



Western Australia

Salaries and Allowances Act 1975

Compare between:

[09 Feb 2013, 05-g0-04] and [20 May 2014, 05-h0-01]

Western Australia

Salaries and Allowances Act 1975

An Act to establish a Tribunal to determine or report upon the remuneration to be paid or provided to the Governor and to holders of ministerial, parliamentary, judicial and certain other public offices, to determine certain matters relating to the superannuation of members of Parliament, to repeal the *Parliamentary Salaries and Allowances Act 1967*², to authorise the making of arrangements for the payment of certain travelling expenses, and for incidental and other purposes.

[Long title amended by No. 34 of 1980 s. 2; No. 58 of 1986 s. 14; No. 19 of 1989 s. 7; No. 68 of 1992 s. 4(3).]

Part I — The Tribunal

1. Short title

This Act may be cited as the *Salaries and Allowances Act 1975*¹.

[Section 1 amended by No. 34 of 1980 s. 3.]

2. Commencement

- (1) Subject to subsection (2) this Act shall come into operation on the date on which this Act receives the Royal Assent¹.
- (2) Section 13 shall come into operation on the date on which the first determination made under section 6 comes into operation¹.

[3. Deleted by No. 58 of 1986 s. 15.]

4. Terms used

- (1) In this Act, unless the contrary intention appears —

Chairman means Chairman of the Tribunal and includes a member appointed temporarily in place of the Chairman pursuant to section 34 of the *Interpretation Act 1918*³;

member means a member of the Tribunal and includes a person appointed temporarily in place of a member under section 34 of the *Interpretation Act 1918*³;

Minister of the Crown means a person who holds any of the principal executive offices of the Government liable to be vacated on political grounds that are referred to in section 43 of the *Constitution Acts Amendment Act 1899*;

remuneration includes salary, allowances, fees, emoluments and benefits (whether in money or not);

section means section of this Act;

Tribunal means the Tribunal established by section 5.

- (2) For the purposes of this Act a person is an officer of Parliament if he is the holder for the time being of the office of —
- (a) President of the Legislative Council;
 - (b) Speaker of the Legislative Assembly;
 - (c) Chairman and deputy of Committees in either House;
 - (d) Leader of the Opposition in the Legislative Council;
 - (e) Leader of the Opposition in the Legislative Assembly;
 - (f) Deputy Leader of the Opposition in the Legislative Assembly;
 - (g) Government Whip in the Legislative Council;
 - (h) Opposition Whip in the Legislative Council;
 - (i) Government Whip in the Legislative Assembly;
 - (j) Opposition Whip in the Legislative Assembly;
 - (k) the person who not being a Minister of the Crown is the leader in the Parliament of a party of at least 5 members of Parliament other than a party whose leader is the Premier or the Leader of the Opposition;
 - (l) the person who is the Whip in the Legislative Council or the Legislative Assembly of a party of at least 7 members other than a party whose leader is the Premier or the Leader of the Opposition and the first mentioned party in the case of the Whip in the Legislative Council has 7 members or more in that House or in the case of the Whip in the Legislative Assembly has 7 or more members in that House.

[Section 4 amended by No. 78 of 1984 s. 20; No. 34 of 1986 s. 4; No. 19 of 1989 s. 8; No. 38 of 1990 s. 7; No. 68 of 1992 s. 4(1) and (2); No. 56 of 2006 s. 6.]

5. Establishment of Tribunal

- (1) For the purposes of this Act there is hereby established a Tribunal to be known as the Salaries and Allowances Tribunal.

s. 5

- (2) The Tribunal shall consist of 3 members appointed by the Governor.
- (3) Subject to this Act a member shall hold office for a period of 3 years, but a member appointed on the occasion when the Tribunal is first constituted shall hold office for such period not exceeding 3 years as is specified in his instrument of appointment, and any member is eligible for reappointment.
- (4) If a member —
 - (a) is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or
 - (b) becomes permanently incapable of performing his duties as a member; or
 - (c) resigns his office by writing under his hand addressed to the Governor,the office of that member becomes vacant.
- (5) Where the office of a member has become vacant by virtue of subsection (4), the Governor may appoint a person to the vacant office for the unexpired part of the term of the office which so became vacant.
- (6) A member shall be paid such fees and allowances as are determined from time to time by the Governor.
- (7) A person shall not be appointed as a member if he is a person whose remuneration is determined or reported upon by the Tribunal under this Act.
- (8) The Governor shall appoint one of the members to be the Chairman of the Tribunal.

