12 months.

(21) The Tribunal has also tightened the circumstances in which this Allowance may be used in relation to electorate vehicles provided to Members.

(22) The Taxi Fare Allowance has been abolished.

Accommodation Allowances

(23) After detailed examination, the Tribunal has made a number of changes to these allowances.

(24) First, the Tribunal has established a *Base Accommodation Allowance* to enhance the capacity of all Members to undertake some travel around the State, with numbers of nights set according to the Region or District a Member represents. This allowance incorporates former allowances provided for *Expenses of Members on Parliamentary or Parliamentary Political Party Business* and *Members' Expenses within Electorate*, both of which have been discontinued.

(25) These arrangements will address Members' needs to travel intrastate in order to be informed on issues which affect not only their constituents, but the State as a whole. The revised accommodation allowance replaces previous arrangements that limited Members to travel within their own electorate and electorates immediately adjacent thereto.

(26) The Tribunal considers the new arrangements will better serve the Members and the community.

(27) Second, the Tribunal has amended the approach to *Metropolitan Expenses of Members Representing Regions or Districts therein*. It accepted that Regional Members must travel to the Perth Metropolitan area to fulfil their Electorate, Parliamentary and Government responsibilities.

(28) In order to be paid this allowance, Members are required to maintain a residence in their electorate.

(29) The Tribunal has identified three tiers to reflect the circumstances under which a Regional Member can claim expenses for accommodation in the Metropolitan area—

- (i) Requirement to attend Parliamentary sittings;
- (ii) Undertaking other business in the Metropolitan area that relates to Electorate, Parliamentary and Government responsibilities; and
- (iii) The need for some officeholders, including Ministers and Presiding Officers, to undertake business in the Metropolitan area in relation to their offices.

Resettlement Entitlement

(30) The Tribunal has adjusted the Resettlement Entitlement, which aims to assist former members to transition from public office.

(31) Pension arrangements do not apply for Members elected after 2000. The Resettlement Entitlement, as established in 2011 to apply to Members who could not access those pension

arrangements, did not effectively achieve its intended outcome. It is accepted that the transition from public office becomes more difficult with the length of a Member's Parliamentary service.

(32) The Resettlement Entitlement is provided to access professional advice, meet educational or training costs, or meet any other costs considered appropriate. Further, the Tribunal notes Members are not eligible to benefits of employment afforded to the community generally, such as long service leave entitlements. The Review also provided examples of significant dislocation for some Members following their departure from public service. The Tribunal considers the Resettlement Entitlement assists with the challenges of resuming private life and professions and, as such, will minimise the possibility that those contemplating entering Parliament will be dissuaded from public service.

The Determination will now issue.

Signed this 23rd day of June 2015.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal

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

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 Members of Parliament Tribunal Determination No. 1 of 2015*.

1.2 Commencement

This Determination comes into operation on 1 July 2015.

1.3 Content and intent

(1) In accordance with section 6(1)(a), (ab), and (b) and section 6AA of the *Salaries and Allowances Act 1975*, this Determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed 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) This Determination fulfils the Tribunal's obligations under section 8 of the *Salaries and Allowances Act 1975* with respect to offices identified in section 6(1)(a), (ab) and (b) of the *Salaries and Allowances Act 1975*.

(3) In accordance with section 10A of the *Salaries and Allowances Act 1975*, decisions by the Tribunal in relation to sections 6(1)(a) and (ab) have taken consideration of the—

- (a) Public Sector Wages Policy Statement 2014; and
- (b) financial position and fiscal strategy of the State, as stated in the Government's Financial Strategy Statement and Government Financial Projections Statement, released as part of the State Budget on 14 May 2015.

1.4 References to Dates

(1) In this Determination, a reference to "a year" or "per annum" relates to a financial year.

(2) Where benefits or entitlements are provided with specific reference to "a financial year", these cease on and from 30 June each year and, unless otherwise specified in this Determination, no unexpended amount can be carried over to later financial years.

(3) Allowances for one financial year, including those relating to travel, cannot be provided in advance for use in a later year.

1.5 Terms used

(1) In this Determination, unless the contrary intention appears—

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

Leader of a recognised non-Government Party means an officer of Parliament identified in section 4(2)(k) of the *Salaries and Allowances Act 1975*.

Member means a Member of Parliament.

Metropolitan Member means a Member who represents—

- (a) any of the following electoral regions—
 - (i) the East Metropolitan Region,
 - (ii) the North Metropolitan Region,
 - (iii) the South Metropolitan Region, or
- (b) any electoral district contained within any of those electoral regions.

Minor Party Whip means an officer of Parliament identified in section 4(2)(l) of the *Salaries and Allowances Act 1975*.

Official business means the usual business of a Member of Parliament, which—

- (a) Includes business related to a Member's parliamentary, electorate or office holder roles; and
- (b) Excludes party business, other than meetings of a parliamentary political party, or of its executive or committees, or formal meetings of a political party.

Regional Member means a Member who represents—

- (a) any of the following electoral regions—
 - (i) the Agricultural Region,
 - (ii) the Mining and Pastoral Region,
 - (iii) the South West Region; or
- (b) any electoral district contained within any of those electoral regions.

Term of Parliament means a term of the Parliament of Western Australia, which—

- (a) for Members of the Legislative Assembly, is deemed to commence the day after a general election and conclude on the day of the general election following the dissolution or expiry of the Legislative Assembly;
- (b) for Members of the Legislative Council, is deemed to commence on 22 May following a general or conjoint election and conclude on 21 May in the year in which seats would ordinarily be vacated by the effluxion of time.

Tribunal means the Salaries and Allowances Tribunal.

PART 2—REMUNERATION

2.1 General

(1) Remuneration payable to a Member under this Determination shall be calculated on and from the day following the day on which the Member is elected as a Member and, except as provided by section 2.1(2) and Part 8, shall cease to be payable at the end of the day on which a person ceases to be a Member.

(2) A person who ceases to be a Member by reason of the dissolution or expiry of the Legislative Assembly is entitled to receive the remuneration provided in this Determination up to and including the date of the election following that dissolution or expiry.

