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SALARIES AND ALLOWANCES ACT 1975

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**DETERMINATION OF THE  
SALARIES AND ALLOWANCES  
TRIBUNAL**

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



**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.****REMUNERATION MODEL**

The Tribunal last issued a general determination dealing with Clerks of the Parliament and the holders of Special Division positions and Prescribed Offices on 31 March 2011.

In that determination, the Tribunal foreshadowed its intent to issue a further determination to implement the next phase of its revised model for remuneration. This determination is being issued as a result of work undertaken by the Tribunal to develop this model of remuneration for office holders under its jurisdiction.

In discharging the responsibilities given to it by the Parliament, the Tribunal has in the context of its current inquiry continued to have regard to submissions and information to which it referred in its determination of 31 March 2011. The procedures already undertaken in conducting its inquiry are set out in the determination of 31 March 2011.

At that time the Tribunal identified flaws in the previous salary structure and issues which prevented it from properly accommodating levels of responsibility, accountability and expertise for officers of the Special Division of the Public Service and Statutory Office holders.<sup>1</sup>

Further research and policy work has been undertaken by the Tribunal's secretariat and the Tribunal has continued to consult with the Public Sector Commissioner as its Statutory Advisor.

As part of the Tribunal's commitment to transparency, in its determination of 31 March 2011 the Tribunal specified the total salary payable to each CEO as a single amount. This was achieved by rolling in the CEO increment payable after three years of continuous service, the CEO allowance of \$5,000 per annum and the non-tenured rates when specifying the salary of each CEO. These steps were also necessary to provide for the development of the new remuneration framework to avoid any distortions that might result from them.

The classification system of the Tribunal that existed prior to this determination consisted of eight classifications ranging from Group 1 Minimum to Group 4 Maximum. The new classification system set out in this determination consists of four classifications (Band 1 to Band 4) encompassing a broader range of offices with commensurate salaries in each classification band. The top band (Band 1) in the Tribunal's new framework is the exclusive province of the most senior public servants who are CEOs of a select group of agencies, including the central agencies, which are responsible for the key priorities of government. Three additional classification bands encompass the vast majority of the remaining Special Division offices currently within the Tribunal's jurisdiction.

Some offices which are prescribed under legislation to be remunerated by the Tribunal have been listed in a separate schedule in this determination. These offices identified under separate statutes do not have the same employer-employee relationship as other public sector office holders.

In general terms the revised model of remuneration developed by the Tribunal classifies Special Division offices into one of four bands. A salary is determined by the Tribunal for each office holder following an inquiry into their remuneration. The inquiry is conducted with the assistance of the Public Sector Commissioner pursuant to his appointment under section 10(4)(b) of the *Salaries and Allowances Act 1975* ("the SAA Act"). While salaries determined for Prescribed Office holders are aligned with rates under the revised band structure, the statutory identification of these positions requires a specific determination. Holders of these positions are not subject to transfer or reassignment within the Public Service as are members of the Special Division.

The Tribunal considers that the revised remuneration structure will provide greater capacity to accommodate market forces and to attract and retain quality senior executives in the public service. It will also facilitate greater flexibility for the deployment of senior executives in the Tribunal's jurisdiction across the public sector.

The classification of each office is generally aligned to the work value of the position and importantly takes into account the value of the office to the state and government priorities. The bands properly differentiate levels of responsibility across the range of public sector appointments. Sufficient bands have been provided in the remuneration structure to accommodate promotional opportunities, mobility within the public sector and the flexibility to move office holder to new or different positions.

The Tribunal considers that the new model now provides the Public Sector Commissioner and other employing authorities with more scope in the recruitment and placement of senior executives in the public sector.

Importantly the determination by the Tribunal will identify remuneration for each office holder. It will not be necessary to have recourse to separate scales and details on tenure and particular allowances. Transparency will be achieved in this model.

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<sup>1</sup> *Western Australian Government Gazette* No.61 Page 1348

## CONCLUSIONS

In making this determination, the Tribunal considers that it has met the objectives set out above while working within the current legislative framework. Under this determination, the Tribunal has established a new classification and remuneration structure and by administrative procedures, provided mechanisms whereby greater flexibility can be achieved in the senior executive levels of the Public Sector.

In the transition to the revised model of remuneration, the Tribunal has not varied salaries with a general adjustment. Nor have there been any individual adjustments except in the following cases.

