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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE
SALARIES AND ALLOWANCES
TRIBUNAL**

SALARIES AND ALLOWANCES ACT 1975
SALARIES AND ALLOWANCES TRIBUNAL
DETERMINATIONS MADE IN ACCORDANCE WITH
SECTION 6(1)(c)(d) and (e)

11 April 2003

Preamble

Officers of the Public Service holding offices included in the Special Division of the Public Service and persons holding offices prescribed in the regulations under the Salaries and Allowances Act 1975

In April 2002 the Tribunal issued a general determination dealing with the holders of Special Division and prescribed offices. In accordance with section 8 of the *Salaries and Allowances Act 1975*, which requires that not more than a year should elapse between one determination and another, the Tribunal has undertaken a review of the current levels of remuneration applicable to this group of office-holders.

In its consideration of the issues and in line with its usual practice, the Tribunal has had regard to a range of relevant factors, including national economic indices published by the Australian Bureau of Statistics which reveal movements in cost-of-living and wage and salary costs, the State Government's policy for wages outcomes, as well as recent remuneration adjustments to other positions under the Tribunal's jurisdiction. The Tribunal has resolved that a salary increase of 3.3 per cent is appropriate. This translates into the new salary rates set out in the First Schedule, which follows.

No further adjustment is made to the salaries of legal officer positions in the Special Division, remuneration for which has already been the subject of separate determinations effective from 1 January 2003. The existing salary levels are reiterated in the Schedules, which follow, for the purposes of consolidation only.

It will be noted that the Third Schedule deals with a group of prescribed office-holders recently added to the Tribunal's jurisdiction—that is, Commissioners of the Western Australian Industrial Relations Commission. As a consequence of the coming into operation in August last year of the *Labour Relations Reform Act 2002*, the mechanism for setting remuneration for the Commissioners has moved from a statutory base contained in the *Industrial Relations Act 1978* to one subject to determination by the Tribunal. With the issuing of this first determination the statutory arrangement, which has been continued by way of a transitional provision in the *Labour Relations Reform Act*, will come to an end.

The determination provides for the longstanding linkage between the remuneration of the Chief Commissioner and a District Court Judge to persist. In turn, the current well established relativities between the Chief Commissioner and the Senior Commissioner and other Commissioners are maintained. Additionally, the opportunity is taken to provide access to motor vehicles consistent with equivalent entitlements available to all other full-time office-holders under the Tribunal's jurisdiction.

In reaching this conclusion, the Tribunal has been particularly mindful of the fact that the Parliament has seen fit since 1984 to establish remuneration relativity with the District Court. Indeed, prior to that date when remuneration for the Commissioners' positions was a responsibility of the Tribunal, a broad alignment already existed. Taking this into account, together with factors such as the expanding role of the Commission, its exercise of judicial functions, the practice of dual appointments to the Australian Industrial Relations Commission and the absence of any arguments placed before the Tribunal for a break in the existing nexus, the Tribunal saw no grounds to depart from the *status quo*. Continuation of the linkage will remain under review.

Clerks of the Parliament

As indicated in its April 2002 determination, the Tribunal has now adopted the practice of addressing remuneration issues for the Clerks and Deputy Clerks of the Parliament at the same time as other senior administrative positions under its jurisdiction.

For the reasons applicable to the holders of Special Division and prescribed offices an increase of 3.3 per cent of salary is provided. This translates into the new salary rates set out in the Fifth Schedule, which follows.

The determinations will now issue.

Signed at Perth this 11th day of April 2003.

Professor M C Wood
CHAIRMAN

J A S Mews
MEMBER

M L Nadebaum
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

**DETERMINATIONS
(COMPRISING FIVE SCHEDULES)**

FIRST SCHEDULE:

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

Pursuant to Section 6(1)(d) and (e) of the Salaries and Allowances Act 1975 the Salaries and Allowances Tribunal determines the salaries to be paid to the officers of the Public Service holding offices included in the Special Division of the Public Service and the persons holding prescribed offices, as listed below, shall be the following with effect from 1 May 2003—

PART 1—SALARIES AND OFFICES

		Tenured Salary	Non-tenured salary
Group 1	Minimum	\$113,100	\$135,720
	Maximum	\$119,979	\$143,975
Group 2	Minimum	\$127,155	\$152,586
	Maximum	\$134,100	\$160,920
Group 3	Minimum	\$144,836	\$173,803
	Maximum	\$158,585	\$190,302
Group 4	Minimum	\$175,670	\$210,804
	Maximum	\$193,051	\$231,661

The salaries are inclusive of Annual Leave Loading.

