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SALARIES AND ALLOWANCES ACT 1975

**MEMBERS OF PARLIAMENT TRIBUNAL
DETERMINATION NO. 1 OF 2022**

**DETERMINATION OF THE SALARIES AND
ALLOWANCES TRIBUNAL FOR CLERKS AND
DEPUTY CLERKS OF THE PARLIAMENT,
PUBLIC SERVICE OFFICE HOLDERS INCLUDED
IN THE SPECIAL DIVISION OF THE PUBLIC
SERVICE AND PERSONS HOLDING OFFICES
PRESCRIBED IN SALARIES AND ALLOWANCES
REGULATION NUMBER 3**

**GOVERNMENT TRADING ENTITIES
DETERMINATION NO. 1 OF 2022**

SALARIES AND ALLOWANCES ACT 1975

**MEMBERS OF PARLIAMENT TRIBUNAL
DETERMINATION NO. 1 OF 2022****PREAMBLE****Statutory context**

(1) The *Salaries and Allowances Act 1975* (the Act) requires the Tribunal to inquire into and determine the remuneration to be paid or provided to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, Parliamentary Secretaries appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, member of committees, and officers and Members of the Parliament.

(2) Section 8(a) of the Act provides that a determination relating to offices identified in sections 6(1)(a), 6(1)(ab) and 6(1)(b) must be issued within 12 months of the previous determination. The Tribunal's most recent determination in relation to the remuneration of Members of Parliament was issued on 24 June 2021.

(3) By issuing this Determination, the Tribunal discharges its obligation under section 8(a).

(4) The Tribunal must comply with section 10G of the Act, which prevents the Tribunal from issuing a determination that—

- (a) has the effect of providing for the payment or provisions of remuneration on the basis that the remuneration was not paid or provided before 1 July 2021 by reason of the operation of section 10D [wage freeze legislation]; or
- (b) takes into account any increase in the cost of living that occurred between commencement day [February 2018] and 1 July 2021.

(5) In accordance with section 10A, this determination is issued following consideration of the—

- (a) *Public Sector Wages Policy Statement 2022*; and
- (b) financial position and fiscal strategy of the State, as stated in the *WA State Budget 2022-23*.

Considerations

(6) The Tribunal has considered the current economic environment, noting the *WA State Budget 2022-23* and the Public Sector Wages Policy.

(7) The Tribunal recognises that remuneration provided to Members of Parliament has not increased for some time due to the restraints of the previous wage freeze legislation. While complying with section 10G of the Act, the Tribunal has noted that wage increase mechanisms for the public sector and broader community are returning to pre wage freeze legislation and pre COVID-19 conditions. This allows the Tribunal to consider an annual increase for Members.

(8) The Tribunal also recognises that allowances have been frozen for a number of years. Despite this freeze, the allowances still maintain sufficient value to allow members to undertake the activities required of a Member. The Tribunal has seen no evidence of hardship as a result of the freeze in entitlements or allowances.

(9) The Tribunal's reporting framework will begin from 1 July 2022 with Members having 90 days to report on the usage of the Members Allowance for 2021-22. The Tribunal will also receive reports relating to the usage of a number of other allowances. These reports will allow the Tribunal to more accurately evaluate the allowances of Members and make any adjustments as necessary.

Changes in this determination

(10) The Tribunal has determined a general 2.75% increase in remuneration provided to Members of Parliament.

(11) A minor change to the electorate office telephone allowance has been made to reflect current usage.

(12) For clarification, an additional principle has been added in relation to the use of allowances, to ensure that there is a benefit to the electorate or community in general. This does not preclude members providing sponsorship to individual community members where appropriate, for example to assist in attending an interstate event as a competitor.

(13) No other change has been made to any other allowance or entitlement provided to Members. Although some submissions argued that costs associated with certain allowances had increased, insufficient evidence was presented to convince the Tribunal that the current allowances are inadequate.

(14) The Reporting requirements for Members will begin from 1 July 2022 with Members required to submit their reports regarding the Members Allowance to the Tribunal within 90 days. Any international travel undertaken by Members under the Parliamentary Travel will also need to be reported to the Tribunal within 90 days of undertaking the travel.

