

**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

ISSN 1448-949X

1565



PERTH, WEDNESDAY, 11 APRIL 2007 No. 75 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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SALARIES AND ALLOWANCES ACT 1975

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**DETERMINATION OF THE  
SALARIES AND  
ALLOWANCES TRIBUNAL**



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

The Tribunal last issued a determination dealing with the holders of Special Division positions and Prescribed Offices on 7 April 2006.

In accordance with section 8 of the *Salaries and Allowances Act 1975*, the Tribunal is required to issue a determination at intervals of not more than 12 months. Accordingly it has undertaken an enquiry into the current classification and remuneration applicable to this group of office-holders.

**BACKGROUND**

The determination of 7 April 2006 was made after the Tribunal undertook the first comprehensive review of all positions in this jurisdiction since 1989. All positions were classified afresh using what was described as a “clean sheet” approach. Most positions retained their existing classifications. Some positions were reclassified to a level below the previous classification and some were reclassified to a higher level. Concurrent with the classification task, the Tribunal determined new remuneration levels which substantially re-aligned the relativities between the various levels. The remuneration increases ranged from 24 percent at the highest classifications through 17 percent, 10 percent, 8 percent to 7 percent at Group 1. These increases attracted considerable media and community attention and some controversy.

Another aspect of the determination which sought to establish appropriate levels of reward was the complete removal of a range of special allowances.

Arising from the April 2006 determination was a series of complaints and representations, some through public channels, about several classifications. The Tribunal has addressed these issues throughout the year. Some have been resolved by determination variations and others are intended to be resolved by this determination.

**CURRENT ENQUIRY**

The current enquiry commenced immediately after the release of the April 2006 determination. As mentioned earlier, there have been some determination variations during the year. One area over which particular concern has been expressed was the classification and consequent remuneration of statutory office holders. These are the—

- Auditor-General;
- Ombudsman;
- Public Sector Standards Commissioner;
- Information Commissioner, and
- Electoral Commissioner.

One aspect of the April 2006 enquiry and determination was a report to the Tribunal prepared by Mercer Human Resources Consulting (Mercer). During this current enquiry the Tribunal has re-engaged Mercer to re-examine the above positions and to report to the Tribunal particularly regarding any variations to their previous assessment.

The Tribunal also engaged another independent and respected remuneration consultant, using a different methodology, to evaluate the listed positions.

The recommendation resulting from both the re-evaluation and the new evaluation is that the classifications as determined by the Tribunal in April 2006 are either equal to or higher than the assessments made by the independent consultants.

Consistent with its usual practice, the Tribunal collected information from several sources as a basis for the current determination.

Submissions were invited through an advertisement placed in *The West Australian* of 31 January 2007. Two submissions were received, one from the Government and one from the Clerks and Deputy Clerks of the Parliament. The Government's advocated that any increases be fair, equitable and economically sustainable. The Clerks' submission sought an increase in their remuneration to achieve parity with similar positions throughout Australia.

The economic indices considered by the Tribunal were the latest issued by the Australian Bureau of Statistics: the December Quarter 2006 Consumer Price Index, the November Quarter 2006 Average Weekly Earnings Index and the December Quarter 2006 Labour Price Index. It also considered the most recently available Western Australian Consumer Price Index and Wage Cost Index. The government's wages policy was also considered.

The Tribunal requested advice from its Statutory Advisor on any Machinery of Government changes which may have impacted upon the classification and remuneration of any of the positions in this enquiry.

Because of the major adjustments in April 2006, the Tribunal made specific enquiries about Australia-wide remuneration movements across the eight levels of remuneration covered in this determination. Unlike earlier years, where greater increases were achieved at the highest levels, the pattern in Australia for the past 12 months has been for an even movement. Accordingly, the Tribunal has granted an across the board increase to all levels, except in the case of Clerks of the Parliament which have been considered separately.

**OTHER POSITIONS**

## Special Division Legal Officers

No further adjustment is made in this determination to the remuneration of legal officer positions in the Special Division, remuneration for which has already been the subject of a separate determination effective from 1 January 2007. The existing remuneration levels are stated in the Schedules which follow, for the purposes of consolidation only.

## Clerks of the Parliament

The Tribunal determines the remuneration of the Clerks and Deputy Clerks of the Legislative Assembly and of the Legislative Council at the same time as holders of senior positions in the Special Division and Prescribed Office holders. For this determination, the remuneration for the Clerks and Deputy Clerks has been considered almost exclusively by reference to parity with identical positions in the other Parliaments in Australia. The current determination is at the fourth Schedule.