The following vacant positions have been substantively filled—

- Managing Director, Small Business Development Corporation, D Eaton, \$210,000;
- Chief Executive Officer, Western Australian Tourism Commission, S Buckland, \$297,720;
- Executive Director, Cabinet and Policy Division, Department of the Premier and Cabinet, \$206,711;
- Deputy Commissioner, Accountability, Policy and Performance, Public Sector Commission, F Roche, \$206,711;
- Deputy Director General, Policy, Planning and Investment, Department of Transport, S McCarrey, \$256,301;
- Managing Director, Public Transport Authority, Department of Transport, M Burgess, \$256,301; and
- Managing Director, Transport Services, Department of Transport, N Lyhne, \$256,301.

The following positions have become vacant—

- Registrar, Department of the Registrar, Western Australian Industrial Relations Commission;
- Deputy Commissioner, Offender Management and Professional Standards, Department of Corrective Services;
- Executive Director, Shared Services, Department of Finance; and
- Deputy Director General, Strategic Reform and Development, Department of the Premier and Cabinet.

The following positions have had a change of office holder—

- Director General, Department of Indigenous Affairs, previous incumbent, \$238,641 replaced by C Weeks, \$215,000;
- Director General, Department of State Development, previous incumbent, \$368,972 replaced by S Wood, \$368,972;
- Deputy Electoral Commissioner, previous incumbent, \$141,419 replaced by C Avent \$141,419;
- Chief Executive Officer, Fire and Emergency Services Authority, previous incumbent, \$290,992 replaced by W Gregson \$290,992;
- Worksafe Western Australia Commissioner, Department of Commerce, previous incumbent, Group 1 Maximum replaced by L McCulloch, \$192,312; and
- Executive Director, Strategic Policy and Evaluation, previous incumbent, Group 2 Minimum replaced by R Whithear, \$206,711.

The following positions have been either newly created or included in the Special Division or Prescribed Offices—

- Chief Executive Officer, Government Employees Superannuation Board, H Rosario, \$312,500;
- Chief Executive Officer, Metropolitan Redevelopment Authority, Vacant;
- Chief Operations Officer, Operations, Fire and Emergency Services Authority, Vacant; and
- Chief Operations Officer, Operations and Support Capability, Fire and Emergency Services Authority, Vacant.

The Tribunal has maintained rates determined on 31 March 2011 and published in the *Government Gazette No. 61 of 2011* except for those positions listed above.

This determination gives effect to the revised salary model first outlined in the 31 March 2011 determination. It is not intended to replace the general inquiry the Tribunal conducts each year that examines the economic environment and reviews individual positions. The Tribunal intends to conduct its general inquiry in the second half of 2012.

The Tribunal will closely monitor the implementation of the new remuneration framework.

A summary of key changes made in this determination follows.

### **Band Structure**

In the Tribunal's determination of 31 March 2011 it removed the classification structure of Group 1 Minimum to Group 4 Maximum for CEO officers. In this determination the classification structure has been replaced with a Band 1 to 4 structure for both CEO and non CEO officers. Prescribed Offices have not been included in the classification Band Structure.

### **Tenured and Non Tenured Rates**

In the Tribunal's determination of 31 March 2011 it removed the Tenured and Non Tenured rates for CEOs. The reason for the removal of these rates was outlined in the above mentioned determination. The Tribunal has decided to remove the Tenured and Non Tenured rates for the remainder of the Special Division and Prescribed Office holders for the same reasons.

**Offices worked part time**

The Tribunal has added additional clauses to the First Schedule under Part 1.2 and Part 3 Section 4.2 to deal with offices which are worked on a part time basis.

**Motor Vehicle Entitlements**

The Tribunal has made some minor adjustments to the motor vehicle entitlements. The adjustments were to update the formula used to determine the lease cost by including the cost of insurance and any luxury car tax. In the case of the Western Australian Industrial Relations Commission in the Sixth Schedule, the formula was included in the determination. Additionally advice received from State Fleet has indicated that a number of vehicle manufacturers are utilising turbo charged and super charged engine technologies to improve fuel efficiency. The Tribunal had previously prohibited super charged vehicles, but allowed turbo charged vehicles with an engine capacity of 3.0 litres or less. The Tribunal accepted the view that by allowing access to super charged vehicles, with an engine capacity of 3.0 litres or less, it would increase the range of fuel efficient vehicles from which Special Division and Prescribed Office holders could select.

**Remuneration Package Value**

The Tribunal has decided to include the same salary packaging arrangements for the Commissioners of the Western Australian Industrial Relations Commission as are enjoyed by other Special Division and Prescribed Office holders.

**DETERMINATION**

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 22nd day of February 2012.

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 per annum 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 30 April 2012.

