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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**

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 3 April 2009.

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; 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 20 January 2010 and on the Tribunal's web site with a closing date of 26 February 2010.

Invitation to Office Holders

The Tribunal wrote to office holders on 22 December 2009 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 other relevant factors.

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 positions in the education portfolio and to report to the Tribunal. Comparative remuneration data was also sought from Mercer.

Labour Market and Economic Data

The Tribunal sought data from the Department of Treasury and Finance on the economic outlook for Western Australia and how the economy had fared during the global financial crisis. The Tribunal 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, regarding submissions to the Tribunal, machinery of government changes, the increment available to Chief Executive Officers and a range of other relevant issues.

CONSIDERATIONS

Under the current enquiry, the Tribunal considered all positions in the Special Division of the Public Service, Prescribed Offices, the Clerks and Deputy Clerks of the Parliament and the Chief Commissioner, Senior Commissioner and Commissioners of the Western Australian Industrial Relations Commission (WAIRC). 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, value to the State and government priorities. It also had regard for whether positions had been reviewed during the preceding year and whether they had been affected by structural change.

The Tribunal has noted the growing number of positions placed under its jurisdiction by the Government and in particular the number of second and third tier positions in larger agencies. Whereas there were 97 Special Division and Prescribed Offices under the Tribunal's jurisdiction in April 2006, there are currently 126. There have been 6 chief executive officer positions and a further 13 second and third tier positions determined by the Tribunal since its general determination of April 2009 as a result of machinery of government changes.

In its April 2009 determination, the Tribunal noted the erosion of relativities between salary rates within the structure of the Special Division and Prescribed Office holders' classifications and those covered by positions within the Senior Executive Service (SES) of the Public Service. The 2009 salary adjustment of 4% under the Public Service General Agreement is now followed by a further 4% increase effective from 1 April 2010. These increases applicable to the SES together with the proliferation of second and third tier positions within the Special Division and Prescribed Office

holders' classification structure, have compressed salary differentiation between the positions of chief executive officers within the Tribunal's jurisdiction and subordinate SES positions subject to the Public Service General Agreement. The narrowing of the differentiation is most noticeable relative to positions classified at Group 1 and Group 2.

It is recognised generally that the Western Australian economy fared better than others in the Global Financial Crisis (GFC). However, the State's economic growth was only 0.7% in 2008/09, down from 5.2% in 2007/08. The Department of Treasury and Finance expects continuing growth to be somewhat muted with the Western Australian economy forecast to grow below its long term (20 year) average growth rate of 4.3% for the next three years. For 2009/10 the economy is forecast to expand by 2.25% (a revision from the contraction of 1.25% forecast in the 2009/10 State Budget).¹ Economic prospects in the short term are predicated on the gradual recovery in the world economy and stronger activity in key sectors of the economy. With improving global and domestic economic conditions, the Department of Treasury and Finance expects Western Australia's Gross State Product (GSP) to grow by 2.75% in 2010/11, increasing to 4% in 2011/12 and 4.75% in 2012/13.

The following table shows forecasts for the major economic indicators from the Western Australian Government's 2009/10 Mid Year Financial Projections Statement. Forecasts shown are on an annual average basis.

Table 1: Western Australian Government's 2009/10 Mid Year Financial Projections Statement

Major Economic Indicators	2008/09 Actual ^(a) %	2009/10 Mid-year Revision %	2010/11 Forward Estimate %	2011/12 Forward Estimate %	2012/13 Forward Estimate %
Real Gross State Product Growth	0.7	2.25	2.75	4.0	4.75
Real State Final Demand Growth	4.4	1.0	2.0	5.25	5.5
Employment Growth	3.2	-0.75	1.5	2.25	2.5
Unemployment Rate	3.7	5.5	5.5	5.25	5.0
Wage Price Index Growth^(b)	5.2	3.25	3.25	3.5	4.0
Average Weekly Earnings Growth^(b)	5.9	4.25	3.5	3.75	4.5
Consumer Price Index Growth	3.0	2.25	2.5	2.75	3.0

^(a) Real Gross State Product (GSP) and State Final Demand (SFD) data are based on Australian National Accounts data, with SFD data released by the Australian Bureau of Statistics (ABS) on 3 March 2010 (ABS Catalogue Number 5206.0) and GSP data released by the Australian Bureau of Statistics (ABS) on 22 December 2009 (ABS Catalogue Number 5220.0—Reissue); all other data are based on other various ABS data sources.