AGENCY	OFFICE	CLASSIFICATION	
Department of Agriculture	Director General	Group 3	Maximum
Alcohol and Drug Authority	Chief Executive Officer	Group 1	Maximum
Office of the Auditor General	Auditor General Plus an allowance of 15% of determined salary (inclusive of the incremental allowance) payable to Mr Pearson	Group 4	Minimum
Coastal Shipping Commission	General Manager	Group 2	Minimum
Department for Community Development	Director General	Group 3	Maximum
Department of Conservation and Land Management	Executive Director	Group 3	Maximum
Department of Consumer & Employment Protection	Director General / WorkSafe Western Australia Commissioner	Group 3	Minimum
Department of Culture and the Arts	Director General	Group 2	Maximum
Curriculum Council of Western Australia	Chief Executive Officer	Group 2	Minimum
Disability Services Commission	Director General	Group 3	Minimum
East Perth Redevelopment Authority	Chief Executive Officer	Group 1	Maximum
Department of Education and Training	Director General	Group 4	Maximum
Department of Education Services	Chief Executive Officer	Group 2	Minimum
Western Australian Electoral Commission	Electoral Commissioner	Group 2	Minimum
	Deputy Electoral Commissioner	Level 8	WAEC
Office of Energy	Coordinator of Energy	Group 2	Maximum
Department of Environmental Protection	Chief Executive Officer	Group 1	Maximum
Equal Opportunity Commission	Commissioner for Equal Opportunity	Group 1	Maximum
Fire and Emergency Services Authority	Chief Executive Officer	Group 2	Maximum
Department of Fisheries	Executive Director	Group 2	Minimum
Forests Products Commission	General Manager	Group 2	Maximum
Government Employees Superannuation Board	Chief Executive Officer	Group 3	Minimum

AGENCY	OFFICE	CLASSIFICATION	
Western Australian Government Railways Commission	Commissioner of the WA Government Railways	Group 3	Maximum
Department of Health	Commissioner	Group 4	Maximum
	Deputy Director General—Healthcare*	Group 2	Maximum
	*If a Senior Medical Practitioner occupies this position the level of remuneration shall be Group 2 Maximum plus the Incremental Allowance and a loading of 30% in lieu of other allowances normally received.		
	Deputy Director General—Corporate & Finance	Group 2	Maximum
	Executive Director—Population Health	Group 2	Minimum
	Executive Director—Country Services	Group 1	Maximum
Office of Health Review	Director	Group 1	Maximum
Department of Housing & Works	Director General	Group 3	Maximum
Department of Indigenous Affairs	Commissioner for Aboriginal Planning	Group 2	Minimum
Department of the Registrar Western Australian Industrial Relations Commission	Registrar	Group 1	Minimum
Department of Industry and Resources	Director General	Group 4	Minimum
Office of the Information Commissioner	Information Commissioner	Group 1	Maximum
Office of the Inspector of Custodial Services	Inspector of Custodial Services	Group 1	Maximum
Department of Justice *Note: With effect from 1 January 2003	Director General	Group 3	Maximum
	Crown Solicitor		\$210,752*
	Parliamentary Counsel		\$210,752*
	Queen's Counsel		\$200,215*
	Crown Counsel		\$189,676*
	Director Legal Services		\$189,676*
	Deputy Crown Solicitor		\$179,140*
	Deputy Parliamentary Counsel		\$179,140*
Senior Adviser Crown Solicitor's Office		\$168,602*	
	Assistant Principal Crown Prosecutor		\$158,423*
Department of Land Administration	Chief Executive	Group 2	Maximum
	Valuer General	Group 1	Minimum
Western Australian Land Authority	Chief Executive Officer	Group 2	Minimum
Library Board of Western Australia	State Librarian	Group 1	Maximum
Department of Local Government & Regional Development	Director General	Group 2	Minimum
Lotteries Commission	Chief Executive Officer	Group 1	Maximum
Main Roads Department	Commissioner of Main Roads	Group 3	Maximum
Mental Health Review Board	President	Group 1	Maximum
Metropolitan (Perth) Passenger Transport Trust	Chairman / Chief Executive Officer	Group 1	Maximum
Midland Redevelopment Authority	Chief Executive Officer	Group 1	Minimum
Western Australian Museum	Director of the Museum	Group 1	Minimum