**PART 1—REMUNERATION AND OFFICES**

The remuneration of the holders of the offices listed below comprises salary, superannuation and other benefits described further below. The annual salary component of total remuneration is as follows.

**SPECIAL DIVISION CEOs**

Office	Department or Agency	Band	Office Holder	Salary
Director General	Agriculture and Food	2	R Delane	\$263,481
Chief Executive Officer	Alcohol and Drug Authority	4	N Guard	\$211,891
Director General	Attorney General	2	C Gwilliam	\$290,992
Chief Executive Officer	Botanic Gardens and Parks Authority	4	M Webb	\$183,285
Managing Director	Central Institute of Technology	4	N Fernandes	\$199,492
Managing Director	Challenger Institute of Technology	4	E Harris	\$190,141
Chief Executive Officer	ChemCentre	4	P Millington	\$183,285
Director General	Child Protection	2	T Murphy	\$336,218
Director General	Commerce	2	B Bradley	\$290,992
Director General	Communities	3	J Perkins	\$238,641
Commissioner	Corrective Services	2	I Johnson	\$336,218
Director General	Culture and the Arts	3	A Lucas	\$229,220
Chief Executive Officer	Curriculum Council of Western Australia	3	Vacant	\$-
Managing Director	CY O'Connor College	4	J Scott	\$183,285

## SPECIAL DIVISION CEOs

Office	Department or Agency	Band	Office Holder	Salary
Director General	Disability Services Commission	2	R Chalmers	\$315,524
Managing Director	Durack Institute of Technology	4	B Beevers	\$183,285
Director General	Education	1	S O'Neill	\$405,353
Chief Executive Officer	Education Services	3	R Strickland	\$229,220
Director General	Environment and Conservation	2	K McNamara	\$336,218
Chief Executive Officer	Fisheries	2	S Smith	\$290,992
Director General	Housing	1 (To be reviewed when vacant)	G Searle	\$368,972
Chief Executive Officer	Government Employees Superannuation Board	2	H Rosario	\$312,500
Managing Director	Great Southern Institute of Technology	4	L Rozlapa	\$183,285
Director General	Indigenous Affairs	3	C Weeks	\$215,000
Registrar	Department of the Registrar, Western Australian Industrial Relations Commission	4	Vacant	\$-
Managing Director	Kimberley TAFE	4	K Dickinson	\$183,285
Chief Executive	Western Australian Land Information Authority	3	M Bradford	\$250,060
Director General	Local Government	3	J Mathews	\$263,481
Commissioner	Mental Health Commission	3	E Bartnik	\$250,060
Chief Executive Officer	Metropolitan Cemeteries Board	4	P Deague	\$199,492
Chief Executive Officer	Metropolitan Redevelopment Authority	3	Vacant	\$-
Director General	Mines and Petroleum	2	R Sellers	\$315,524
Coordinator of Energy	Office of Energy	3	Vacant	\$-
Managing Director	Pilbara TAFE	4	L Farrell	\$183,285
Director General	Planning	1 (To be reviewed when vacant)	E Lumsden	\$368,972
Managing Director	Polytechnic West	4	W Collyer	\$209,091
Director General	Premier and Cabinet	1	P Conran	\$405,353
Chief Executive Officer	Public Transport Authority	2	R Waldock	See Director General, Department of Transport
Director General	Racing, Gaming and Liquor	3	B Sargent	\$263,481
Director General	Regional Development and Lands	3	P Rosair	\$250,060
Chief Executive Officer	Rottneest Island Authority	4	P Amaranti	\$183,285
Managing Director	Small Business Development Corporation	4	D Eaton	\$210,000
Managing Director	South West Regional College	4	W Burns	\$183,285
Director General	Sport and Recreation	3	R Alexander	\$263,481
Director General	State Development	1	S Wood	\$368,972
Chief Executive Officer	State Supply Commission	4	Vacant	\$-

**SPECIAL DIVISION CEOs**

<b>Office</b>	<b>Department or Agency</b>	<b>Band</b>	<b>Office Holder</b>	<b>Salary</b>
Director General	Training and Workforce Development	2	R Shean	\$336,218
Director General	Transport	1	R Waldock	\$368,972
Under Treasurer	Treasury	1	T Marney	\$405,353
Director General	Water	3	Vacant	\$-
Managing Director	West Coast Institute of Training	4	S Slavin	\$183,285
Chief Executive Officer	WorkCover Western Australia Authority	4	M Reynolds	\$213,891
Chief Executive Officer	Zoological Parks Authority	4	S Hunt	\$213,891