^(b) The Wage Price Index is a better measure of underlying wages growth than Average Weekly Earnings, as it is designed to measure wage changes rather than levels, and is not influenced by changes in the composition of the workforce (unlike Average Weekly Earnings).

The vulnerability of the global economy instils a high degree of caution into economic outlooks. While the International Monetary Fund (IMF) has noted that risks of a 'double dip' global recession have largely abated, it warns that for most advanced economies, recovery is expected to remain sluggish by past standards. There are still few indications that autonomous (not policy induced) private demand is currently taking hold in advanced economies.² Strong and sustained global economic recovery from 2010 is still by no means certain. Risks remain to both the global and Western Australian economic outlook.

Western Australian Government Submission

The Premier presented a submission on remuneration of the Special Division and Prescribed Offices as a whole and provided a range of data including—

- Current Economic Climate—Western Australia's economic outlook has improved since the 2009/10 State Budget, however forecast growth is below the 20 year average for the next three years.
- Wages Policy—The Government's wages policy provides for possible wage increases above CPI where work practice reforms or efficiency initiatives are included, with total increases capped at projected growth in the Western Australian Wage Price Index (currently 3.25% for 2010/11).

The submission concludes by acknowledging the independence of the Tribunal and stating the Government's understanding that the Tribunal "will consider the slow pace of economic recovery when making its decision".

¹ Department of Treasury and Finance, *Western Australia's Economic Conditions and Outlook*, Briefing provided to the Salaries and Allowances Tribunal, March 2010.

² International Monetary Fund, *World Economic Outlook Update*, 26 January 2010.

Submissions from Officer Holders

Twenty two submissions were received from office holders in the Special Division of the Public Service and Prescribed Offices. Nine further office 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 and one submission requested a change to or clarification of the wording of the incremental allowance for chief executive officers. The Tribunal considered all the submissions as well as the classification reviews that Mercer was directed to undertake.

CONCLUSIONS

In the light of the economic outlook, the Tribunal has adopted a cautious approach in adjusting salaries under this determination. However, there are pressures which the Tribunal considers must be addressed in time. Some of these pressures were identified in the April 2009 determination and continue to impact on Special Division and Prescribed Offices coming within the Tribunal's jurisdiction.

As noted earlier in this determination, the compression of relativities between Senior Executive Service salaries and those of executives whose salaries are determined by the Tribunal, together with the proliferation of offices being created to accommodate machinery of government and restructuring initiatives, have combined to expose the inadequacy of the relatively narrow salary structure used to accommodate Special Division and Prescribed Office classifications.

Salary differentials between various classifications are distorted by the nature of some appointments on a tenured basis relative to others on a non-tenured basis which usually commands a 20% salary premium. This undermines the efficacy of evaluating the work value of a position.

There is, in the Tribunal's view, inadequate scope within the existing structure for properly recognising the responsibilities of chief executive officers against those of offices designated as second and third tier positions within departmental structures.

These issues may manifest in deterring men and women of outstanding capacity to this State and, as we are advised, in deterring officers within the Public Service from seeking higher classified appointments for only marginal increases in remuneration.

The Tribunal considers these issues can best be addressed in a broad banding approach to salary determination. Work has commenced on an interim approach to broad banding for implementation prior to April 2011. Full implementation will require amendment to the *Salaries and Allowances Act 1975*.

