

# TEMPORARY REDUCTION OF REMUNERATION (SENIOR PUBLIC OFFICERS) ACT 1983.

(No. 7 of 1983)

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# TEMPORARY REDUCTION OF REMUNERATION (SENIOR PUBLIC OFFICERS).

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No. 7 of 1983.

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**AN ACT to reduce temporarily in the public interest the remuneration payable to certain employees and the holders of certain offices within the public sector of the State; and for purposes related or incidental thereto.**

*[Assented to 28 August 1983.]*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I—PRELIMINARY.

1. This Act may be cited as the *Temporary Reduction of Remuneration (Senior Public Officers) Act 1983*. Short title.

Commence-  
ment.

2. (1) This Act shall come into operation on 1 September 1983.

(2) The Governor may from time to time by proclamation provide—

- (a) that all or any of the provisions of this Act which are for the time being in operation shall cease to be in operation; or
- (b) before 1 September 1984, that all or any of the provisions of this Act which are no longer for the time being in operation shall come into operation again,

on such day or days as is or are respectively fixed by proclamation.

(3) Nothing in subsection (2) shall enable the continuing application of section 6 to the remuneration payable to any affected person after the expiry of the period of application provided for in relation to the remuneration of the affected person in that section.

Application.

3. (1) This Act applies to and in relation to any person who—

- (a) (i) is a Government officer, within the meaning given to that term by section 96 of the Industrial Arbitration Act 1979;
- (ii) holds or acts in or performs the duties of an office for which the remuneration payable is determined or recommended pursuant to the Salaries and Allowances Act 1975;
- (iii) is employed as teaching staff, within the meaning given to that term by section 4 of the Government School Teachers Arbitration and Appeal Act 1979;

- (iv) is a member of the academic staff of a post-secondary education institution, within the meaning given to that term by section 4 of the Western Australian Post-Secondary Education Commission Act 1970;
  - (v) is appointed or employed by—
    - (I) The Western Australian Government Railways Commission; or
    - (II) The State Energy Commission of Western Australia;
  - (vi) is an officer or employee in either House of Parliament—
    - (I) under the separate control of the President or Speaker or under their joint control;
    - (II) employed by a Committee appointed pursuant to the Joint Standing Rules and Orders of the Legislative Council and the Legislative Assembly; or
    - (III) employed by the Crown;
  - (vii) is an officer or employee on the Governor's Establishment;
  - (viii) is a member of or employed by a public authority; and
  - (ix) any other person who is employed by the Crown in right of the State; and
- (b) who, but for this Act, would be entitled to notional remuneration payable at a rate exceeding \$29 500 per year.
- (2) Notwithstanding subsection (1), this Act shall not apply to or in relation to—
- (a) Judges of the Supreme Court;

- (b) District Court Judges;
- (c) Judges of the Family Court of Western Australia;
- (d) a Master of the Supreme Court;
- (e) the Chairman of the Workers' Compensation Board and a Chairman of a Supplementary Workers' Compensation Board;
- (f) stipendiary magistrates;
- (g) the Chairman of the Licensing Court of Western Australia;
- (h) the President of The Western Australian Industrial Commission; or
- (i) academic, non-academic and other staff of—
  - (i) The University of Western Australia;
  - (ii) Murdoch University;
  - (iii) Western Australian Institute of Technology;
  - (iv) Western Australian College of Advanced Education.

Interpreta-  
tion.

4. (1) In this Act, unless the contrary intention appears—

“affected person” means a person to whom this Act applies by virtue of section 3;

“court” includes—

- (a) the Supreme Court, The District Court of Western Australia and a local court;

- (b) The Western Australian Industrial Commission, the Western Australian Industrial Appeal Court, and any member of that Commission or that Court, and any industrial magistrate or other person exercising a power under the Industrial Arbitration Act 1979;
- (c) a person or body exercising a power under—
  - (i) the Salaries and Allowances Act 1975;
  - (ii) the Public Service Act 1978;
  - (iii) the Public Service Arbitration Act 1966;
  - (iv) the Government School Teachers Arbitration and Appeal Act 1979;
  - (v) the Western Australian Coal Industry Tribunal Act 1978;
  - (vi) the Railways Classification Board Act 1920; or
  - (vii) the State Energy Commission Act 1979; and
- (d) a Minister of the Crown in right of the State;

“member” in relation to a public authority means—

- (a) any member of the authority whether known as member, commissioner, councillor, trustee, director, or by any other title;
- (b) any deputy, alternate or acting member of the authority,

and includes a person holding the office of chairman or president of the authority;

“public authority” means the Governor in Executive Council, any Minister of the Crown in right of the State, Government department, State trading concern, State instrumentality, State agency, or any public statutory body, corporate or unincorporate, established by or under a law of the State;

“remuneration” means any wage, salary, emolument or earnings and includes any allowances, gratuities, or bonuses;

“Schedule” means Schedule to this Act;

“section” means section of this Act;

“subsection” means subsection of the section in which the term is used.