AGENCY	OFFICE	CLASSIFICATION	
Parliamentary Commissioner for Administrative Investigations	Commissioner	Group 3	Minimum
	Deputy Commissioner	Group 1	Minimum
Department for Planning & Infrastructure	Director General	Group 4	Minimum
Western Australian Police Service	Commissioner of Police Plus a retention allowance of 15% of determined salary payable to Mr Matthews.	Group 4	Minimum
	Deputy Commissioner— Operations/State Commander	Group 2	Maximum
	Deputy Commissioner— Administration	Group 2	Minimum
	Assistant Commissioners (6)	Group 1	Minimum
Department of the Premier and Cabinet	Director General	Group 4	Maximum
	Executive Director Policy Division	Group 3	Minimum
Office of the Public Sector Standards Commissioner	Commissioner for Public Sector Standards	Group 4	Minimum
Department of Racing, Gaming and Liquor	Director General	Group 2	Minimum
Rottneet Island Authority	Chief Executive Officer	Group 1	Minimum
Small Business Development Corporation	Managing Director	Group 1	Minimum
Department of Sport and Recreation	Director General	Group 1	Maximum
State Supply Commission	Chief Executive Officer	Group 1	Maximum
Totalisator Agency Board	Chief Executive Officer / Manager	Group 1	Maximum
Tourism Commission— Western Australian	Chief Executive Officer While occupied by Mr Muirhead the salary shall be at the Group 3 Maximum level	Group 2	Minimum
Department of Treasury & Finance	Under Treasurer— Personal non-tenured salary of \$266,411 payable to Mr Langoulant	Group 4	Maximum
	Executive Director (Finance)	Group 2	Minimum
	Executive Director (Agency Resources)	Group 2	Minimum
	Executive Director (Economic)	Group 2	Minimum
	Commissioner State Revenue	Group 2	Minimum
Office of Water Regulation	Coordinator of Water Services	Group 1	Maximum
Waters and Rivers Commission	Chief Executive Officer	Group 2	Minimum
Workers' Compensation and Rehabilitation Commission	Executive Director	Group 1	Maximum
Zoological Parks Authority	Chief Executive Officer	Group 1	Minimum

PART 2—NON-TENURED SALARY

Non-tenured salary is payable to—

- A person holding a prescribed office included in Section 6(1)(e) of the Salaries and Allowances Act and who is appointed on a fixed term contract without any guarantee of continued employment at the expiration of such term
- An officer holding an office included in Section 6(1)(d) of the Salaries and Allowances Act 1975, who is appointed under the provisions of the Public Sector Management Act 1994 on a fixed term contract without any right of continued employment at the expiration of such term
- An officer who does not elect to retain a right of return as provided in Section 58 of the Public Sector Management Act 1994
- A commissioned police officer whose previous commission is revoked upon appointment as Deputy or Assistant Commissioner and who is appointed for a fixed term with no right of return to commissioned rank.

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

PART 3—INCREMENTAL ALLOWANCE

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

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

- Tenured \$212,357
- Non-tenured \$254,828

Persons in receipt of a "personal salary" or a special allowance are not entitled to receive the abovementioned incremental salary unless specifically determined by the Tribunal.

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

PART 4—MOTOR VEHICLES

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

Classification	Cash Value	Benchmark Vehicle (6 cylinder)
Below Group 1 Minimum	\$13,500	Ford Falcon Gli or Commodore Executive
Group 1 Minimum to Group 2 Minimum	\$16,000	Ford Fairmont (not Ghia) or Commodore Berlina
Group 2 Maximum and above	\$19,200	Ford Fairmont Ghia or Calais
For a position where a salary is determined in lieu of a classification		The tenured salary of the position should be compared to the tenured salaries for the Group 1 to Group 4 range and the appropriate value obtained.

