

WESTERN AUSTRALIA

**SALARIES AND ALLOWANCES ACT
1975**

ARRANGEMENT

PART I—THE TRIBUNAL

Sec.

1. Short title
2. Commencement
4. Interpretation
5. Establishment of Tribunal
6. Inquiries and determinations by Tribunal
- 6A. Determinations relating to parliamentary superannuation
- 6B. Determinations relating to entitlements of former Premiers, Ministers and members of Parliament
7. Inquiry and report on judicial salaries
8. Tribunal to make determination and a report annually
9. Meetings of the Tribunal
10. Method of inquiry by Tribunal
11. Fees and allowances

PART IA—GENERAL

- 11A. Arrangement for payment of travelling expenses by Treasurer
12. Regulations

PART II—REPEAL OF *PARLIAMENTARY SALARIES
AND ALLOWANCES ACT 1967*

13. Repeal

WESTERN AUSTRALIA.

SALARIES AND ALLOWANCES ACT 1975

AN ACT to establish a Tribunal to determine or report upon the salaries and certain allowances payable 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 1967-1975*, to authorize 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.*]

PART I—THE TRIBUNAL

Short title

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

[*Section 1 amended by No. 58 of 1986 s. 13.*]

Commencement

2. (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. Section 3 repealed by No. 58 of 1986 s. 15.]

Interpretation

4. (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*;

“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*;

“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” means salary and any allowance which is payable annually or at a rate per annum, but in relation to Ministers of the Crown, the Parliamentary Secretary of the Cabinet, officers and members of Parliament and judges of the Supreme Court and of The District Court of Western Australia, also means other allowances and fees and emoluments;

“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 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 of a party in the Legislative Assembly of at least 5 members 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.*]

Establishment of Tribunal

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

(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 re-appointment.

(4) If a member—

- (a) is an undischarged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (b) becomes permanently incapable of performing his duties as a member;
- (c) resigns his office by writing under his hand addressed to the Governor; or
- (d) attains the age of 72 years,

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.*]

Inquiries and determinations by Tribunal

6. (1) The Tribunal shall, from time to time as provided by this Act, inquire into, and determine, the remuneration to be paid to—

- (a) Ministers of the Crown and the Parliamentary Secretary of the Cabinet;
- (b) officers and members of the Parliament including additional remuneration to be paid to members of Select Committees of a House or Joint Select Committees of Houses, not being in either case Standing Committees;
- [(c) *deleted*]
- (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 out of the Consolidated Revenue Fund, 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 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.

(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 action taken under the *Electoral Distribution Act 1947*³, 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, the holder of an office with the designation "Honorary Minister", 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 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.]

Determinations relating to parliamentary superannuation

6A. (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*—

- (a) the basis to be used for calculating the amount that, under section 11 (1) of that Act, is to be deducted, by way of contributions to the Fund, from each instalment of salary;

- (b) the specified basic percentage, the further specified percentage, and the specified maximum number of periods referred to in section 13 (1) of that Act for calculating the "basic pension" under that provision;
- (c) the basis to be used for calculating the higher rate of pension to which a person may be entitled under section 14 (3a) of that Act;
- (d) the specified age referred to in section 16 (2) of that Act for calculating the amount of the lump sum payment to which a person is entitled upon converting his pension entitlement, or a portion thereof, under section 16 (1) of that Act; and
- (e) the figure referred to in paragraph (a) of section 16 (2) of that Act to be used for multiplying the amount of an annual pension entitlement for the purposes of conversion to a lump sum payment, and the figure referred to in paragraph (b) of section 16 (2) of that Act.

(1a) In determining a figure under subsection (1) (e) the Tribunal may determine a figure that only applies to a class of persons specified in the determination and may determine different figures to apply to different classes of persons.

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

[Section 6A inserted by No. 58 of 1986 s. 16; Amended by No. 103 of 1987 s. 6; No. 6 of 1988 s. 3.]

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

6B. (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) applies in relation to a determination under this section.

