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SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE
SALARIES AND
ALLOWANCES TRIBUNAL**

SALARIES AND ALLOWANCES ACT 1975**A DETERMINATION MADE IN ACCORDANCE WITH SECTION 6(1)(c)(d) AND (e) OF THE SALARIES AND ALLOWANCES ACT 1975 FOR CLERKS AND DEPUTY CLERKS OF THE PARLIAMENT, 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 Clerks of the Parliament and the holders of Special Division positions and Prescribed Offices on 4 April 2008.

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.

CONDUCT OF THE ENQUIRY

In discharging the responsibilities given to it by the Parliament, the Tribunal has in the context of its current enquiry adopted the following approach. It has—

- advertised for public submissions;
- written to office holders inviting submissions about their positions;
- undertaken a series of individual reviews of Special Division positions and Prescribed Offices;
- considered relevant labour market and economic data,
- consulted the Public Sector Standards Commissioner; and
- sought advice from its Statutory Adviser.

Public Submissions

Submissions to the Tribunal's current enquiry were invited through an advertisement placed in *The West Australian* of 21 February 2009 and on the Tribunal's web site with a closing date of 27 February 2009.

Invitation to Office Holders

The Tribunal wrote to office holders on 12 and 15 December 2008 inviting submissions. In so doing, office holders were invited to advise the Tribunal of any significant changes to the work value of their positions and, where relevant, the impact of any legislative or statutory changes on their positions.

Review

In line with past practice, the Tribunal, independent of any submissions, has initiated reviews of a number of positions. Mercer (Australia) Pty Ltd ("Mercer"), a leading consultancy organisation with established national expertise in public and private sector remuneration, was engaged to examine a number of these positions and to report to the Tribunal.

Consultation with Public Sector Standards Commissioner

The Tribunal consulted with the Public Sector Standards Commissioner regarding the ability of the Western Australian public sector to attract strong fields of candidates to positions in the Special Division of the Public Service.

Labour Market and Economic Data

Relevant labour market and economic data were sought from a variety of sources. For example, the Tribunal sought data on the level of remuneration of Clerks of the Parliament, Special Division office holders and Prescribed Office holders in Western Australia compared to similar positions in other Australian jurisdictions. It also considered labour market and economic indices. These included the Wage Price Index, Average Weekly Earnings, the Consumer Price Index and Total Employment Growth. The Tribunal has monitored economic commentaries and forecasts from a range of state, national and international sources.

Advice from Statutory Advisor

The Tribunal requested advice from its Statutory Advisor on the Special Division and Prescribed Offices, about any machinery of government changes which might have had an impact upon the classification and remuneration over the last 12 months of any of the positions in this enquiry. It also took account of advice on any Attraction and Retention Benefits (ARBs) paid to officers reporting to office holders in the Special Division and on salary maintenance for office holders of the Special Division or Prescribed Offices who now occupy lower classified positions than those to which they were originally appointed.

CONSIDERATIONS

Under the current enquiry, the Tribunal considered all positions in the Special Division and Prescribed Offices together with the Clerks and Deputy Clerks of the Parliament. All submissions received, the state of the labour market and the economy, as well as remuneration structures for senior public sector offices in other Australian jurisdictions were considered.

When determining appropriate classifications for office holders' positions, the Tribunal took into account a variety of factors including work value, market forces and value to the State. It also had regard for whether positions had been reviewed during the preceding year and whether they had been affected by structural change.

Western Australian Government Submission

The Premier presented a submission about remuneration of the Special Division and Prescribed Offices as a whole and provided the following data—

- Public Sector Agreements in 2007/08—Employees covered by the Civil Service Association/Community and Public Sector Union received base pay increases of 4.5, 4 and 4 per cent over three years; Teachers and TAFE lecturers received increases of 6, 5 and 4 per cent over three years.
- Current Economic Climate—Western Australia's unemployment rate is the lowest of all Australian States; the tight labour market is set to ease; State Product Growth in 2009/10 has been revised downwards due to weaker investment and net exports; employment growth is forecast to slow to 1.25 per cent in 2009/10; revenue is set to decline more rapidly.
- Government Efficiency Measures—The Government is committed to the 3 per cent efficiency dividend and the Economic Audit Committee will be considering further efficiencies.
- Wages Policy—The Government's wages policy is being reviewed, but it is anticipated that wages growth will significantly moderate.

