

# SALARIES AND ALLOWANCES TRIBUNAL.

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No. 27 of 1975.

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**AN ACT** to establish a Tribunal to determine or report upon the salaries and certain allowances payable to holders of ministerial, parliamentary, judicial and certain other public offices, to repeal the Parliamentary Salaries and Allowances Act, 1967-1975, and for incidental and other purposes.

*[Assented to 16th May, 1975.]*

**BE** 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.—THE TRIBUNAL.

1. This Act may be cited as the *Salaries and Allowances Tribunal Act, 1975.* Short title.

Commence-  
ment.

2. (1) Subject to subsection (2) of this section this Act shall come into operation on the date on which this Act receives the Royal Assent.

(2) Section 13 shall come into operation on the date on which the first determination made under section 6 comes into operation.

Arrange-  
ment.

3. This Act is divided into Parts as follows—

PART I.—THE TRIBUNAL—ss. 1-12.

PART II.—REPEAL OF PARLIAMENTARY SALARIES  
AND ALLOWANCES ACT, 1967-1975—s. 13.

Interpreta-  
tion.

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

“Chairman” means Chairman of the Tribunal and includes a member appointed temporarily in place of the Chairman pursuant to section 34 of the Interpretation Act, 1918;

“member” means a member of the Tribunal and includes a person appointed temporarily in place of a member under section 34 of the Interpretation Act, 1918;

“remuneration” means salary and any allowance which is payable annually or at a rate per annum, but in relation to Ministers of the Crown, the Parliamentary Secretary of the Cabinet, officers and members of Parliament and judges of the Supreme Court and of The District Court of Western Australia, also means other allowances and fees and emoluments;

“section” means section of this Act;

“Tribunal” means the Tribunal established by section 5.

(2) For the purposes of this Act a person is an officer of Parliament if he is the holder for the time being of the office of—

- (a) President of the Legislative Council;
- (b) Speaker of the Legislative Assembly;
- (c) Chairman of Committees in either House;

- (d) Leader of the Opposition in the Legislative Council;
- (e) Leader of the Opposition in the Legislative Assembly;
- (f) Deputy Leader of the Opposition in the Legislative Assembly;
- (g) Government Whip in the Legislative Council;
- (h) Opposition Whip in the Legislative Council;
- (i) Government Whip in the Legislative Assembly;
- (j) Opposition Whip in the Legislative Assembly;
- (k) the person who not being a Minister of the Crown is the leader of a party in the Legislative Assembly of at least seven members other than a party whose leader is the Premier or the Leader of the Opposition;
- (l) the person who is the Whip in the Legislative Council or the Legislative Assembly of a party of at least seven members other than a party whose leader is the Premier or the Leader of the Opposition and the first mentioned party in the case of the Whip in the Legislative Council has seven members or more in that House or in the case of the Whip in the Legislative Assembly has seven or more members in that House.

5. (1) For the purposes of this Act there is hereby established a Tribunal to be known as the Salaries and Allowances Tribunal.

Establish-  
ment of  
Tribunal.

(2) The Tribunal shall consist of three members appointed by the Governor.

(3) Subject to this Act a member shall hold office for a period of three years, but a member appointed on the occasion when the Tribunal is first constituted shall hold office for such period not exceeding three years as is specified in his instrument of appointment, and any member is eligible for re-appointment.

(4) If a member—

- (a) is an undischarged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (b) becomes permanently incapable of performing his duties as a member;
- (c) resigns his office by writing under his hand addressed to the Governor; or
- (d) attains the age of seventy years,

the office of that member becomes vacant.

(5) Where the office of a member has become vacant by virtue of subsection (4) of this section, the Governor may appoint a person to the vacant office for the unexpired part of the term of the office which so became vacant.

(6) A member shall be paid such fees and allowances as are determined from time to time by the Governor.

(7) A person shall not be appointed as a member if he is a person whose remuneration is determined or reported upon by the Tribunal under this Act.

(8) The Governor shall appoint one of the members to be the Chairman of the Tribunal.

6. (1) The Tribunal shall, from time to time as provided by this Act, inquire into, and determine, the remuneration to be paid to—

- (a) Ministers of the Crown and the Parliamentary Secretary of the Cabinet;
- (b) officers and members of the Parliament including additional remuneration to be paid to members of Select Committees of a House or Joint Select Committees of Houses, not being in either case Standing Committees;
- (c) stipendiary magistrates;
- (d) officers of the Public Service holding offices included in the Special Division of the Public Service; and

