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SALARIES AND ALLOWANCES ACT 1975

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**REMUNERATION OF JUDGES, DISTRICT COURT JUDGES,  
MASTERS OF THE SUPREME COURT, MAGISTRATES AND THE  
PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND  
CRIME COMMISSION**

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**DETERMINATION OF THE REMUNERATION OF SENIOR AND  
ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE  
TRIBUNAL**

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**DETERMINATION OF THE REMUNERATION OF  
COMMISSIONERS OF THE WESTERN AUSTRALIAN INDUSTRIAL  
RELATIONS COMMISSION**

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**DETERMINATION VARIATION**



**REPORT OF THE SALARIES AND ALLOWANCES TRIBUNAL****REMUNERATION OF JUDGES, DISTRICT COURT JUDGES,  
MASTERS OF THE SUPREME COURT, MAGISTRATES AND THE  
PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND  
CRIME COMMISSION****BACKGROUND**

1. Section 7 of the *Salaries and Allowances Act 1975* ('the Act') requires the Salaries and Allowances Tribunal ('the Tribunal') to inquire into and report to the Minister for Public Sector Management in relation to possible changes in the remuneration paid or provided to—

- Judges;
- District Court Judges;
- Masters of the Supreme Court;
- Magistrates; and
- the Parliamentary Inspector of the Corruption and Crime Commission.

2. The Act states the Tribunal must recommend the nature and extent of any changes to remuneration, if considered necessary.

3. From 28 February 2018 to 1 July 2021, the operation of section 10E of the Act prevented the Tribunal from making a report which recommended higher remuneration for judicial officeholders. While the restrictions contained in section 10E of the Act expired on 30 June 2021, the Tribunal's decisions remain subject to section 10G, which prevents the Tribunal from making a report that takes into consideration section 10E's operation by providing remuneration on the basis that it—

- was not provided due to the operation of section 10E; or
- accounted for any increase in the cost of living that occurred when section 10E was in effect.

4. Noting the requirements of section 10G, the Tribunal issued a Report effective from 01 July 2021 that applied a \$1,000 increase to remuneration. A subsequent Report provided a 2.75% increase, effective 01 January 2022.

**CURRENT INQUIRY**

5. In discharging its statutory requirements with respect to the remuneration of the judiciary, the Tribunal has—

- Invited submissions from key stakeholders and officeholders;
- considered all relevant information including legislative requirements, rationale for historical relativities, as well as the financial position and financial strategy of the State Government; and
- examined salary relativities in work levels between registrars and judicial offices and considered requests for adjustment.

6. The Tribunal received submissions from the—

- Chief Justice of Western Australia;
- Chief Judge, District Court;
- Chief Magistrate, Magistrates Court;
- President, Magistrates' Society of Western Australia;
- Principal Registrar, Supreme Court; and
- Principal Registrar, District Court;

**SUBMISSIONS AND CONSULTATIONS**

7. The following is a summary of issues raised in submissions and consultations—

- All submissions supported increased remuneration and highlighted the absence of increases from 2016 to 2021, which has reduced salary in real terms and relative to judicial salaries in other jurisdictions.
- Most submissions noted an increase in the volume of work undertaken by officeholders, which resulted from changes in judicial responsibilities and a general increase in numbers of matters before the courts.
- Some submissions identified challenges in attracting and retaining judicial officers in the current environment. These submissions highlighted the importance of attracting high quality applicants and the difficulty of competing for applicants with other jurisdictions.
- Some submissions called for a review of relativities between levels of the judiciary, but this was offset by others that considered relativities should be maintained.

- Submissions noted WA salary levels had not increased at the same rate as other jurisdictions, which did not follow the accepted nexus with other jurisdictions, account for non-salary components of remuneration or the distinctive challenges in this jurisdiction, such as its geographical size and remoteness of some communities, and the high volume of work in complex areas such as mining, construction and native title.
- Submissions requested the Tribunal review the value of the Motor Vehicle Allowance provided to judicial officeholders because the current value was out of step with increasing lease costs.
- State Fleet (Department of Finance) was consulted regarding issues raised around the Motor Vehicle Allowance. The Tribunal was provided with information and data to assist reviewing the Motor Vehicle Allowance.
- In addition to challenges of attracting suitably qualified candidates for judicial office, it was noted that current wage settings are impacting on retaining existing judicial officers. Judicial officeholders qualify for the maximum benefit of the judicial pension provided they are at least 60 years old and have held office for at least 10 years. The current salary, coupled with workloads experienced by some judges, has been identified as a factor in officeholders considering whether to continue in their role.