[Section 5 amended by No. 63 of 1978 s. 2; No. 42 of 1997 s. 8; No. 18 of 2009 s. 78.]

5A. Inquiry into and determination of remuneration of Governor

- (1) The Premier shall, before an appointment is made to the office of Governor, request the Tribunal to inquire into, and determine, the remuneration to be paid to the Governor.
- (2) The Tribunal shall, on receiving a request made under subsection (1), comply with that request.
- (3) The Tribunal may, in complying with a request made under subsection (1), in its determination specify a method of altering from time to time the remuneration payable to the Governor during the subsistence of the appointment referred to in that subsection.
- (4) A determination made by the Tribunal under this section shall —
 - (a) be in writing;
 - (b) be signed by the members; and
 - (c) come into operation, or be deemed to have come into operation, on the day on which the appointment referred to in subsection (1) is made.
- (5) The Tribunal shall cause one copy of each determination made under this section to be given to the Premier who shall, not later than 14 days from the date on which the Premier receives the determination, inform the Tribunal that he agrees or does not agree with that determination and, where he does not agree, set out the grounds for his disagreement and recommendations as to the alterations that he believes should be made.
- (6) The Tribunal, having considered the Premier's recommendations following his disagreement with the determination, shall either amend the determination or reaffirm the determination.
- (7) The text of the determination as finally settled shall be published in the *Gazette*.

s. 6

- (8) Any remuneration payable under, or under any method of alteration specified in, any determination made under this section shall, notwithstanding any other written law, be paid in accordance with that determination out of the Consolidated Account, which is appropriated accordingly.
- (9) The remuneration payable under a determination which has come into operation under this section in respect of a particular appointment to the office of Governor shall not, subject to any alteration effected under any method of alteration specified in that determination, be altered while that appointment subsists.
- (10) Notwithstanding anything in this section, the Tribunal shall forthwith on the coming into operation of section 9 of the *Acts Amendment (Remuneration of Governor) Act 1989*¹ proceed to inquire into, and determine, the remuneration to be paid to the Governor and this section shall apply to and in relation to that determination as if that determination had been made in compliance with a request made under subsection (1).

[Section 5A inserted by No. 19 of 1989 s. 9; amended by No. 77 of 2006 s. 4.]

6. Other inquiries into and determinations of remuneration

- (1) The Tribunal shall, from time to time as provided by this Act, inquire into, and determine, the remuneration to be paid or provided to —
 - (a) Ministers of the Crown and the Parliamentary Secretary of the Cabinet;
 - (ab) subject to section 44A(4) and (5) of the *Constitution Acts Amendment Act 1899*, a Parliamentary Secretary appointed under section 44A(1) of that Act;
 - (b) officers and members of the Parliament including additional remuneration to be paid or provided to a member, other than an officer, of Parliament who is the Chairman, Deputy Chairman or a member of a standing

-
- committee of a House or a joint standing committee of both Houses;
- (c) Clerk of the Legislative Council or Clerk of the Legislative Assembly or the Deputy Clerk of either House;
 - (d) officers of the Public Service holding offices included in the Special Division of the Public Service; and
 - (e) a person holding any other office of a full-time nature, created or established under a law of the State, that is prescribed for the purposes of this section, but not being an office the remuneration for which is determined by or under any industrial award or agreement made or in force under any other law of the State.
- (2) A determination of the Tribunal —
- (a) shall be in writing;
 - (b) shall be signed by the members; and
 - (c) shall come into operation, or shall be deemed to have come into operation, on such date as is specified therein.
- (3) A copy of every determination made by the Tribunal, shall be published in the *Government Gazette*.
- (4) Any remuneration which is payable pursuant to a determination shall, notwithstanding the provisions of any other law of the State, be paid in accordance with the determination and charged to the Consolidated Account, which is appropriated accordingly, or, where the law creating an office to which a determination applies provides for the remuneration of the holder of the office to be paid from some other fund or source, out of that fund or source.
- (5) Except where the Tribunal otherwise determines, a member of the Legislative Assembly who ceases to be a member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time shall nevertheless be deemed for the purposes of this Part and the provisions of any determination to have

s. 6

continued to have been such a member until the day fixed for the taking of the poll next following the dissolution or expiry.