Apart from the structural issues associated with salary classification for Special Division and Prescribed Office holders, the Tribunal is cognisant of salary movements within public services throughout Australia and the community generally.

The salaries of office holders coming within the scope of this determination (with the exception of the Senior Legal Officers and the Director of Public Prosecutions whose salary were linked to Judicial salaries), have not been varied since April 2008. The cumulated "year ended growth" in the Perth Consumer Price Index from the March 2008 quarter to the March 2009 quarter, and then from the June 2009 quarter to the December 2009 quarter, has been 4.6%. To restore relativities with Senior Executive Service salaries which have been increased by 4.5%, 4% and 4% over three years, would require a salary increase of 10.72% for Special Division and Prescribed Office holders.

Mercer's National General Market analysis has these salaries relative to the 25th percentile lagging general market movements since 2006 by 8.3%. Special Division and Prescribed Office salaries lag Public Service rates in New South Wales and South Australia by 3.7% and 2% respectively before any adjustment in rates in those states for 2010.

The Tribunal considers that an increase of 3.5% is warranted at this time. While this is below CPI movements since the last adjustment, it is in accord with salary movements in the wider community at this time. It is only 0.25% above the State Government's projections for the Western Australian Wage Price Index for 2010/11. Further, the Tribunal has determined that an additional increase of \$5,000 per annum to the holder of each chief executive office or any deemed chief executive office under section 4 of the *Public Sector Management Act 1994*. This goes some way to addressing the compression of relativities between chief executive officers and second and third tier positions that have been exacerbated over the past several years.

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 2009. 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—

- **Chief Executive Officer, Curriculum Council**—The role and direction of the Curriculum Council has changed to include all years of schooling (kindergarten to Year 12) and the breadth of influence has expanded to include both government and non-government schools.

- **Director General, Department of Indigenous Affairs**—The complexity of the Director General's role has increased with a change in the priorities of Government. The Department of Indigenous Affairs is taking a lead agency role and significant responsibility for the delivery of outcomes under Council of Australian Government agreements and State Government initiatives.

Incremental Allowance

The incremental allowance has recognised the length of service of chief executive officers, providing for a one step increment to the next classification level after three years of continuous service. At present it appears that acting experience in one position has not been counted towards service in another position albeit at the same level. This interpretation of the determination is not consistent with policy and practice in other levels of the Public Service where a period of acting at a higher level is counted towards an officer being granted an annual increment when they are substantively appointed to a position at the higher classified level.

The Tribunal in this determination has clarified the intent of the determination to ensure that the effective date of the three year increment is calculated on the same basis regardless of whether the continuous service at the same level is in one or more positions and regardless of whether the person was acting in the positions or appointed to them.

Motor Vehicle Entitlements

In 2009, the Tribunal reported that it was reviewing motor vehicle entitlements of various office holders within its jurisdiction. That review is continuing and no changes have been made to motor vehicle entitlements in this determination as a result of the review.

Adjustments have been made to the cash value of motor vehicles applicable to certain classes of office holder to reflect current annual whole of life lease costs over 24 months or 40,000 kilometres as advised by State Fleet WA.

Senior Legal Officers' Positions

In this determination, the Tribunal has established a separate Schedule for all Senior Legal Officers' positions in the Special Division of the Public Service. These positions are not classified in the same way as other Special Division offices and it is appropriate that their remuneration be distinguished from that of other offices.

The Tribunal has previously determined the remuneration of Senior Legal Officers in November each year at the same time as it has issued its report on judicial salaries. These determinations have subsequently been reflected in the Schedules to the Tribunal's general determination of the salaries of Special Division and Prescribed Office holders in April of the following year.

In 2009 the Tribunal decided to depart from this practice. This followed a review of remuneration for judges that originated in the Federal arena and which, through the alignment followed by all states and territories, had particular application in a recommendation from this Tribunal regarding members of the judiciary in Western Australia.