## ADDITIONAL CONSIDERATIONS

### *Economic Considerations*

8. Table 1 sets out key economic indicators for the Western Australian and National economies.

**Table 1: WA State and National Selected Economic Indicators 2022**

Indicator	Quarterly % Increase	Annual Average % Increase
Perth—Consumer Price Index—December 2022 Qtr <sup>1</sup>	3.6%	8.3%
National—Consumer Price Index—December 2022 Qtr	1.9%	7.8%
WA—Wage Price Index—September 2022 Qtr <sup>2</sup>	1.4%	3.3%
National—Wage Price Index—September 2022 Qtr	1.4%	3.2%
WA Total Unemployment Rate—December 2022 Qtr <sup>3</sup>	0%	3.6%
National Total Unemployment Rate—December 2022 Qtr	0%	3.5%

9. In September 2022, the State Government released a revision of the State Wages Policy to provide for up to \$3,120 or 3% per year increase in salary for public sector employees. While the Policy does not directly guide the Tribunal's deliberations, it is considered as part of the Tribunal's decision making.

10. The Tribunal has reviewed the Government Mid-year Financial Projections Statement published by the State Government in December 2022<sup>4</sup>.

### *Relativities to other jurisdictions*

11. Within remuneration bodies across Australia, it is broadly accepted that the remuneration provided to a judge of the Federal Court is the benchmark for setting the remuneration of Puisne judges of the State Supreme Courts. Internal relativities within each jurisdiction's judicial levels are set from that starting point.

12. The current Western Australian Puisne Judge salary is 94.5% of that of a Federal Court Judge. Further, there are notable non-salary terms of employment for a Judge of the Federal Court, including—

- Long-Service Leave accruing at five-year intervals compared to seven-year intervals for Western Australian judicial officeholders.
- The conditions of qualification for the judges' pension prevent Western Australian judges from practising law after retiring from a judicial posting, while Federal Court Judges retain the option to practice after retirement.

13. There has been limited movement in the remuneration of other jurisdictions in the past year, with Victoria notably resolving to apply a 0% increase to most Judicial Offices. The NSW Remuneration Tribunal applied a 2.5%<sup>5</sup> increase and the Federal Remuneration Tribunal applied a 2.75% increase<sup>6</sup>, both effective July 2022. Other jurisdictions apply legislative or policy tools to automatically apply changes based on movements to the Federal Remuneration Tribunal decisions.

## REMUNERATION SETTING AND TRIBUNAL RECOMMENDATIONS

### *Judicial Salaries*

14. After due consideration of the economic outlook, the State Wages Policy, submissions, and relativities with offices in other jurisdictions, the Tribunal recommends a remuneration increase of 3.75% for offices within the Report, with an effective date of 01 March 2023.

<sup>1</sup> Australia. Australian Bureau of Statistics. (25 January 2023). [Consumer Price Index, Australia](#)

<sup>2</sup> Western Australian Treasury Corporation. (16 November 2022). [Economic Analysis Wage Price Index](#)

<sup>3</sup> Australia. Australian Bureau of Statistics. (20 October 2022). [Labour Force, Australia](#)

<sup>4</sup> Government of Western Australia (15 December 2022). [Mid-year Financial Projections Statement](#)

<sup>5</sup> NSW Remuneration Tribunal (21 July 2022) [Annual Determination July 2022](#)

<sup>6</sup> Federal Remuneration Tribunal (13 June 2022) [Judicial and Related Offices Determination 2022](#)

15. The Tribunal acknowledges concerns raised in submissions regarding the attraction and retention issues within the Judiciary. The remuneration increase recommended in this Report makes progress in mitigating these issues while mindful of expectations set in the State Wages Policy and the State's economic outlook.

16. The Tribunal has considered requests by some levels of the Western Australian judiciary to modify the relativities currently in place. The basis for these requests is centred around an increase in work value. The Tribunal has carefully reviewed the responsibilities of various levels of the judiciary and concluded any changes are accommodated within the existing relativities.

#### *Motor Vehicle Allowance*

17. The Tribunal considered requests to increase the amount of the Motor Vehicle Allowance. The Tribunal has reviewed current settings and undertaken extensive research as part of the review process.

18. The Tribunal considers vehicles available for lease by Ministers and the Premier as appropriate comparators for judicial offices.

19. The Tribunal notes increased costs associated with motor vehicles in recent years, but also recognises the Allowance provided to judicial officeholders is generally higher than other offices in the Tribunal's jurisdiction and judicial offices in other Australian jurisdictions.

20. Given these considerations, the Tribunal has recommended increasing the motor vehicle allowance effective from 01 March 2023, as follows—

- Chief Justice—\$28,000 pa (from \$27,300)
- Judges, Masters and the Chief Magistrate—\$27,500 pa (from \$26,900)
- Magistrates—\$26,900 pa (from \$25,400)

### **TABLING OF REPORT**

21. The Act requires this report to be tabled in each House of Parliament within five sitting days of the Minister receiving it. Changes to remuneration will come into force from the date specified in the Report unless either House of Parliament, within 15 sitting days of the Report being tabled in that House, passes a resolution disapproving the Tribunal's recommendation.

The report will now issue.