(3) A person who, immediately before the dissolution or expiry of the Legislative Assembly, is a Member of the Legislative Assembly and holds an office referred to in section 2.1(4) is entitled to receive the base remuneration paid to a Member, and the additional remuneration provided for in section 2.3 in respect of that office, until whichever of the following occurs first—

- (a) they cease to be a Member, other than by the dissolution or expiry by the effluxion of time of the Legislative Assembly;
- (b) another person is elected or appointed to the office.

(4) The offices referred to in section 2.1(3) are as follows—

- (a) Leader of the Opposition;
- (b) Deputy Leader of the Opposition;
- (c) Leader of a recognised non-Government party;
- (d) Chairman of Committees (Deputy Speaker);
- (e) Government Whip;
- (f) Opposition Whip;
- (g) Minor Party Whip.

(5) Remuneration under Parts 2, 3 and section 4.4 of this Determination shall be paid in equal instalments either monthly or twice-monthly, so becoming the property of the Member. Remuneration relating to part of a pay period should be calculated on a pro-rata basis.

2.2 Base Remuneration

A Member of Parliament shall be paid a base remuneration of \$154,223 per annum.

2.3 Additional Remuneration for Office Holders

(1) In addition to the base remuneration paid to a Member, a Member holding one of the following offices shall be paid additional remuneration so that the total remuneration per annum paid to the officeholder is the relevant amount stated in the Table:

<i>Office Held</i>	<i>Total Remuneration</i>
Premier	\$350,425
Deputy Premier	\$298,402
Leader of the Government in the Legislative Council	\$287,997
Minister of the Crown	\$273,133
Leader of the Opposition in the Legislative Assembly	\$273,133

<i>Office Held</i>	<i>Total Remuneration</i>
President of the Legislative Council	\$252,324
Speaker of the Legislative Assembly	\$252,324
Leader of the Opposition in the Legislative Council	\$235,974
Deputy Leader of the Opposition in the Legislative Assembly	\$221,110
Leader of a recognised non-Government party	\$221,110
Parliamentary Secretary of the Cabinet	\$221,110
Chairman of Committees in either House (Deputy Speaker)	\$198,814
Government Whip in the Legislative Assembly	\$180,978
Opposition Whip in the Legislative Assembly	\$180,978
Parliamentary Secretary	\$176,519
Government Whip in the Legislative Council	\$176,519
Opposition Whip in the Legislative Council	\$172,060
Chairman of a Standing Committee	\$169,087
Minor Party Whip	\$167,600
Deputy Chairman of a Standing Committee	\$165,371
Member of a Standing Committee	\$164,628

(2) A person holding more than one office—

- (a) shall be paid additional remuneration under this Part in respect of only one of those offices; and
- (b) if the additional remuneration is not the same for all of the offices held, shall be paid the additional remuneration relating to the highest paid office.

2.4 Salary Packaging

(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>. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

PART 3—ELECTORATE ALLOWANCES

3.1 General

(1) A Member is entitled to an Electorate Allowance to assist in the effective representation of their electorate.

(2) The Electoral Allowance may be used at the Member’s discretion, but shall not be used for campaigning, electioneering or political party promotion.

3.2 Base Electorate Allowance

(1) In addition to the base remuneration specified in Part 2, a Member shall be paid a Base Electorate Allowance of \$78,000 per annum.

(2) It is intended that this Allowance will be used for expenses incurred to assist with serving the electorate, including—

- (a) Information and communication technology, including mobile phone use, newsletters and internet publications;
- (b) awards and support for community groups or individuals;
- (c) hospitality and entertainment associated with a Member’s official business;
- (d) advertising, other than for the purposes of campaigning, electioneering or political party promotion;
- (e) costs associated with Electoral Management Systems; and
- (f) stationery and printing.

(3) Upon a Member’s election to a District or Region for which they have not been the immediately previous Member, the Member may apply to the administering agency for advance provision of an amount equivalent to 3 months of their Base Electorate Allowance to assist in the establishment of an electorate office.

3.3 Additional Electorate Allowance

(1) Members representing a region or district listed in the Table in section 3.3(3) are entitled to an Additional Electorate Allowance according to the size and complexity of the Region or District they represent.

(2) This Allowance is provided to assist eligible Members in undertaking electorate business, including for the installation on a Government vehicle of safety equipment considered necessary by the Member but not listed in section 5.1(11).

(3) The Additional Electorate Allowance is as follows—

<i>Electoral District/Region</i>	<i>Additional Allowance Per Year</i>
Mining and Pastoral Region	\$25,350
Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$23,900
Agricultural Region	\$17,500
Central Wheatbelt, Moore and Wagin Districts	\$15,350
South West Region	\$12,250
Warren-Blackwood District	\$10,400

PART 4—COMMUNICATION ALLOWANCES

4.1 Electorate Office Telephones

(1) A Member is entitled to the payment by the administering agency of all charges, other than for international calls, in relation to five telephone lines in their electorate office.

(2) Electorate office telephones are to be used for official business only.

4.2 Teleconferencing

A Member may be reimbursed for the cost of using audio or video-conferencing facilities, subject to providing to the administering agency certification that demonstrates that the use related to official business.

4.3 Parliament House Communications

A Member charged for using Parliament House facilities for telephone calls, or audio or video-conferencing facilities, shall be reimbursed for all such charges, provided the use related to official business.

4.4 Postal Allowances for Certain Office Holders

(1) A person who holds one of the following offices is entitled to an annual allowance, paid monthly, for postal services relating to the office.

Office Holder	Allowance
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	\$10,650
Deputy Leader of the Opposition in the Legislative Assembly	\$7,100

(2) This allowance must not be used for campaigning, electioneering, electorate business or personal business.

PART 5—TRANSPORT ALLOWANCES

5.1 Motor Vehicle

(1) A Member is entitled to be supplied with a Government leased private plated motor vehicle for parliamentary, electorate and private use within Western Australia.

(2) This entitlement is in addition to a Member's remuneration under Part 2.