- (5a) Notwithstanding any other provision of this Act or any determination, where a person elected as a member of Parliament is a person to whom section 36 or section 37 of the *Constitution Acts Amendment Act 1899* applies, that person shall not be entitled to any remuneration as such a member in respect of any period for which he remains a person to whom that section applies.
- (5b) Notwithstanding any other provision of this Act or any determination —
- (a) a person elected as a member of the Legislative Council at a general election shall not be entitled to any remuneration as such a member in respect of any period before 22 May next following the general election unless that person was a member of the Legislative Council immediately before the general election or is declared elected under section 156D of the *Electoral Act 1907* to complete the unexpired portion of a term of office ending on that 22 May; and
 - (b) where an election held as part of a general election for the Legislative Council fails wholly or partially or is declared to be absolutely void and an election held by reason of that failure or declaration (*the fresh election*) is held before 22 May next following the general election, a person elected as a member of the Legislative Council at the fresh election shall not be entitled to any remuneration as such a member in respect of any period before that 22 May unless that person was a member of the Legislative Council immediately before the fresh election or is declared elected under section 156D of the *Electoral Act 1907* to complete the unexpired portion of a term of office ending on that 22 May.

- (6) Notwithstanding any other provision of this Act, where any provision of a determination dealing with the payment of electorate allowances or other allowances to members of Parliament which vary according to the electoral district or electoral region of a member becomes inapplicable, or, in the opinion of the Chairman, inequitable as a consequence of a subsequent division of the State into electoral districts and electoral regions, the Chairman may without further authority than this subsection alter the determination in that regard to such extent as he thinks necessary for that purpose, and any variation of the determination shall be published in the *Government Gazette*.
- (7) Where a member of Parliament (not being a Minister of the Crown, a Parliamentary Secretary appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, or the Parliamentary Secretary of the Cabinet) travels in this State or elsewhere in order to perform any duty or function as a representative of the Government or of a Minister of the Crown —
- (a) he is not entitled to have his fares for that travel paid by the State, or to receive reimbursement from the State in respect of those fares, unless that payment or reimbursement is made —
 - (i) with the written approval of the Treasurer; or
 - (ii) under arrangements made under section 11A(1);
 - (b) he is not entitled to receive any remuneration from the State in respect of accommodation or other expenses incurred in the course of or in connection with that travel other than an allowance payable in accordance with a determination made by the Tribunal.
- (8) Where a payment or reimbursement in respect of the fares of a member of Parliament is made with the approval of the Treasurer as referred to in subsection (7)(a)(i), no payment or reimbursement shall be made in respect of those fares under

s. 6A

arrangements made under section 11A(1), but that payment or reimbursement shall not be regarded as being in satisfaction of any part of the entitlements of the member under those arrangements.

[Section 6 amended by No. 33 of 1979 s. 2; No. 34 of 1980 s. 5; No. 78 of 1984 s. 21; No. 40 of 1987 s. 104; No. 38 of 1990 s. 8; No. 49 of 1991 s. 3; No. 68 of 1992 s. 4(3) and 5; No. 6 of 1993 s. 11; No. 1 of 1995 s. 37; No. 49 of 1996 s. 64; No. 36 of 2000 s. 57; No. 22 of 2001 s. 3; No. 1 of 2005 s. 10(2); No. 56 of 2006 s. 7; No. 77 of 2006 s. 4; amended in Gazette 15 Aug 2003 p. 3691.]

6A. Tribunal's functions under *Parliamentary Superannuation Act 1970*

(1) The Tribunal shall from time to time, as it sees fit, inquire into and determine, for the purposes of the *Parliamentary Superannuation Act 1970*, any matter that under that Act is to be determined by the Tribunal.

(2) Section 6(2) and (3) apply to a determination under this section.

[Section 6A inserted by No. 37 of 2000 s. 20.]

6AA. Redundancy benefits for members of Parliament

(1) The Tribunal may inquire into and determine the entitlements and benefits to be paid or provided to a member of Parliament if the member ceases to be a member.

(2) The Tribunal shall make such an inquiry and determination if the Tribunal makes a determination under section 28 of the *Parliamentary Superannuation Act 1970* that benefits shall not be payable until a former member attains an age specified by the Tribunal in its determination.

(3) Section 6(2) and (3) apply to a determination under this section.

- (4) Any amount payable in accordance with a determination under this section shall be charged to the Consolidated Account which is appropriated accordingly.

[Section 6AA inserted by No. 37 of 2000 s. 20; amended by No. 77 of 2006 s. 4.]