**DETERMINATION**

Based on the information available, the Tribunal considers that an increase consistent with recent increases which it has granted to other positions under its jurisdiction is warranted. It has determined an increase of 4.4 percent for office holders in the Special Division of the Public Service and Prescribed Office holders.

The resulting levels of remuneration are set out in the First Schedule, which follows.

The determination will now issue.

Signed at Perth this 4th day of April 2007

Professor M. C. WOOD,  
Chairman.  
Salaries and Allowances Tribunal.

J. A. S. MEWS,  
Member.

M. L. NADEBAUM,  
Member.

**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 remuneration to be paid to the officers of the Public Service who hold offices included in the Special Division and those who hold Prescribed Offices. The remuneration is effective from 1 May 2007.

**PART 1—REMUNERATION AND OFFICES**

		<b>Tenured remuneration</b>	<b>Non-tenured remuneration</b>
<b>Group 1</b>	Minimum	<b>\$135,602</b>	\$162,723
	Maximum	\$143,850	\$172,620
<b>Group 2</b>	Minimum	\$154,622	\$185,545
	Maximum	\$166,086	\$199,303
<b>Group 3</b>	Minimum	\$191,714	\$230,057
	Maximum	\$209,914	\$251,896
<b>Group 4</b>	Minimum	\$247,618	\$297,141
	Maximum	\$272,118	\$326,541

The remuneration is inclusive of **Annual Leave Loading**. This was effective from 1 August 2000.

<b>AGENCY</b>	<b>OFFICE</b>	<b>CLASSIFICATION</b>	
Department of Agriculture and Food	Director General	Group 3	Maximum
Alcohol and Drug Authority	Chief Executive Officer	Group 1	Maximum
Department of the Attorney General *Note: With effect from 1 January 2007	Director General	Group 3	Minimum
	State Solicitor		\$282,640*
	Parliamentary Counsel		\$282,640*
	Queen's/Senior Counsel		\$268,506*
	State Counsel		\$254,375*
	Deputy State Solicitor		\$240,243*
	Deputy Parliamentary Counsel		\$240,243*
Office of the Auditor General	Auditor General	Group 4	Minimum
	Deputy Auditor General	Group 2	Minimum
Botanic Gardens and Parks Authority	Chief Executive Officer	Group 1	Minimum
Office of the Commissioner for Children and Young People	Commissioner	Group 1	Maximum
Coastal Shipping Commission	General Manager	Group 2	Minimum
Department for Community Development	Director General	Group 4	Minimum for 12 months wef 4 November 2006
Department of Environment and Conservation	Executive Director	Group 3	Minimum
Department of Consumer & Employment Protection	Director General	Group 3	Minimum
	WorkSafe Western Australia Commissioner	Group 1	Maximum

AGENCY	OFFICE	CLASSIFICATION	
	Commissioner for Fair Trading	Group 1	Maximum
	Fair Employment Advocate	Group 1	Minimum
Department of Corrective Services	Commissioner	Group 3	Maximum
	Deputy Commissioner, Community & Juvenile Justice	Group 1	Maximum
	Deputy Commissioner, Adult Custodial	Group 1	Maximum
	Deputy Commissioner, Offender Management & Professional Standards	Group 1	Minimum
Department of Culture and the Arts	Director General	Group 2	Minimum
Curriculum Council of Western Australia	Chief Executive Officer	Group 1	Maximum
Disability Services Commission	Director General	Group 3	Minimum
Office of the Director of Public Prosecutions *Note: With effect from 1 January 2007	Director of Public Prosecutions		\$314,045 as a Puisne Judge*
	Director Legal Services		\$254,375*
	Consultant State Prosecutor		\$212,461*
East Perth Redevelopment Authority	Chief Executive Officer	Group 1	Maximum
Department of Education and Training	Director General	Group 4	Maximum
	Deputy Director General, Finance and Administration	Group 3	Minimum
	Deputy Director General, Schools	Group 2	Maximum
	Deputy Director General, Training	Group 2	Maximum
Department of Education Services	Chief Executive Officer	Group 2	Minimum
Western Australian Electoral Commission	Electoral Commissioner	Group 1	Maximum
	Deputy Electoral Commissioner	PS Level 9	
Office of Energy	Coordinator of Energy	Group 2	Maximum
Equal Opportunity Commission	Commissioner for Equal Opportunity	Group 1	Maximum
Fire and Emergency Services Authority	Chief Executive Officer	Group 3	Minimum
	Chief Operations Officer	Group 1	Maximum
Department of Fisheries	Chief Executive Officer	Group 3	Minimum
Forests Products Commission	General Manager	Group 2	Minimum
Government Employees Superannuation Board	Executive Director	Group 3	Minimum
Department of Health	Executive Director—Chief Finance Officer	Group 2	Minimum
	Executive Director, Health Systems Support	Group 2	Minimum
Office of Health Review	Director	Group 1	Maximum
Department of Housing & Works	Director General	Group 3	Maximum
Department of Indigenous Affairs	Commissioner for Aboriginal Planning	Group 2	Minimum
Department of the Registrar Western Australian Industrial Relations Commission	Registrar	Group 1	Minimum
Department of Industry and Resources	Director General	Group 4	Minimum
Office of the Information Commissioner	Information Commissioner	Group 1	Minimum