(3) Motor vehicles issued through this provision shall be to the notional lease value of \$25,000 per annum. This subsection is subject to sections 5.1(10) and (12).

(4) The motor vehicle can be used by the Member for private purposes. From time to time when the Member does not require the vehicle, it may be used by a family member or electorate staff. Use of the vehicle by any other person is not permitted unless it is an emergency.

(5) This entitlement does not apply to a Member serving in an office in respect of which a Government vehicle is supplied under arrangements separate to this Determination. Where a Member becomes entitled to a Government vehicle under arrangements separate to this Determination, then this entitlement shall cease upon provision of that motor vehicle.

(6) A Member may forego this entitlement and be paid an amount of \$25,000 per annum, payable monthly or twice-monthly. This option cannot be exercised during the term of a lease.

(7) The notional lease value must include the lease cost, all applicable taxes and 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

(8) FBT is costed at applicable Australian Taxation Office rates. FBT is the purchase price (including GST) x Statutory fraction x Gross up (2.1463) x FBT rate (0.490).

(9) Regional Members who serve in an office in respect of which a Government vehicle is supplied under arrangements separate to this Determination may apply to the Tribunal to be supplied with an electorate vehicle. The Member's application must demonstrate the need for the electorate vehicle and certify that it will be predominantly used in their Region or District.

(10) Regional Members may apply to the Tribunal for the issue of a four wheel drive vehicle instead of the entitlement specified in section 5.1(3), provided that vehicle will be used predominantly in the Member's Region or District. The cost of a four wheel drive vehicle supplied under this subsection cannot exceed the cost of the Toyota Prado GXL Automatic 3.0 litre Turbo Diesel.

(11) Regional Members are entitled to the installation of safety equipment appropriate to the likely use of the vehicle, including—

- (a) frontal protection, such as bull bars;
- (b) electronic animal deterrent devices;
- (c) radiator insect screens;
- (d) window tinting; and
- (e) driving lights.

(12) Where a Member requires a particular model of vehicle and the notional lease cost exceeds the notional lease value specified in section 5.1(3) or the benchmark vehicle specified in section 5.1(10), the additional costs (including Goods and Services Tax, Fringe Benefits Tax and insurance), shall be drawn from the Member's Base Electorate Allowance or Additional Electorate Allowance.

(13) Whether additional costs are to be drawn under section 5.1(12) is to be assessed at the time of entering into the lease. The assessment will be based on the notional lease cost to Government of the vehicle sought (using the formula in section 5.1(7)), compared to the relevant notional lease value specified in section 5.1(3) or the benchmark vehicle specified in section 5.1(10).

(14) The Tribunal's approval must be obtained before a vehicle supplied under this Determination is used outside Western Australia.

(15) Members provided with a vehicle under this Determination must comply with maintenance and care obligations that apply to the WA Government Fleet generally.

5.2 Charter Transport

(1) Members representing Regions or Districts specified in the Table shall be entitled to use charter transport not exceeding the amounts specified per annum—

Electoral Region/District	Allowance Per Annum
Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$45,000
Mining and Pastoral Region	\$35,000
Agricultural Region	\$30,000
Central Wheatbelt, Moore and Wagin Districts	\$20,000
South West Region	\$20,000
Albany, Geraldton and Warren-Blackwood Districts	\$8,000

(2) The Charter Transport Allowance may be used by a Regional Member to assist electorate or parliamentary business when a motor vehicle provided to the Member under section 5.1 is unavailable because it is in a different location to the Member.

(3) This Allowance may be used for—

- (a) charter aircraft, hire cars, taxis; and
- (b) any other mode of transport approved from time to time by the Tribunal.

(4) This Allowance does not apply when an airline provides a service to and from the relevant destination that operates at times reasonably convenient to the Member's business.

(5) This Allowance does not apply to any travel booked or undertaken in another financial year.

(6) With respect to over-benchmark costs incurred in relation to a Member's vehicle—

- (a) In the event the Member has entered lease arrangements before 1 July 2015, the amounts specified in the table shall be reduced by the amount of those costs, unless they were met through the Member's Electorate Allowances.
- (b) For lease arrangements commencing on or after 1 July 2015, such costs shall be drawn from the Member's Electorate Allowance or Additional Electorate Allowance.

(7) 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 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 Account.

(8) Claims against this Allowance must be submitted to the administering agency within 90 days from the date that the travel is undertaken.

(9) The administering agency may extend the time to submit a claim in exceptional circumstances, which are the following—

- (a) receipt of invoices delayed for reasons outside the Member's control;
- (b) ill health;
- (c) bereavement.

Administrative oversight or negligence are not exceptional circumstances.

(10) Applications for extension of time must be in writing and provide sufficient details of exceptional circumstances.

(11) Charges shall only be levied against this Allowance in the event the Member has actually undertaken the travel claimed.

(12) When travel outside Western Australia cannot be avoided, Members seeking to claim this Allowance must obtain the Tribunal's approval before the travel is undertaken.

PART 6—ACCOMMODATION

6.1 Accommodation—General Matters

(1) For the purposes of this Part—

Home base means a Member's place of residence.

partner means a person nominated by a Member as their spouse or de facto partner within the meaning of section 13A of the *Interpretation Act 1984*.

(2) Accommodation Allowances may only be claimed for overnight accommodation and associated expenses incurred by a Member in relation to their official business.

(3) Claims under this Part must be submitted to the administering agency within 90 days from the date travel is undertaken.

(4) The administering agency may approve an extension of time to submit a claim following a Member's application in writing, and only in exceptional circumstances, which are the following—

- (a) receipt of invoices delayed for reasons outside the Member's control;
- (b) ill health;
- (c) bereavement.

Administrative oversight or negligence are not exceptional circumstances.

(5) Claims must—

- (a) identify the relevant Accommodation Allowance being claimed and certify that the expense was incurred in accordance with that Allowance; and
- (b) in the case of commercial accommodation, include a tax invoice or statutory declaration.

(6) Accommodation Allowances for a Member who takes office within a financial year shall be calculated on a pro rata basis.