6B. Determinations relating to entitlements of former Premiers, Ministers and members of Parliament

- (1) The Tribunal shall from time to time, as it sees fit, inquire into and determine the entitlements and benefits to be paid or provided to former Premiers of the State, former Ministers of the Crown and former members of the Legislative Assembly or Legislative Council of the State.
- (2) Section 6(2) and (3) apply in relation to a determination under this section.
- (3) Any amount that is payable in accordance with a determination under this section shall be charged to the Consolidated Account which is appropriated accordingly.

[Section 6B inserted by No. 13 of 1987 s. 3; amended by No. 6 of 1993 s. 11; No. 73 of 1994 s. 4; No. 49 of 1996 s. 64; No. 77 of 2006 s. 4.]

6C. Forfeiture of former office entitlements

- (1) In this section —

former office entitlement means an entitlement or benefit that a person would be entitled to receive in accordance with a determination under section 6B if this section did not apply;

holding public office means being the Premier of the State, a Minister of the Crown, or a member of the Legislative Assembly or Legislative Council of the State;

Schedule 1 offence means an offence prescribed in Schedule 1 or an offence that, in a particular case, is determined under subsection (2) to be a Schedule 1 offence.

s. 6C

- (2) A court convicting a person of an offence that the person committed while holding public office may, if it considers that the person's holding public office was in any way relevant to the commission of the offence and the gravity of the offence warrants the determination, determine that, for the purposes of this section, the offence was a Schedule 1 offence even though it is not prescribed in Schedule 1.
- (3) A person is disqualified from receiving any former office entitlement if —
- (a) the person is sentenced to imprisonment upon conviction of any offence other than for a term of less than 12 months; or
 - (b) the person is convicted of a Schedule 1 offence that the person committed while holding public office.
- (4) A former office entitlement is not to be paid or provided to a person who is disqualified under this section from receiving it except to the extent that the entitlement arose before the person was disqualified and related to a time before the person was disqualified or to anything done before the person was disqualified.
- (5) The person ceases to be disqualified and the former office entitlement is restored with effect from the time when the person became disqualified if —
- (a) the person's conviction is quashed; or
 - (b) if the offence was not a Schedule 1 offence that the person committed while holding public office, the sentence is quashed —
 - (i) without substituting for it another sentence of imprisonment; or
 - (ii) substituting for it a sentence of imprisonment for a term ending less than 12 months after the person began serving the sentence quashed.

[Section 6C inserted by No. 45 of 1995 s. 4⁴.]

7. Inquiry into and report on judicial salaries

- (1) Subject to section 5(1) and (1b) of the *Judges' Salaries and Pensions Act 1950* and section 12(3a) of the *District Court of Western Australia Act 1969*, the Tribunal shall, from time to time as provided by this Act, inquire into, and report to the Minister on, the question whether any alterations are desirable in the remuneration to be paid or provided to judges, District Court judges, masters of the Supreme Court and magistrates and the Parliamentary Inspector of the Corruption and Crime Commission appointed under the *Corruption and Crime Commission Act 2003*, and if the Tribunal reports that any such alterations are desirable it shall, in its report, recommend the nature and extent of the alterations that should be made.
- (2) The report of the Tribunal —
 - (a) shall be in writing;
 - (b) shall be signed by the members; and
 - (c) shall be furnished to the Minister.
- (3) A copy of every report made by the Tribunal under this section shall be laid before each House of Parliament within 5 sitting days of that House after the report is received by the Minister.
- (4) Except as provided in subsection (5), a recommendation contained in a report made by the Tribunal under this section shall come into operation or shall be deemed to have come into operation on such date as is specified in the report of the Tribunal, and for that purpose the provisions of section 6(4) apply to and in relation to any remuneration recommended to be payable in such a report as if it were remuneration payable pursuant to a determination made under section 6.
- (5) Subject to subsection (6) if either House of Parliament, within 15 sitting days of that House after a copy of a report has been laid before that House pursuant to subsection (3), passes a resolution disapproving a recommendation made by the Tribunal, then —

s. 7A

- (a) if the recommendation has not yet come into operation — the recommendation shall not come into operation;
 - (b) if the recommendation has come into operation — the recommendation shall cease to have any force or effect in respect of any period commencing on or after the day on which the resolution is passed.
- (6) For the purposes of applying the provisions of subsection (5) to the report made by the Tribunal and tabled in each House of Parliament on 16 October 1975, the reference in that subsection to “within 15 sitting days of that House after a copy of a report has been laid before that House” shall be construed as a reference to within 15 sitting days of that House after 7 November 1975.