The submission concludes by acknowledging the independence of the Tribunal and stating the Government's understanding that the Tribunal "will consider the difficulties presented by the current economic climate as a relevant factor when making its decision".

Submissions from Officer Holders

Seventeen submissions were received from office holders in the Special Division of the Public Service and Prescribed Offices. Two of those submissions were in relation to multiple submissions—12 positions in the Western Australian Police Service and four positions in the Department of Treasury and Finance. Twelve further position holders advised the Tribunal that no submission would be made.

Submissions from those office holders seeking an increase in the classification of their positions generally proposed that their positions had grown in work value and accountability since the last determination. A number of submissions identified efficiency measures put in place and their role under existing legislation. The Tribunal considered all the submissions as well as the classification reviews that Mercer was directed to undertake.

CONCLUSIONS

When the enquiry was undertaken in April 2008, the Tribunal noted that it was "... in a period of outstanding economic growth in Western Australia, record levels of employment nationally and, more recently, financial instability at a global level". What was optimistically being labelled as a 'market correction' in early 2008 has proven to be the portent of a global recession.

World economic output is now predicted to decline to 1 per cent in 2009; the largest fall in 60 years. The Department of Treasury and Finance's December 2008 mid year financial projection statement for Western Australia has economic growth revised downwards in the 2008/09 budget forecast from 6.25 per cent to 1.5 per cent in 2009/10. The outlook for employment is deteriorating with leading indicators of employment demand such as advertised job vacancies and business surveys pointing to weakening employment growth in 2009. It has been reported that there will be a contraction in Western Australian public sector employment with 500 positions being cut through voluntary redundancies. The underlying rate of unemployment in Western Australia jumped dramatically in January and February 2009. Although Western Australia is still the best placed state in terms of employment, with an increase to 4.2 per cent in the unemployment rate in February against the 5.2 per cent increase for Australia, there are predictions that the national unemployment rate will reach 6 per cent or 7 per cent in 2009.

The Government's wages policy was announced in a statement to the Parliament on 31 March 2009 and this too was considered by the Tribunal.

If export demand and commodity prices for the State's resources fall further in 2009, this will impact on the level of investment in Western Australia and consequently on the State's labour market.

This is the environment in which the Tribunal must now issue this determination.

Within the Western Australian public sector, salary agreements finalised in 2007-08 will result in pay increases for public servants (4.5 per cent, 4 per cent and 4 per cent over three years) and for teachers and TAFE lecturers (6 per cent, 5 per cent and 4 per cent over three years). These adjustments, while eroding relativities with rates under the Tribunal's jurisdiction will not at this time overlap the base rates which presently apply. However, this issue together with the continuing application of ARBs paid in some cases to officers within the Senior Executive Service (SES) may in time be the cause of distortions within salary structures if not adequately addressed.

While these matters impact on consideration of general movements in salaries for officers within the Special Division and for those holding Prescribed Offices, the classification of particular positions is not without some difficulty at this time.

Restructuring of departments and the realignment of some public service entities within the public sector under the Government's current review adds another dimension to the enquiry. Some restructuring within departments has been completed, but the Tribunal is advised that the review is continuing. Revised budgets and project deferrals have also affected levels of responsibility of Special Division and Prescribed Office holders. The Tribunal will monitor these developments.

The Tribunal appreciates that the officers, the subject of this enquiry and determination, hold senior positions in public service. It is their commitment to implementing policy and managing services in the public interest that contributes to ensuring the good administration of government in this state.

They are leaders in the Public Sector and in the community. While levels of remuneration in Western Australia may be comparable with public sector salaries in other States, the rates determined have historically been in the bottom half of remuneration packages being paid to senior executives generally.

There has never been a propitious time to increase the remuneration of senior public servants, least of all when executive salaries in the public sector are the subject of scrutiny and public debate. However, this is not a factor which should deter us in the exercise of our statutory duty.

The only reason for the Tribunal taking the course it does at this time is the critical economic position that the community presently faces. Until there is some certainty in prospects for prosperity it would, in our view, be folly to determine an increase in the hope that things will improve in the not too distant future.