The Director of Public Prosecutions and his Deputy are Prescribed Offices for the purposes of the *Salaries and Allowances Act 1975* and reference is made to those positions below. However in the relevant Schedule to this determination, all other Senior Legal Officers in the Office of the Director or Public Prosecutions and the Department of the Attorney General (the State Solicitor's Office and the Parliamentary Counsel's Office) hold positions within the Special Division of the Public Service.

The alignment of the remuneration of Senior Legal Officers with the judiciary has, at times, resulted in salary adjustments for these officers falling behind those determined for other members of the Special Division. Also, the work value changes particular to their positions were not considered within reviews which applied generally to determinations pursuant to sections 6(1)(d) and (e) of the *Salaries and Allowances Act 1975*.

However, the Tribunal is mindful of the salary relationship that has been maintained for a considerable time with rates applying to the judiciary. That has been the basis on which current appointments have been made to positions held by Senior Legal Officers.

The percentage salary adjustment pursuant to this determination exceeds that recommended for judges in November 2009. The current increase will have application to Senior legal Officers. Having regard to the salary relationship applying to the judiciary, the Tribunal will keep the remuneration of Senior Legal Officers under review.

Court Registrars' Positions

The Tribunal has continued to determine the remuneration of Court Registrars at the same time as it has reported on judicial salaries, principally because there are some Registrars who are also appointed as Magistrates.

Deputy Director of Public Prosecutions

The remuneration of the position of Deputy Director of Public Prosecutions was determined by the Tribunal on 14 May 2009 and is included in this schedule for the first time. In so doing, the Tribunal has noted that the Deputy's position, like that of the Director of Public Prosecutions, is an independent statutory office. The Deputy is able to exercise all the powers of the Director pursuant to section 31 of the *Director of Public Prosecutions Act 1991* ('DPP Act'), at all times. Furthermore the Deputy's tenure, salary and conditions of service are in all respects other than the quantum of the salary set by the Tribunal, the same as those of the Director as set out in Schedule 1 of the DPP Act.

For these reasons the Tribunal has determined that the salary of the Deputy, having been determined originally at the same rate as a District Court judge, shall be described in terms of that linkage for the purposes of this determination.

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. The Tribunal did not receive a submission from the Clerks and Deputy Clerks of the Parliament.

Industrial Relations Commissioners

The Tribunal issued a determination on 19 March 2010 stating that it had decided to align the timing of the determination of remuneration for all Prescribed Offices. Hence a determination on the remuneration provided to the Chief Commissioner, Senior Commissioner and Commissioners of the Western Australian Industrial Relations Commission (WAIRC) is included in a separate Schedule in this determination.

In reviewing the remuneration of these office holders, the Tribunal considers that the salary differential between the Chief Commissioner and Senior Commissioner does not adequately reflect the level of responsibility of this office under the relevant statute and in the administration of the WAIRC. The salary of the Chief Commissioner has been increased to more appropriately reflect the level of responsibility. An adjustment of \$5,000 in line with that accorded to particular offices in the Special Division and Prescribed Offices is appropriate.

For the sake of completeness, the Tribunal has specified travel allowances for the WAIRC aligned to those of the judiciary in the Sixth Schedule following.

DETERMINATION

In discharging its statutory duties, the Tribunal determines that an increase of 3.5% 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.

In addition to the above increase, the Tribunal determines there shall be payable an amount of \$5,000 per annum to the holder of a position of chief executive officer or a deemed chief executive officer position under section 4 of the *Public Sector Management Act 1994*.

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 1st day of April 2010.

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 2010.

