Western Australia

Salaries and Allowances Act 1975

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Western Australia

Salaries and Allowances Act 1975

Salaries and Allowances Regulations 1975

##### 1. Citation

These regulations may be cited as the *Salaries and Allowances Regulations 1975* 1.

[Regulation 1 amended: Gazette 23 Jan 1981 p. 388.]

##### 2. Terms used

In these regulations —

commencement day means the day on which the *Salaries and Allowances Amendment Regulations 2018* regulation 3 comes into operation;

section means section of the Act;

taxation ruling means a public ruling, made by the Commissioner of Taxation of the Commonwealth under the *Taxation Administration Act 1953* (Commonwealth), determining reasonable amounts for daily travel allowance expenses for a financial year.

[Regulation 2 inserted: Gazette 6 Jul 2018 p. 2538.]

##### 3. Prescribed offices

The offices created or established under the written laws specified in column 1 of the Schedule and specified in column 2 of that Schedule opposite and corresponding to those written laws are prescribed offices for the purposes of section 6.

**Schedule**

| **Column 1** | **Column 2** |
| --- | --- |
| **Written Law** | **Prescribed Office** |
| *Commissioner for Children and Young People Act 2006* | Commissioner for Children and Young People |
| *Conservation and Land Management Act 1984* | Executive Director of the Department of Environment and Conservation2 |
| *Director of Public Prosecutions Act 1991* | Director of Public Prosecutions Deputy Director of Public Prosecution |
| *Electoral Act 1907* | Electoral Commissioner Deputy Electoral Commissioner |
| *Equal Opportunity Act 1984* | Commissioner for Equal Opportunity |
| *Financial Administration and Audit Act 1985*3 | Auditor General |
| *Fire Brigades Act 1942* | Chief Executive Officer |
| *Forest Products Act 2000* | General Manager Forest Products Commission |
| *Freedom of Information Act 1992* | Information Commissioner |
| *Health and Disability Services (Complaints) Act 1995*4 | Director, Office of Health Review |
| *Inspector of Custodial Services Act 2003* | Inspector of Custodial Services |
| *Library Board of Western Australia Act 1951* | State Librarian |
| *Main Roads Act 1930* | Commissioner of Main Roads |
| *Mental Health Act 2014* | President, Mental Health Tribunal |
| *Occupational Safety and Health Act 1984*5 | Commissioner for Occupational Health and Safety |
| *Parliamentary Commissioner Act 1971* | Parliamentary Commissioner for Administrative Investigations Deputy Parliamentary Commissioner for Administrative Investigations |
| *Police Act 1892* | Commissioner of Police Deputy Commissioner of Police (Operations) Deputy Commissioner of Police (Specialist Services) Assistant Commissioners of Police |
| *Public Sector Management Act 1994* | Public Sector Commissioner |
| *Solicitor‑General Act 1969* | Solicitor‑General of the State of Western Australia |
| *State Administrative Tribunal Act 2004* | Ordinary members and senior members of the State Administrative Tribunal |
| *Western Australian Tourism Commission Act 1983* | Chief Executive Officer, Western Australian Tourism Commission |

[Regulation 3 inserted: Gazette 4 Oct 1991 p. 5174‑5; amended: Gazette 8 Jan 1993 p. 32; 29 Nov 1994 p. 6341; 20 Feb 1996 p. 645; 24 Sep 1999 p. 4668 and p. 4669; 11 Apr 2000 p. 1844; 5 May 2000 p. 2139; 22 Feb 2002 p. 765; 28 Mar 2002 p. 1767; 15 Aug 2003 p. 3692; 16 Apr 2004 p. 1214; 16 Jan 2007 p. 129‑30; 25 Jul 2008 p. 3392; 29 Oct 2010 p. 5333; 7 Dec 2012 p. 5997; 12 Dec 2014 p. 4738; 29 Dec 2015 p. 5181; 6 Jul 2018 p. 2538; amended by Act No. 75 of 2003 s. 56(1); No. 29 of 2006 s. 13(2).]

