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## SALARIES AND ALLOWANCES ACT 1975

### MEMBERS OF THE SPECIAL DIVISION AND PRESCRIBED OFFICE HOLDERS

#### Determination Variation

#### PREAMBLE

In its 1 April 2010 determination on Members of the Special Division and Prescribed Office Holders, the Salaries and Allowances Tribunal introduced a \$5,000 per annum allowance 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*.” To clarify which office holders should be in receipt of the allowance, the Tribunal has decided to issue a variation to the determination of 1 April 2010. This variation does not vary any classification or rates of remuneration determined on 1 April 2010.

The Tribunal has taken into account whether the office holder is an accountable authority under the *Financial Management Act 2006*, an employing authority under the *Public Sector Management Act 1994* and whether they carry other responsibilities that are characteristic of a chief executive officer.

The Tribunal has consulted with the Public Sector Commissioner in determining which office holders should be considered to be chief executive officers for the purposes of the Tribunal’s determination of 1 April 2010, in particular, for the purposes of the incremental allowance payable to a chief executive officer after three years of continuous service and the allowance of \$5,000 per annum payable to a chief executive officer.

The Tribunal has also taken the opportunity to change the names of two positions in the Department of Treasury, namely—

- Executive Director, Agency Resources has changed to Executive Director, Infrastructure and Finance; and
- Executive Director, Finance has changed to Executive Director, Strategic Policy and Evaluation.

The Tribunal has been advised that the change in job titles has not significantly altered the responsibilities of these offices.

#### DETERMINATION

The determination of the Salaries and Allowances Tribunal made on 1 April 2010 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a further determination set out below effective from 1 May 2010.

Replace the First Schedule with the following—

#### 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 Offices**

<b>Department or Agency</b>	<b>Position</b>	<b>Classification</b>
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 and 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
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	Commissioner for Aboriginal Planning*	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

<b>Department or Agency</b>	<b>Position</b>	<b>Classification</b>
Local Government	Director General*	Group 2 Maximum
Metropolitan Cemeteries Board	Chief Executive Officer*	Group 1 Maximum
Midland Redevelopment Authority	Chief Executive Officer*	Group 1 Minimum
Mines and Petroleum	Director General*	Group 3 Minimum
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
Rottnest 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
Department of Transport	Director General*	Group 4 Minimum
Department of Transport	Deputy Director General, Policy, Planning and Investment	Group 3 Minimum
Department of Transport	Managing Director, Main Roads Western Australia	Group 3 Minimum
Department of Transport	Managing Director, Public Transport Authority	Group 3 Minimum
Department of Transport	Managing Director, Transport Services	Group 3 Minimum
Treasury and Finance	Under Treasurer *	Group 4 Maximum
Treasury and Finance	Deputy Under Treasurer	Group 3 Minimum

<b>Department or Agency</b>	<b>Position</b>	<b>Classification</b>
Treasury and Finance	Executive Director, Building Management and Works	Group 3 Minimum
Treasury and Finance	Executive Director, Strategic Policy and Evaluation	Group 2 Minimum
Treasury and Finance	Executive Director, Infrastructure and Finance	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 Offices

<b>Department or Agency</b>	<b>Position</b>	<b>Classification</b>
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	\$136,505
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

<b>Department or Agency</b>	<b>Position</b>	<b>Classification</b>
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
Western Australian Police Service	Assistant Commissioner Corruption Prevention and Investigation	Group 1 Maximum
Western Australian Police Service	Assistant Commissioner Regional WA	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

1.1 Those offices marked with an asterisk (\*) in this Part are designated to be chief executive officers for the purposes of Parts 3 and 4 of this determination.

1.2 A person holding more than one Special Division or Prescribed Office, shall receive remuneration for one such office only, being the office classified or remunerated at the highest level.

#### **PART 2—NON-TENURED REMUNERATION**

2.1 Non-tenured remuneration is payable to—

- 2.1.1 A person holding a Prescribed Office for the purposes of 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.
- 2.1.2 An officer holding an office included in the Special Division of the Public Service for the purposes of 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.
- 2.1.3 An officer for the purposes of 6(1)(d) or (e) of the *Salaries and Allowances Act 1975* who does not elect to retain a right of return as provided in section 58 of the *Public Sector Management Act 1994*.
- 2.1.4 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.

2.2 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**

3.1 A person holding an office for the purposes of section 6(1)(d) or (e) of the *Salaries and Allowances Act 1975* that is designated as a chief executive officer in Part 1 of this determination, 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.

3.2 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—

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

3.3 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.

3.4 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.

3.5 The value of the motor vehicle set out in Part 5 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—CHIEF EXECUTIVE OFFICER ALLOWANCE

4.1 In addition to the amount payable under Parts 1, 2 and 3 of this determination, a person holding an office for the purposes of section 6(1)(d) or (e) of the *Salaries and Allowances Act 1975* that is designated as a chief executive officer in Part 1 of this determination, is entitled to receive an amount of \$5,000 per annum.

4.2 A person holding more than one office designated as a chief executive officer in Part 1 of this determination, shall not be paid more than one payment of \$5,000 per annum under this Part.

4.3 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 3 of this determination.

#### PART 5—MOTOR VEHICLES

##### Section 1: General

1.1 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.

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

1.3 A person holding more than one Special Division or Prescribed Office, shall be entitled to a motor vehicle or cash in lieu of a motor vehicle for one such office only, being the office classified or remunerated at the highest level.

1.4 An individual accessing a vehicle under this Part shall take due care of the condition and security of the vehicle. This includes responsibility for ensuring the vehicle is regularly serviced and maintained at government expense according to the manufacturer’s recommended specifications, and making arrangements for off-street parking at home, whenever practicable, with appropriate security precautions taken at all times. Any theft or damage, however slight, should be reported to the Fleet Manager with a view to repairs being effected at the earliest opportunity.

1.5 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.

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

1.7 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.

##### Section 2: Benchmark Vehicle

2.1 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

**Section 3: Non-Benchmark Vehicle**

3.1 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.

3.2 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.

3.3 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.

3.4 FBT is costed at applicable Australian Taxation Office rates. For the year ending 31 March 2011 FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0647) x FBT rate (0.465).

3.5 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.

3.6 Should an officer choose other than a Benchmark Vehicle, it may have implications on their superannuable remuneration.

3.7 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.

3.8 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.

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

**Section 4: Cash Value**

4.1 Where a person elects not to be provided with a motor vehicle through State Fleet he/she is entitled to the cash value being paid fortnightly as additional remuneration. The 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

**PART 6—REMUNERATION PACKAGE VALUE****Section 1: General**

1.1 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.

1.2 Motor Vehicle: Part 5 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.

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

1.4 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.

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

1.6 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](http://www.docep.wa.gov.au/LabourRelations/PDF/Circulars/7_07.pdf).

Signed at Perth this 11th day of November 2010.

W. S. COLEMAN, AM  
Chairman.

Salaries and Allowances Tribunal.

C. A. BROADBENT,  
Member.

B. J. MOORE,  
Member.