Part 1—Remuneration and Offices

		Tenured Remuneration	Non-tenured Remuneration
Group 1	Minimum	\$145,821	\$174,986
	Maximum	\$154,691	\$185,629
Group 2	Minimum	\$166,275	\$199,528
	Maximum	\$178,603	\$214,324
Group 3	Minimum	\$206,163	\$247,395
	Maximum	\$225,735	\$270,880
Group 4	Minimum	\$266,280	\$319,535
	Maximum	\$292,627	\$351,151

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

Special Division		
Department or Agency	Position	Classification
Agriculture and Food	Director General	Group 3 Maximum
Alcohol and Drug Authority	Chief Executive Officer	Group 1 Maximum
Attorney General	Director General	Group 3 Minimum
Attorney General	Executive Director, Courts and Tribunal Services	Group 1 Maximum
Botanic Gardens and Parks Authority	Chief Executive Officer	Group 1 Maximum
ChemCentre	Chief Executive Officer	Group 1 Minimum
Child Protection	Director General	Group 3 Maximum
Commerce	Director General	Group 3 Minimum
Commerce	WorkSafe Western Australia Commissioner	Group 1 Maximum
Commerce	Commissioner for Fair Trading	Group 1 Maximum
Communities	Director General	Group 2 Maximum
Corrective Services	Commissioner	Group 3 Maximum
Corrective Services	Deputy Commissioner, Community & Juvenile Justice	Group 1 Maximum
Corrective Services	Deputy Commissioner, Adult Custodial	Group 1 Maximum
Corrective Services	Deputy Commissioner, Offender Management and Professional Standards	Group 1 Minimum
Culture and the Arts	Director General	Group 2 Minimum
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 2 Maximum
Education	Director General	Group 4 Maximum
Education	Deputy Director General, Finance and Administration	Group 3 Minimum
Education	Deputy Director General, Schools	Group 2 Maximum
Education Services	Chief Executive Officer	Group 2 Minimum
Office of Energy	Coordinator of Energy	Group 2 Maximum
Environment and Conservation	Director General	Group 3 Maximum
Environment and Conservation	Deputy Director General, Parks and Conservation	Group 2 Minimum
Environment and Conservation	Deputy Director General, Environment	Group 2 Minimum
Office of the Environmental Protection Authority	General Manager	Group 1 Maximum
Fisheries	Chief Executive Officer	Group 3 Minimum
Fire and Emergency Services	Chief Operations Officer	Group 1 Maximum
Health	Executive Director, Chief Finance Officer	Group 2 Maximum
Health	Executive Director, Health Systems Support	Group 2 Minimum
Mental Health Commission	Commissioner	Group 2 Maximum
Housing	Director General	Group 4 Minimum
Indigenous Affairs	Director General	Group 2 Maximum
Department of the Registrar, Western Australian Industrial Relations Commission	Registrar	Group 1 Minimum
Western Australian Land Information Authority	Chief Executive	Group 2 Maximum
Western Australian Land Information Authority	Valuer General	Group 1 Minimum
Local Government	Director General	Group 2 Maximum
Midland Redevelopment Authority	Chief Executive Officer	Group 1 Minimum
Mines and Petroleum	Director General	Group 3 Minimum