### **SCHEDULE**

#### **REPORT ON THE REMUNERATION OF JUDGES, DISTRICT COURT JUDGES, MASTERS OF THE SUPREME COURT, MAGISTRATES, AND THE PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND CRIME COMMISSION**

##### *REMUNERATION ARRANGEMENTS*

#### **PART 1: SALARY**

1.1 Salary shall be payable at the following rates to Judges, Masters and Magistrates with effect from 01 March 2023.

1.2 The annual salary specified in this Part is inclusive of leave loading.

<b>Position</b>	<b>Annual Salary</b>
Chief Justice	\$543,240
President of the Court of Appeal	\$508,510
Senior Puisne Judge	\$485,589
Senior Judge of the Court of Appeal	\$485,589
Puisne Judge	\$471,247
Senior Master of the Supreme Court	\$436,780
Master of the Supreme Court	\$424,229
Chief Judge District Court	\$471,247
Senior Judge District Court	\$436,780
Judge District Court	\$424,229
Chief Magistrate	\$424,229
Deputy Chief Magistrate	\$371,994
Principal Registrar/Magistrate Supreme Court *	\$371,994
Principal Registrar/Magistrate Family Court *	\$371,994
Magistrates	\$350,174
Registrars/Magistrates Family Court*	\$350,174
Parliamentary Inspector, Corruption and Crime Commission	\$282,748

\* The relevant officeholders remunerated under this Part hold commissions to be Magistrates while having been given leave to hold the offices of Registrar or Principal Registrar as the case may be.

## PART 2: TRAVELLING AND ACCOMMODATION ALLOWANCE

2.1 When 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.

2.2 If reasonably and properly incurred travelling and accommodation expenses exceed the rate specified in 2.1, then actual costs should be reimbursed. Receipts or vouchers must be provided in support of any claim for reimbursement in excess of the specified rate.

2.3 Claims for overnight stays in the Perth metropolitan area should be subject in each case to the approval of the relevant Chief Judicial Officer.

2.4 Part payment of travelling and accommodation allowances shall apply in the following circumstances—

- a. When the Judge, Master or Magistrate 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.
- b. When the cost of commercial accommodation is met by an entity other than the Judge, Master or Magistrate, 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.
- c. When in the case of commercial accommodation referred to in 2.4.b above, the cost of a meal or meals is met by an entity other than the Judge, Master or Magistrate, the amount of travelling allowance shall be reduced by the relevant amount(s) referred to in the preceding paragraph.

## PART 3: MOTOR VEHICLES

3.1 The following arrangements apply or continue to apply, as the case may be, to each Judge, Master and full-time Magistrate for the provision of a fully maintained motor vehicle for business and private use.

3.2 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 Finance (the Agency responsible for the State Fleet). Applicable terms and conditions are currently set out in the document "State Fleet—Agency General Agreement".

3.3 Selection of appropriate vehicles should be subject to consultation between the Department of Justice (as the "Agency" responsible for managing the leasing arrangements for vehicles provided to Judges, Masters and Magistrates) and the relevant Court. Although the cost of vehicles is centrally funded, as a consequence of it being a benefit recommended under the *Salaries and Allowances Act 1975*, the area remains an administrative responsibility of the Department to manage in a cost effective manner.

3.4 In providing for the use of a motor vehicle under this arrangement, the Tribunal requires that officeholders and the Department of Justice will take account of the following principles established by the Tribunal. The provision of a motor vehicle should—

- a. meet the operational conveyance needs of the judiciary;
- b. provide for adequate safety and security of judicial officeholders;
- c. be representative of fair value and benefit;
- d. be supportive of the efficient, effective and ethical use of State resources;
- e. be consistent with current principles of environmental sustainability, in particular, fuel efficiency and Government emissions targets; and
- f. when private use of a vehicle is permitted, provide scope for personal preference in choice of motor vehicle consistent with the above principles.

3.5 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 a minimum of two years/40,000 kilometres. The lease value and term 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 officeholder as a result of fluctuations in lease costs during the specified term of the lease.

3.6 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:

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

3.7 FBT is costed at applicable Australian Taxation Office rates. FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).

3.8 FBT 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.

3.9 Motor vehicles leased for judicial officeholders shall not be changed prior to the expiration of the lease unless it is for operational reasons approved by the relevant Chief Judicial Officer in consultation with the Department of Justice.

3.10 Officeholders who choose to lease an Electric Vehicle (EV) need to be aware that the costs associated with re-fuelling an electric vehicle are not included in published annual operating costs. Government agencies will therefore bear no costs associated with refuelling SAT-leased EV's. Officeholders will be responsible for making their own arrangements for at-home EV charging infrastructure and energy costs. Officeholders may not utilise office-based charging infrastructure nor agency-provided recharging cards to refuel SAT vehicles.

3.11 The Chief Justice is entitled to the provision of a vehicle to the notional value of \$28,000 per annum.

3.12 Judges, Masters and the Chief Magistrate are entitled to the provision of a vehicle to the notional value of \$27,500 per annum.