(7) Reimbursement provided under this Part shall be reduced to the extent that the Member's expenses have been, or will be, reimbursed or paid from another source.

6.2 Base Accommodation Allowance

(1) A Member is entitled to a Base Accommodation Allowance to facilitate their role of representing their electorate and undertake official business.

(2) The Base Accommodation Allowance may be claimed for accommodation and associated expenses incurred within the State and more than a 75 kilometre radius from the Member's home base.

(3) The maximum number of nights claimable per year by a Member is as follows, according to the Region or District that the Member represents—

Electoral Region/District	Nights
Metropolitan Members	30
Albany, Bunbury, Dawesville, Geraldton and Mandurah Districts	30
Warren-Blackwood, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Vasse and Wagin Districts	40
Eyre, Kalgoorlie, Kimberley, North West Central and Pilbara Districts	60
Agricultural, Mining and Pastoral, South West Regions	80

(4) The total daily amount for the Base Accommodation Allowance is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.

(5) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises—

- (a) Base Remuneration; and
- (b) any Additional Remuneration provided to an officeholder; and
- (c) the Base Electorate Allowance.

(6) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.

6.3 Regional Members: Allowance to attend sittings of Parliament

- (1) This allowance can only be provided when the Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (2) An eligible Regional Member is entitled to an allowance for accommodation and associated expenses incurred to meet their requirement to attend sittings of Parliament.
- (3) This allowance entitles the Member to an amount of \$273 per night for 90 nights each year.
- (4) The allowance shall be paid monthly or twice-monthly.
- (5) The onus is on the Member to submit to the administering agency evidence that demonstrates—
 - (a) the right in section 6.3(1); and
 - (b) any periods during which the right in section 6.3(1) has not applied.

6.4 Regional Members: Additional Metropolitan Accommodation

- (1) This allowance can only be provided when the Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (2) In addition to the Allowance provided in section 6.3, eligible Regional Members may claim an amount of \$273 per night, up to a maximum of 30 nights per year, for metropolitan accommodation and related expenses associated with—
 - (a) official Parliamentary committee business;
 - (b) official Government, Parliamentary or Vice Regal functions; and
 - (c) other official duties relating to Parliamentary or electorate matters.
- (3) Claims under this section cannot be made—
 - (a) in relation to nights included in section 6.3 to facilitate attendance at sittings of Parliament; or
 - (b) by Regional Office Holders specified in section 6.5.
- (4) The onus is on the Member to submit to the administering agency evidence that demonstrates—
 - (a) the right in section 6.4(1); and
 - (b) any periods during which the right in section 6.4(1) has not applied.

6.5 Regional Office Holders: Additional Metropolitan Accommodation

- (1) For the purposes of this section, a Regional Office Holder is a Regional Member who holds one of the following offices—
 - (a) Premier
 - (b) Deputy Premier
 - (c) Minister of the Crown
 - (d) Leader of the Opposition in the Legislative Assembly
 - (e) President of the Legislative Council
 - (f) Speaker of the Legislative Assembly
 - (g) Leader of the Opposition in the Legislative Council
 - (h) Leader of a recognised non-Government Party
- (2) This allowance can only be provided when a Regional Office Holder, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (3) In addition to the Allowance provided in section 6.3, eligible Regional Office Holders are entitled to an Allowance for metropolitan accommodation and related expenses incurred to facilitate their official business, including Cabinet and Executive Council responsibilities, and other functions of the office they hold.
- (4) Eligible Regional Office Holders are entitled to an amount of \$273 per night for 60 nights per year.
- (5) The allowance shall be paid in monthly or twice-monthly instalments.
- (6) For an eligible Regional Office Holder appointed during a financial year to an office listed in section 6.5(1), this Allowance shall be calculated on a pro rata basis.
- (7) The onus is on the Member to submit to the administering agency evidence that demonstrates—
 - (a) the right in section 6.5(2); and
 - (b) any periods during which the right in section 6.5(2) has not applied.

6.6 Office Holders on Official Business

- (1) The following Office Holders are entitled to claim overnight accommodation and associated expenses incurred within Australia and more than a 75 kilometre radius from their home base and related to the official business of their office—
 - (a) Premier
 - (b) Deputy Premier
 - (c) Ministers
 - (d) Leader of the Opposition in the Legislative Assembly

- (e) Leader of the Opposition in the Legislative Council
 - (f) Leader of a Recognised Non-Government Party
 - (g) Parliamentary Secretary to the Cabinet
 - (h) Parliamentary Secretaries
- (2) The actual costs of accommodation claimed by an Office Holder under this section can be debited to the Corporate Credit Card provided to the Office Holder.
- (3) The total daily amount that may be claimed under this section is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (4) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises—
- (a) Base Remuneration; and
 - (b) any Additional Remuneration provided to an officeholder; and
 - (c) the Base Electorate Allowance.
- (5) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.
- (6) Where an Office Holder reasonably and properly incurs costs exceeding the rates specified in in section 6.6(3) and has debited a Corporate Credit Card provided to them, the actual costs shall be met.
- (7) A Member appointed to act temporarily in an office listed in section 6.6(1) is entitled, for the duration of the temporary appointment, to claim an allowance under this section on the same basis as a permanent Office Holder, provided they have been requested in writing by the Office Holder to deputise on official business related to that office.

6.7 Members on Parliamentary Committee Business

- (1) The Accommodation Allowance for overnight accommodation for a Member travelling within Australia as an official representative of a Parliamentary committee or delegation, including a standing, select or a joint committee, is determined to be the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (2) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises—
- (a) Base Remuneration; and
 - (b) any Additional Remuneration provided to an officeholder; and
 - (c) the Base Electorate Allowance.
- (3) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.
- (4) Where the costs reasonably and properly incurred exceed the rates contained in section 6.7(1), the actual costs shall be met.