Special Division		
Department or Agency	Position	Classification
Mines and Petroleum	Deputy Director General, Approvals	Group 2 Minimum
Planning	Director General	Group 4 Minimum
Western Australian Police Service	Executive Director Corporate Services	Group 2 Maximum
Premier and Cabinet	Director General	Group 4 Maximum
Premier and Cabinet	Deputy Director General, Domestic Policy	Group 3 Maximum
Premier and Cabinet	Deputy Director General, Strategic Reform and Development	Group 3 Maximum
Premier and Cabinet	Assistant Director General, State Security and Emergency Co-ordination	Group 2 Minimum
Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum
Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum
Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum
Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum
Public Sector Commission	Commissioner	Group 4 Maximum
Public Sector Commission	Deputy Commissioner, Strategic Policy and Planning	Group 2 Maximum
Public Sector Commission	Deputy Commissioner, Agency Support	Group 2 Minimum
Public Sector Commission	Deputy Commissioner, Capability and Development	Group 2 Minimum
Public Transport Authority	Chief Executive Officer	Group 3 Maximum
Racing, Gaming and Liquor	Director General	Group 2 Maximum
Regional Development and Lands	Director General	Group 2 Maximum
Rottneest Island Authority	Chief Executive Officer	Group 1 Maximum
Small Business Development Corporation	Managing Director	Group 1 Minimum
Sport and Recreation	Director General	Group 2 Maximum
State Development	Director General	Group 4 Minimum
State Development	Deputy Director General, State Initiatives	Group 2 Maximum
State Development	Deputy Director General, Development	Group 2 Minimum
State Supply Commission	Chief Executive Officer	Group 1 Maximum
Training and Workforce Development	Director General	Group 3 Maximum
Transport	Director General	Group 3 Maximum
Treasury and Finance	Under Treasurer	Group 4 Maximum
Treasury and Finance	Deputy Under Treasurer	Group 3 Minimum
Treasury and Finance	Executive Director, Building Management and Works	Group 3 Minimum
Treasury and Finance	Executive Director, Finance	Group 2 Minimum
Treasury and Finance	Executive Director, Agency Resources	Group 2 Minimum
Treasury and Finance	Executive Director, Economic	Group 2 Minimum
Treasury and Finance	Executive Director, Office of Government Procurement	Group 2 Minimum
Treasury and Finance	Commissioner State Revenue	Group 2 Minimum
Treasury and Finance	Executive Director, Shared Services	Group 2 Minimum
Water	Director General	Group 2 Minimum
WorkCover Western Australian Authority	Chief Executive Officer	Group 1 Maximum
Zoological Parks Authority	Chief Executive Officer	Group 1 Maximum

Prescribed Officers		
Department or Agency	Position	Classification
Office of the Auditor General	Auditor General	Group 4 Minimum
Office of the Auditor General	Deputy Auditor General	Group 2 Minimum
Office of the Commissioner for Children and Young People	Commissioner	Group 1 Maximum
Office of the Director of Public Prosecutions	Director of Public Prosecutions	See Fourth Schedule
Office of the Director of Public Prosecutions	Deputy Director of Public Prosecutions	See Fourth Schedule
Western Australian Electoral Commission	Electoral Commissioner	Group 1 Maximum
Western Australian Electoral Commission	Deputy Electoral Commissioner	\$118,828
Equal Opportunity Commissioner	Commissioner for Equal Opportunity	Group 1 Maximum
Fire and Emergency Services	Chief Executive Officer	Group 3 Minimum
Forest Products Commission	General Manager	Group 2 Minimum, but determined as Group 2 Maximum for the duration of the current contract with Dr Biggs.
Office of Health Review	Director	Group 1 Maximum
Office of the Information Commissioner	Information Commissioner	Group 1 Minimum
Office of the Inspector of Custodial Services	Inspector of Custodial Services	Group 1 Maximum
Library Board of Western Australia	State Librarian	Group 1 Maximum
Main Roads	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.
Parliamentary Commissioner for Administrative Investigations	Commissioner	Group 3 Minimum
Parliamentary Commissioner for Administrative Investigations	Deputy Commissioner	Group 1 Minimum
Western Australian Museum	Director of the Museum	Group 1 Maximum
Western Australian Police Service	Commissioner	Group 4 Maximum
Western Australian Police Service	Deputy Commissioner Operations	Group 3 Minimum
Western Australian Police Service	Assistant Commissioner Traffic and Operations	Group 1 Maximum
Western Australian Police Service	Assistant Commissioner North Metropolitan Region	Group 1 Maximum
Western Australian Police Service	Assistant Commissioner South Metropolitan Region	Group 1 Maximum
Western Australian Police Service	Assistant Commissioner Counter Terrorism and State Protection	Group 1 Maximum
Western Australian Police Service	Assistant Commissioner Specialist Crime	Group 1 Maximum
Western Australian Police Service	Assistant Commissioner Professional Development	Group 1 Maximum
Western Australian Police Service	Assistant Commissioner Judicial Services	Group 1 Maximum
Office of the Public Sector Standards Commissioner	Commissioner for Public Sector Standards	Group 3 Minimum
Western Australian Tourism Commission	Chief Executive Officer	\$225,000

In addition to the above amounts, there shall be payable an amount of \$5,000 per annum to the holder of a position of chief executive officer or a deemed chief executive officer position under section 4 of the *Public Sector Management Act 1994*. This shall not affect the entitlement of any office holder to an incremental allowance to which they would otherwise be entitled as a chief executive officer under Part 2 below.