(15) In conjunction with reporting received from administering agencies, it is anticipated that the information received from the reporting templates will provide more accurate information for the Tribunal to determine appropriate allowance amounts in the future.

The Determination will now issue.

SALARIES AND ALLOWANCES TRIBUNAL
MEMBERS OF PARLIAMENT TRIBUNAL DETERMINATION NO. 1 OF 2022

PART 1—INTRODUCTORY MATTERS

This Part deals with matters that are relevant to the Determination generally.

1.1 Short Title

This Determination may be cited as the *Members of Parliament Tribunal Determination No. 1 of 2022*.

1.2 Commencement

This Determination comes into operation on 1 July 2022.

1.3 Content and intent

(1) In accordance with section 6(1)(a), (ab), and (b) and section 6AA of the *Salaries and Allowances Act 1975*, this Determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to Ministers of the Crown, the Parliamentary Secretary to the Cabinet, Parliamentary Secretaries appointed under section 44A(1) of the *Constitution Acts Amendment Act 1899*, members of committees, and officers and Members of the Parliament.

(2) In accordance with section 10A of the *Salaries and Allowances Act 1975*, decisions by the Tribunal in relation to sections 6(1)(a) and (ab) have taken consideration of the—

- (a) *Public Sector Wages Policy 2022*; and
- (b) financial position and fiscal strategy of the State, as stated in *WA State Budget 2022-23*.

1.4 References to Dates

- (1) A reference to “a year” or “per annum” relates to a financial year.
- (2) Where benefits are provided with specific reference to “a financial year”, they will cease on and from 30 June each year and, unless otherwise specified, no unexpended amount is carried over to later financial years.
- (3) Allowances for one financial year, including those relating to travel, cannot be provided in advance for use in a later year.

1.5 Terms Used

In this Determination, unless the contrary intention appears—

Commercial accommodation means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.

Leader of a recognised non-Government Party means an officer of Parliament identified in section 4(2)(k) of the *Salaries and Allowances Act 1975*.

Member means a Member of the Parliament of Western Australia.

Metropolitan Member means a Member who represents—

- (a) any of the following electoral regions—
 - (i) the East Metropolitan Region;
 - (ii) the North Metropolitan Region;
 - (iii) the South Metropolitan Region; or
- (b) any electoral district contained within any of those electoral regions.

Minor Party Whip means an officer of Parliament identified in section 4(2)(l) of the *Salaries and Allowances Act 1975*.

Officeholder means, unless stated otherwise, an officer of Parliament who is the holder of an office identified in section 4(2) of the *Salaries and Allowances Act 1975*.

Parliamentary business means the usual activities related to performing the role of a Member of Parliament, which—

- (a) includes—
 - (i) parliamentary duties, comprising activities related directly to a Member’s role in Parliament or as an office holder (as listed in s4(2) of the of the *Salaries and Allowances Act 1975*); and
 - (ii) electorate duties, comprising activities that support or serve a Member’s constituents; and
- (b) excludes—
 - (i) campaigning, such as attending or organising—
 - i. campaign launches;

- ii. candidate selection or campaign strategy meetings; and
- iii. general campaigning on behalf of election candidates; and
- (ii) Party political activity, including—
 - i. campaigning for a political Party; and
 - ii. organising and sustaining Party branches, such as recruiting Members to the Party or undertaking administrative activities to support the Party; and
- (iii) the publication, broadcasting, display or distribution of material intended to, calculated or likely to affect voting in an election.

Regional Member means a Member who represents—

- (a) any of the following electoral regions—
 - (i) the Agricultural Region;
 - (ii) the Mining and Pastoral Region;
 - (iii) the South West Region; or
- (b) any electoral district contained within any of those electoral regions.

Term of Parliament means a term of the Parliament of Western Australia, which—

- (a) for Members of the Legislative Assembly, is deemed to commence the day after a general election and conclude on the day of the general election following the dissolution or expiry of the Legislative Assembly;
- (b) for Members of the Legislative Council, is deemed to commence on 22 May following a general or conjoint election and conclude on 21 May in the year in which seats would ordinarily be vacated by the effluxion of time.