(2) In this section “allowances” excludes those allowances set out in Schedule 1.

(3) The Governor may, by regulation, vary or add to Schedule 1.

(4) Subject to subsections (5) to (8) inclusive, in this Act “notional remuneration” means the rate of annual remuneration to which a person of the category or description referred to in section 3 (1) (a) is entitled on 1 September 1983 or, if a National Wage Case decision is announced by the Australian Conciliation and Arbitration Commission on a day in August 1983, on the day before that decision becomes operative if that day is before 1 September 1983.

(5) The notional remuneration of a person as provided in subsection (4) is subject to increase on account of incremental progression, promotion, reclassification of position or office, eligibility for allowances, increased allowances or new allowances but in every case, the notional remuneration shall be calculated with respect to the levels of remuneration applicable on the day fixed by subsection (4).

(6) In the case of a person who becomes a person of the category or description referred to in section 3 (1) (a) after the commencement of this Act, his notional remuneration shall be determined, so far as is practicable, by reference to the rate or rates of annual remuneration which would have been applicable in his case had he been a person of that category or description when the Act came into operation.

(7) In the case of a person of a category or description described in section 3 (1) (a) who is employed on a part-time basis, his notional remuneration shall be determined as if the person were employed on a full-time basis.

(8) If a doubt or dispute arises concerning the notional remuneration of a person of a category or description described in section 3 (1) (a), the Treasurer shall determine the notional remuneration of that person according to the spirit of this Act and in an equitable manner after giving the person concerned the opportunity to make submissions in writing; and a determination made by the Treasurer under this subsection shall be final.

5. (1) Effect shall be given to this Act notwithstanding anything, whether express or implied, in any other Act or in any proclamation, regulation, rule, order or by-law or in any judgment, determination, order or award of any court or tribunal, or in any agreement, whether oral or written, or in any deed or other instrument.

Relationship  
of this Act  
to other  
legislation  
and to the  
Crown.

(2) This Act binds the Crown in right of the State.

## PART II—REDUCTION OF REMUNERATION.

6. (1) Subject to this Act, a court shall not order, award or enforce the payment of and, except as otherwise authorized under this Act, there shall

Temporary  
reduction of  
remunera-  
tion.



not be paid or agreed to be paid to an affected person by way of remuneration for his personal service such portion of the remuneration which would otherwise be payable to him except for this section as is determined from time to time in accordance with this section and Schedule 2.

(2) This section shall apply in respect of every instalment of the remuneration payable to an affected person with effect from the day of commencement of the first pay period of the affected person beginning on or after 1 September 1983 and ending with the last pay period of that person ending within 12 months from such day of commencement, except that where a person becomes an affected person at some time after 1 September 1983 this section shall cease to apply with respect to his remuneration after the last pay period of that person ending within 12 months from the day when the section would have commenced to apply to his remuneration if he had been an affected person of the same category or description at that time.

(3) Subject to subsections (4) and (5), this section shall apply with respect to the remuneration payable to an affected person whether the person is on duty or on leave during the relevant period.

(4) Notwithstanding subsection (2), this section shall not have effect so as to reduce the remuneration otherwise payable to or in respect of an affected person in respect of annual or any other kind of leave due to the person upon the termination of his service.

(5) Notwithstanding subsection (2), this section shall not have effect so as to reduce the remuneration otherwise payable to an affected person in respect of a period when he is on long service leave.

(6) Where the remuneration payable to an affected person includes an allowance of a kind that is tied to or calculated in relation to the level

or rate of remuneration payable to the person, such an allowance shall during such period as the remuneration of the person is subject to reduction under this Act, be tied to or calculated in relation to the level or rate of remuneration payable to the person after giving effect to the remuneration reduction provided for by this Act.

7. (1) Where the Treasurer is satisfied that the reduction in remuneration provided for by section 6 has caused or is likely to cause financial hardship to an affected person in a particular case, the Treasurer may—

Treasurer  
may  
exempt, etc.