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, including acting 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.

Where a person is appointed as an office holder at a higher level, their previous continuous service at that level shall be counted toward their qualifying period for an incremental allowance regardless of whether their previous service was as a result of—

- having qualified for a one step increment to that level in a previous position;
- being directed or appointed to act at that level in one or more positions; or
- being appointed as an office holder at that level.

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 \$321,889; and
- Non-tenured \$386,267.

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
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 2010 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	\$19,600
Group 1 Minimum to Group 2 Minimum	\$20,300
Group 2 Maximum and above	\$22,600
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.

Individuals should seek advice from their relevant fund manager or financial adviser in respect of matters mentioned above that might affect their superannuable remuneration.

Special Division and Prescribed Office holders are entitled to participate in salary packaging arrangements for superannuation and novated leases. Those arrangements 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 1st day of April 2010.

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 to the holders of the offices listed below and is as follows. The remuneration is effective from 1 May 2010.

Senior Legal Officers		
Department or Agency	Position	Classification
Attorney General	State Solicitor	\$317,926
Attorney General	Parliamentary Counsel	\$317,926
Attorney General	State Counsel—Queen's/Senior Counsel	\$302,027
Attorney General	State Counsel	\$286,133
Attorney General	Deputy State Solicitor—Queen's/Senior Counsel	\$278,186
Attorney General	Deputy State Solicitor	\$270,235
Attorney General	Deputy Parliamentary Counsel	\$270,235
Attorney General	Senior Parliamentary Counsel	\$254,342
Attorney General	Senior Adviser, State Solicitor's Office	\$254,342
Attorney General	Senior Assistant Parliamentary Counsel	\$206,653
Attorney General	Adviser, State Solicitor's Office	\$206,653
Office of the Director of Public Prosecutions	Director Legal Services	\$238,986
Office of the Director of Public Prosecutions	Consultant State Prosecutor—Queen's/Senior Counsel	\$250,935 (but \$302,027 while occupied by the present incumbent)
Office of the Director of Public Prosecutions	Consultant State Prosecutor	\$238,986

The remuneration is inclusive of Annual Leave Loading.

Motor vehicle and other entitlements described in the First Schedule above apply to holders of Senior Legal Offices in this Schedule.

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 below.

Position	Remuneration (Effective From 1 December 2009)	Remuneration (Effective From 1 July 2010)
Supreme Court		
Principal Registrar	\$271,778	\$279,931
Registrar	\$240,677	\$247,897
District Court		
Principal Registrar	\$253,113	\$260,707
Registrar	\$237,831	\$244,966
Deputy Registrar	\$213,850	\$220,265

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 inclusively of the Government's Common Use Contract No CUA37804 as amended from time to time.

The vehicle entitlement here is provided under the conditions set out in the First Schedule, Part 4 of the Holders of Offices included in the Special Division of the Public Service and Prescribed Offices Determination.

Signed at Perth this 1st day of April 2010.

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 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 and the additional entitlement due to a deemed CEO as awarded under the First Schedule of this determination; and that the holder of the office of Deputy Director of Public Prosecutions is entitled to the remuneration and allowances payable from time to time to a District Court Judge of Western Australia.

The holders of these offices are entitled to motor vehicles of the type provided to a Puisne Judge and a District Court Judge respectively.