**PRESCRIBED OFFICES**

<b>Office</b>	<b>Department or Agency</b>	<b>Office Holder</b>	<b>Salary</b>
Auditor General	Office of the Auditor General	C Murphy	\$368,972
Deputy Auditor General	Office of the Auditor General	G Clarke	\$206,711
Commissioner	Office of the Commissioner for Children and Young People	M Scott	\$213,891
Director of Public Prosecutions	Office of the Director of Public Prosecutions	-	See Fourth Schedule
Deputy Director of Public Prosecutions	Office of the Director of Public Prosecutions	-	See Fourth Schedule
Electoral Commissioner	Western Australian Electoral Commission	W Gately	\$229,220
Deputy Electoral Commissioner	Western Australian Electoral Commission	C Avent	\$141,419
Commissioner for Equal Opportunity	Equal Opportunity Commissioner	Y Henderson	\$213,891
Chief Executive Officer	Fire and Emergency Services	W Gregson	\$290,992
General Manager	Forest Products Commission	Vacant	\$-
Director	Health and Disability Services Complaints Office (Previously Office of Health Review)	A Donaldson	\$213,891
Information Commissioner	Office of the Information Commissioner	S Bluemmel	\$199,492
Inspector of Custodial Services	Office of the Inspector of Custodial Services	N Morgan	\$211,891
State Librarian	Library Board of Western Australia	M Allen	\$213,891
Commissioner of Main Roads	Main Roads	R Waldock	\$-
President	Mental Health Review Board	M Allen	\$199,492
Director of the Museum	Western Australian Museum	A Coles	\$209,091
Commissioner	Parliamentary Commissioner for Administrative Investigations	C Field	\$290,992
Deputy Commissioner	Parliamentary Commissioner for Administrative Investigations	P Wilkins	\$181,285
Commissioner	Western Australian Police Service	K O'Callaghan	\$405,353
Deputy Commissioner Operations	Western Australian Police Service	C Dawson	\$256,301
Assistant Commissioner Specialist Enforcement and Operations	Western Australian Police Service	G Budge	\$192,312
Assistant Commissioner Metropolitan Region	Western Australian Police Service	S Brown	\$192,312

**PRESCRIBED OFFICES**

<b>Office</b>	<b>Department or Agency</b>	<b>Office Holder</b>	<b>Salary</b>
Assistant Commissioner (Business Technology)— Chief Information Officer	Western Australian Police Service	C Ward	\$192,312
Assistant Commissioner Counter Terrorism and State Protection	Western Australian Police Service	D Bell	\$192,312
Assistant Commissioner Specialist Crime	Western Australian Police Service	N Anticich	\$192,312
Assistant Commissioner Professional Development	Western Australian Police Service	G Dreiberger	\$192,312
Assistant Commissioner Judicial Services	Western Australian Police Service	W Gregson	\$192,312
Assistant Commissioner Professional Standards	Western Australian Police Service	D Staltari	\$192,312
Assistant Commissioner Regional WA	Western Australian Police Service	M Burnby	\$192,312
Commissioner	Public Sector Commission	M Wauchope	\$405,353
Solicitor General	Office of the Solicitor General	-	See Seventh Schedule
Chief Executive Officer	Western Australian Tourism Commission	S Buckland	\$279,720

**SPECIAL DIVISION NON-CEOs**

<b>Office</b>	<b>Department or Agency</b>	<b>Band</b>	<b>Office Holder</b>	<b>Salary</b>
Executive Director, Courts and Tribunal Services	Attorney General	4	R Warnes	\$192,312
WorkSafe Western Australia Commissioner	Commerce	4	L McCulloch	\$192,312
Commissioner for Fair Trading	Commerce	4	A Driscoll	\$192,312
Deputy Commissioner, Community & Juvenile Justice	Corrective Services	4	H Harker	\$192,312
Deputy Commissioner, Adult Custodial	Corrective Services	4	I Giles	\$192,312
Deputy Commissioner, Offender Management and Professional Standards	Corrective Services	4	Vacant	\$-
Deputy Director General, Finance and Administration	Education	2	J Leaf	\$256,301
Deputy Director General, Schools	Education	3	Vacant	
Deputy Director General, Parks and Conservation	Environment and Conservation	3	J Sharpe	\$206,711
Deputy Director General, Environment	Environment and Conservation	3	R Atkins	\$206,711
Chief Operations Officer, Operations	Fire and Emergency Services	4	Vacant	\$ -
Chief Operations Officer, Operations Support and Capability	Fire and Emergency Services	4	Vacant	\$ -
Executive Director, Building Management and Works	Finance	2	J Tondut	\$256,301
Executive Director, Government Procurement	Finance	3	R Alderton	\$172,261
Commissioner State Revenue	Finance	3	W Sullivan	\$206,711
Executive Director, Shared Services	Finance	4	Vacant	\$-



