



Western Australia

Salaries and Allowances Act 1975

## **Salaries and Allowances Regulations 1975**

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Western Australia

## **Salaries and Allowances Regulations 1975**

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### **Defined terms**



## Salaries and Allowances Regulations 1975

### 1. Citation

These regulations may be cited as the *Salaries and Allowances Regulations 1975*<sup>1</sup>.

[*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 Written Law	Column 2 Prescribed Office
<i>Commissioner for Children and Young People Act 2006</i>	Commissioner for Children and Young People
<i>Conservation and Land Management Act 1984</i>	Executive Director of the Department of Environment and Conservation <sup>2</sup>
<i>Director of Public Prosecutions Act 1991</i>	Director of Public Prosecutions Deputy Director of Public Prosecution
<i>Electoral Act 1907</i>	Electoral Commissioner Deputy Electoral Commissioner
<i>Equal Opportunity Act 1984</i>	Commissioner for Equal Opportunity
<i>Financial Administration and Audit Act 1985</i> <sup>3</sup>	Auditor General
<i>Fire Brigades Act 1942</i>	Chief Executive Officer
<i>Forest Products Act 2000</i>	General Manager Forest Products Commission
<i>Freedom of Information Act 1992</i>	Information Commissioner
<i>Health and Disability Services (Complaints) Act 1995</i> <sup>4</sup>	Director, Office of Health Review
<i>Inspector of Custodial Services Act 2003</i>	Inspector of Custodial Services
<i>Library Board of Western Australia Act 1951</i>	State Librarian
<i>Main Roads Act 1930</i>	Commissioner of Main Roads
<i>Mental Health Act 2014</i>	President,

Column 1 Written Law	Column 2 Prescribed Office
	Mental Health Tribunal
<i>Occupational Safety and Health Act 1984</i> <sup>5</sup>	Commissioner for Occupational Health and Safety
<i>Parliamentary Commissioner Act 1971</i>	Parliamentary Commissioner for Administrative Investigations Deputy Parliamentary Commissioner for Administrative Investigations
<i>Police Act 1892</i>	Commissioner of Police Deputy Commissioner of Police (Operations) Deputy Commissioner of Police (Specialist Services) Assistant Commissioners of Police
<i>Public Sector Management Act 1994</i>	Public Sector Commissioner
<i>Solicitor-General Act 1969</i>	Solicitor-General of the State of Western Australia
<i>State Administrative Tribunal Act 2004</i>	Ordinary members and senior members of the State Administrative Tribunal
<i>Western Australian Tourism Commission Act 1983</i>	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).]*

r. 3A

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**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**

- <sup>1</sup> 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**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Salaries and Allowances Tribunal Act Regulations 1975</i> <sup>6</sup>	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
<i>Salaries and Allowances Tribunal Act Amendment Regulations 1980</i>	17 Oct 1980 p. 3582	5 Nov 1980 (see r. 1)
<i>Salaries and Allowances Amendment Regulations 1981</i>	23 Jan 1981 p. 388	23 Jan 1981
<i>Salaries and Allowances Amendment Regulations (No. 2) 1981</i>	18 Sep 1981 p. 4032	18 Sep 1981
<i>Salaries and Allowances Amendment Regulations 1982</i>	12 Mar 1982 p. 802	12 Mar 1982
<i>Salaries and Allowances Amendment Regulations (No. 2) 1982</i>	25 Jun 1982 p. 2093	30 Jun 1982 (see r. 2 and <i>Gazette</i> 30 Jun 1982 p. 2261)
<i>Salaries and Allowances Amendment Regulations 1987</i>	23 Oct 1987 p. 3938	23 Oct 1987
<i>Salaries and Allowances Amendment Regulations (No. 2) 1987</i>	11 Dec 1987 p. 4367	11 Dec 1987
<i>Salaries and Allowances Amendment Regulations 1991</i>	4 Oct 1991 p. 5174-5	4 Oct 1991
<i>Salaries and Allowances Amendment Regulations 1992</i>	8 Jan 1993 p. 32	8 Jan 1993 (see r. 2)
<i>Salaries and Allowances Amendment Regulations 1994</i>	29 Nov 1994 p. 6341	29 Nov 1994
<i>Salaries and Allowances Amendment Regulations 1996</i>	20 Feb 1996 p. 644-5	20 Feb 1996
<i>Salaries and Allowances Amendment Regulations (No. 2) 1996</i>	20 Feb 1996 p. 645	20 Feb 1996

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Citation	Gazettal	Commencement
<i>Salaries and Allowances Amendment Regulations 1999</i>	24 Sep 1999 p. 4668	24 Sep 1999
<i>Salaries and Allowances Amendment Regulations (No. 2) 1999</i>	24 Sep 1999 p. 4669	24 Sep 1999
<b>Reprint of the Salaries and Allowances Regulations 1975 as at 26 Nov 1999</b> (includes amendments listed above)		
<i>Salaries and Allowances Amendment Regulations 2000</i>	11 Apr 2000 p. 1844	11 Apr 2000
<i>Salaries and Allowances Amendment Regulations (No. 2) 2000</i>	5 May 2000 p. 2139	18 Jun 2000 (see r. 2 and <i>Gazette</i> 16 Jun 2000 p. 2939)
<i>Salaries and Allowances Amendment Regulations 2002</i>	22 Feb 2002 p. 765	22 Feb 2002
<i>Salaries and Allowances Amendment Regulations (No. 2) 2002</i>	28 Mar 2002 p. 1767	28 Mar 2002
<i>Labour Relations Reform (Consequential Amendments) Regulations 2003</i> r. 18	15 Aug 2003 p. 3685-92	15 Sep 2003 (see r. 2)
<i>Inspector of Custodial Services Act 2003</i> s. 56(1) assented to 15 Dec 2003		15 Dec 2003 (see s. 2)
<i>Salaries and Allowances Amendment Regulations 2004</i>	16 Apr 2004 p. 1213-14	16 Apr 2004
<b>Reprint 2: The Salaries and Allowances Regulations 1975 as at 2 Sep 2005</b> (includes amendments listed above)		
<i>Solicitor-General Amendment Act 2006</i> s. 13 <sup>7</sup> assented to 30 Jun 2006		18 Jul 2006 (see s. 2)
<i>Salaries and Allowances Amendment Regulations 2007</i>	16 Jan 2007 p. 129-30	16 Jan 2007
<i>Salaries and Allowances Amendment Regulations 2008</i>	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))
<i>Salaries and Allowances Amendment Regulations 2010</i>	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 <i>Gazette</i> 5 Nov 2010 p. 5563)

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Salaries and Allowances Amendment Regulations (No. 2) 2012</i>	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))
<b>Reprint 3: The <i>Salaries and Allowances Regulations 1975</i> as at 19 Jul 2013</b> (includes amendments listed above)		
<i>Salaries and Allowances Amendment Regulations (No. 2) 2014</i>	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))
<i>Salaries and Allowances Amendment Regulations 2015</i>	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))
<i>Salaries and Allowances Amendment Regulations 2018</i>	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))
<i>Salaries and Allowances Amendment Regulations (No. 2) 2018</i>	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))

<sup>2</sup> 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.

<sup>3</sup> Repealed by the *Financial Legislation Amendment and Repeal Act 2006*.

<sup>4</sup> 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).

<sup>5</sup> 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).

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

<sup>7</sup> 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.]*

<b>Defined term</b>	<b>Provision(s)</b>
commencement day .....	2
Government entity .....	3A
post-commencement determination .....	5(1)
pre-commencement determination.....	5(1)
report.....	6(1)
section .....	2
taxation ruling .....	2