- (a) exempt the affected person from the application of that section to the remuneration otherwise payable to him;
- (b) reduce the rate or amount of remuneration reduction otherwise applicable to the remuneration payable to that affected person; or
- (c) without prejudice to any other power that may exist, authorize or direct that a loan be offered to the affected person on such terms and conditions as may be specified in the authority or direction,

and notice of the numbers (but not names) of persons who are the subject of exemption or reduction of the rate or amount of remuneration reduction under this subsection shall be published in the *Gazette*.

(2) Where the Treasurer is satisfied that exceptional circumstances appertain, the Treasurer may, by order published in the *Gazette*, exempt any class or classes of affected person from the application of section 6 to the remuneration otherwise payable to such class or classes of person.

(3) The Treasurer may, by order published in the *Gazette*, vary or cancel any order made by him under this section.

Subsequent  
increases  
calculated  
with  
respect to  
notional  
remunera-  
tion.

8. Except insofar as express provision is made to the contrary in section 6 or 10, nothing in this Act shall be taken to prevent or affect the exercise of any power or the performance of any duty by a court with respect to the remuneration payable or to be payable at any time to an affected person and in the exercise of such a power or the performance of such a duty a court shall have regard to the notional remuneration of affected persons together with any increase of remuneration that may have occurred and shall not have regard to either the fact or the amount of remuneration not paid by virtue of section 6.

Disposal of  
amounts of  
remunera-  
tion not  
paid.

9. (1) Every public authority, other than an authority which is financed directly from the Consolidated Revenue Fund, shall ensure that adequate and proper steps are taken to identify, quantify and maintain records of the amounts of money saved by that authority by reason of compliance with section 6 and shall make reports of such matters in accordance with the regulations to the Treasurer and to the Minister who has responsibility for that authority.

(2) A public authority to which subsection (1) applies may make recommendations to the Treasurer concerning the purposes to which and the manner in which the savings referred to in subsection (1) should be applied.

(3) The Treasurer may, in writing signed by him, direct a public authority to which subsection (1) applies to apply all or part of the savings referred to in that subsection to one or more of the following purposes—

- (a) as a payment to the Consolidated Revenue Fund; or
- (b) to be carried forward as a credit in the accounts of the authority against operating costs in the year ending June 1985 as a means of restraining increases in charges for services provided by the authority.

10. A court is not empowered at any time to make an award, order or determination of such a kind or to such an effect that, after section 6 ceases to apply to the remuneration payable to an affected person, any amount of money being equivalent to all or part of the remuneration not paid to the affected person in accordance with that section is restored to that person.

Retrospective  
restoration  
prohibited.

PART III—REMUNERATION REDUCTION AND  
SUPERANNUATION BENEFITS.

11. (1) In respect of such period as the remuneration payable to a member of the Legislative Council or the Legislative Assembly of Western Australia is subject to reduction under this Act, the Treasurer shall pay into the Parliamentary Superannuation Fund maintained under the Parliamentary Superannuation Act 1970, not later than 14 days after the end of each month, in addition to the sum provided for by section 12 (1) (a) of that Act, the additional sum which would have been payable under that provision if the contributions paid to that Fund by members had not been reduced in consequence of the reduction of the remuneration of such members under this Act.

Effect on  
section 12  
of Parlia-  
mentary  
Super-  
annuation  
Act 1970.

(2) All payments to be made under this section by the Treasurer shall be paid from the Consolidated Revenue Fund which is hereby appropriated accordingly.

12. For the purposes of determining the pension and other benefits to which a person is or becomes entitled under Part IV of the Parliamentary Superannuation Act 1970, the salary of the relevant member of the Legislative Council or Legislative Assembly of Western Australia shall be deemed to have been unaffected by this Act.

Determina-  
tion of  
salary of  
member for  
calculation  
of benefits  
under  
Parliament-  
ary  
Super-  
annuation  
Act 1970.

Salary for  
purposes of  
Judges'  
Salaries and  
Pensions  
Act 1950.

13. The salary of a person at a particular time shall be determined for the purposes of the Judges' Salaries and Pensions Act 1950 in all respects as if this Act had not been enacted.

Contributors  
under  
Super-  
annuation  
and  
Family  
Benefits  
Act 1938.

14. (1) Notwithstanding any express or implied provision to the contrary in the Superannuation and Family Benefits Act 1938, where an affected person is or becomes a contributor under that Act, the provisions of this section shall apply and the Superannuation Board is authorized and directed to give effect to the apparent intention and spirit of this section and accordingly the Superannuation and Family Benefits Act 1938 shall be construed subject to any necessary modifications with respect to such persons.

(2) The Consolidated Revenue Fund is hereby appropriated to the extent necessary to give effect to this section.