Signed at Perth this 1st day of April 2010.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

**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 remuneration to be paid to the holders of the offices listed below and is as follows with effect from 1 May 2010—

Clerk of the Legislative Council	\$191,953
Deputy Clerk of the Legislative Council	\$146,465
Clerk of the Legislative Assembly	\$191,953
Deputy Clerk of the Legislative Assembly	\$146,465

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 1st day of April 2010.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

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

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. The remuneration is effective from 1 May 2010.

1. Remuneration

- 1.1 Chief Commissioner—\$297,626 per annum.
- 1.2 Senior Commissioner—\$277,994 per annum.
- 1.3 Commissioner—\$263,363 per annum.

2. Motor Vehicles

The following arrangements apply to the entitlement of each Commissioner to the provision of a fully maintained motor vehicle for business and private use—

- 2.1 The Chief Commissioner is entitled to the provision of a prestige vehicle, selected from the Government's Common Use Contract no. 012A1994, Items 1008 (Prestige Class) and 1009 (Restricted Prestige Class), as amended from time to time.
- 2.2 The Senior Commissioner and Commissioners are entitled to the provision of a prestige vehicle selected from Item 1008 (Prestige Class), as amended from time to time.
- 2.3 Vehicles with supercharged or V8 engines are not included. Turbo charged engines with a capacity greater than 3.0 litres are not included.
- 2.4 The Chief Commissioner, Senior Commissioner and Commissioners may choose any vehicle and accessories in the Common Use Contract the total cost of which does not exceed the maximum cost of accessing a vehicle to which an entitlement exists in the relevant Prestige Class. The total cost will be based on individual usage patterns. Each lease should be tailored to achieve the most cost-effective arrangement, but with the maximum lease term being two years, and include any standard accessories (including a tow bar or, for those entitled to a prestige vehicle selected from Item 1009, also a sunroof). Where the total cost of the chosen vehicle and accessories exceeds the maximum cost of accessing a vehicle to which an entitlement exists in the relevant Prestige Class, the additional cost must be borne by the individual. This includes the purchase cost of accessories, the installation cost and removal costs if required before disposal of the vehicle.
- 2.5 The Chief Commissioner must approve the selection of the vehicle for the Senior Commissioner and Commissioners.
- 2.6 The Chief Commissioner must approve that the provision of a 4-wheel drive vehicle is clearly substantiated by demonstrated operational need.
- 2.7 All vehicles (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 Treasury and Finance (the effective owner of the State Fleet). Applicable terms and conditions are currently set out in the document, "State Fleet—Agency General Agreement".

- 2.8 Selection of appropriate vehicles should be subject to consultation between the Chief Commissioner and the Department of the Registrar of the Western Australian Industrial Relations Commission (as the department administratively supporting the Commission and therefore the “Agency” responsible for managing the leasing arrangements for vehicles provided to Commissioners of the WAIRC). Although the cost of the vehicles is centrally funded, as a consequence of the vehicle being an emolument recommended under the *Salaries and Allowances Act 1975*, it remains an administrative responsibility of the Department of the Registrar of the Western Australian Industrial Relations Commission to manage in a cost effective manner.

3. Travelling and Accommodation Allowance

Effective from 1 May 2010, 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 relevant Australian Taxation Office reasonable benefit limit applicable from time to time and where accompanied by certification that the expense was appropriately incurred.

- 3.1 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.
- 3.2 Claims for overnight stays in the Perth metropolitan area should be subject in each case to the approval of the Chief Commissioner.
- 3.3 Part payment of travelling and accommodation allowances shall apply in the following circumstances—
- 3.3.1 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.
- 3.3.2 Where the cost of commercial accommodation is met by an entity other than the Chief Commissioner, Senior Commissioner or Commissioner, an allowance shall be payable in accordance with the relevant Australian Taxation Office reasonable benefit limit for meals and incidentals applicable from time to time and where accompanied by certification that the expense was appropriately incurred.
- 3.3.3 Where in the case of commercial accommodation referred to in 2.3.2 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(s) referred to in the preceding paragraph.

Signed at Perth this 1st day of April 2010.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.
