



Western Australia

Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018

As at 27 Feb 2018

No. 1 of 2018

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Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018

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Western Australia

Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018

No. 1 of 2018

An Act to amend, for the purposes of debt and deficit remediation, the *Salaries and Allowances Act 1975* to prevent increases in the remuneration of certain public offices.

[Assented to 27 February 2018]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Salaries and Allowances Act 1975*.

4. Part I Division 1 heading inserted

Before section 1 insert:

Division 1 — Preliminary

5. Part I Division 2 heading inserted

After section 4 insert:

Division 2 — Tribunal established

6. Part I Division 3 heading inserted

After section 5 insert:

Division 3 — Inquiries, determinations and reports

7. Section 8 amended

(1) In section 8 delete “The Tribunal” and insert:

(1) The Tribunal

(2) At the end of section 8 insert:

(2) Despite subsection (1) —

(a) the Tribunal is not required to make an annual determination under section 6(1), or an annual report under section 7(1), before 1 July 2021; and

(b) the Tribunal must not make a determination under section 7C(2) that comes into operation while section 10F applies.

(3) Subsection (2)(a) does not prevent the Tribunal from making a determination or report referred to in that subsection if the Tribunal considers the circumstances require it.

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8. Section 10 amended

In section 10(4)(d) delete “section 7C(2).” and insert:

section 7C(2) or the amount of remuneration to be paid or provided to those officers as referred to in section 10F(3).

9. Part I Division 4 inserted

After section 10A insert:

**Division 4 — No remuneration increases before
1 July 2021**

10B. Term used: commencement day

In this Division —

commencement day means the day on which the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018* section 9 comes into operation.

**10C. No increases in Governor’s remuneration before
1 July 2021**

- (1) This section applies to a determination made by the Tribunal under section 5A that comes into operation before 1 July 2021.
- (2) The Tribunal must not make a determination under which the remuneration to be paid to the Governor is more than the remuneration paid to the person who held the office of Governor immediately before commencement day.
- (3) If immediately before commencement day there was a vacancy in the office of Governor, the remuneration

determined by the Tribunal to be paid to the Governor must not be more than the remuneration paid to the last person to hold the office of Governor before commencement day.

- (4) If, as referred to in section 5A(3), the Tribunal specifies in a determination a method of altering from time to time the remuneration payable to the Governor, the Tribunal must not specify a method that allows for the remuneration of the Governor to be increased before 1 July 2021.
- (5) The regulations may prescribe a kind or class of remuneration to which this section does not apply.

10D. No increases in remuneration under s. 6 before 1 July 2021

- (1) In this section —
classification framework means a framework under which the Tribunal, in respect of the offices referred to in section 6(1)(d) —
 - (a) assesses the work value of each of the offices using established principles and methodologies; and
 - (b) based on that assessment, assigns each of the offices to a level of classification, known as a band; and
 - (c) specifies in respect of each band minimum and maximum amounts of annual salary.
- (2) This section applies to a determination made by the Tribunal under section 6 that comes into operation before 1 July 2021, other than a determination made under section 6(1)(ea).
- (3) The Tribunal must not make a determination under which the remuneration to be paid or provided in

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respect of an office or other position referred to in section 6(1) is more than the remuneration paid or provided in respect of the office or position immediately before commencement day.

- (4) If an office referred to in section 6(1)(d) or (e) was vacant immediately before commencement day, unless subsection (6) applies, the remuneration determined by the Tribunal to be paid or provided in respect of the office must not be more than the remuneration paid or provided to the last person to hold the office before commencement day.
- (5) Subsection (6) applies if —
 - (a) an office referred to in section 6(1)(d) or (e) was vacant immediately before commencement day, and the last person to hold the office before commencement day was not in office on or after 1 July 2016; or
 - (b) the Tribunal has not previously determined the remuneration to be paid or provided in respect of an office referred to in section 6(1)(d) or (e), for example because it is a new office.
- (6) In determining the remuneration to be paid or provided in respect of the office, the Tribunal —
 - (a) must, in the case of the first determination made by the Tribunal after commencement day, take into consideration the remuneration paid or provided immediately before commencement day in respect of other offices with which the office is comparable; and
 - (b) must not, in the case of any subsequent determination, determine remuneration that is more than the remuneration determined by the Tribunal in accordance with paragraph (a).