<b>SPECIAL DIVISION NON-CEOs</b>				
<b>Office</b>	<b>Department or Agency</b>	<b>Band</b>	<b>Office Holder</b>	<b>Salary</b>
Executive Director, Chief Finance Officer	Health		Vacant	
Executive Director, Health Systems Support	Health		Vacant	
Deputy Director General, Approvals	Mines and Petroleum	3	T Griffin	\$206,711
Executive Director	Western Australian Police Service	3	G Italiano	\$222,040
Deputy Director General, Domestic Policy	Premier and Cabinet	2	D Smith	\$280,632
Deputy Director General, Strategic Reform and Development	Premier and Cabinet	2	Vacant	\$-
Assistant Director General, State Security and Emergency Co-ordination	Premier and Cabinet	4	G Hay	\$206,711
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	R Brown	\$206,711
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	J Catlin	\$206,711
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	L Genoni	\$206,711
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	S Home	\$206,711
Executive Director, Cabinet and Policy Division	Premier and Cabinet	4	A Rutherford	\$206,711
Deputy Commissioner, Accountability, Policy and Performance	Public Sector Commission	3	F Roche	\$206,711
Deputy Commissioner, Agency Support	Public Sector Commission	3	D Volaric	\$206,711
Deputy Commissioner, Capability and Development	Public Sector Commission	3	K Schofield	\$206,711
Deputy Director General, State Initiatives	State Development	3	G McGowan	\$222,040
Deputy Director General, Policy, Planning and Investment	Department of Transport	2	S McCarrey	\$256,301
Managing Director, Main Roads Western Australia	Department of Transport	2	Vacant	\$-
Managing Director, Public Transport Authority	Department of Transport	2	M Burgess	\$256,301
Managing Director, Transport Services	Department of Transport	2	N Lyhne	\$256,301
Deputy Under Treasurer	Treasury	2	M Barnes	\$256,301
Executive Director, Strategic Policy and Evaluation	Treasury	4	R Whithear	\$206,711
Executive Director, Infrastructure and Finance	Treasury	4	A Kannis	\$206,711
Executive Director, Economic	Treasury	4	M Court	\$206,711

- 1.1 The salary is inclusive of annual leave loading. This was effective from 1 August 2000.
- 1.2 The salary specified in this Part is based on the offices being of a full-time nature. The salary shall be payable on a pro rata basis in accord with the proportion of full-time hours worked subject to the employment being at least half of the full-time rate.
- 1.3 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—CLASSIFICATION FRAMEWORK

- 2.1 Offices listed in this Schedule have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.
- 2.2 Each classification (Band 1 to Band 4) has a commensurate indicative salary range as specified below in this Part of the Schedule. The salary range is exclusive of other elements of remuneration such as superannuation and motor vehicle entitlements.

<b>SPECIAL DIVISION CEOs</b>		
<b>Band</b>	<b>Salary Range</b>	
Band 1	\$336,218	\$475,000
Band 2	\$277,702	\$336,218
Band 3	\$213,891	\$277,702
Band 4	\$183,285	\$213,891

<b>SPECIAL DIVISION NON CEOs</b>		
<b>Band</b>	<b>Salary Range</b>	
Band 1	Not Applicable	Not Applicable
Band 2	\$256,301	\$302,614
Band 3	\$206,711	\$256,301
Band 4	\$165,000	\$206,711

- 2.3 CEOs have been designated a higher salary range within each Band in recognition of the distinction between CEOs with end of line responsibility and non-CEOs in subordinate positions.
- 2.4 The Tribunal will review the classification of a position when the office becomes vacant and prior to a new appointment being made.

#### PART 3—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. The notional value of the lease per annum shall be the relevant cash value set out in Section 4 of this Part.
- 1.2 The vehicle (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".
- 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, should be reported to the Fleet Manager.
- 1.5 Motor vehicles leased for office holders under this determination or a previous determination of the Tribunal shall not be changed prior to the expiration of the lease.
- 1.6 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.
- 1.7 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, including transport to and from work.

- 1.8 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. Neither is he/she entitled to access another government vehicle for their personal use including transport to and from work.