(3) Any amount that is payable in accordance with a determination under this section shall be paid from the Consolidated Revenue Fund which is appropriated accordingly.

[Section 6B inserted by No. 13 of 1987 s. 3.]

**Inquiry and report on
judicial salaries**

7. (1) 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 payable to judges of the Supreme Court, the Master of the Supreme Court, judges of the District Court of Western Australia, and stipendiary magistrates, 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—

- (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.]

Tribunal to make determination and a report annually

8. The tribunal shall, as soon as practicable after 1 July 1975 but not later than 31 August 1975, and thereafter at intervals of not more than one year, make at the one time a determination and a report in respect of the matters referred to in section 6 (1) and section 7 (1).

Meetings of the Tribunal

9. (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.

Method of inquiry by Tribunal

10. (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, the Parliamentary Secretary of the Cabinet and officers and members of the Parliament; and
- (b) appoint a person nominated from time to time in writing by the Public Service Commissioner⁴ to assist the Tribunal in an inquiry in so far as it relates to the remuneration to be paid to the officers and persons referred to in section 6 (1)(d) and (e)

[Section 10 amended by No. 33 of 1979 s. 4.]

Fees and allowances

11. 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.]

Arrangements for payment of travelling expenses by Treasurer

11A. (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 authorize 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 paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

(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 writs for a general or conjoint election pursuant to the *Electoral Act 1907* and the day fixed by those writs for the taking of the poll.

[Section 11A inserted by No. 34 of 1980 s. 7.]

Regulations

12. 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

[Part II (section 13) omitted under Reprints Act 1984 s. 7 (4) (f).]

NOTES

¹. This reprint is a compilation as at 16 November 1988 of the *Salaries and Allowances Act 1975* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Salaries and Allowances Tribunal Act 1975</i>	27 of 1975	16 May 1975	Section 13: 8 August 1975 (see <i>Gazette</i> 12 August 1975 p.2951); balance on assent	Short title subsequently amended (see footnote to section 1)
<i>Salaries and Allowances Tribunal Act Amendment Act 1975</i>	89 of 1975	20 November 1975	19 September 1975 (see section 2)	
<i>Salaries and Allowances Tribunal Act Amendment Act 1978</i>	63 of 1978	22 September 1978	22 September 1978	
<i>Salaries and Allowances Tribunal Act Amendment Act 1979</i>	33 of 1979	11 October 1979	11 October 1979	
<i>Salaries and Allowances Tribunal Amendment Act 1980</i>	34 of 1980	5 November 1980	5 November 1980	
<i>Acts Amendment and Repeal (Disqualification for Parliament) Act 1984, Part X</i>	78 of 1984	14 November 1984	1 July 1985 (see <i>Gazette</i> 17 May 1985 p. 1671)	
<i>Salaries and Allowances Amendment Act 1986</i>	34 of 1986	1 August 1986	1 August 1986	
<i>Acts Amendment (Parliamentary Superannuation) Act 1986, Part II</i>	58 of 1986	26 November 1986	24 December 1986	
<i>Salaries and Allowances Amendment Act 1987</i>	13 of 1987	25 June 1987	25 June 1987	
<i>Acts Amendment (Electoral Reform) Act 1987, Part VII</i>	40 of 1987	12 July 1987	30 October 1987 (see <i>Gazette</i> 30 October 1987 p. 3977)	
<i>Acts Amendment (Parliamentary Superannuation) Act 1987, Part II</i>	103 of 1987	16 December 1987	16 December 1987	
<i>Acts Amendment (Parliamentary Superannuation) and Transitional Arrangements Act 1988 Part 2</i>	6 of 1988	30 June 1988	30 June 1988	

². Now see section 52 of *Interpretation Act 1984*.

³. Formerly referred to *Electoral Districts Act 1947*.

⁴. Title changed pursuant to section 7(3) (h) of the *Reprints Act 1984* and section 31 of the *Acts Amendment (Public Service) Act 1987*.