[Section 7 amended by No. 89 of 1975 s. 3; No. 33 of 1979 s. 3; No. 34 of 1980 s. 6; No. 68 of 1992 s. 4(3) and 6; No. 14 of 1994 s. 20; No. 29 of 1996 s. 26; No. 23 of 1997 s. 19; No. 48 of 2003 s. 62; No. 78 of 2003 s. 74(2); No. 45 of 2004 s. 37; No. 8 of 2009 s. 114.]

7A. Determinations as to remuneration of local government CEOs

- (1) The Tribunal is to, from time to time as provided by this Act, inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments.
- (2) Section 6(2) and (3) apply to a determination under this section.

[Section 7A inserted by No. 2 of 2012 s. 38.]

7B. Determinations as to fees and allowances of local government councillors

- (1) In this section —

elected council member means a person elected under the *Local Government Act 1995* as a member of the council of a local government.

- (2) The Tribunal is to, from time to time as provided by this Act, inquire into and determine —
- (a) the amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* to elected council members for attendance at meetings; and
 - (b) the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the *Local Government Act 1995* to elected council members; and
 - (c) the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the *Local Government Act 1995* to elected council members.
- (3) Section 6(2) and (3) apply to a determination under this section.
[Section 7B inserted by No. 2 of 2012 s. 39.]

8. Tribunal to report and make a determination annually

The Tribunal shall ensure that —

- (a) not more than a year elapses between one determination under section 6(1) in respect of an office or other position referred to in that subsection and another; and
- (b) not more than a year elapses between one report under section 7(1) and another; and
- (c) not more than a year elapses between one determination under section 7A and another; and
- (d) not more than a year elapses between one determination under section 7B(2) and another.

[Section 8 inserted by No. 37 of 2000 s. 21; amended by No. 49 of 2004 s. 13; No. 2 of 2012 s. 40.]

9. Meetings of Tribunal

- (1) The Chairman may convene meetings of the Tribunal and shall preside at all meetings of the Tribunal at which he is present.
- (2) In the event of the absence of the Chairman from a meeting —
 - (a) another member nominated by the Chairman for that purpose shall preside; or
 - (b) if another member has not been so nominated by the Chairman, another member nominated by the Minister for that purpose shall preside.
- (3) At a meeting of the Tribunal —
 - (a) the procedure shall be as determined by the Tribunal;
 - (b) 2 members constitute a quorum;
 - (c) all questions shall be decided by a majority of the votes of the members present and voting;
 - (d) the member presiding has a deliberative vote; and
 - (e) in the event of an equality of votes being cast on any question, the question shall be deferred until a subsequent meeting of the Tribunal.

10. Method of inquiry by Tribunal

- (1) In the performance of the functions of the Tribunal —
 - (a) the Tribunal may inform itself in such manner as it thinks fit;
 - (b) the Tribunal may receive written or oral statements;
 - (c) the Tribunal is not required to conduct any proceeding in a formal manner; and
 - (d) the Tribunal is not bound by the rules of evidence.
- (2) For the purposes of the exercise and performance of its powers and functions under this Act, the Tribunal has all the powers, rights and privileges that are specified in the *Royal Commissions Act 1968*, as appertaining to a Royal Commission

and the provisions of that Act have effect as if they were enacted in this Act and in terms made applicable to the Tribunal.

- (3) The Minister may, if he thinks fit, appoint a person or persons to assist the Tribunal in an inquiry.
- (4) Without limiting the provisions of subsection (3) the Minister shall —
 - (a) appoint a person nominated from time to time in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly to assist the Tribunal in an inquiry in so far as it relates to the remuneration of Ministers of the Crown, a Parliamentary Secretary appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, the Parliamentary Secretary of the Cabinet and officers and members of the Parliament;
 - (b) appoint a person nominated from time to time in writing by the Public Sector Commissioner to assist the Tribunal in an inquiry in so far as it relates to the remuneration to be paid or provided to the officers and persons referred to in section 6(1)(d) and (e); and
 - (c) appoint a person nominated from time to time in writing by the chief executive officer of the department principally assisting the Minister in the administration of the *Local Government Act 1995* to assist the Tribunal in an inquiry in so far as it relates to —
 - (i) the remuneration to be paid or provided to chief executive officers of local governments referred to in section 7A; or
 - (ii) the fees, expenses and allowances to be paid to elected council members referred to in section 7B.

s. 11

[Section 10 amended by No. 33 of 1979 s. 4; No. 38 of 1990 s. 9; No. 68 of 1992 s. 4(3); No. 32 of 1994 s. 19; No. 73 of 1994 s. 4; No. 49 of 2004 s. 13; No. 39 of 2010 s. 83; No. 2 of 2012 s. 41.]