### Section 2: Determining the Cost of the Lease and the Cost to the Office Holder

- 2.1 Where the total lease cost of the chosen vehicle and accessories exceeds the relevant motor vehicle benefit determined in this section, the additional cost must be borne by the office holder. This includes the purchase cost of any accessories and the installation cost and removal costs if required, before disposal of the vehicle. No additional costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.
- 2.2 Where the cost of leasing a vehicle and accessories in accordance with this determination is less than the relevant motor vehicle benefit determined in this section, the difference in cost to Government is to be paid fortnightly as part of the individual's remuneration.
- 2.3 The method of determining whether an additional contribution must be made by the office holder or the surplus paid as part of salary, shall be based on the notional lease cost to Government of the vehicle sought (using the formula detailed below), compared with the relevant notional lease value determined for the benefit in this section. The cost at the time of entering into the lease is applicable.
- 2.4 The motor vehicle costs must include the lease cost, Fringe Benefits Tax (FBT) 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:

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

L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury Car Tax

- 2.5 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).  
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.
- 2.6 Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage patterns.

### Section 3: Choice of Motor Vehicle

- 3.1 Where an office holder elects to access a leased vehicle under State Fleet arrangements, he/she may choose any vehicle and accessories in the relevant Western Australian Government Common Use Contract or an "off contract" vehicle and accessories available under Government leasing arrangements in accordance with the following criteria.
- 3.2 Vehicles with V8 engines are not included. Supercharged and turbo-charged engines with a capacity greater than 3 litres are not included.
- 3.3 Office holders unable to lease their choice of vehicle within the scope of the arrangements set out in this determination should elect to receive the relevant cash value set out in section 4 below.

### 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 relevant cash value is to be determined in accordance with the following criteria.

Remuneration of Office Holder	Cash Value
Below \$238,641 p.a.	\$20,300 p.a.
Equal to or above \$238,641 p.a.	\$22,650 p.a.

- 4.2 The cash value of a motor vehicle and the notional whole of life value of a leased vehicle shall be payable on a pro rata basis in accord with the proportion of full-time hours worked by an office holder, subject to the employment being at least half of the full-time rate.

**PART 4—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 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 for 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 lease cost below the relevant value determined in Part 3, the surplus returned in additional remuneration is not included in the officer's remuneration for Gold State superannuation purposes. Further information can be obtained from the GESB Members' Services Centre.
- 1.3 Superannuation: Due to the nature and variety of superannuation schemes of which office holders may hold membership, it is not possible to prescribe the value per person of the superannuation benefit. For those who joined the Public Service after 30 December 1995, the superannuable component is in accordance with that required under the Superannuation Guarantee Levy.
- 1.4 Individuals should seek advice from their relevant fund manager or financial adviser in respect of matters mentioned above that might affect their superannuable remuneration.
- 1.5 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 22nd day of February 2012.

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 per annum to the holders of the offices listed below and is as follows. The remuneration is effective from 30 April 2012.

**PART 1—REMUNERATION AND OFFICES**

The remuneration of the holders of the offices listed below comprises salary, superannuation and other benefits described further below. The annual salary component of total remuneration is as follows.

OFFICE	DEPARTMENT OR AGENCY	BAND	OFFICE HOLDER	SALARY
State Solicitor	Attorney General	1	P Evans	\$405,127
Parliamentary Counsel	Attorney General	1	W Munyard	\$405,127
State Counsel— Queen's/Senior Counsel	Attorney General	2	G Tannin SC	\$320,723
State Counsel	Attorney General	2	Vacant	\$-
Deputy State Solicitor— Queen's/Senior Counsel	Attorney General	2	R Mitchell SC	\$354,487
Deputy State Solicitor	Attorney General	2	J Young	\$286,963
Deputy State Solicitor—Commercial	Attorney General	2	Vacant	\$-
Deputy Parliamentary Counsel	Attorney General	2	A Harvey	\$286,963
Deputy Parliamentary Counsel	Attorney General	2	G Jamieson	\$286,963
Senior Parliamentary Counsel	Attorney General	3	G Lawn	\$270,086
Senior Parliamentary Counsel	Attorney General	3	P Tremlet	\$270,086