Tribunal means the Salaries and Allowances Tribunal.

1.6 Principles for use of allowances

(1) Members must ensure use of allowances provided in this Determination is consistent with the following principles and must—

- (a) use allowances for Parliamentary business;
- (b) adhere to any conditions for using allowances;
- (c) be prepared to be personally responsible and accountable for the use of allowances;
- (d) be prepared to publicly justify use of allowances;
- (e) act ethically and in good faith when using, and accounting for the use of, allowances; and
- (f) provide a benefit to the electorate or community in general.

(2) In the event a Member exhausts an individual allowance, they must consider using an appropriate alternative allowance, including the Members Allowance or Additional Members Allowance provided in Part 3 of this Determination.

Loyalty schemes—air travel

(3) Members using allowances in this determination for air travel must comply with directions relating to frequent flyer points or benefits under other incentive or loyalty schemes accumulated in the course of air travel undertaken using allowances in this determination, as set out in 8.1 and 8.2 of *Premier's Circular 2021/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers*.

1.7 Reporting

(1) Members must comply with reporting requirements set out for an allowance, including using relevant forms provided as appendices to this Determination.

(2) Members must maintain appropriate records of use of allowances.

(3) With respect to allowances provided under Part 4, Part 5 and Part 6, the Tribunal will make inquiries with administering agencies in relation to Members' claims and use of allowances.

(4) With respect to allowances provided under Part 3 and international expenses incurred in relation to the allowance provided under Part 6, a Member will provide the Tribunal with an annual report on expenditure during the previous financial year.

(5) A Member's report to the Tribunal must—

- (a) include certification that expenditure conformed to—
 - (i) all conditions of use set out for each allowance; and
 - (ii) the principles stated in 1.6; and
- (b) be submitted to the Tribunal—
 - (i) within 90 days of the end of the financial year; or
 - (ii) in the event a Member has ceased to be a Member, within 90 days of the Member's last day of Parliamentary service.

(6) The Tribunal will publish reports, as provided to the Tribunal under 1.7(3) or 1.7(4), containing details of Members' use of allowances.

1.8 Process for claiming expenses against certain Allowances

(1) When specified in the Determination, the following conditions apply to certain Allowances against which Members can claim expenses or reimbursement.

(2) Claims must be submitted to the administering agency within 90 days from the date the expense is incurred.

(3) The administering agency may extend the time to submit a claim in exceptional circumstances, such as—

- (a) receipt of invoices being delayed for reasons outside the Member's control;
- (b) ill health; and
- (c) bereavement.

(4) Members must apply in writing for extensions of time and must provide sufficient details of the exceptional circumstances.

(5) When considering exceptional circumstances under (3), administrative oversight or negligence are not relevant considerations for the administering agency.

1.9 Taxation arrangements are a matter for the Member

Taxation arrangements in relation to remuneration provided in this Determination are a matter between an individual Member and the Australian Taxation Office.

PART 2—REMUNERATION

2.1 General

(1) Remuneration payable to a Member under this Determination shall be calculated on and from the day following the day on which the Member is elected as a Member and, except as provided by section 2.1(2) and Part 7, shall cease to be payable at the end of the day on which a person ceases to be a Member.

(2) A person who ceases to be a Member by reason of the dissolution or expiry of the Legislative Assembly is entitled to receive the remuneration provided in this Determination up to and including the date of the election following that dissolution or expiry.

(3) A person who, immediately before the dissolution or expiry of the Legislative Assembly, is a Member of the Legislative Assembly and holds an office referred to in section 2.1(4) is entitled to receive the base remuneration paid to a Member, and the additional remuneration provided for in section 2.3 in respect of that office, until whichever of the following occurs first—

- (a) they cease to be a Member, other than by the dissolution or expiry by the effluxion of time of the Legislative Assembly; or
- (b) another person is elected or appointed to the office.

(4) The offices referred to in section 2.1(3) are the—

- (a) Leader of the Opposition;
- (b) Deputy Leader of the Opposition;
- (c) Leader of a recognised non-Government party;
- (d) Chairman of Committees (Deputy Speaker);
- (e) Government Whip;
- (f) Opposition Whip; and
- (g) Minor Party Whip.