##### 3A. Government entities

For the purposes of paragraph (b) of the definition of Government entity in section 7C(1), each of the entities specified in column 1 of Schedule 2 to the Act is prescribed.

[Regulation 3A inserted: Gazette 10 Aug 2018 p. 2865.]

##### 4. Remuneration prescribed for s. 10C(5)

For the purposes of section 10C(5), motor vehicle benefits are prescribed, to the extent that a determination made by the Tribunal under section 5A on or after commencement day provides for the notional value of a motor vehicle benefit to be determined by reference to a formula that includes —

(a) an amount of a tax imposed under a law of the Commonwealth, the rate of which may vary from time to time under that law; or

(b) any other amount that may vary from time to time by reason of factors other than a determination by the Tribunal.

[Regulation 4 inserted: Gazette 6 Jul 2018 p. 2539.]

##### 5. Remuneration prescribed for s. 10D(9)

(1) In this regulation —

post‑commencement determination means a determination made by the Tribunal under section 6 on or after commencement day;

pre‑commencement determination means a determination made by the Tribunal under section 6 and in force immediately before commencement day.

(2) For the purposes of section 10D(9), the following kinds of remuneration are prescribed —

(a) total daily amounts for accommodation allowances that —

(i) under a pre‑commencement determination, were determined by reference to the taxation ruling applicable at the date of the relevant travel; and

(ii) under a post‑commencement determination, continue to be determined in that manner;

(b) conditions of service affecting remuneration that —

(i) under a pre‑commencement determination, were determined by reference to the *Public Service Award 1992* and the *Public Service and Government Officers General Agreement 2014*; and

(ii) under a post‑commencement determination, are determined by reference to the *Public Service Award 1992* and the *Public Service and Government Officers CSA General Agreement 2017* or any instruments made under the *Industrial Relations Act 1979* in substitution for those instruments;

(c) motor vehicle benefits, to the extent that a post‑commencement determination provides for the notional value of a motor vehicle benefit to be determined by reference to a formula that includes —

(i) an amount of a tax imposed under a law of the Commonwealth, the rate of which may vary from time to time under that law; or

(ii) any other amount that may vary from time to time by reason of factors other than a determination by the Tribunal;

(d) district allowances that —

(i) under a pre‑commencement determination, were determined by reference to the *Public Service Award 1992* and the *District Allowance (Government Officers) General Agreement 2010*; and

(ii) under a post‑commencement determination, continue to be determined by reference to those instruments or any instruments made under the *Industrial Relations Act 1979* in substitution for those instruments;

(e) travel allowances that —

(i) are described as Annual Leave Travel Concessions; and

(ii) under a pre‑commencement determination, were determined by reference to the *Public Service Award 1992* clause 23(10); and

(iii) under a post‑commencement determination, continue to be determined by reference to that award or any instrument made under the *Industrial Relations Act 1979* in substitution for that award;

(f) rental subsidies that —

(i) under a pre‑commencement determination, were determined by reference to the State government’s Government Regional Officers’ Housing Tenant Rent Setting Framework Policy; and

(ii) under a post‑commencement determination, continue to be determined by reference to that policy or any policy issued by the State government in substitution for that policy;

(g) home ownership subsidies that —

(i) under a pre‑commencement determination, were determined by reference to the State government’s Home Ownership Subsidy Scheme for Government Employees in Regional Western Australia; and

(ii) under a post‑commencement determination, continue to be determined by reference to that scheme or any scheme implemented by the State government in substitution for that scheme;

(h) employer superannuation contributions, to the extent that a post‑commencement determination in respect of an office referred to in section 6(1)(c), (d) or (e) provides for those contributions to be payable in accordance with the *State Superannuation Act 2000*, another written law or the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth).

[Regulation 5 inserted: Gazette 6 Jul 2018 p. 2539‑41.]