3.13 Magistrates are entitled to the provision of a vehicle to the notional value of \$26,900 per annum.

3.14 Judges, Masters, and Magistrates may choose any vehicle and accessories in the 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 Report. When the total cost of the chosen vehicle and accessories exceeds the maximum cost of accessing a motor vehicle benefit determined in this Report, 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.

3.15 In the event a judicial officeholder's motor vehicle requires modifications to cater for a disability, resulting in total vehicle costs higher than the notional lease values specified in Parts 3.11 to 3.13, then the reasonable additional cost may be approved by the relevant Chief Judicial Officer in consultation with the Department of Justice.

3.16 In order to contain additional administrative costs associated with "off contract" leases, officeholders may request cost quotations for not more than three vehicles outside the Government's Common User Contract for motor vehicles, in the process of selecting a vehicle under this arrangement.

3.17 Vehicles with V8 engines are not included. Turbo charged and super charged engines with a capacity greater than 3.0 litres are not included.

3.18 Each actual lease should be tailored to achieve the most cost-effective arrangement based on individual usage patterns.

3.19 Use of an off-road vehicle must be substantiated by operational need and must be approved by the Chief Judicial Officer. Off-road vehicles shall be of a standard, the cost of which does not exceed the whole of life notional lease value of the Toyota Prado GXL Auto 3.0 litre Turbo Diesel fitted with "roo" bar (air bag compliant) or the relevant notional value specified in Parts 3.11 to 3.13, whichever is higher. This includes the purchase cost of other essential accessories approved by the relevant Chief Judicial Officer.

3.20 For the Magistrate resident in Kununurra, use of the Government-provided vehicle is permitted to and from the Northern Territory for periods of usage up to seven days under the same conditions as if the vehicle were in Western Australia. Under the State Fleet—Agency General Agreement, officeholders are required to seek approval from State Fleet for travel outside Western Australia for periods of seven days or more.

3.21 When a Magistrate is employed on a part time basis, a pro rata amount should be added to the remuneration in lieu of a motor vehicle. For that purpose, the full value of the vehicle is assessed at \$24,000 per annum.

3.22 When an Acting Magistrate is employed for less than two years, a pro rata amount should be added to the remuneration in lieu of a motor vehicle. For this purpose, the full value of the vehicle is assessed at \$24,000 per annum.

Signed on 14 February 2023.

M SEARES AO  
Chair

B A SARGEANT PSM  
Member  
Salaries and Allowances Tribunal

HON. J DAY  
Member





**SALARIES AND ALLOWANCES ACT 1975****DETERMINATION OF THE REMUNERATION OF SENIOR AND ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE TRIBUNAL**

1. The Salaries and Allowances Tribunal ("Tribunal") issues this Determination pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* ("the Act").
2. From 28 February 2018 to 1 July 2021, the operation of section 10D of the Act prevented the Tribunal from making a Determination which provided higher remuneration for officeholders. While the restrictions contained in section 10D expired on 30 June 2021, the Tribunal's decisions remain subject to section 10G, which prevents the Tribunal from making a Determination that takes into consideration section 10D's operation by providing remuneration on the basis that it—
  - was not provided due to the operation of section 10D; or
  - accounted for any increase in the cost of living that occurred when section 10D was in effect.
3. While noting the requirements of section 10G, the Tribunal issued a determination effective from 1 July 2021 that applied a \$1,000 increase in the remuneration for Members of the State Administrative Tribunal. A subsequent determination effective from 01 January 2022 provided a 2.75% increase to salaries.
4. In accordance with section 10A, this Determination is issued following consideration of the—
  - *Public Sector Wages Policy Statement 2022*; and
  - financial position and fiscal strategy of the State, as stated in the *Western Australia State Budget 2022-23 Economic and Fiscal Outlook*.

**CURRENT INQUIRY**

5. In discharging the Tribunal's statutory requirements with respect to Members of the State Administrative Tribunal, submissions were invited from stakeholders and office holders.
6. The Tribunal received submissions that claimed the current remuneration relativity applied to Senior Members and Ordinary Members does not correspond to the practical work value differential between the two offices.
7. Historically, work value has been one factor considered when setting the salary provided to an Ordinary Member at 75% of the salary provided to a Senior Member. The submissions claimed there had been considerable changes to the roles and, as a result, the relativity between the offices was out of date.
8. The Tribunal engaged an independent consultant to assess work value of the offices. The assessment supported the submissions' claims and concluded the salary provided to an Ordinary Member should increase.
9. Based on submissions and the assessment, the Tribunal is satisfied the responsibilities of an Ordinary Member are appropriately reflected at a salary level that is 85% of the salary provided to a Senior Member.
10. The Tribunal notes the costs for motor vehicles have increased in recent years and has determined a \$1,000 increase in the Motor Vehicle Benefit provided to Senior and Ordinary Members.