(5) Remuneration under Parts 2 and 3 of this Determination shall be paid in equal instalments either monthly or twice-monthly. Remuneration relating to part of a pay period is to be calculated on a pro-rata basis.

2.2 Base Remuneration

A Member of Parliament shall be paid a base remuneration of \$161,868 per annum.

2.3 Additional Remuneration for Office Holders

(1) In addition to the base remuneration paid to a Member, a Member appointed to one of the following offices shall be paid additional remuneration, so the total remuneration per annum paid to the officeholder is as stated in the following table—

<i>Office Held</i>	<i>Total Remuneration</i>
Premier	\$366,490
Deputy Premier	\$312,235
Leader of the Government in the Legislative Council	\$301,383
Minister of the Crown	\$285,881
Leader of the Opposition in the Legislative Assembly	\$285,881
President of the Legislative Council	\$264,179
Speaker of the Legislative Assembly	\$264,179
Leader of the Opposition in the Legislative Council	\$247,128
Deputy Leader of the Opposition in the Legislative Assembly	\$231,626
Leader of a recognised non-Government party	\$231,626
Parliamentary Secretary of the Cabinet	\$231,626
Chairman of Committees in either House (Deputy Speaker)	\$208,373

<i>Office Held</i>	<i>Total Remuneration</i>
Government Whip in the Legislative Assembly	\$189,772
Opposition Whip in the Legislative Assembly	\$189,772
Parliamentary Secretary	\$185,122
Government Whip in the Legislative Council	\$185,122
Opposition Whip in the Legislative Council	\$180,471
Chairman of a Standing Committee	\$177,370
Minor Party Whip	\$175,820
Deputy Chairman of a Standing Committee	\$173,495
Member of a Standing Committee	\$172,720

- (2) A person appointed to more than one office shall be paid additional remuneration—
- in respect of only one of the offices to which they have been appointed; and
 - that corresponds to the highest paid office to which they have been appointed, in the event the amounts of additional remuneration for each office are not the same.

2.4 Salary Packaging

Salary packaging contributions may be made within the limits prescribed in the “Guidelines for Salary Packaging in the WA Public Sector 2012—Amended”. A copy of these guidelines can be found at: <https://www.commerce.wa.gov.au/labour-relations/circulars-departments-and-organisations>. Contributions to the Parliamentary Superannuation Scheme may be salary sacrificed up to the maximum amount allowed under the Scheme.

PART 3—MEMBERS ALLOWANCE

3.1 General

- (1) An Allowance in this Part is claimed on a quarterly basis to meet expenses related to the Member’s Parliamentary business, including expenses for—
- community engagement and constituent support;
 - communication with the electorate;
 - electorate office equipment and Information Communication Technology;
 - general electorate office expenses; and
 - other expenses related directly to Parliamentary business.

- (2) The Allowance may be used at the Member’s discretion, within the parameters set in this Determination.

Amounts that can be claimed

- (3) Subject to 3.1(4) and 3.1(5), a Member may claim each quarter up to a maximum of 25% of the annual amount available to the Member.
- (4) In the event a Member does not claim the full amount of the Allowance in one quarter, a sum equivalent to the unclaimed amount may be claimed in a later quarter in the same year, in addition to the amount in 3.1(3).
- (5) In the event a Member does not claim the full amount of the Allowance in one year, a sum equivalent to the unclaimed amount, up to a maximum of 10% of the Member’s annual Allowance, will be preserved for use in the following year.
- (6) The preserved amount in 3.1(5)—
- is available in addition to the Member’s usual annual allocation;
 - can be claimed in any quarter in the subsequent financial year, in addition to the allowances available under 3.2 and 3.3; and
 - is foregone at the end of the year subsequent to the year in which it was provided.

