



Western Australia

Salaries and Allowances Act 1975

Salaries and Allowances Regulations 1975

Salaries and Allowances Regulations 1975

Contents

| | | |
|-----|---------------------------------------|---|
| 1. | Citation | 1 |
| 2. | Terms used | 1 |
| 3. | Prescribed offices | 2 |
| 3A. | Government entities | 4 |
| 4. | Remuneration prescribed for s. 10C(5) | 4 |
| 5. | Remuneration prescribed for s. 10D(9) | 4 |
| 6. | Remuneration prescribed for s. 10E(3) | 7 |

Notes

| | | |
|--|------------------------------|----|
| | Compilation table | 9 |
| | Uncommenced provisions table | 11 |
| | Other notes | 11 |

Defined terms

Salaries and Allowances Regulations 1975

1. Citation

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

[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 ¹ |
| <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> ² | 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> ³ | 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 |

| Column 1 Written Law | Column 2 Prescribed Office |
|--|--|
| <i>Mental Health Act 2014</i> | President, Mental Health Tribunal |
| <i>Occupational Safety and Health Act 1984⁴</i> | 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

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.]

=====

Notes

This is a compilation of the *Salaries and Allowances Regulations 1975* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

| Citation | Published | Commencement |
|---|-------------------------|---|
| <i>Salaries and Allowances Tribunal Act Regulations 1975</i> ⁵ | 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 |

Salaries and Allowances Regulations 1975

Notes Compilation table

| Citation | Published | Commencement |
|---|---------------------------|--|
| <i>Salaries and Allowances Amendment Regulations (No. 2) 1996</i> | 20 Feb 1996 p. 645 | 20 Feb 1996 |
| <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 |
| Reprint of the Salaries and Allowances Regulations 1975 as at 26 Nov 1999 (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 |
| Reprint 2: The Salaries and Allowances Regulations 1975 as at 2 Sep 2005 (includes amendments listed above) | | |
| <i>Solicitor-General Amendment Act 2006</i> s. 13 ⁶ 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) |

| Citation | Published | Commencement |
|--|--------------------------|--|
| <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)) |
| Reprint 3: The <i>Salaries and Allowances Regulations 1975</i> as at 19 Jul 2013 (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)) |

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.

| Citation | Published | Commencement |
|--|---------------------------|---|
| <i>Salaries and Allowances Amendment Regulations 2022</i> r. 3 and 4 | SL 2022/22 11 Mar 2022 | 31 Mar 2022 (see r. 2(b) and SL 2022/18 cl. 2) |

Other notes

- ¹ 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.
- ² Repealed by the *Financial Legislation Amendment and Repeal Act 2006*.
- ³ Formerly referred to the *Health Services (Conciliation and Review) Act 1995* the short title of which was changed to the *Health and Disability Services*

Salaries and Allowances Regulations 1975

Notes

Other notes

(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).

⁴ 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).

⁵ Now known as the *Salaries and Allowances Regulations 1975*; citation changed (see note under r. 1).

⁶ 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 |