**SUMMARY OF DETERMINATION**

11. The Tribunal has—
  - (a) determined a general 3.75% increase in the remuneration for Senior and Ordinary Members of the State Administrative Tribunal, which is in line with other office holders within the judicial and quasi-judicial sphere;
  - (b) reset the salary provided to an Ordinary Member at 85% of the salary provided to a Senior Member to reflect current responsibilities of the respective offices; and
  - (c) increased the Motor Vehicle Benefit, from \$24,000 p.a. to \$25,000 p.a., to reflect increasing costs.
12. The determination will now issue.

**SALARIES AND ALLOWANCES ACT 1975****DETERMINATION OF THE REMUNERATION OF SENIOR AND ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE TRIBUNAL  
PURSUANT TO SECTION 6(1)(e)****PART 1: INTRODUCTORY MATTERS**

*This part deals with some matters that are relevant to the determination generally.*

**1.1 Short Title**

This determination may be cited as the *Senior and Ordinary Members of the State Administrative Tribunal Determination No. 1 of 2023*.

## 1.2 Commencement

This determination comes into operation on 1 March 2023.

## 1.3 Content and intent

(1) This determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to holders of offices of the State Administrative Tribunal prescribed for the purposes of section 6(1)(e) of the *Salaries and Allowances Act 1975* (the Act).

(2) The offices to which this determination applies are the Senior and Ordinary Members of the State Administrative Tribunal as prescribed in regulation 3 of the *Salaries and Allowances Regulations 1975*.

## 1.4 Terms used

In this determination, unless the contrary intention appears—

**Senior Member** means a Senior Member appointed under the *State Administrative Tribunal Act 2004*;

**Ordinary Member** means an Ordinary Member appointed under the *State Administrative Tribunal Act 2004*.

## 1.5 Conditions of service

(1) Pursuant to section 119(4) of the *State Administrative Tribunal Act 2004* the Governor may determine the leave of absence to which a Senior or an Ordinary Member is entitled and any other terms and conditions of service as a Senior or an Ordinary Member.

(2) To the extent that conditions of service affect remuneration (e.g. paid leave of absence), a Senior and an Ordinary Member are entitled to the same terms and conditions as contained in the *Public Service Award 1992* and the *Public Sector CSA Agreement 2021*. When there is any inconsistency between the remuneration payable under this determination and as determined by the Governor under section 119(1) of the *State Administrative Tribunal Act 2004*, the remuneration specified in this determination shall prevail to the extent of the inconsistency.

(3) In accordance with section 119(3) of the *State Administrative Tribunal Act 2004*, the emoluments and benefits to which a Senior and an Ordinary Member are entitled cannot, during the member's term of office, be changed to be less favourable without the member's consent.

## 1.6 Salary Packaging

A Senior and an Ordinary Member are entitled to participate in salary packaging arrangements for superannuation and novated leases in accordance with the "Guidelines for Salary Packaging in the WA Public Sector", issued by the Department of Mines, Industry Regulation and Safety.

## PART 2: SALARY

*This part deals with the salary payable to a Senior or an Ordinary Member for the performance of their duties pursuant to their appointments under the State Administrative Tribunal Act 2004.*

### 2.1 General

The amount of a person's entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

### 2.2 Offices and salaries

The annual salaries specified in Table 1 of this Part apply to Senior and Ordinary Members.

**Table 1: Annual salaries payable to Senior and Ordinary Members**

Office	Annual Salary
Senior Member	\$350,176
Ordinary Member	\$297,650

## PART 3: MOTOR VEHICLE BENEFITS

*This Part deals with motor vehicle benefits paid or provided to a Senior or an Ordinary Member.*

### 3.1 General

(1) In addition to the salary determined for offices holders listed in Part 2 of this Determination, those office holders are entitled to an allowance which may be taken as cash with salary or may be utilised to access a motor vehicle for private use leased through State Fleet.

(2) 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 Finance (the Agency responsible for the State Fleet). Applicable terms and conditions are currently set out in the document "State Fleet—Agency General Agreement".

(3) Officeholders who choose to lease an Electric Vehicle (EV) need to be aware that the costs associated with re-fuelling an electric vehicle are not included in published annual operating costs. Government agencies will therefore bear no costs associated with refuelling SAT-leased EVs. Officeholders will be responsible for making their own arrangements for at-home EV charging infrastructure and energy costs. Officeholders may not utilise office-based charging infrastructure nor agency-provided recharging cards to refuel SAT vehicles.

(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 regular servicing and maintenance 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 at all times. Theft or damage should be reported to the Fleet Manager.

(5) Motor vehicles leased for office holders under this determination or a previous determination of the Tribunal shall not be changed or cash in lieu taken prior to the expiration of the lease.

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

(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, they are not entitled to access another government vehicle for private use, including transport to and from work.