PART 7—PARLIAMENTARY TRAVEL

7.1 Parliamentary travel

- (1) In this section—
- conferences** means meetings, seminars and short courses (excluding complete tertiary degree or diploma courses) conducted by professional bodies, educational organisations or special interest groups.
- (2) The allowance in this section (the Parliamentary Travel Allowance) may be provided in addition to payment or reimbursement under Part 5 or Part 6.
- (3) Members are entitled to claim or be reimbursed for expenses incurred for—
- (a) travel, accommodation and incidental expenses incurred within Australia or overseas while on official business; and
 - (b) attendance at conferences which inform and assist in the performance of their functions as a Member of Parliament.
- (4) Under this Part, a Member can claim or be reimbursed an amount of \$27,000 over the term of Parliament in which they serve as a Member.
- (5) A Member who serves part of a term of Parliament can claim or be reimbursed a proportionate amount according to that part of the term of Parliament.
- (6) For commercial accommodation, the daily amount of a claim or reimbursement is as follows—
- (a) Within Australia, the relevant Australian Taxation Office's 'reasonable benefit limits' for accommodation, meals and incidentals (published as a Taxation Determination), applicable at the date the expense is incurred; and
 - (b) Outside Australia, up to \$400 per day for accommodation plus the relevant Australian Taxation Office's 'reasonable benefit limit' for meals and incidentals (published as a Taxation Determination) applicable at the date the expense is incurred.
- (7) For the purpose of calculating the appropriate salary limits in a Taxation Determination, a Member's salary comprises—
- (a) Base Remuneration; and
 - (b) any Additional Remuneration provided to an officeholder; and
 - (c) the Base Electorate Allowance.

- (8) For non-commercial accommodation, the daily amount of reimbursement shall be 40% of the amounts specified in section 7.1(6).
- (9) Expenses are to be incurred by the Member only, except in the event a Member requires physical or medical assistance, when a person may accompany the Member in order to render such assistance.
- (10) A written application for claims or reimbursements under this Part must be made to the administering agency, and provide a sufficiently detailed itinerary to demonstrate that the expenses incurred relate to the Member's official business.
- (11) The daily amount a Member can claim under this Part may be paid in advance following the Member's written application to the administering agency.
- (12) Expenses met by any other party must not be included in a claim or reimbursement.
- (13) The Parliamentary Travel Allowance does not apply during the period that begins on the day after the day a writ or writs are issued for a general or conjoint election pursuant to the *Electoral Act 1907* and ends on the day of the poll, except where a Member, prior to the issue of a writ, has incurred expenses in relation to—
- (a) eligible travel that has commenced; or
 - (b) a conference or short-course that has commenced.
- (14) The entitlement shall cease to apply to a Member of the Legislative Council who fails to be elected at a general election and who, in the same year as the general election, is to vacate their seat in the Legislative Council.

7.2 Transitional Provision

- (1) The reimbursement in this Part shall be reduced to the extent a Member has already claimed reimbursement in the same term of Parliament for expenses under the Imprest Travel Allowance, determined pursuant to section 11A of the *Salaries and Allowances Act 1975*.

PART 8—RESETTLEMENT ENTITLEMENT

- (1) A Member who is not entitled to superannuation benefits through the Parliamentary Pension Scheme is entitled to receive a Resettlement Entitlement as a lump sum payment upon ceasing to be Member.
- (2) This entitlement is to facilitate a Member's transition from public office to private life by assisting the Member to access resettlement advice and services, including meeting the costs of financial counselling, re-employment counselling, out-placement services, training costs and any other costs incurred as the Member considers necessary.
- (3) The amount of the entitlement shall be calculated according to a Member's length of service as a Member, as follows—
- (a) one term—a proportion of Base Remuneration equivalent to 3 months' pay;
 - (b) more than one term, but less than three terms—a proportion of Base Remuneration equivalent to 6 months' pay; and
 - (c) three terms or more—a proportion of Base Remuneration equivalent to 9 months' pay.
- (4) The Resettlement Entitlement—
- (a) does not apply for a person who has previously received the Resettlement Entitlement;
 - (b) does not apply for a person who is disqualified for membership of the Legislature under section 32(1)(b) of the *Constitution Acts Amendment Act 1899*; and
 - (c) shall be deferred for a person who has ceased to be a Member but is seeking to be a candidate in the next election, until it is confirmed through the election's outcome that the person will not recommence as a Member of Parliament.

The determination will now issue.

Signed this 23rd day of June 2015.

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**

23 June 2015

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; and
- Request advice from the Statutory Advisor.

3. Further, in accordance with section 10A of the Act, this determination made by the Tribunal under sections 6(1)(c) (d) and (e) has taken into consideration the—

- a. Public Sector Wages Policy Statement 2014;
- b. financial position and fiscal strategy of the State, as stated in the Government’s Financial Strategy Statement and Government Financial Projections Statement, released as part of the State Budget on 14 May 2015; and
- c. submission made on behalf of the State Government.

4. This process provides an opportunity for members of the public, the Government, the office holders or other interested parties to make a submission. It also informs the Tribunal of changes in the roles or responsibilities over the past year and other remuneration issues.

5. No submissions were received from the public. The Government’s submission reaffirmed the Tribunal’s statutory obligation to have regard to the Wages policy and financial statements as set out in (3) above.

6. 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.

7. In relation to the work value of positions, there is an expectation that senior executives within the Public Service and other statutory office holders must 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 and 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. Taking this into account, the Tribunal resolved to not reclassify any Special Division or Prescribed Office holder positions.

8. In relation to the motor vehicle entitlement for office holders, 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.

9. The Tribunal considered relevant labour market and economic data, as well as the State Government’s economic forecasts.

10. In the course of the inquiry, the Tribunal considered a number of serious economic issues evident in the Western Australian economy. In handing down the 2015 Budget, the Treasurer described the current economic situation as “the most challenging economic and fiscal environment the State has faced in at least the last three decades”¹. General government revenue in 2015-16 is estimated to be \$1.6 billion or 5.8% lower than actual revenue in 2013-14.

11. The Tribunal has also noted—

- the State’s economic performance has been affected by the transition of resource projects from construction to production phase, along with substantial drop in commodity prices;
- declining business confidence reflected in employers reducing capital expenditure and employment levels;
- declining private sector investment in the economy;
- increasing unemployment and redundancies, which are predicted to rise further;
- declining wages in the wider community; and
- low levels of inflation, which has meant that the cost of living for WA employees has not significantly changed compared to this time last year.