(3) Without prejudice to the application of section 39 of the Superannuation and Family Benefits Act 1938, during any period when the remuneration payable to an affected person is subject to reduction under this Act, the maximum number of units of pension in respect of which the person may contribute shall have relation to the notional salary of the person.

(4) References in the Superannuation and Family Benefits Act 1938 to the primary unit entitlement or the total unit entitlement in relation to a contributor who is an affected person shall be construed and the appropriate entitlement shall be calculated having regard to the notional salary of the person.

(5) Notwithstanding subsections (3) and (4), an increase in the remuneration payable to a person in consequence of the cessation of a reduction in

remuneration provided for by this Act shall, for the purposes of section 37 (10) of the Superannuation and Family Benefits Act 1938, be regarded as an increase of salary by reason of which there is an increase in total unit entitlement.

(6) Where a contributor, or his widow, becomes entitled to a pension or benefit under the Superannuation and Family Benefits Act 1938 at a time when the remuneration payable to the contributor is subject to reduction under this Act, the state share of the pension or benefit payable to the contributor or widow shall be calculated and paid as if (whether it is the case or not) the contributor had been contributing immediately prior to his retirement, or death, for a number of units not less than the number equal to his primary unit entitlement calculated in relation to the notional salary of the contributor.

(7) Subsection (6) shall not apply in the case of a contributor for a number of units less than the primary unit entitlement appropriate to his rate of salary after effect is given to the reduction of remuneration provided for by this Act.

(8) In this section, "notional salary" means the amount which would have been the salary of the contributor for the purposes of the Superannuation and Family Benefits Act 1938 if this Act had not been enacted.

15. The employer of an affected person which immediately before the commencement of this Act or thereafter contributes to a superannuation or similar scheme in respect of that person, other than a scheme referred to in section 11 or 14, is authorized to and shall, unless the affected person directs otherwise, during and with respect to the period when the remuneration of that person is

Employers' contributions to other superannuation schemes.

subject to reduction under this Act contribute to that scheme at a level or rate as if the remuneration of that person had not been the subject of reduction under this Act.

PART IV—MISCELLANEOUS.

Weekly  
earnings for  
Workers'  
Compensa-  
tion  
purposes.

16. (1) Notwithstanding any express or implied provision to the contrary in the Workers' Compensation and Assistance Act 1981, the provisions of this section shall apply and that Act shall be construed subject to necessary modifications in such a way as to give effect to the intention that compensation otherwise payable under that Act to persons who would be affected persons except for their incapacity shall be reduced to any extent that may be necessary to ensure that such persons entitled to compensation under that Act are not placed at an advantage over affected persons.

(2) Notwithstanding any express or implied provision of the Workers' Compensation and Assistance Act 1981, for the purposes of that Act, "weekly earnings"—

(a) shall be calculated, in relation to a person who at the time of disability is an affected person, after taking into account the reduction in remuneration provided for by this Act; and

(b) in any case, shall be subject to variation—

(i) from the date of;

(ii) after taking into account; and

(iii) for the duration of,

any remuneration reduction to which the person would have been subject by reason of this Act.

17. The Governor may—

Governor  
may  
amend Act  
to remove  
anomalies.

- (a) make such regulations as are necessary or convenient for giving effect to the purposes of this Act; and
- (b) make regulations prescribing all matters that are required or permitted by this Act to be prescribed.

SCHEDULE 1.

(Section 4)

*Excluded Allowances.*

All allowances paid under the Salaries and Allowances Act  
1975

Abattoir  
Accommodation  
Air Tight Compartments  
Aluminium Welding  
Annual Leave Loading  
Asbestos  
Asbestos Handling  
Ashes on Ships  
Availability  
Bagging Concrete and Brick  
Bicycle  
Bilges  
Bitumen and Tar Work  
Boilers and Ships Sides  
Boilers Cleaning  
Boiler Work  
Bunkers  
Buoy Lifting  
Buoys, Servicing of  
Caisson  
Call Back  
Camping  
Casual Loading  
Civilian Clothing  
Chain Lockers  
Child  
Cleaning Down Brickwork  
Cleaning Engine Crankcases  
Cleaning Inside the Casing of Internal Combustion  
Engines