- (e) a person holding any other office of a full-time nature, created or established under a law of the State, that is prescribed for the purposes of this section, but not being an office the remuneration for which is determined by or under any industrial award or agreement made or in force under any other law of the State.
- (2) A determination of the Tribunal—
- (a) shall be in writing;
  - (b) shall be signed by the members; and
  - (c) shall come into operation, or shall be deemed to have come into operation, on such date as is specified therein.
- (3) A copy of every determination made by the Tribunal shall be published in the *Government Gazette*.
- (4) Any remuneration which is payable pursuant to a determination shall, notwithstanding the provisions of any other law of the State, be paid in accordance with the determination out of the Consolidated Revenue Fund, which is appropriated accordingly, or, where the law creating an office to which a determination applies provides for the remuneration of the holder of the office to be paid from some other fund or source, out of that fund or source.
- (5) Except where the Tribunal otherwise determines, a member of the Legislative Assembly who ceases to be a member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time shall nevertheless be deemed for the purposes of this Act and the provisions of any determination to have continued to have been such a member until the day fixed for the taking of the poll next following the dissolution or expiry.
- (6) Notwithstanding any other provision of this Act, where any provision of a determination dealing with the payment of electorate allowances or other allowances to members of Parliament which vary according to the electoral district or electoral province of a member becomes inapplicable, or, in

the opinion of the Chairman, inequitable as a consequence of action taken under the Electoral Districts Act, 1947, the Chairman may without further authority than this subsection alter the determination in that regard to such extent as he thinks necessary for that purpose, and any variation of the determination shall be published in the *Government Gazette*.

Inquiry and  
report on  
judicial  
salaries.

7. (1) The Tribunal shall, from time to time as provided by this Act, inquire into, and report to the Minister on, the question whether any alterations are desirable in the remuneration payable to judges of the Supreme Court and judges of The District Court of Western Australia, and if the Tribunal reports that any such alterations are desirable it shall, in its report, recommend the nature and extent of the alterations that should be made.

(2) The report of the Tribunal—

(a) shall be in writing;

(b) shall be signed by the members; and

(c) shall be furnished to the Minister.

(3) A copy of every report made by the Tribunal under this section shall be laid before each House of Parliament within five sitting days of that House after the report is received by the Minister.

Tribunal to  
make deter-  
mination  
and a report  
annually.

8. The Tribunal shall, as soon as practicable after the first day of July, 1975 but not later than the thirty-first day of August, 1975, and thereafter at intervals of not more than one year, make at the one time a determination and a report in respect of the matters referred to in subsection (1) of section 6 and subsection (1) of section 7.

Meetings  
of the  
Tribunal.

9. (1) The Chairman may convene meetings of the Tribunal and shall preside at all meetings of the Tribunal at which he is present.

(2) In the event of the absence of the Chairman from a meeting—

(a) another member nominated by the Chairman for that purpose shall preside; or

(b) if another member has not been so nominated by the Chairman, another member nominated by the Minister for that purpose shall preside.

(3) At a meeting of the Tribunal—

(a) the procedure shall be as determined by the Tribunal;

(b) two members constitute a quorum;

(c) all questions shall be decided by a majority of the votes of the members present and voting;

(d) the member presiding has a deliberative vote; and

(e) in the event of an equality of votes being cast on any question, the question shall be deferred until a subsequent meeting of the Tribunal.

**10.** (1) In the performance of the functions of the Tribunal—

Method of  
inquiry by  
Tribunal.

(a) the Tribunal may inform itself in such manner as it thinks fit;

(b) the Tribunal may receive written or oral statements;

(c) the Tribunal is not required to conduct any proceeding in a formal manner; and

(d) the Tribunal is not bound by the rules of evidence.

(2) For the purposes of the exercise and performance of its powers and functions under this Act, the Tribunal has all the powers, rights and privileges that are specified in the Royal Commissions Act, 1968, as appertaining to a Royal Commission and the provisions of that Act have effect as if they were enacted in this Act and in terms made applicable to the Tribunal.

(3) The Minister may, if he thinks fit, appoint a person or persons to assist the Tribunal in an inquiry.

(4) Without limiting the provisions of subsection (3) of this section the Minister shall—

- (a) appoint a person nominated from time to time in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly to assist the Tribunal in an inquiry in so far as it relates to the remuneration of Ministers of the Crown, the Parliamentary Secretary of the Cabinet and officers and members of the Parliament; and
- (b) appoint a person nominated from time to time in writing by the Chairman of the Public Service Board to assist the Tribunal in an inquiry in so far as it relates to the remuneration to be paid to stipendiary magistrates and the officers and persons referred to in paragraphs (d) and (e) of subsection (1) of section 6.

Fees and allowances.

11. Any person appointed under subsection (3) of section 10 to assist the Tribunal may be paid such fees and allowances as the Governor determines.

Regulations.

12. The Governor may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

#### PART II.—REPEAL OF PARLIAMENTARY SALARIES AND ALLOWANCES ACT, 1967-1975.

Repeal of Parliamentary Salaries and Allowances Act, 1967-1975.

13. The Parliamentary Salaries and Allowances Act, 1967-1975 is hereby repealed and any determination in force thereunder immediately prior to the coming into operation of this section hereby ceases to have effect.