- (7) If a determination made by the Tribunal includes a classification framework in respect of the offices referred to in section 6(1)(d) —
- (a) the principles and methodologies the Tribunal uses to assess the work value of each of the offices must not differ from the principles and methodologies the Tribunal used immediately before commencement day; and
 - (b) the number of bands in the classification framework must not differ from the number of bands in the classification framework that applied immediately before commencement day; and
 - (c) the minimum and maximum amounts of salary specified in respect of a band must not differ from the minimum and maximum amounts of salary that applied in respect of that band immediately before commencement day.
- (8) Nothing in this section prevents the Tribunal from determining to increase the remuneration to be paid or provided in respect of an office referred to in section 6(1)(d) as a consequence of the Tribunal assigning the office to a higher level of classification under a classification framework included in a determination.
- (9) The regulations may prescribe a kind or class of remuneration to which this section does not apply.

10E. No increases in judicial remuneration before 1 July 2021

- (1) This section applies to a report made by the Tribunal under section 7 that comes into operation before 1 July 2021.

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- (2) The Tribunal must not make a report under which the remuneration recommended to be paid or provided in respect of an office referred to section 7(1) is more than the remuneration paid or provided in respect of the office immediately before commencement day.
- (3) The regulations may prescribe a kind or class of remuneration to which this section does not apply.

10F. No increases in remuneration of certain executive officers of Government entities before 1 July 2021

- (1) In this section —
entity means an entity that is specified in column 1 of Schedule 2;
executive officer, of an entity, has the meaning given in section 7C(1) and (4).
- (2) This section applies until the beginning of 1 July 2021.
- (3) If, on or after commencement day, an entity is prescribed by the regulations for the purposes of paragraph (b) of the definition of *Government entity* in section 7C(1), the Tribunal is to inquire into and determine the amount of remuneration to be paid or provided to executive officers of the entity.
- (4) The amount of remuneration the Tribunal determines under subsection (3) in respect of an executive officer of an entity must not be more than the amount of remuneration that was paid or provided to the person who held the office immediately before commencement day.
- (5) If, in respect of an executive officer of an entity, there was no person holding the office immediately before commencement day, the Tribunal —

- (a) must, in the case of the first determination made by the Tribunal under subsection (3) in respect of the executive officer, take into consideration the remuneration paid or provided immediately before commencement day in respect of executive officers of other entities with which the entity is comparable; and
 - (b) must not, in the case of any subsequent determination under subsection (3), determine remuneration that is more than the remuneration determined by the Tribunal in accordance with paragraph (a).
- (6) Section 6(2) and (3) apply to a determination under subsection (3).
- (7) Once the Tribunal has made its first determination under subsection (3) in respect of an executive officer of an entity, the Tribunal may make subsequent determinations under that subsection in respect of the executive officer if it considers the circumstances require it, but nothing in this section requires the Tribunal to do so.
- (8) While this section applies —
 - (a) a provision in the written law under which an entity is established that provides for the entity's governing body to set the remuneration of an executive officer within the range determined by the Tribunal under section 7C(2) does not apply; and
 - (b) the executive officer is to be paid or provided the remuneration determined by the Tribunal under subsection (3).

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- (9) A determination made under subsection (3) in respect of an executive officer of an entity, and in force when this section ceases to apply, continues to apply in respect of the executive officer until the remuneration of the executive officer is determined in accordance with section 7C and the written law under which the entity is established.
- (10) The regulations may prescribe a kind or class of remuneration to which this section does not apply.

10G. Compensatory and catch-up determinations after 1 July 2021 prohibited

- (1) This section applies to a determination or report of the Tribunal that comes into operation on or after 1 July 2021.
- (2) The Tribunal must not make a determination under section 5A, 6 or 7C, or a report under section 7, which —
 - (a) has the effect of providing for the payment or provision of remuneration on the basis that the remuneration was not paid or provided before 1 July 2021 by reason of the operation of section 10C, 10D, 10E or 10F (as the case requires); or
 - (b) takes into account any increase in the cost of living that occurred between commencement day and 1 July 2021.

10. Part I Division 5 heading inserted

Before section 11 insert:

Division 5 — Miscellaneous

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