Claim process

- (7) A Member’s claim of a quarterly amount of an Allowance in this Part must—
- include certification by the Member that use of the Allowance will be consistent with the principles set out in 1.6(1); and
 - specify the amount that is being claimed; and
 - comply with the conditions for claiming in 3.1(8).
- (8) A Member’s claim for a quarterly amount must be provided to the administering authority no later than—
- 30 June, for the period from 1 July to 30 September (for payment on the Member’s next available payment processing date after 1 July);
 - 30 September, for the period from 1 October to 31 December (for payment on the Member’s next available payment processing date after 1 October);
 - 31 December, for the period from 1 January to 31 March (for payment on the Member’s next available payment processing date after 1 January); and

(d) 31 March, for the period from 1 April to 30 June (for payment on the Member's next available payment processing date after 1 April).

(9) In the event a Member does not comply with due dates in 3.1(8), the administering agency will contact the Member to advise that the Member has an additional 14 days, from the due date, to submit a claim.

(10) If the Member does not submit their claim within the additional 14 days in 3.1(9), then they will not be eligible to receive a quarterly amount for that quarter.

Members serving part of a Parliamentary term

(11) A Member who serves part of the period between dates specified in 3.1(8) may claim and be provided an amount for that period calculated on a pro rata basis.

(12) With the exception of a Member who ceases to be a Member at the end of a Parliamentary term, a Member who—

- (1) ceases to be a Member between dates specified in 3.1(8); and
- (2) has been provided a quarterly amount for that period;

will be required to repay a proportion of the amount provided to them, calculated on a pro-rata basis for the period served.

Reporting

(13) Use of this Allowance must be reported to the Tribunal annually, with expenditure reported in aggregate terms according to categories set out at Appendix 1 to this Determination.

(14) The first annual report under 3.1(14) is to report the Member's expenditure undertaken during the 2021-22 financial year.

(15) The annual report must include the Member's certification, in the form set out in Appendix 1, that expenditure has complied with—

- (a) the conditions of use set out for the Allowance; and
- (b) the principles stated in 1.6.

(16) The annual report must identify amounts of the Allowance that were—

- (a) drawn down by the Member and not expended for the purposes set out in this Part; and

3.2 Base Members Allowance

A Base Members Allowance of up to \$78,000 per annum may be claimed by a Member.

3.3 Additional Members Allowance

(1) An Additional Members Allowance may be claimed by a Member representing a Region or District listed in 3.3(2).

(2) The Additional Members Allowance is set according to the characteristics of the Region or District as follows—

Electoral District / Region	Additional Allowance Per Year
Mining and Pastoral Region	\$25,350
Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$23,900
Agricultural Region	\$20,000
Central Wheatbelt, and Roe Districts	\$17,500
Moore District	\$15,350
South West Region	\$12,250
Warren-Blackwood District	\$10,400

PART 4—TRANSPORT AND COMMUNICATION

4.1 Motor Vehicle Allowance

(1) A Member is entitled to an annual Motor Vehicle Allowance to satisfy all of their motor vehicle requirements, including taxis and hire cars.

(2) This Allowance—

- (a) is provided in addition to remuneration provided under Part 2; and
- (b) shall be paid monthly or twice-monthly.

(3) The amount provided for this Allowance is based upon the characteristics of a Member's electorate and is set as follows—

Electoral Region / District	Allowance Per Annum
Central Wheatbelt, Kalgoorlie, Kimberley, Moore, North West Central, Pilbara, Roe and Warren-Blackwood Districts	\$42,000
Agricultural, Mining and Pastoral and South West Regions	\$42,000
Albany, Collie-Preston, Geraldton, Murray-Wellington and Vasse Districts	\$32,000
All other electorate Districts and Regions	\$25,000

Application to Certain Officeholders

(4) Subject to section 4.1(5), this Allowance is not provided to a Member who has been appointed to an office for which a Government vehicle has been supplied under arrangements separate to this Determination.

(5) A Member who is appointed to an office for which a Government vehicle is supplied under arrangements separate to this Determination may apply for approval from the Tribunal to receive this Allowance.

(6) An application under 4.1(5) must certify that the Allowance will be used in relation to motor vehicle requirements predominantly in the Member's electoral region or district.