12. The challenging economic environment is apparent throughout the State. In arriving at its decision, among other factors, the Tribunal noted significant numbers of redundancies in the mining sector, pay freezes or pay cuts in the private sector, falling property values in the Pilbara and other areas and the public sector’s workforce renewal policy and efficiency measures. The unemployment rate is predicted to increase to 6.25% in 2015/16. This would be the highest level in over a decade.

Conclusions

13. 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.

14. In light of the serious economic issues evident in the Western Australian economy, the circumstances demand a degree of caution in any decision of the Tribunal. The Tribunal has determined there will be no increase at this time to the classification or remuneration for office holders in this determination.

The determination will now issue.

Signed this 23th day of June 2015.

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 Treasurer’s budget speech http://static.ourstatebudget.wa.gov.au/15-16/2015-16-wa-state-budget_bp1.pdf?

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PART 1—INTRODUCTORY MATTERS

This Part deals with 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 2015.

1.2 Commencement

This determination comes into operation on 1 July 2015.

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’).

(2) This determination fulfils the Tribunal’s obligations provided in section 8 of the *Salaries and Allowances Act 1975*, with respect to making determinations annually.

(3) This determination also fulfils the Tribunal’s obligations provided in section 10A of the *Salaries and Allowances Act 1975*, with respect to government financial matters.

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 2014*.

(3) Where there is any inconsistency between this determination and the terms and conditions of the *Public Service Award 1992* and the *Public Service Government Officers General Agreement 2014*, the conditions of service specified in this determination shall prevail to the extent of any inconsistency.

1.6 Salaries

(1) All salaries stated in the Schedules of this determination are 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.

1.7 Salary Packaging

(1) 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 Special Division and Prescribed Office Holders listed below.

1.1 Salary

The annual salaries specified in the Tables of this Part apply to the holders of the corresponding offices.

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
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	Vacant	\$—
Chief Executive Officer	ChemCentre	4	P Millington	\$216,804
Director General	Child Protection and Family Support	2	E White	\$299,656
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

Office	Department or Agency	Band	Office Holder	Salary
Director General	Disability Services Commission	2	R Chalmers	\$339,723
Managing Director	Durack Institute of Technology	4	Vacant	\$—
Director General	Education	1	S O'Neill	\$434,883
Director General	Education Services	3	R Strickland	\$258,277
Director General	Finance	1	A Nolan	\$396,343
Director General	Fisheries	2	H Brayford	\$299,656
Director	Gascoyne Development Commission	4	S Webster	\$212,047
Managing Director	Goldfields Institute of Technology	4	K Doig	\$199,636
Director	Goldfields-Esperance Development Commission	4	S Flanagan	\$199,636
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
Director General	Lands	3	C Slattery	\$232,058
Director General	Local Government and Communities	3	J Mathews	\$284,591
Commissioner	Mental Health Commission	2	T Marney	\$361,645
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	Vacant	\$—
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	D Addis	\$232,058
Commissioner	Road Safety Commission	4	Vacant	\$—
Chief Executive Officer	Rottneest Island Authority	4	P Amaranti	\$216,804

Office	Department or Agency	Band	Office Holder	Salary
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
Executive Director	State Heritage Office	4	G Gammie	\$199,636
Chief Executive Officer	State Supply Commission	4	Vacant	\$—
Director General	Training and Workforce Development	2	R Shean	\$361,645
Director General	Transport	1	R Waldock	\$396,343
Under Treasurer	Treasury	1	M Barnes	\$434,883
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	V Erasmus	\$240,000
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

Office	Department or Agency	Office Holder	Salary
Public Sector Commissioner	Public Sector Commission	M Wauchope	\$434,883
Electoral Commissioner	Western Australian Electoral Commission	D Kerslake	\$248,296
Deputy Electoral Commissioner*	Western Australian Electoral Commission	C Avent	\$187,957
Commissioner of Police	Western Australian Police Service	K O'Callaghan	\$434,883
Deputy Commissioner Operations	Western Australian Police Service	S Brown	\$276,984
Deputy Commissioner Specialist Services	Western Australian Police Service	G Dreiberger	\$276,984
Assistant Commissioner (Business Technology)—Chief Information Officer	Western Australian Police Service	Vacant	\$—
Assistant Commissioner Specialist & Support Services	Western Australian Police Service	N Anticich	\$209,199
Assistant Commissioner Metropolitan Region	Western Australian Police Service	K Properjohn	\$209,199
Assistant Commissioner Reform and Business Improvement	Western Australian Police Service	P Zanetti	\$209,199
Assistant Commissioner Intelligence	Western Australian Police Service	Vacant	\$209,199
Assistant Commissioner State Crime	Western Australian Police Service	C Ward	\$209,199
Assistant Commissioner Workforce	Western Australian Police Service	M Fyfe	\$209,199
Assistant Commissioner Judicial Services	Western Australian Police Service	D Bell	\$209,199
Assistant Commissioner Regional WA	Western Australian Police Service	G Budge	\$209,199
Chief Executive Officer	Western Australian Tourism Commission	S Buckland	\$301,794

* Where the Deputy Commissioner, Western Australian Electoral Commission (WAEC), acts in the position of Electoral Commissioner, WAEC, for a period of four or more consecutive weeks while the office is substantively vacant or the office holder is on leave, the Deputy Commissioner is entitled to receive the salary awarded in Table 2 Prescribed Office Holders, to the position of Electoral Commissioner for the duration of the acting arrangement.