OFFICE	DEPARTMENT OR AGENCY	BAND	OFFICE HOLDER	SALARY
Senior Adviser, State Solicitor's Office	Attorney General	3	J O'Halloran	\$324,103
Senior Adviser, State Solicitor's Office	Attorney General	3	J Hassett	\$270,086
Senior Assistant Parliamentary Counsel	Attorney General	4	Vacant	\$-
Adviser, State Solicitor's Office	Attorney General	4	N Egan	\$219,444
Adviser, State Solicitor's Office	Attorney General	4	K Glancy	\$219,444
Adviser, State Solicitor's Office	Attorney General	4	A Sefton	\$219,444
Director Legal Services	Office of the Director of Public Prosecutions	3	M Bugg	\$304,536
Consultant State Prosecutor—Queen's/Senior Counsel	Office of the Director of Public Prosecutions	3	Vacant	\$-
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	C Barbagallo	\$253,780
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	D Dempster	\$253,780
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	B Meertens	\$253,780
Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	L Petrusa	\$253,780

- 1.1 The remuneration is inclusive of Annual Leave Loading.
- 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 and remunerated at the highest level.

#### PART 2—CLASSIFICATION FRAMEWORK

- 2.1 Offices listed in this Schedule have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.
- 2.2 Each classification (Band 1 to Band 4) has a commensurate indicative salary range as specified below in this Part of the Schedule. The salary range is exclusive of other elements of remuneration such as superannuation and motor vehicle entitlements.

SENIOR LEGAL OFFICES		
Band	Salary Range	
Band 1	\$355,000	\$405,353
Band 2	\$285,000	\$355,000
Band 3	\$250,000	\$285,000
Band 4	\$210,000	\$250,000

- 2.3 The Tribunal will review the classification of a position when the office becomes vacant and prior to a new appointment being made.

#### PART 3—MOTOR VEHICLES

- 3.1 The holders of the offices listed in this Schedule have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$22,650 per annum. In all other respects, the motor vehicle entitlements set out in Part 4 of the First Schedule of this determination apply to office holders listed in this Schedule.

#### PART 4—REMUNERATION PACKAGE VALUE

- 4.1 The entitlement to salary packaging arrangements set out in Part 4 of the First Schedule of this determination apply to office holders listed in this Schedule.

Signed at Perth this 22nd day of February 2012.

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 per annum to the holders of the offices listed below effective from 30 April 2012.

The remuneration of the holders of the offices listed below comprises salary, superannuation and other benefits described further below. The annual salary component of total remuneration is as follows.

OFFICE	SALARY
<b>Supreme Court</b>	
Principal Registrar	\$300,216
Registrar	\$265,861
<b>District Court</b>	
Principal Registrar	\$279,599
Registrar	\$262,717
Deputy Registrar	\$254,836

- 1.1 The remuneration is inclusive of Annual Leave Loading.
- 1.2 The holders of the offices in this Schedule have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$22,650 per annum.
- 1.3 In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to office holders listed in this Schedule.
- 1.4 The entitlement to salary packaging arrangements set out in Part 4 of the First Schedule of this determination apply to office holders listed in this Schedule.

Signed at Perth this 22nd day of February 2012.

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 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 Director and Deputy Director of Public Prosecutions each have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$26,900 per annum. In all other respects, the motor vehicle entitlements set out in Part 4 of the First Schedule of this determination apply to these office holders.

The entitlement to salary packaging arrangements set out in Part 4 of the First Schedule of this determination applies to the Director and Deputy Director of Public Prosecutions.

Signed at Perth this 22nd day of February 2012.

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 per annum to the holders of the offices listed below and is as follows with effect from 30 April 2012—

The remuneration of the holders of the offices listed below comprises salary, superannuation and other benefits described further below. The annual salary component of total remuneration is as follows.

OFFICE	SALARY
Clerk of the Legislative Council	\$198,863
Deputy Clerk of the Legislative Council	\$151,738

OFFICE	SALARY
Clerk of the Legislative Assembly	\$198,863
Deputy Clerk of the Legislative Assembly	\$151,738

- 1.1 The remuneration is inclusive of Annual Leave Loading.
- 1.2 The holders of these offices also are entitled to the supply of a fully maintained motor vehicle for business and private use.
- 1.3 The entitlement to salary packaging arrangements set out in Part 4 of the First Schedule of this determination applies to the office holders in this Schedule.

Signed at Perth this 22nd day of February 2012.

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 30 April 2012.

#### PART 1—REMUNERATION AND OFFICES

The remuneration of the holders of the offices listed below comprises salary, superannuation and other benefits described further below. The annual salary component of total remuneration is as follows.