4.2 Electorate Travel

(1) A Member is eligible to claim this allowance when they represent the—

- (a) Electoral Regions of Mining and Pastoral, Agricultural or the South West; or
- (b) Electoral Districts of Albany, Central Wheatbelt, Geraldton, Kalgoorlie, Kimberley, Moore, North West Central, Pilbara, Roe and Warren-Blackwood.

(2) A Member representing a Region or District specified in 4.2(1) is eligible to claim the costs of scheduled commercial air, rail or bus services—

- (a) between Perth and the Member's Region or District; and
- (b) within the Member's Region or District.

(3) In the event a Member's electorate has no airport or station from which a commercial operator provides regular passenger transport, then an airport or station adjacent to the Member's Region or District can be used for travel to a destination within the Member's electorate or between Perth and the Member's Region or District.

(4) Claims against this Allowance must observe the conditions set out in section 1.8.

4.3 Air Charter Transport

(1) Members representing Regions or Districts specified in the table in 4.3(2) shall be entitled to use air charter transport to facilitate the undertaking of Parliamentary business.

(2) Expenses in relation to air charter transport shall not exceed the amounts in the following table—

Electoral Region / District	Allowance Per Annum
Kalgoorlie, Kimberley, North West Central and Pilbara Districts	\$45,000
Mining and Pastoral Region	\$35,000
Agricultural Region	\$30,000
Central Wheatbelt, and Roe Districts	\$25,000
Moore District	\$20,000
South West Region	\$20,000
Albany, Geraldton and Warren-Blackwood Districts	\$8,000

(3) The allocation of this Allowance in one year does not apply to travel booked or undertaken in another year.

(4) Charges shall only be levied against this Allowance in the event the Member has actually undertaken the travel claimed.

(5) When travel outside Western Australia cannot be avoided, Members seeking to claim this Allowance must obtain the Tribunal's approval before the travel is undertaken.

(6) This Allowance may be used by Members

- (a) to charter aircraft under commercial arrangements;
- (b) who, after receiving prior approval from the Tribunal, use
 - (i) their own private aircraft to travel; or
 - (ii) any other mode of transport when aircraft are not available.

(7) This Allowance does not apply when an airline provides a direct service to and from the relevant destination at times convenient to the Member's business.

(8) Where a Member uses air charter services or a privately owned aircraft to travel between two or more locations that cannot be accessed directly by commercial air services (regular public transport), the amount deducted from the Member's Charter Transport Allowance shall be the difference between the cost of using air charter transport or a privately owned aircraft for the direct route between the locations and the cost of a business class fare (or where a business class fare is not available, the full economy fare) for the shortest commercial air service for travel to the same locations. The balance of the cost of using air charter transport or a private aircraft shall be paid from the Consolidated Account.

(9) Claims against this Allowance must observe the conditions set out in section 1.8.

Private Aircraft

(10) Subsections 4.3(11) to 4.3(17) refer to use of this Allowance for costs incurred through travel undertaken in a private aircraft.

(11) A Member may apply to the Tribunal for approval to access the Allowance for costs related to use of a private aircraft.

- (12) An application to the Tribunal must include—
- (a) verification of ownership of the aircraft;
 - (b) make and model of the aircraft;
 - (c) a nominated hourly rate for reimbursement; and
 - (d) certification that—
 - (i) the Member will not obtain personal profit through arrangements set by the Tribunal; and
 - (ii) claims will be made only in relation to travel for Parliamentary business.
- (13) The Tribunal will set the conditions under which expenses for use of a private aircraft may be claimed under the Air Charter Transport Allowance, including an hourly rate for reimbursement.
- (14) Reimbursement will be provided only to the individual Member who has received the Tribunal's approval to use a private aircraft.
- (15) The administering authority may require a Member to provide flight records and AVdata to certify the details of flights.
- (16) Before proceeding with reimbursement, the administering authority must be satisfied that use of a private aircraft is less expensive than commercial charter transport for the same journey.
- (17) In the event that the actual cost of using a private aircraft is more expensive than commercial charter transport for the same journey, then reimbursement will be limited to the cost of commercial charter transport for the same journey.