(8) Should the officer choose to take cash in lieu of a motor vehicle supplied through State Fleet, it is not the Tribunal's intent that this should result in additional government expense or an increase in the government fleet to provide transport for the office holder during business hours. Office holders are not entitled to claim mileage allowance for use of private vehicles for work purposes. Neither are they entitled to access another government vehicle for their personal use including transport to and from work.

### 3.2 Notional value of the lease and the cost to the Office Holder

(1) The notional value of the lease (and all associated costs) per annum is \$25,000.

(2) The notional value of the lease shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

(3) The total lease cost of the chosen vehicle and accessories determined in this section must be borne by the office holder. This includes the purchase cost of any accessories, including installation 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.

(4) When the total lease and associated costs of a vehicle and accessories in accordance with this determination is less than the relevant motor vehicle benefit determined in this section, the difference in the cost to Government is to be paid fortnightly as part of the office holder's remuneration.

(5) The method of determining whether an additional contribution must be made by the office holder or the surplus is to be paid to the office holder, shall be based on the notional lease cost to the 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.

(6) In the event an office holder's vehicle requires modifications to cater for a disability, resulting in total vehicle costs higher than the notional lease values specified in 3.2(1), then the reasonable additional cost may be approved by the President of the State Administrative Tribunal in consultation with the Department of Justice.

(7) The notional value of the vehicle benefit must include 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:

Value of Motor Vehicle =  $L + R + aD + \text{FBT} + I + \text{LCT}$ , 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

(8) FBT is costed at applicable Australian Taxation Office rates: purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).

(9) Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage.

### 3.3 Choice of Motor Vehicle

(1) Where office holders elect to access a leased vehicle under State Fleet arrangements, they 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.

(2) Vehicles with V8 engines are not included. Supercharged and turbo-charged engines with a capacity greater than 3.0 litres are not included.

(3) Office holders unable to lease their choice of vehicle within the scope of the arrangements set out in this determination should elect to make their own arrangements to meet their personal transport needs.

**3.4 Cash Value of the Motor Vehicle Allowance**

(1) Where officeholders elect to not be provided with a motor vehicle through State Fleet they are entitled to the cash value being paid fortnightly as additional remuneration. The relevant cash value is \$25,000 per annum.

(2) The cash value of the motor vehicle allowance shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

Signed on 14 February 2023.

M SEARES AO  
Chair

B A SARGEANT PSM  
Member  
Salaries and Allowances Tribunal

HON. J DAY  
Member

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## SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE REMUNERATION OF  
COMMISSIONERS OF THE WESTERN AUSTRALIAN INDUSTRIAL  
RELATIONS COMMISSION**

1. The Salaries and Allowances Tribunal ("Tribunal") issues this Determination pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* ("the Act").
2. The Tribunal issued a determination effective from 1 July 2021 that applied a \$1,000 increase in the remuneration for Commissioners of the Western Australian Industrial Relations Commission. A subsequent determination effective from 01 January 2022 provided a 2.75% increase to salaries.
3. From 28 February 2018 to 1 July 2021, the operation of section 10E of the Act prevented the Tribunal from making a Determination which provided higher remuneration for officeholders. While the restrictions contained in section 10E of the Act expired on 30 June 2021, the Tribunal's decisions remain subject to section 10G, which prevents the Tribunal from making a Determination that takes into consideration section 10E's operation by providing remuneration on the basis that it—
  - was not provided due to the operation of section 10E; or
  - accounted for any increase in the cost of living that occurred when section 10E was in effect.
4. In accordance with section 10A, this determination has considered the—
  - *Public Sector Wages Policy Statement 2022*; and
  - financial position and fiscal strategy of the State, as stated in the *Western Australia State Budget 2022-23 Economic and Fiscal Outlook*.
5. The Tribunal has determined a 3.75% increase in the remuneration for the Commissioner, Senior Commissioner and Chief Commissioner of the Industrial Relations Commission. This increase is in line with those provided to other office holders within the judicial and quasi-judicial sphere.
6. An increase to the value of motor vehicle leases has also been applied in line with the judicial report.
7. The determination will now issue.

## SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE REMUNERATION OF COMMISSIONERS OF THE WESTERN  
AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
PURSUANT TO SECTION 6(1)(e)****PART 1: INTRODUCTORY MATTERS**

*This part deals with some matters that are relevant to the determination generally.*

**1.1 Short Title**

This determination may be cited as the *Commissioners of the Western Australian Industrial Relations Commission Determination No. 1 of 2023*.

**1.2 Commencement**

This determination comes into operation on 1 March 2023.

**1.3 Content and intent**

(1) This determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to holders of offices of the Western Australian Industrial Relations Commission ('the Commission') prescribed for the purposes of section 6(1)(e) of the *Salaries and Allowances Act 1975* (the Act).

(2) The offices to which this determination applies are the offices of the members of the Commission, other than the President, as prescribed in section 20(2) of the *Industrial Relations Act 1979*.