Cleaning Out Ships Holds  
Cleaning Tank Tops and Tunnel Wells  
Cleaning Boiler Tubes  
Clothing, Loss of  
Coffer Dams  
Commuted Overtime  
Composite Disability  
Composition or Cement Flooring, Removal of  
Confined Space  
Condemned Lambs and Goats  
Deceased Cattle  
Depreciation, Accelerated  
Detention  
Diesel Engine Ships  
Dirt Money  
Disabilities  
Distant Work  
Disturbance  
District  
Diving and Flying  
Double Bottom Tanks  
Driving Caravan  
Dry Cutting and Polishing Tiles  
Dust Allowance  
Electrical  
Electronic Generator  
Escorting Lepers  
Excess Fares  
Expense of Office  
Fares and Travelling  
Firefighting  
Flint Coating  
Floating Plant  
Footwear  
Foul Linen  
Foundry  
Fresh Water Tanks  
Fuel Tanks  
Fumes  
Furnace Work  
Grain Dust  
Guniting  
Heat  
Heavy Cattle  
Height Money

1983.]                      *Temporary Reduction of*                      [No. 7.  
                                 *Remuneration (Senior Public Officers).*

Hospital Environment  
Hot Work  
Incinerator  
Injured, Diseased and Dirty Sheep  
Inner London Weighting  
Insulation, Preparation of  
Insulation Work  
Late Castrated Ram or Stag  
Laundry  
License, Loss of  
Lime and Cement Work  
London Representation  
Maintenance of Turf Wicket  
Manure, Handling of  
Meal  
Mixing Concrete  
Mixing Poisonous Mixtures  
Morgue  
Motor Vehicle  
Objectionably Dirty Cattle  
Oil Tanks and Boilers  
On Call  
Opening and Closing  
Overtime Penalties  
Painters—No Respirators  
Painting with a Wide Brush  
Percussion and Explosion  
Percussion and Explosive Tool  
Pesticides  
Plumber—Ship Work  
Plumber—Under Plates  
Plumbers on Sewerage Work  
Pneumatic Chipping Machines or Jackhammers, Use of  
Post Mortem  
Prickle Bush  
Prison Environment  
Prison Officers Employed at Pardelup  
Prisoners Rations  
Property  
Protective Clothing  
Rain  
Rations—Native Trackers  
Refrigerated Chambers  
Relieving  
Removal

No. 7.]                      *Temporary Reduction of*                      [1983.  
                                 *Remuneration (Senior Public Officers).*

Rent Subsidy  
Res-q-steel or Compositions of a Similar Nature  
Rock Quarries and Sandpits  
Roof Repairing  
Rosbinite  
Sandblasting  
Sanitary Plumbing  
Scavenger Trunkways  
Second Hand Timber, Working of  
Sewerage Work  
Shift Loadings  
Ship Repair  
Slaughtering Nanny Goats  
Smoke Boxes  
Spraypainting  
Standby  
Steam Cleaning  
Stonemason on Wall  
Submarines, Working in  
Swanbourne and Graylands  
Tarring of Vessels  
Tarring Pipes  
Telephone  
Throwing up Metal  
Toilet Cleaning  
Tokyo Child  
Tokyo Local  
Tokyo Rental  
Tokyo Representation  
Tokyo Special  
Tool  
Toxic Substances, Handling of  
Transfer  
Transom Spaces or in Peaks  
Transport  
Transport Workers Carting Tarred Metal and other  
Explosive Material  
Transport Workers unable to or has to sleep around trucks  
and hut  
Travelling  
Tunnel  
Under Boilers and Tunnels  
Underground  
Uniform and Boot  
Uptake  
VD Patients, Regularly Treating

Victualling  
Washing Dusters  
Washing Towels  
Water Over Boots  
Weekend Penalties  
Well Work  
Wet Work  
Window Cleaning  
Work under Wharves  
Zinc Spraying

SCHEDULE 2.

(Section 6)

*Determination of amount of Remuneration Reduction.*

1. In the case of all affected persons other than those described in clause 2 or 3 of this Schedule, the amount of remuneration not to be paid shall be determined as follows—

- (a) where the notional remuneration of the affected person exceeds the rate of \$29 500 per annum but does not exceed the rate of \$33 500 per annum, the amount of remuneration not to be paid shall be 83.75 per cent of the amount by which his notional remuneration exceeds remuneration at the rate of \$29 500 per annum;
- (b) where the notional remuneration of the affected person exceeds remuneration at the rate of \$33 500 per annum, 10 per centum of his notional remuneration shall not be paid;
- (c) where the notional remuneration of an affected person who is employed on a part-time basis has been determined in accordance with section 4 (7), the amount of remuneration not to be paid shall be determined taking into account the proportion which the number of hours actually worked bears to the number of hours worked by a comparable kind of person employed on a full-time basis.

2. In the case of a Minister of the Crown in right of the State and the Parliamentary Secretary of the Cabinet of the State, 12 per centum of the notional remuneration of the affected person shall not be paid.

3. In the case of the Premier of the State, 15 per centum of his notional remuneration shall not be paid.