There are many factors which go to re-establishing economic stability. For Western Australians, the immediate focus is on international financial markets, trade, commodity prices and investment.

The Tribunal assures the officers coming within the scope of this determination that as soon as economic circumstances permit, the Tribunal will move to address the issues identified in this determination and adjust salaries in line with principles which the Tribunal applies to each statutory office and judicial position under its jurisdiction.

At this time the Tribunal determines to maintain remuneration at existing levels.

We now turn to that aspect of the enquiry which addresses the classification of particular offices coming within the scope of this determination.

Classification Decisions

Structural change in the public sector pursuant to Government direction has given rise to several determinations of the Tribunal on Special Division positions since the general determination of April 2008. Those determinations are now consolidated in the First Schedule below. The Tribunal will need to respond to further structural initiatives affecting positions within its jurisdiction as and when the need arises.

Classification decisions or changes have been made in the context of this enquiry in respect of the following—

- **Department of Health**—A number of changes to the health system have had a significant affect on the role of the Chief Finance Officer. These changes include the centralisation of the entire financial management function resulting in greater accountability for the position. The Tribunal has determined that the classification of the Chief Finance Officer should change from Group 2 Minimum to Group 2 Maximum.
- **Department of Treasury and Finance**—A new position of Deputy Under Treasurer has been created in the Department of Treasury and Finance which has been classified at Group 3 Minimum. In making this determination, the Tribunal took into account a broad range of factors including the significantly increased scope of the Department of Treasury and Finance and the role of deputies across central agencies in general.
- **Western Australian Police Service**—A recent restructure of the senior executive of the Western Australian Police Service is currently being considered by the Tribunal and further information is being sought to help inform the Tribunal's deliberations. As an interim measure, the Tribunal has in this determination deleted reference to one Deputy Commissioner's position and provided a classification for the new position of Assistant Commissioner, Judicial Services, at Group 1 Minimum.

The Tribunal has also acknowledged in the First Schedule below, the change in designation from the Department of Housing and Works to the Department of Housing which took place following the transfer of 'works' functions to the Department of Treasury and Finance. At this stage, the Tribunal has decided not to re-classify the position of Director General, Department of Housing, but rather to wait until the roles and responsibilities of the position become clearer or the position becomes vacant.

Motor Vehicle Entitlements

In the administration of the provision of motor vehicles set out in Part 4 of the First Schedule, the Tribunal has addressed issues raised by agencies surrounding private and business use. These issues have arisen in the context of Special Division or Prescribed Office holders choosing to take cash in lieu of a motor vehicle or choosing not to drive to work in the vehicle to which they are entitled under this determination.

The Tribunal has sought to clarify that it is not intended that in such circumstances Government agencies should be required to provide office holders with access to a fleet vehicle for the purpose of commuting to and from home. Hence, the wording in the previous determination related to "travelling to and from home" has been amended.

In addition, the Tribunal has sought to clarify that it is intended that neither the vehicle to which office holders are entitled under this determination, nor any other privately owned vehicles of office holders, are eligible for mileage claims against the office holders' agency if used for business use.

The Tribunal is currently reviewing motor vehicle entitlements of various office holders within its jurisdiction. This review is being conducted with reference to the Government's *Fleet Policy and Guidelines* that became effective on 21 August 2008 and introduced a Fuel Efficiency Policy with specified CO₂ emission targets.

Legal Officers' and Court Registrars' Positions

No further adjustment is made in this determination to the remuneration of legal officers' and court registrars' positions in the Special Division of the Public Service, remuneration for which has already been the subject of separate determinations effective from 1 January 2009.

One new legal officer's position was determined in the Special Division of the Public Service in November 2008, namely the position of Deputy State Solicitor—Queen's/Senior Counsel.

The remuneration of this position has been listed with that of all the legal officers' and court registrars' positions in the Special Division. These positions are included in the Schedules which follow for the purposes of consolidation.

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. In the context of this determination, the Clerks and Deputy Clerks made a submission requesting that the value of their motor vehicle entitlements be included in calculations of superannuation entitlements. It was argued that this would provide the Clerks and Deputy Clerks with the same benefit received by Special Division and Prescribed Office holders.