<b>AGENCY</b>	<b>OFFICE</b>	<b>CLASSIFICATION</b>	
Office of the Inspector of Custodial Services	Inspector of Custodial Services	Group 1	Maximum
Western Australian Land Information Authority	Chief Executive	Group 2	Maximum
	Valuer General	Group 1	Minimum
Library Board of Western Australia	State Librarian	Group 1	Maximum
Department of Local Government & Regional Development	Director General	Group 2	Maximum
Main Roads Department	Commissioner of Main Roads	Group 3	Maximum
Mental Health Review Board	President	Group 1	Minimum
Midland Redevelopment Authority	Chief Executive Officer	Group 1	Minimum
Western Australian Museum	Director of the Museum	Group 1	Minimum
Parliamentary Commissioner for Administrative Investigations	Commissioner	Group 3	Minimum
	Deputy Commissioner	Group 1	Minimum
Department for Planning & Infrastructure	Director General	Group 4	Minimum
Western Australian Police Service	Commissioner	Group 4	Minimum
	Executive Director	Group 2	Minimum
	Deputy Commissioner, Operations	Group 2	Maximum
	Deputy Commissioner, Specialist Services	Group 2	Maximum
	Assistant Commissioner, Corruption Prevention and Investigation	Group 1	Maximum
	Assistant Commissioner, Regional WA	Group 1	Maximum
	Assistant Commissioner, Counter Terrorism & State Security	Group 1	Minimum
	Assistant Commissioner, South Metropolitan	Group 1	Minimum
	Assistant Commissioner, North Metropolitan	Group 1	Minimum
	Assistant Commissioner, Traffic and Operations	Group 1	Minimum
	Assistant Commissioner, Specialist Crime	Group 1	Minimum
	Assistant Commissioner, Professional Development	Group 1	Minimum
	Department of the Premier and Cabinet	Director General	Group 4
Executive Director Policy Division		Group 3	Minimum
Assistant Director General, State Security and Emergency Co-ordination		Group 2	Minimum
Office of the Public Sector Standards Commissioner	Commissioner for Public Sector Standards	Group 3	Minimum
Public Transport Authority	Chief Executive Officer	Group 3	Maximum
Department of Racing, Gaming and Liquor	Director General	Group 2	Minimum

AGENCY	OFFICE	CLASSIFICATION	
Rottneest Island Authority	Chief Executive Officer.	Group 1	Maximum
Small Business Development Corporation	Managing Director	Group 1	Minimum
Department of Sport and Recreation	Director General	Group 1	Maximum
State Supply Commission	Chief Executive Officer	Group 1	Maximum
Western Australian Tourism Commission	Chief Executive Officer	Group 2	Minimum
Department of Treasury & Finance	Under Treasurer	Group 4	Maximum
	Executive Director (Finance)	Group 2	Minimum
	Executive Director (Agency Resources)	Group 2	Minimum
	Executive Director (Economic)	Group 2	Minimum
	Executive Director, Office of Government Procurement	Group 2	Minimum
	Commissioner State Revenue	Group 2	Minimum
	Executive Director, Office of Shared Services	Group 2	Minimum
Department of Water	Director General	Group 2	Minimum
Waters and Rivers Commission	Chief Executive Officer	Group 2	Minimum
Workcover Western Australia Authority	Chief Executive Officer	Group 1	Maximum
Zoological Parks Authority	Chief Executive Officer	Group 1	Minimum

### PART 2—NON-TENURED REMUNERATION

Non-tenured remuneration is payable to—

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

Non-tenured remuneration is calculated by adding twenty-percent to the determined tenured remuneration. Unless otherwise indicated, remuneration shown in Part 1 is at the tenured rate.

### PART 3—INCREMENTAL ALLOWANCE

A person holding a chief executive officer position included in section 6(1)(d) or (e) of the *Salaries and Allowances Act 1975*, on completion of three years of 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 remuneration level for eligible persons classified at the Group 4 Maximum level is—

- Tenured \$299,330
- Non-tenured \$359,196

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

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



**PART 4—MOTOR VEHICLES**

In addition to the remuneration 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 in accordance with the criteria below.