- 1.1 Chief Commissioner—\$308,341
- 1.2 Senior Commissioner—\$288,002
- 1.3 Commissioner—\$272,844

#### PART 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 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”.
- 2.2 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 it being a benefit determined under the *Salaries and Allowances Act 1975*, the area remains an administrative responsibility of the Department to manage in a cost effective manner.
- 2.3 In providing for the use of a motor vehicle under this arrangement, the Tribunal requires that the Department of the Registrar of the Western Australian Industrial Relations Commission will take account of the following principles established by the Tribunal. The provision of a motor vehicle should—
  - meet the operational conveyance needs of the Commissioners;
  - be representative of fair value and benefit;
  - be supportive of the efficient, effective and ethical use of State resources;
  - be consistent with current principles of environmental sustainability, in particular, fuel efficiency and Government emissions targets;
  - provide for adequate safety and security of Commissioners;
  - be commensurate with the status of Commissioners; and
  - where private use of a vehicle is permitted, provide scope for personal preference in choice of motor vehicle consistent with the above principles.
- 2.4 For the purposes of determining the value of the motor vehicle lease relative to the value of the relevant benefit set out in this determination, the lease value shall be based on a whole of life lease over two years/40,000 kilometres. The lease value will be determined at the time of ordering the motor vehicle and will be inclusive of the cost of accessories. No additional

costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.

- 2.5 The notional lease value must include the lease cost, Fringe Benefits Tax (FBT) 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 + FBT + I + LCT, where		
L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury car tax

- 2.6 Motor vehicles leased for Commissioners of the WAIRC shall not be changed prior to the expiration of the lease unless it is for operational reasons approved by the Chief Commissioner and the Department of the Registrar of the Western Australian Industrial Relations Commission.
- 2.7 The Chief Commissioner is entitled to the provision of a vehicle to the notional value of \$26,900 per annum.
- 2.8 The Senior Commissioner and Commissioners are entitled to the provision of a vehicle to the notional value of \$25,400 per annum.
- 2.9 Commissioners of the WAIRC may choose any vehicle and accessories in the relevant Western Australian Government Common Use Contract or an “off contract” vehicle and accessories available under Government leasing arrangements, the total cost of which does not exceed the maximum cost of accessing a motor vehicle benefit determined in this Part. Where the total cost of the chosen vehicle and accessories exceeds the maximum cost of accessing a motor vehicle benefit determined in this Part, the additional cost must be borne by the individual. This includes the purchase cost of any accessories and the installation cost and removal costs if required, before disposal of the vehicle.
- 2.10 In order to contain additional administrative costs associated with “off contract” leases, office holders may request cost quotations for not more than three vehicles outside the Government’s Common Use Contract for motor vehicles, in the process of selecting a vehicle under this arrangement.
- 2.11 Vehicles with V8 engines are not included. Turbo charged and supercharged engines with a capacity greater than 3.0 litres are not included.
- 2.12 Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage patterns.
- 2.13 The Chief Commissioner must approve the selection of the vehicle and approve that the provision of an off road vehicle and factory fitted “roo” bar is substantiated by operational need. Off road vehicles shall be of a standard, the cost of which does not exceed the lease value of the Toyota Prado GXL Auto 3.0 litre Turbo Diesel fitted with “roo” bar (air bag compliant). This includes the purchase cost of other essential accessories approved by the Chief Commissioner.

### PART 3—TRAVELLING AND ACCOMMODATION ALLOWANCE

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 3.3.2 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.

#### **PART 4—REMUNERATION PACKAGE VALUE**

- 4.1 The entitlement to salary packaging arrangements set out in Part 4 of the First Schedule of this determination apply to office holders listed in this Schedule.

Signed at Perth this 22nd day of February 2012.

W. S. COLEMAN AM,  
Chairman.

C. A. BROADBENT,  
Member.

B. J. MOORE,  
Member.

Salaries and Allowances Tribunal.

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#### **SEVENTH SCHEDULE**

##### **SOLICITOR-GENERAL**

Pursuant to section 4 of the *Solicitor-General Act 1969* the Salaries and Allowances Tribunal determines that the holder of the office of Solicitor-General is entitled to remuneration of \$448,826 inclusive of salary, motor vehicle entitlement and superannuation.

A holder of the office of Solicitor-General who retains the right to private practice is entitled to remuneration of \$364,925 inclusive of salary, motor vehicle entitlement and superannuation.

For the purpose of superannuation the notional value of the motor vehicle entitlement is \$26,900 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to the Solicitor General.

The entitlement to salary packaging arrangements set out in Part 4 of the First Schedule of this determination applies to the Solicitor General.

Signed at Perth this 22nd day of February 2012.

W. S. COLEMAN AM,  
Chairman.

C. A. BROADBENT,  
Member.

B. J. MOORE,  
Member.

Salaries and Allowances Tribunal.

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