In making its decision, the Tribunal noted there was a distinction between the motor vehicle entitlements of Special Division and Prescribed Office holders and the entitlements of Clerks and Deputy Clerks of the Parliament. Whereas the motor vehicle entitlement for Special Division and Prescribed Office holders is for private use, the entitlement for Clerks and Deputy Clerks is for both business and private use. The Tribunal also took into account that the submission from the Clerks of the Parliament specifically stated that the Parliament had an ongoing need to have the Clerks' and Deputy Clerks' vehicles available for business use.

Furthermore, the Tribunal noted that only those Clerks or Deputy Clerks in the Government pension scheme (now closed) would be eligible to have the value of their vehicles included for superannuation purposes. Clerks or Deputy Clerks in the Gold State superannuation scheme, the West State superannuation scheme or the GESB Super scheme would not be eligible for the benefit.

In view of these considerations, the Tribunal did not agree to the request submitted by the Clerks and Deputy Clerks of the Parliament.

DETERMINATION

In discharging its statutory duties, the Tribunal determines that no increase be awarded for office holders in the Special Division of the Public Service, Prescribed Office holders and the Clerks and Deputy Clerks of the Parliament.

Remuneration will be paid in accordance with rates and provisions set out in the schedules following.

The determination will now issue.

Signed at Perth this 3rd day of April 2009.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

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 2009.

PART 1—REMUNERATION AND OFFICES

		Tenured Remuneration	Non-tenured Remuneration
Group 1	Minimum	\$140,890	\$169,069
	Maximum	\$149,460	\$179,352
Group 2	Minimum	\$160,652	\$192,781
	Maximum	\$172,563	\$207,076
Group 3	Minimum	\$199,191	\$239,029
	Maximum	\$218,101	\$261,720
Group 4	Minimum	\$257,275	\$308,729
	Maximum	\$282,731	\$339,276

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

AGENCY	OFFICE	CLASSIFICATION	
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	Director General	Group 3	Minimum
	Executive Director, Courts and Tribunal Services	Group 1	Maximum
	State Solicitor		\$307,175*
	Parliamentary Counsel		\$307,175*
	State Counsel—Queen's/Senior Counsel		\$291,814*
	State Counsel		\$276,457*
	Deputy State Solicitor—Queen's/Senior Counsel		\$268,779
	Deputy State Solicitor		\$261,097*
	Deputy Parliamentary Counsel		\$261,097*
	Senior Parliamentary Counsel		\$245,741*
	Senior Adviser, State Solicitor's Office		\$245,741*
	Senior Assistant Parliamentary Counsel		\$199,665*
	Adviser, State Solicitor's Office		\$199,665*
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	Maximum
Chemistry Centre	Chief Executive Officer	Group 1	Minimum
Department for Child Protection	Director General	Group 3	Maximum
Department of Commerce	Director General	Group 3	Minimum
	WorkSafe Western Australia Commissioner	Group 1	Maximum
	Commissioner for Fair Trading	Group 1	Maximum
	Fair Employment Advocate	Group 1	Minimum
Office of the Commissioner for Children and Young People	Commissioner	Group 2	Minimum
Department for Communities	Director General	Group 2	Maximum
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 and 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	Director of Public Prosecutions		\$341,306 as a Puisne Judge*
	Director Legal Services		\$276,457*
	Consultant State Prosecutor—Queen's/Senior Counsel		\$291,814*
	Consultant State Prosecutor		\$230,904*

AGENCY	OFFICE	CLASSIFICATION	
East Perth Redevelopment Authority	Chief Executive Officer	Group 2	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		\$114,810
Office of Energy	Coordinator of Energy	Group 2	Maximum
Department of Environment and Conservation	Director General	Group 3	Maximum
	Deputy Director General, Parks and Conservation	Group 2	Minimum
	Deputy Director General, Environment	Group 2	Minimum
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, but determined as Group 2 Maximum for the duration of the current contract with Dr Biggs.	
Department of Health	Executive Director—Chief Finance Officer	Group 2	Maximum
	Executive Director, Health Systems Support	Group 2	Minimum
Office of Health Review	Director	Group 1	Maximum
Department of Housing	Director General	Group 4	Minimum
Department of Indigenous Affairs	Commissioner for Aboriginal Planning	Group 2	Minimum
Department of the Registrar Western Australian Industrial Relations Commission	Registrar	Group 1	Minimum
Office of the Information Commissioner	Information Commissioner	Group 1	Minimum
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 and 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, but determined as Group 1 Maximum for the duration of the current contract with Mr Allen.	
Midland Redevelopment Authority	Chief Executive Officer	Group 1	Minimum
Department of Mines and Petroleum	Director General	Group 3	Minimum
Western Australian Museum	Director of the Museum	Group 1	Maximum