11. Fees and allowances

Any person appointed under section 10(3) to assist the Tribunal may be paid such fees and allowances as the Governor determines.

Part IA — General

[Heading inserted by No. 34 of 1980 s. 7.]

11A. Arrangements for payment of travelling expenses by Treasurer

- (1) The Treasurer of the State may from time to time make arrangements under which, in such circumstances, and subject to such conditions, restrictions and limitations, as the Treasurer determines, —
- (a) the fares of a member of Parliament for travel in this State or elsewhere;
 - (b) the fares of a member of the family of a member of Parliament for travel in this State or elsewhere associated with travel by that member of Parliament; and
 - (c) accommodation or other expenses incurred by a member of Parliament in the course of or in connection with travel by him in this State or elsewhere,

shall be payable by the Treasurer.

- (2) Arrangements made under subsection (1)(c) shall not authorise the payment of expenses in respect of which an allowance is payable or reimbursement may be obtained pursuant to a determination made under Part I.
- (3) Any moneys payable under arrangements made under subsection (1) —
- (a) may be paid directly or by way of reimbursement or, in the case of expenses referred to in paragraph (c) of that subsection, by way of an allowance in respect of those expenses; and
 - (b) shall be charged to the Consolidated Account, which is appropriated accordingly.

s. 12

- (4) Subject to this section, where a person ceases to be a member of the Legislative Assembly by reason of the dissolution of that House or the expiry thereof by effluxion of time arrangements made under subsection (1) shall continue to apply to and in relation to him during the period between the dissolution or expiry and the day fixed for the taking of the poll next following the dissolution or expiry.
- (5) Without limiting the generality of subsection (1) the Treasurer may determine that arrangements made under that subsection —
- (a) shall not apply; or
 - (b) shall apply to a restricted or limited extent,

in relation to the period between the issue of the writ for a general election or writs for a conjoint election pursuant to the *Electoral Act 1907* and the day fixed by the writ or writs for the taking of the poll.

[Section 11A inserted by No. 34 of 1980 s. 7; amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 36 of 2000 s. 26; No. 77 of 2006 s. 4.]

12. Regulations

The Governor may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[Part II deleted by No. 37 of 2000 s. 22.]

Schedule 1 — Offences

[Section 6C]

1. An offence against section 60, 61, 81, 82, 83, 85, 88, 122, 124, 169, 170, 378, 409, 414, 419, 424, 440A, 473, 529, 530, 532, 533, 534, 535, or 536 of *The Criminal Code*.
2. An offence against section 24, 25, 26, or 27 of the *Royal Commissions Act 1968*.
3. An offence against section 552, 553, 558, or 562 of *The Criminal Code* relating to an offence prescribed in item 1 or 2.
[Schedule 1 inserted by No. 45 of 1995 s. 5.]