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	Vacant	\$—
Deputy Commissioner, Youth Justice Services	Corrective Services	3	R Green	\$224,452
Deputy Commissioner, Adult Justice Services	Corrective Services	3	S Maines	\$250,719

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General, Finance and Administration	Education	2	Vacant	\$—
Deputy Director General, Schools	Education	3	D Axworthy	\$242,809
Deputy Director General, Building Management and Works	Finance	2	B Sullivan	\$302,760
Deputy Director General, Public Utilities Office	Finance	2	R Challen	\$326,047
Executive Director, Government Procurement	Finance	3	Vacant	\$—
Commissioner of State Revenue	Finance	3	Vacant	\$—
Deputy Commissioner, Support and Capability	Fire and Emergency Services	4	S Fewster	\$224,452
Deputy Commissioner, Operations	Fire and Emergency Services	4	L Bailey	\$224,452
Deputy Director General Health Reform	Health	2	Vacant	\$—
Assistant Director General System, Policy and Planning	Health	2	Vacant	\$—
Assistant Director General Purchasing and System Performance	Health	2	Vacant	\$—
Assistant Director General System and Corporate Governance	Health	3	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	J Ostojich	\$224,452

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General, Strategic Policy	State Development	3	N Cusworth	\$224,452
Deputy Director General, Policy, Planning and Investment	Transport	2	Vacant	\$—
Managing Director, Transport Services	Transport	2	N Lyhne	\$276,985
Executive Director, Strategic Policy and Evaluation	Treasury	3	Vacant	\$—
Executive Director, Infrastructure and Finance	Treasury	3	Vacant	\$—
Deputy Under Treasurer	Treasury	2	Vacant	\$—
Executive Director, Strategic Projects and Asset Sales	Treasury	2	Vacant	\$—
Executive Director, Economic	Treasury	3	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 1 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 annual salary as specified in this Section. 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—Annual salary 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—Annual salary 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 Part 1 of 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, they are not entitled to access another government vehicle for their 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 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) 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 (2.1463) x FBT rate (0.490). A 'Fringe Benefits Tax Exempt Agency' means 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* (including any subsequent rate adjustment) and the 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 9 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	Vacant	\$1,239
Director	Gascoyne Development Commission	S Webster	\$4,387
Director	Goldfields-Esperance Development Commission	S Flanagan	\$2,399
Managing Director	Goldfields Institute of Technology	K Doig	\$2,354
Director	Kimberley Development Commission	J Gooding	\$9,230
Managing Director	Kimberley Training Institute	K Dickinson	\$8,361
Director	Mid West Development Commission	G Treasure	\$1,239
Director	Pilbara Development Commission	Vacant	\$12,865
Managing Director	Pilbara Institute	M Boundy	\$12,865

4.2 Travel Allowances—Annual Leave Travel Concessions

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
Director	Goldfields-Esperance Development Commission	S Flanagan
Managing Director	Goldfields Institute of Technology	K Doig
Director	Kimberley Development Commission	J Gooding
Managing Director	Kimberley Training Institute	K Dickinson
Director	Pilbara Development Commission	Vacant
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	Vacant	\$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
Managing Director	Goldfields Institute of Technology	K Doig	\$1,665
Director	Kimberley Development Commission	J Gooding	\$2,896
Managing Director	Kimberley Training Institute	K Dickinson	\$1,554
Director	Pilbara Development Commission	Vacant	\$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 Part 1 of this Schedule.

6.1 Superannuation Entitlements

(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.

(7) 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 the office holder elects to take a cash equivalent in lieu of a motor vehicle then this amount is included for the purposes of superannuation.

Signed this 23th day of June 2015

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 Senior Legal Offices listed below in Part 1 of this Schedule.

1.1 Salary

The annual salaries specified in the Table of this Part apply to the holders of the corresponding offices.

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—Queen's/Senior Counsel	Attorney General	2	G Tannin SC	\$391,888
State Counsel	Attorney General	2	Vacant	\$—
Deputy State Solicitor—Queen's/Senior Counsel	Attorney General	2	Vacant	\$—
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
Deputy State Counsel	Attorney General	3	Vacant	\$—
Senior Adviser, State Solicitor's Office	Attorney General	3	J O'Halloran	\$348,811
Senior Parliamentary Counsel	Attorney General	3	G Lawn	\$328,082
Senior Parliamentary Counsel	Attorney General	3	Vacant	\$—
Director Legal Services	Office of the Director of Public Prosecutions	3	M Bugg	\$328,082
Consultant State Prosecutor—Queen's/Senior Counsel	Office of the Director of Public Prosecutions	3	Vacant	\$—
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	Vacant	\$—
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

Office	Department or Agency	Band	Office Holder	Annual Salary
Senior Assistant Parliamentary Counsel	Attorney General	4	L O'Dwyer	\$247,000
Adviser, State Solicitor's Office	Attorney General	4	A Komminos	\$240,000
Adviser, State Solicitor's Office	Attorney General	4	I Petersen	\$240,000

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.

2.1 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.

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

Table: 15—Indicative annual salary 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	\$240,000	\$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 Motor Vehicle Entitlement

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 23th day of June 2015

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

Table: 16—Annual salary 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

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 Motor Vehicle Entitlement

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 23th day of June 2015

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 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.

1.2 Deputy Director of Public Prosecutions

- (1) The holder of the office of Deputy Director of Public Prosecutions is to be paid a salary of \$391,888 per annum.
- (2) All other allowances payable from time to time are the same as provided to a District Court Judge of Western Australia.

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 Motor Vehicle Entitlement

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 23th day of June 2015

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.

Table: 17—Annual salary 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

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 Motor Vehicle Entitlement

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 23th day of June 2015

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

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.