AGENCY	OFFICE	CLASSIFICATION	
Parliamentary Commissioner for Administrative Investigations	Commissioner	Group 3	Minimum
	Deputy Commissioner	Group 1	Minimum
Department for Planning and 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
	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
	Assistant Commissioner, Judicial Services	Group 1	Minimum
	Department of the Premier and Cabinet	Director General	Group 4
Deputy Director General		Group 3	Maximum
Executive Director Policy Division		Group 3	Minimum
Assistant Director General, State Security and Emergency Co-ordination		Group 2	Minimum
Public Sector Commission	Commissioner	Group 4	Maximum
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	Maximum
Rottnest 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 2	Maximum
Department of State Development	Director General	Group 4	Minimum
State Supply Commission	Chief Executive Officer	Group 1	Maximum
Western Australian Tourism Commission	Chief Executive Officer	Group 2 Minimum, but determined as Group 3 Maximum for the duration of the current contract with Mr Muirhead. #	
Department of Treasury and Finance	Under Treasurer	Group 4	Maximum
	Deputy Under Treasurer	Group 3	Minimum
	Executive Director (Finance)	Group 2	Minimum
	Executive Director (Agency Resources)	Group 2	Minimum
	Executive Director (Economic)	Group 2	Minimum

AGENCY	OFFICE	CLASSIFICATION	
	Executive Director, Office of Government Procurement	Group 2	Minimum
	Commissioner State Revenue	Group 2	Minimum
	Executive Director, 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	Maximum

* Note: With effect from 1 January 2009 # Note: With effect from 4 November 2007

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 \$311,004
- Non-tenured \$373,205

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, subject to anticipated market changes of vehicle models.

Classification	Benchmark Vehicle (6 cylinder)
Below Group 1 Minimum	Ford Falcon XT or Holden Commodore Omega
Group 1 Minimum to Group 2 Minimum	Ford G6 (including safety pack) or Holden Berlina
Group 2 Maximum and above	Ford G6E or Holden Calais

Classification	Benchmark Vehicle (6 cylinder)
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, is to be paid fortnightly by the individual; or
- where lesser, 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—

$L + R + aD + \text{FBT}$, 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 (i.e. departed from the originally specified 20,000 km per annum calculation base) this is endorsed.

FBT is costed at applicable Australian Taxation Office rates. For the year ending 31 March 2009 FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0647) x FBT rate (0.465).

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 superannuable remuneration.

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

Should the officer choose to take cash in lieu of a motor vehicle supplied through State Fleet, he/she is not entitled to claim a mileage allowance for use of their private vehicle for work purposes.

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. (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.

Please note that in the latter part of 2008, it is expected that Western Australian public sector employees will have the capacity to choose the superannuation fund into which their employer superannuation guarantee contributions are deposited. Accordingly, individuals should seek advice from their relevant fund manager or financial adviser in respect of matters mentioned above that might affect their superannuable remuneration.

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—
http://www.docep.wa.gov.au/LabourRelations/PDF/Circulars/7_07.pdf.

Signed at Perth this 3rd day of April 2009.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
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 2009—

Supreme Court	Principal Registrar	\$263,862
	Registrar	\$233,667
District Court	Principal Registrar	\$245,741
	Registrar	\$230,904
	Deputy Registrar	\$207,621

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 3rd day of April 2009.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
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 3rd day of April 2009.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

**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 2009—

Clerk of the Legislative Council	\$185,462
Deputy Clerk of the Legislative Council	\$141,512
Clerk of the Legislative Assembly	\$185,462
Deputy Clerk of the Legislative Assembly	\$141,512

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 3rd day of April 2009.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.