##### 6. Remuneration prescribed for s. 10E(3)

(1) In this regulation —

report means a report made by the Tribunal under section 7.

(2) For the purposes of section 10E(3), the following kinds of remuneration are prescribed —

(a) a total daily amount for a travelling and accommodation allowance that —

(i) under a report in force immediately before commencement day, was recommended to be payable in accordance with the taxation ruling applicable from time to time; and

(ii) under a report made on or after commencement day, continues to be recommended to be payable in that manner;

(b) motor vehicle benefits, to the extent that a report made on or after commencement day provides for the notional value of a motor vehicle benefit to be determined by reference to a formula that includes —

(i) an amount of a tax imposed under a law of the Commonwealth, the rate of which may vary from time to time under that law; or

(ii) any other amount that may vary from time to time by reason of factors other than a determination by the Tribunal.

[Regulation 6 inserted: Gazette 6 Jul 2018 p. 2541‑2.]

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Notes

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

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Salaries and Allowances Tribunal Act Regulations 1975*6 | 8 Aug 1975 p. 2862‑3 | 8 Aug 1975 |
| Untitled regulations | 26 Jan 1979 p. 260 | 26 Jan 1979 |
| Untitled regulations | 8 Feb 1980 p. 386 | 8 Feb 1980 |
| *Salaries and Allowances Tribunal Act Amendment Regulations 1980* | 17 Oct 1980 p. 3582 | 5 Nov 1980 (see r. 1) |
| *Salaries and Allowances Amendment Regulations 1981* | 23 Jan 1981 p. 388 | 23 Jan 1981 |
| *Salaries and Allowances Amendment Regulations (No. 2) 1981* | 18 Sep 1981 p. 4032 | 18 Sep 1981 |
| *Salaries and Allowances Amendment Regulations 1982* | 12 Mar 1982 p. 802 | 12 Mar 1982 |
| *Salaries and Allowances Amendment Regulations (No. 2) 1982* | 25 Jun 1982 p. 2093 | 30 Jun 1982 (see r. 2 and *Gazette* 30 Jun 1982 p. 2261) |
| *Salaries and Allowances Amendment Regulations 1987* | 23 Oct 1987 p. 3938 | 23 Oct 1987 |
| *Salaries and Allowances Amendment Regulations (No. 2) 1987* | 11 Dec 1987 p. 4367 | 11 Dec 1987 |
| *Salaries and Allowances Amendment Regulations 1991* | 4 Oct 1991 p. 5174‑5 | 4 Oct 1991 |
| *Salaries and Allowances Amendment Regulations 1992* | 8 Jan 1993 p. 32 | 8 Jan 1993 (see r. 2) |
| *Salaries and Allowances Amendment Regulations 1994* | 29 Nov 1994 p. 6341 | 29 Nov 1994 |
| *Salaries and Allowances Amendment Regulations 1996* | 20 Feb 1996 p. 644‑5 | 20 Feb 1996 |
| *Salaries and Allowances Amendment Regulations (No. 2) 1996* | 20 Feb 1996 p. 645 | 20 Feb 1996 |
| *Salaries and Allowances Amendment Regulations 1999* | 24 Sep 1999 p. 4668 | 24 Sep 1999 |
| *Salaries and Allowances Amendment Regulations (No. 2) 1999* | 24 Sep 1999 p. 4669 | 24 Sep 1999 |
| **Reprint of the *Salaries and Allowances Regulations 1975* as at 26 Nov 1999** (includes amendments listed above) | | |
| *Salaries and Allowances Amendment Regulations 2000* | 11 Apr 2000 p. 1844 | 11 Apr 2000 |
| *Salaries and Allowances Amendment Regulations (No. 2) 2000* | 5 May 2000 p. 2139 | 18 Jun 2000 (see r. 2 and *Gazette* 16 Jun 2000 p. 2939) |
| *Salaries and Allowances Amendment Regulations 2002* | 22 Feb 2002 p. 765 | 22 Feb 2002 |
| *Salaries and Allowances Amendment Regulations (No. 2) 2002* | 28 Mar 2002 p. 1767 | 28 Mar 2002 |
| *Labour Relations Reform (Consequential Amendments) Regulations 2003* r. 18 | 15 Aug 2003 p. 3685‑92 | 15 Sep 2003 (see r. 2) |
| *Inspector of Custodial Services Act 2003* s. 56(1)assented to 15 Dec 2003 | | 15 Dec 2003 (see s. 2) |
| *Salaries and Allowances Amendment Regulations 2004* | 16 Apr 2004 p. 1213‑14 | 16 Apr 2004 |
| **Reprint 2: The *Salaries and Allowances Regulations 1975* as at 2 Sep 2005** (includes amendments listed above) | | |
| *Solicitor-General Amendment Act 2006* s. 13 7 assented to 30 Jun 2006 | | 18 Jul 2006 (see s. 2) |
| *Salaries and Allowances Amendment Regulations 2007* | 16 Jan 2007 p. 129‑30 | 16 Jan 2007 |
| *Salaries and Allowances Amendment Regulations 2008* | 25 Jul 2008 p. 3391-2 | r. 1 and 2: 25 Jul 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Jul 2008 (see r. 2(b)) |
| *Salaries and Allowances Amendment Regulations 2010* | 29 Oct 2010 p. 5333 | r. 1 and 2: 29 Oct 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2010 (see r. 2(b) and *Gazette* 5 Nov 2010 p. 5563) |
| *Salaries and Allowances Amendment Regulations (No. 2) 2012* | 7 Dec 2012 p. 5997 | r. 1 and 2: 7 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2012 (see r. 2(b)) |
| **Reprint 3: The *Salaries and Allowances Regulations 1975* as at 19 Jul 2013** (includes amendments listed above) | | |
| *Salaries and Allowances Amendment Regulations (No. 2) 2014* | 12 Dec 2014 p. 4738 | r. 1 and 2: 12 Dec 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Dec 2014 (see r. 2(b)) |
| *Salaries and Allowances Amendment Regulations 2015* | 29 Dec 2015 p. 5181 | r. 1 and 2: 29 Dec 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Dec 2015 (see r. 2(b)) |
| *Salaries and Allowances Amendment Regulations 2018* | 6 Jul 2018 p. 2538‑42 | r. 1 and 2: 6 Jul 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Jul 2018 (see r. 2(b)) |
| *Salaries and Allowances Amendment Regulations (No. 2) 2018* | 10 Aug 2018 p. 2864‑5 | r. 1 and 2: 10 Aug 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Aug 2018 (see r. 2(b)) |