PART 2—MOTOR VEHICLE BENEFITS

2.1 Motor Vehicle Entitlement

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 23th day of June 2015

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 Act.
4. The Tribunal’s previous determination in relation to Members was issued on 24 June 2014.
5. By issuing this Determination, the Tribunal discharges its obligations under section 8 of the Act, with respect to the Members of the State Administrative Tribunal.
6. In accordance with section 10A of the Act, this determination has taken consideration of the—
 - Public Sector Wages Policy Statement 2014;
 - financial position and fiscal strategy of the State, as stated in the Government’s Financial Strategy Statement and Government Financial Projections Statement, released as part of the State Budget on 14 May 2015; and;
 - the submission made to the Tribunal on behalf of the State Government.
7. In April 2015 the Tribunal invited submissions by advertising in *The West Australian* newspaper, through the Tribunal website and by writing to key office holders.
8. The Tribunal considered the performance of the Western Australian economy and forecasts as to its likely future performance. The Tribunal noted a number of serious economic challenges facing Western Australia. In the 2015 Budget, the Treasurer described the current economic situation as “the most challenging economic and fiscal environment the State has faced in at least the last three decades”. General Government revenue in 2015-16 is estimated to be \$1.6 billion or 5.8% lower than actual revenue in 2013-14.
9. The Tribunal has also noted—
 - the State’s economic performance has been affected by the transition of resource projects from construction to production phase, along with substantial drop in commodity prices;
 - Declining business confidence reflected in employers reducing capital expenditure and employment levels;
 - Increasing unemployment and redundancies, which are predicted to rise further;
 - Declining wages in the wider community; and
 - Extremely low levels of inflation, which has meant that the cost of living for WA employees has not significantly changed compared to this time last year.
10. The challenging economic environment is apparent throughout the State. The Tribunal noted significant numbers of redundancies in the mining sector, pay freezes or pay cuts in the private sector, public sector budget constraints and efficiency measures. Predictions that the unemployment rate could increase to 6.25% in 2015/16, which would be the highest level in over a decade, were also considered.
11. The Tribunal notes the role of the State Administrative Tribunal in Western Australia’s justice system.
12. The Tribunal has examined the remuneration provided to Members together with, submissions provided to the inquiry and the framework of salaries for judicial office holders and court registrars under the Tribunal’s jurisdiction.
13. In light of present and forecast economic circumstances of the State, the Tribunal has determined there will be no increase in remuneration for Members at this time.
14. Motor vehicle entitlements will be maintained at the current level.

The determination will now issue.

Signed this 23rd day of June 2015.

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 2015*.

1.2 Commencement

This determination comes into operation on 1 July 2015.

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 2014*. 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 Member 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) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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:

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

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 (2.1463) x FBT rate (0.490).
- (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 23rd day of June 2015.

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. The Tribunal’s previous determination in relation to the WAIRC was issued on 24 June 2014.
5. 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.
6. In accordance with section 10A of the Act, this determination has taken consideration of the—
 - Public Sector Wages Policy Statement 2014;
 - financial position and fiscal strategy of the State, as stated in the Government’s Financial Strategy Statement and Government Financial Projections Statement, released as part of the State Budget on 14 May 2015; and;
 - the submission made to the Tribunal on behalf of the State Government.
7. In April 2015 the Tribunal invited submissions by advertising in *The West Australian* newspaper, through the Tribunal website and by writing to key office holders.
8. The Tribunal noted the submission received from members of the Western Australian Industrial Relations Commission.
9. The Tribunal considered the performance of the Western Australian economy and forecasts as to its likely future performance. The Tribunal noted a number of serious economic challenges facing Western Australia. In the 2015 Budget, the Treasurer described the current economic situation as “the most challenging economic and fiscal environment the State has faced in at least the last three decades”. General Government revenue in 2015-16 is estimated to be \$1.6 billion or 5.8% lower than actual revenue in 2013-14.
10. The Tribunal noted—
 - the State’s economic performance has been affected by the transition of resource projects from construction to production phase, along with substantial drop in commodity prices;
 - declining business confidence reflected in employers reducing capital expenditure and employment levels;
 - increasing unemployment and redundancies, which are predicted to rise further;
 - declining wages in the wider community; and
 - extremely low levels of inflation, which has meant that the cost of living for WA employees has not significantly changed compared to this time last year.
11. The challenging economic environment is apparent throughout the State. The Tribunal noted significant numbers of redundancies in the mining sector, pay freezes or pay cuts in the private sector and public sector budget constraints and efficiency measures. Predictions that the unemployment rate could increase to 6.25% in 2015/16, which would be the highest level in over a decade, were also considered.
12. The Tribunal also considered the jurisdiction and role of the Western Australian Industrial Relations Commission within the State’s judicial system.

MOTOR VEHICLE ENTITLEMENTS

13. During the course of its inquiry the Tribunal noted the motor vehicle entitlement for Commissioners has not included an option of cash in lieu of a lease vehicle.
14. The Members of the Western Australian Industrial Relations Commission, unlike all other Prescribed Offices, have not had the option to cash out their motor vehicle entitlement.
15. The Tribunal has decided to provide Commissioners the option to cash out the vehicle entitlement upon the expiration of any current leases, as is the case for other Prescribed Offices.

CONCLUSION

16. The Tribunal has determined there will be no increase in remuneration for Commissioners at this time.

17. Upon the expiration of any motor vehicle lease entered into, a Commissioner may enter into new lease arrangements or may opt for cash in lieu of a vehicle lease.

The determination will now issue.

Signed this 23rd day of June 2015.

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 2015*.

1.2 Commencement

This determination comes into operation on 1 July 2015.

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 2014*. 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 2014*, 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) 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.
- (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) shall be—

Table 2: Notional value of motor vehicle lease

Office	Notional Value of the Lease
Chief Commissioner	\$26,900 p.a.
Senior Commissioner	\$25,400 p.a.
Commissioner	\$25,400 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) 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 (2.1463) x FBT rate (0.490).

(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 as specified in Table 3.

Table 3—Cash Value of a Motor Vehicle

Office	Notional Value of the Lease
Chief Commissioner	\$26,900 p.a.
Senior Commissioner	\$25,400 p.a.
Commissioner	\$25,400 p.a.

(3) 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.

(4) 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.

(5) 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 the office holder elects to take a cash equivalent in lieu of a motor vehicle then this amount is included for the purposes of superannuation.

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's reasonable benefit limit rates for the relevant financial year as specified in the ATO's Taxation Determination 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.

- (a) 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.
- (b) 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 Australian Taxation Office's reasonable benefit limit rates for the relevant financial year as specified in the ATO's Taxation Determination 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 23rd day of June 2015.

W. S. COLEMAN AM
Chairman

C. A. BROADBENT
Member

B. J. MOORE
Member

Salaries and Allowances Tribunal