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

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

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

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

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

Where an individual wishes to obtain a motor vehicle that varies from the Benchmark Vehicle, the motor vehicle costs must include the lease cost, Fringe Benefits Tax and all other operating costs based on the relevant figure of kilometres nominated to be travelled annually. The formula to be adopted in valuing the motor vehicle is—

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

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

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

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

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

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

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

The vehicle will be available for business use whilst the officer is on duty. Where an individual chooses not to be provided with a motor vehicle through State Fleet, under no circumstances will that person be provided with a Government vehicle or cab charge for home to office travel or any other private use.

PART 5—REMUNERATION PACKAGE VALUE

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

Motor Vehicle: Part 4 contains the determination as to the value ascribed to the motor vehicle that will be provided or the amount that can be taken in lieu of a vehicle.

Superannuation: Due to the closure of superannuation schemes over the past 15 years, it is not possible to prescribe the value per person of the superannuation benefit. It is generally assumed that where a person was a member of the Western Australian public sector prior to the 30 December 1995, the value of superannuation is twelve per cent of basic salary. For those who joined after that date, the superannuable component is in accordance with that required under the Superannuation Guarantee Levy, which is currently nine per cent of salary.

Salary packaging in respect to superannuation and novated leases can be effected in accordance with the "Guidelines for Salary Packaging in the WA Public Sector" document.

Signed at Perth this 11th day of April 2003.

Professor M C Wood

CHAIRMAN

SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews

MEMBER

M L Nadebaum

MEMBER

SECOND SCHEDULE

COURT REGISTRARS

Pursuant to Section 6(1)(d) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the salaries to be paid to the holders of the offices listed below are as follows with effect from 1 January 2003—

- | | | |
|------------------|---------------------|-----------|
| • Supreme Court | Principal Registrar | \$187,520 |
| | Registrar | \$166,061 |
| • District Court | Principal Registrar | \$174,641 |
| | Registrar | \$164,097 |
| | Deputy Registrar | \$147,550 |

The salaries are inclusive of Annual Leave Loading.

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

Signed at Perth this 11th day of April 2003.

Professor M C Wood

CHAIRMAN

SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews

MEMBER

M L Nadebaum

MEMBER

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

Pursuant to Section 6(1)(e) of the Salaries and Allowances Act 1975 the Salaries and Allowances Tribunal determines that Commissioners of the Western Australian Industrial Relations Commission are entitled to remuneration on the following basis—

- The holder of the office of Chief Commissioner is entitled to the allowances and salary payable from time to time to a Judge of the District Court of Western Australia.
- The holder of the office of Senior Commissioner is entitled to the allowances and to 95 per cent of the salary of a Judge of the District Court.
- The holders of the office of Commissioner are entitled to the allowances and 90 per cent of the salary payable from time to time to a Judge of the District Court.

The holder of the office of Chief Commissioner is entitled to a motor vehicle of the type provided to a District Court Judge.

The holders of the offices of Senior Commissioner and Commissioner are entitled to a motor vehicle of the type provided to a Stipendiary Magistrate.

Signed at Perth this 11th day of April 2003.

Professor M C Wood
CHAIRMAN
SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews
MEMBER

M L Nadebaum
MEMBER

**FOURTH SCHEDULE
DIRECTOR OF PUBLIC PROSECUTIONS**

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

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

Signed at Perth this 11th day of April 2003.

Professor M C Wood
CHAIRMAN
SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews
MEMBER

M L Nadebaum
MEMBER

FIFTH SCHEDULE
CLERKS OF THE PARLIAMENT

Pursuant to Section 6(1)(c) of the Salaries and Allowances Act 1975 the Salaries and Allowances Tribunal determines the salaries to be paid to the holders of the offices listed below shall be as follows with effect from 1 May 2003:

- Clerk of the Legislative Council \$121,032
- Deputy Clerk of the Legislative Council \$92,187
- Clerk of the Legislative Assembly \$121,032
- Deputy Clerk of the Legislative Assembly \$92,187

The salaries are inclusive of Annual Leave Loading.

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

Signed at Perth this 11th day of April 2003.

Professor M C Wood

CHAIRMAN

SALARIES AND ALLOWANCES TRIBUNAL

J A S Mews

MEMBER

M L Nadebaum

MEMBER