2 Under the *Alteration of Statutory Designations Order (No. 2) 2013* a reference in any law to the Department of Environment and Conservation is to be read and construed as a reference to the Department of Parks and Wildlife unless the context of the reference requires otherwise.

3 Repealed by the *Financial Legislation Amendment and Repeal Act 2006*.

4 Formerly referred to the *Health Services (Conciliation and Review) Act 1995* the short title of which was changed to the *Health and Disability Services (Complaints) Act 1995* by the *Health and Disability Services Legislation Amendment Act 2010* s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

5 Formerly referred to the *Occupational Health, Safety and Welfare Act 1984* the short title of which was changed to the *Occupational Safety and Health Act 1984* by the *Occupational Safety and Health Legislation Amendment Act 1995* s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

6 Now known as the *Salaries and Allowances Regulations 1975*; citation changed (see note under r. 1).

7 The *Solicitor-General Amendment Act 2006* s. 13(3) reads as follows:

(3) This section does not prevent the *Salaries and Allowances Regulations 1975* from being amended or repealed in accordance with the *Salaries and Allowances Act 1975*.

Defined terms

*[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]*

**Defined term Provision(s)**

commencement day 2

Government entity 3A

post‑commencement determination 5(1)

pre‑commencement determination 5(1)

report 6(1)

section 2

taxation ruling 2