**1.4 Terms used**

In this determination, unless the contrary intention appears—

**Chief Commissioner** means a Chief Commissioner appointed under the *Industrial Relations Act 1979*;

**Senior Commissioner** means a Senior Commissioner appointed under the *Industrial Relations Act 1979*;

**Commissioner** means a Commissioner appointed under the *Industrial Relations Act 1979*.

**1.5 Conditions of service**

(1) Pursuant to section 20(10) of the *Industrial Relations Act 1979*, a Chief Commissioner, Senior Commissioner and Commissioner have a right to paid leave of absence, and to lump sum payments on ceasing to hold office for the money equivalent of leave of absence, which shall not be less than those applicable to a permanent public office under the *Public Sector Management Act 1994*.

(2) To the extent that conditions of service affect remuneration (e.g. paid leave of absence), a Chief Commissioner, Senior Commissioner and Commissioner are entitled to the same terms and conditions as contained in the *Public Service Award 1992* and the *Public Sector CSA Agreement 2021*. When there is any inconsistency between the remuneration payable under this determination and the terms of the *Public Service Award 1992* and the *Public Sector CSA Agreement 2021*, the remuneration specified in this determination shall prevail to the extent of any inconsistency.

### 1.6 Salary Packaging

A Chief Commissioner, Senior Commissioner and Commissioner are entitled to participate in salary packaging arrangements for superannuation and novated leases in accordance with the "Guidelines for Salary Packaging in the WA Public Sector" issued by the Department of Mines, Industry Regulation and Safety.

## PART 2: SALARY

*This part deals with the salary payable to a Chief Commissioner, Senior Commissioner or Commissioner for the performance of their duties pursuant to their appointments under the Industrial Relations Act 1979.*

### 2.1 General

The amount of a person's entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

### 2.2 Offices and salaries

(1) The annual salaries specified in Table 1 of this Part apply to a Chief Commissioner, Senior Commissioner and Commissioner.

(2) The annual salaries specified are inclusive of leave loading entitlements.

**Table 1: Annual salaries payable to a Chief Commissioner, Senior Commissioner and Commissioner**

Office	Annual Salary
Chief Commissioner	\$372,360
Senior Commissioner	\$347,986
Commissioner	\$329,822

(3) Commissioners appointed as an Industrial Magistrate, under section 81B(2A) of the *Industrial Relations Act 1979*, shall be remunerated at the higher amount provided under Table 1 or the remuneration provided to Magistrates under the *Judicial Recommendation Report No 1 of 2023*, being \$350,174.

## PART 3: MOTOR VEHICLE BENEFITS

*This Part deals with the motor vehicle benefits paid or provided to a Chief Commissioner, Senior Commissioner or Commissioner.*

### 3.1 General

(1) In addition to the salary determined for the holders of offices listed in Part 2 of this Determination, those office holders are entitled to an allowance which may be taken as cash with salary or may be utilised to access a motor vehicle for private use leased through State Fleet.

(2) 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 Finance (the Agency responsible for the State Fleet). Applicable terms and conditions are currently set out in the document "State Fleet—Agency General Agreement".

(3) Officeholders who choose to lease an Electric Vehicle (EV) need to be aware that the costs associated with re-fuelling an electric vehicle are not included in published annual operating costs. Government agencies will therefore bear no costs associated with refuelling SAT-leased EV's. Officeholders will be responsible for making their own arrangements for at-home EV charging infrastructure and energy costs. Officeholders may not utilise office-based charging infrastructure nor agency-provided recharging cards to refuel SAT vehicles.

(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 regular servicing and maintenance 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 at all times. Theft or damage should be reported to the Fleet Manager.

(5) Motor vehicles leased for office holders under this determination or a previous determination of the Tribunal shall not be changed or cash in lieu taken prior to the expiration of the lease.

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

(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, they are not entitled to access another government vehicle for private use, including transport to and from work.

(8) Should the officer choose to take cash in lieu of a motor vehicle supplied through State Fleet, it is not the Tribunal's intent that this should result in additional government expense or an increase in the government fleet to provide transport for the office holder during business hours. Office holders are not entitled to claim mileage allowance for use of private vehicles for work purposes. Neither are they entitled to access another government vehicle for their personal use including transport to and from work.

### 3.2 Notional value of the lease and the cost to the Office Holder

(1) The notional value of the lease (and all associated costs) shall be—

**Table 2: Notional value of motor vehicle lease**

Office	Notional Value of the Lease
Chief Commissioner	\$27,500 p.a.
Senior Commissioner	\$26,900 p.a.
Commissioner	\$26,900 p.a.

(2) The notional value of the lease shall be calculated on a pro-rata basis in accordance with the proportion of full-time hours worked by an office holder.

(3) The total lease cost of the chosen vehicle and accessories determined in this section must be borne by the office holder. This includes the purchase cost of any accessories, including installation 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.