**Benchmark Vehicle**

Where a Benchmark Vehicle is sought through State Fleet, the entitlement is to one of the following vehicles.

Classification	Benchmark Vehicle (6 cylinder)
Below Group 1 Minimum	Ford Falcon XT or Holden Commodore Executive
Group 1 Minimum to Group 2 Minimum	Ford Fairmont (not Ghia) or Holden Berlina
Group 2 Maximum and above	Ford Fairmont Ghia or Calais.
For a position where a remuneration is determined in lieu of a classification	The tenured remuneration of the position should be compared to the tenured remuneration for the Group 1 to Group 4 range and the appropriate value obtained

**Non-Benchmark Vehicle**

Where a vehicle and accessories other than a Benchmark Vehicle is sought through State Fleet, the difference in cost to Government

- where greater, it is to be paid fortnightly by the individual, or
- where lesser, it is to be paid fortnightly as part of the individual's remuneration.

The method of determining whether an additional contribution must be made by the individual or the surplus paid as part of remuneration 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.

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 nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is—

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

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.

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

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

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.

**Cash Value**

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 cash values are paid in accordance with the following criteria.

Classification	Cash Value
Below Group 1 Minimum	\$16,900
Group 1 Minimum to Group 2 Minimum	\$18,900
Group 2 Maximum and above	\$22,000
For a position where a remuneration is determined in lieu of a classification	The tenured remuneration of the position should be compared to the tenured remuneration for the Group 1 to Group 4 range and the appropriate value obtained

**General**

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

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, however slight, should be reported to the Fleet Manager with a view to repairs being effected at the earliest opportunity.

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

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

**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 remuneration and the amount determined by the Tribunal for the motor vehicle provided.

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

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

Superannuation: Due to the closure of superannuation schemes over the past 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 remuneration. For those who joined after that date, the superannuable component is in accordance with that required under the Superannuation Guarantee Levy.

Salary Packaging in respect to superannuation and novated leases can be effected in accordance with the "Guidelines for Salary Packaging in the WA Public Sector" document, which can be accessed at [www.docep.wa.gov.au/lr/LabourRelations/Content/Public%20Sector/Resources/Circulars/Pages/1198attach.html](http://www.docep.wa.gov.au/lr/LabourRelations/Content/Public%20Sector/Resources/Circulars/Pages/1198attach.html).

Signed at Perth this 4th day of April 2007.

Professor M. C. WOOD,  
Chairman.

J. A. S. MEWS,  
Member.

M. L. NADEBAUM,  
Member.

Salaries and Allowances Tribunal.

**SECOND 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 below and is as follows with effect from 1 January 2007—

Supreme Court	Principal Registrar	\$242,787
	Registrar	\$215,004
District Court	Principal Registrar	\$226,113
	Registrar	\$212,461
	Deputy Registrar	\$191,037

The remuneration is inclusive of Annual Leave Loading.

The holders of these offices have an entitlement to a motor vehicle selected only from Items 1001 to 1008 and 2001 to 2007 inclusively of the Government's Common Use Contract No 012A1994 as amended from time to time. The vehicle entitlement here is provided under the conditions set out in the first Schedule, Part 4 of this Determination.

Signed at Perth this 4th day of April 2007.

Professor M. C. WOOD,  
Chairman.

J. A. S. MEWS,  
Member.

M. L. NADEBAUM,  
Member.

Salaries and Allowances Tribunal.

**THIRD SCHEDULE:  
DIRECTOR OF PUBLIC PROSECUTIONS**

Pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines that the holder of the office of Director of Public Prosecutions is entitled to the remuneration 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 4th day of April 2007.

Professor M. C. WOOD,  
Chairman.  
Salaries and Allowances Tribunal.

J. A. S. MEWS,  
Member.

M. L. NADEBAUM,  
Member.

**FOURTH SCHEDULE:  
CLERKS OF THE PARLIAMENT**

Pursuant to section 6(1)(c) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid to the holders of the offices listed below and is as follows with effect from 1 May 2007—

Clerk of the Legislative Council	\$178,500
Deputy Clerk of the Legislative Council	\$136,200
Clerk of the Legislative Assembly	\$178,500
Deputy Clerk of the Legislative Assembly	\$136,200

The remuneration is inclusive of Annual Leave Loading.

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

Signed at Perth this 4th day of April 2007.

Professor M. C. WOOD,  
Chairman.  
Salaries and Allowances Tribunal.

J. A. S. MEWS,  
Member.

M. L. NADEBAUM,  
Member.