=====

Notes

¹ This is a compilation of the *Salaries and Allowances Act 1975* and includes the amendments made by the other written laws referred to in the following table [1a](#). The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Salaries and Allowances Tribunal Act 1975</i> ⁵	27 of 1975	16 May 1975	Act other than s. 13: 16 May 1975 (see s. 2(1)); s. 13: 8 Aug 1975 (see s. 2(2) and <i>Gazette</i> 12 Aug 1975 p. 2951)
<i>Salaries and Allowances Tribunal Act Amendment Act 1975</i>	89 of 1975	20 Nov 1975	19 Sep 1975 (see s. 2)
<i>Salaries and Allowances Tribunal Act Amendment Act 1978</i>	63 of 1978	22 Sep 1978	22 Sep 1978
<i>Salaries and Allowances Tribunal Act Amendment Act 1979</i>	33 of 1979	11 Oct 1979	11 Oct 1979
<i>Salaries and Allowances Tribunal Amendment Act 1980</i>	34 of 1980	5 Nov 1980	5 Nov 1980
<i>Acts Amendment and Repeal (Disqualification for Parliament) Act 1984 Pt. X</i>	78 of 1984	14 Nov 1984	1 Jul 1985 (see s. 2 and <i>Gazette</i> 17 May 1985 p. 1671)
<i>Salaries and Allowances Amendment Act 1986</i>	34 of 1986	1 Aug 1986	1 Aug 1986 (see s. 2)
<i>Acts Amendment (Parliamentary Superannuation) Act 1986 Pt. II</i>	58 of 1986	26 Nov 1986	24 Dec 1986
<i>Salaries and Allowances Amendment Act 1987</i>	13 of 1987	25 Jun 1987	25 Jun 1987 (see s. 2)
<i>Acts Amendment (Electoral Reform) Act 1987 Pt. VII</i>	40 of 1987	12 Jul 1987	30 Oct 1987 (see s. 2 and <i>Gazette</i> 30 Oct 1987 p. 3977)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Parliamentary Superannuation) Act 1987 Pt. II</i>	103 of 1987	16 Dec 1987	16 Dec 1987 (see s. 2)
<i>Acts Amendment (Parliamentary Superannuation) and Transitional Arrangements Act 1988 Pt. 2</i>	6 of 1988	30 Jun 1988	30 Jun 1988 (see s. 2(1))
Reprint of the Salaries and Allowances Act 1975 as at 16 Nov 1988 (includes amendments listed above)			
<i>Acts Amendment (Remuneration of Governor) Act 1989 Pt. 3</i>	19 of 1989	1 Dec 1989	1 Dec 1989 (see s. 2(1))
<i>Acts Amendment (Parliamentary Superannuation) Act 1989 Pt. 5</i>	31 of 1989	15 Dec 1989	15 Dec 1989 (see s. 2)
<i>Acts Amendment (Parliamentary Secretaries) Act 1990 Pt. 3</i>	38 of 1990	8 Nov 1990	8 Nov 1990 (see s. 2)
<i>Salaries and Allowances Amendment Act 1991</i>	49 of 1991	17 Dec 1991	17 Dec 1991 (see s. 2)
<i>Salaries and Allowances Amendment Act 1992</i>	68 of 1992	11 Dec 1992	11 Dec 1992 (see s. 2)
<i>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Acts Amendment (Official Corruption Commission) Act 1994 s. 20</i>	14 of 1994	22 Apr 1994	24 May 1994 (see s. 2 and Gazette 24 May 1994 p. 2193)
Reprint of the Salaries and Allowances Act 1975 as at 26 Apr 1994 (includes amendments listed above except the <i>Acts Amendment (Official Corruption Commission) Act 1994</i>)			
<i>Acts Amendment (Public Sector Management) Act 1994 s. 19</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and Gazette 30 Sep 1994 p. 4948)

Salaries and Allowances Act 1975

Short title	Number and year	Assent	Commencement
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Industrial Legislation Amendment Act 1995 s. 37</i>	1 of 1995	9 May 1995	9 May 1995 (see s. 2(1))
<i>Salaries and Allowances Amendment Act 1995⁴</i>	45 of 1995	18 Oct 1995	18 Oct 1995 (see s. 2)
<i>Official Corruption Commission Amendment Act 1996 s. 26</i>	29 of 1996	28 Aug 1996	30 Aug 1996 (see s. 2 and <i>Gazette</i> 30 Aug 1996 p. 4365)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Acts Amendment (Auxiliary Judges) Act 1997 Pt. 9</i>	23 of 1997	18 Sep 1997	18 Sep 1997 (see s. 2)
<i>Equal Opportunity Amendment Act (No. 3) 1997 s. 8</i>	42 of 1997	9 Dec 1997	6 Jan 1998 (see s. 2(1))
Reprint of the <i>Salaries and Allowances Act 1975</i> as at 8 Sep 2000 (includes amendments listed above)			
<i>Electoral Amendment Act 2000 s. 26 and 57</i>	36 of 2000	10 Oct 2000	21 Oct 2000 (see s. 2 and <i>Gazette</i> 20 Oct 2000 p. 5899)
<i>Parliamentary Superannuation Legislation Amendment Act 2000 Pt. 3</i>	37 of 2000	10 Oct 2000	10 Oct 2000 (see s. 2)
<i>Salaries and Allowances Amendment Act 2001</i>	22 of 2001	26 Nov 2001	26 Nov 2001 (see s. 2)
<i>Corruption and Crime Commission Act 2003 s. 62</i>	48 of 2003	3 Jul 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5723)
<i>Labour Relations Reform (Consequential Amendments) Regulations 2003 r. 17</i> published in <i>Gazette</i> 15 Aug 2003 p. 3685-92			15 Sep 2003 (see r. 2)