(4) When the total lease and associated costs of a vehicle and accessories in accordance with this determination is less than the relevant motor vehicle benefit determined in this section, the difference in the cost to Government is to be paid fortnightly as part of the office holder's remuneration.

(5) The method of determining whether an additional contribution must be made by the office holder or the surplus is to be paid to the office holder, shall be based on the notional lease cost to the 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.

(6) In the event an office holder's vehicle requires modifications to cater for a disability, resulting in total vehicle costs higher than the notional lease values specified in 3.2(1), then the reasonable additional cost may be approved by the Chief Commissioner, in consultation with the Department of the Registrar, Western Australian Industrial Relations Commission.

(7) The notional value of the vehicle benefit must include 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:

Value of Motor Vehicle = 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

(8) FBT is costed at applicable Australian Taxation Office rates: purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).

(9) Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage.

### 3.3 Choice of Motor Vehicle

(1) When office holders elect to access a leased vehicle under State Fleet arrangements, they 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.

(2) Vehicles with V8 engines are not included. Supercharged and turbo-charged engines with a capacity greater than 3.0 litres are not included.

(3) Office holders unable to lease their choice of vehicle within the scope of the arrangements set out in this determination should elect to make their own arrangements to meet their personal transport needs.

### 3.4 Cash Value of the Motor Vehicle Allowance

(1) When officeholders elect to not be provided with a motor vehicle through State Fleet they are entitled to the cash value being paid fortnightly as additional remuneration. The relevant cash value is as specified in Table 3.

**Table 3: Cash Value of a Motor Vehicle**

Office	Notional Value of the Lease
Chief Commissioner	\$27,500 p.a.
Senior Commissioner	\$26,900 p.a.
Commissioner	\$26,900 p.a.

(2) The cash value of the motor vehicle allowance shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

(3) A Gold State member electing to take a motor vehicle or the cash equivalent in lieu of a motor vehicle is not entitled to have either amount included for superannuation purposes.

(4) A West State or GESB Super member electing to take a vehicle does not have the cash value of that vehicle included for superannuation. However if the office holder elects to take a cash equivalent in lieu of a motor vehicle then this amount is included for the purposes of superannuation.

## PART 4: TRAVELLING AND ACCOMMODATION ALLOWANCE

*This Part deals with the travelling and accommodation allowance to be paid or reimbursed to a Chief Commissioner, Senior Commissioner and Commissioner.*

### 4.1 General

(1) A Chief Commissioner, Senior Commissioner and Commissioner shall be entitled to claim a travelling and accommodation allowance or reimbursement as specified in this Part while travelling on official business.

(2) Claims for overnight stays in the Perth metropolitan area shall be subject in each case to the approval of the Chief Commissioner.

### 4.2 Allowance or reimbursement payable

(1) When 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 Australian Taxation Office's reasonable benefit limit rates for the relevant financial year as specified in the ATO's Taxation Determination and when accompanied by certification that the expense was appropriately incurred.

(2) 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) Part payment of travelling and accommodation allowances shall apply in the following circumstances—

- (a) When 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.
- (b) When 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 Australian Taxation Office's reasonable benefit limit rates for the relevant financial year as specified in the ATO's Taxation Determination for meals and incidentals when accompanied by certification that the expense was appropriately incurred.
- (c) When in the case of commercial accommodation referred to in sub section (b) 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 or amounts referred to in the preceding paragraph.

Signed on 14 February 2023.

M SEARES AO  
Chair

B A SARGEANT PSM  
Member  
Salaries and Allowances Tribunal

HON. J DAY  
Member



## SALARIES AND ALLOWANCES ACT 1975

## DETERMINATION VARIATION

## PREAMBLE

The Tribunal has today issued a report under Section 7 of the *Salaries and Allowances Act 1975* ('the Act') recommending an adjustment of 3.75 per cent, effective from 1 March 2023 to the remuneration to be paid to Judges of the Supreme and District Courts, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission.

Registrars of the Supreme and District Courts, while included in the Special Division of the Public Service, are considered by the Tribunal within the context of Western Australia's judicial system. Consequently, this determination variation provides for a 3.75 per cent increase to flow through to Registrars in both the Supreme and District Courts.

## DETERMINATION

VARIATION 1 (*effective on and from 1 March 2023*)

The determinations of the Salaries and Allowances Tribunal made on 23 June 2022 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 determination set out below, with effect on and from 1 March 2023.

- Delete the reference to the offices below, as it appears in 'Table 16: Annual salary for Court Registrars' within Part 1 of the Third Schedule and insert the following—

Office	Annual Salary
<b>Supreme Court</b>	
Principal Registrar	\$364,560
Registrar	\$322,963
<b>District Court</b>	
Principal Registrar	\$339,597
Registrar	\$319,158
Deputy Registrar	\$309,615

Signed on 14 February 2023.

M SEARES AO  
Chair

B A SARGEANT PSM  
Member  
Salaries and Allowances Tribunal

HON. J DAY  
Member