Short title	Number and year	Assent	Commencement
<i>Corruption and Crime Commission Amendment and Repeal Act 2003</i> s. 74(2)	78 of 2003	22 Dec 2003	7 Jul 2004 (see s. 2 and <i>Gazette</i> 6 Jul 2004 p. 2697)
<i>Acts Amendment (Court of Appeal) Act 2004</i> s. 37	45 of 2004	9 Nov 2004	1 Feb 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163)
<i>Local Government Amendment Act 2004</i> s. 13	49 of 2004	12 Nov 2004	1 Apr 2005 (see s. 2 and <i>Gazette</i> 31 Mar 2005 p. 1029)
<i>Electoral Amendment and Repeal Act 2005</i> s. 10	1 of 2005	20 May 2005	20 May 2005 (see s. 2)
Reprint 4: The Salaries and Allowances Act 1975 as at 10 Jun 2005 (includes amendments listed above)			
<i>Parliamentary Legislation Amendment Act 2006</i> Pt. 3	56 of 2006	16 Nov 2006	17 Nov 2006 (see s. 2)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 114	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Acts Amendment (Bankruptcy) Act 2009</i> s. 78	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
Reprint 5: The Salaries and Allowances Act 1975 as at 2 Jul 2010 (includes amendments listed above)			
<i>Public Sector Reform Act 2010</i> s. 83	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)
<i>Local Government Amendment Act 2012</i> Pt. 4 (s. 38-41)	2 of 2012	4 Apr 2012	s. 38, 40(a), (c) and 41 to the extent that it inserts s. 10(4)(c)(i): 21 Apr 2012 (see s. 2(b) and <i>Gazette</i> 20 Apr 2012 p. 1695); s. 39, 40(b) and 41 to the extent that it inserts s. 10(4)(c)(ii): 9 Feb 2013 (see s. 2(b) and <i>Gazette</i> 8 Feb 2013 p. 863)

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
Workforce Reform Act 2014 Pt. 4⁶	8 of 2014	20 May 2014	To be proclaimed (see s. 2(b))

² The provision in this Act repealing the *Parliamentary Salaries and Allowances Act 1967* was repealed by the *Parliamentary Superannuation Legislation Amendment Act 2000* s. 22.

³ Now see the *Interpretation Act 1984* s. 52.

⁴ The *Salaries and Allowances Amendment Act 1995* s. 6 reads as follows:

6. Transitional provision

- (1) Section 6C of the principal Act applies whether or not the offence was committed before the day when this Act commences and whether or not the person was dealt with before that day, but if the person was dealt with before that day the disqualification takes effect on that day instead of the day when the person was dealt with.
- (2) For the purposes of subsection (1) a person is dealt with —
 - (a) if the offence was a Schedule 1 offence committed by the person while holding public office, on the day when the person is convicted;
 - (b) in any other case, on the day when the person was sentenced.

⁵ Now known as the *Salaries and Allowances Act 1975*; short title changed (see note under s. 1).

⁶ [On the date as at which this compilation was prepared, the Workforce Reform Act 2014 Pt. 4 had not come into operation. It reads as follows:](#)

Part 4 — Salaries and Allowances Act 1975 amended

18. Act amended

[This Part amends the *Salaries and Allowances Act 1975*.](#)

19. Section 10A inserted

After section 10 insert:

10A. Tribunal to have regard to government financial matters

(1) In this section —

Government Financial Projections Statement means whichever is the most recent of the following —

(a) the most recent Government Financial Projections Statement that is —

(i) released under the *Government Financial Responsibility Act 2000* section 12(1); and

(ii) made publicly available in the budget papers tabled in the Legislative Assembly under the title “Economic and Fiscal Outlook” or, if the regulations prescribe another part of the budget papers, that other part;

(b) the most recent Government Mid-year Financial Projections Statement that is —

(i) released under the *Government Financial Responsibility Act 2000* section 13(1); and

(ii) made publicly available under section 9 of that Act;

Public Sector Wages Policy Statement means —

(a) the Public Sector Wages Policy Statement 2014 issued by the State government that applies to industrial agreements expiring after 1 November 2013; or

(b) if any Public Sector Wages Policy Statement is issued in substitution for that statement, the later statement.

(2) In making a determination under section 6(1)(a), (ab), (d) or (e) the Tribunal must take into consideration the following —

(a) any Public Sector Wages Policy Statement, irrespective of whether or not the statement applies to a person or office in respect of whom or which the determination is made;

(b) the financial position and fiscal strategy of the State as set out in the following —

(i) the most recent Government Financial Strategy Statement released under the *Government Financial Responsibility Act 2000* section 11(1)

and made publicly available under section 9 of that Act;

(ii) the Government Financial Projections Statement;

(iii) any submissions made to the Tribunal on behalf of the State government.