4.4 Electorate Office Telephones

- (1) A Member is entitled to the payment by the administering agency of all charges, including international calls up to a maximum of \$40 per annum, in relation to three telephone lines in their electorate office.
- (2) Electorate office telephones are to be used for Parliamentary business only.

PART 5—ACCOMMODATION

5.1 Accommodation—General Matters

- (1) For the purposes of this Part—
- Home base** means a Member's place of residence.
- Partner** means a person nominated by a Member as their spouse or de facto partner, within the meaning of section 13A of the *Interpretation Act 1984*.
- (2) Accommodation Allowances may only be claimed for overnight accommodation and associated expenses incurred by a Member in relation to their Parliamentary business.
- (3) Claims under this Part must—
- (a) observe the conditions set out in section 1.8;
 - (b) identify the relevant Accommodation Allowance being claimed and certify that the expense was incurred in accordance with that Allowance; and
 - (c) include a tax invoice or statutory declaration.
- (4) Accommodation Allowances shall be calculated on a pro rata basis for a Member who becomes eligible for an Allowance within a financial year.
- (5) Reimbursement provided under this Part shall be reduced to the extent that the Member's expenses have been, or will be, reimbursed or paid from another source.
- (6) The agency administering allowances provided under 5.2, 5.3, 5.4 and 5.5 will provide the Tribunal an annual report of Members' claims, with claims categorised as "Perth metropolitan", "intrastate", "interstate" or "international".

5.2 Base Accommodation Allowance

- (1) A Member is entitled to a Base Accommodation Allowance to facilitate their Parliamentary business.
- (2) This Allowance may be claimed for accommodation and associated expenses incurred within the State and more than a 75 kilometre radius from the Member's home base.
- (3) The maximum number of nights per year claimable by a Member is as follows, according to the Region or District that the Member represents—

Electoral Region / District	Nights
Metropolitan Members	30
Bunbury, Dawesville, Geraldton and Mandurah Districts	30
Albany, Warren-Blackwood, Central Wheatbelt, Collie-Preston, Moore, Murray-Wellington, Vasse and Roe Districts	40
Kalgoorlie, Kimberley, North West Central and Pilbara Districts	60
Agricultural, Mining and Pastoral, South West Regions	80

- (4) The total daily amount for the Base Accommodation Allowance is determined to be the amount specified for accommodation expenses in Table 3 or Table 4 of the relevant Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.
- (5) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.

5.3 Regional Members: Metropolitan Accommodation Allowance

- (1) A Regional Member may claim this Allowance when—
 - (a) the Regional Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District; and
 - (b) the Regional Member certifies that moneys provided are used to meet accommodation expenses in the metropolitan area.
- (2) The onus is on the Regional Member to submit to the administering agency evidence that demonstrates—
 - (a) the right specified in section 5.3(1)(a); and
 - (b) any periods during which the right specified in section 5.3(1)(a) has not applied.
- (3) An eligible Regional Member is entitled to an amount of \$273 per night for 90 nights each year for accommodation and associated expenses incurred to attend sittings of Parliament.
- (4) The allowance shall be paid monthly or twice-monthly.
- (5) Notwithstanding 1.6 of this Determination, a Regional Member claiming this Allowance cannot use any other Allowance provided in this Part to meet accommodation expenses, incurred in the metropolitan area or elsewhere, on days when Parliament is sitting.
- (6) The only exceptions to 5.3(5) are claims made under 5.6 and 5.7, for which moneys are not provided directly to the Member.

5.4 Regional Members: Additional Metropolitan Accommodation

- (1) This allowance may be claimed when the Member, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (2) In addition to the Allowance provided in section 5.3, eligible Regional Members may claim an amount of \$273 per night, up to a maximum of 30 nights per year, for metropolitan accommodation and related expenses associated with—
 - (a) official Parliamentary committee business;
 - (b) official Government, Parliamentary or Vice Regal functions; and
 - (c) other official duties relating to Parliamentary or electorate matters.
- (3) Claims under this section cannot be made—
 - (a) in relation to nights included in section 5.3 to facilitate attendance at sittings of Parliament; or
 - (b) by Regional Office Holders specified in section 5.5(1).
- (4) The onus is on the Member to submit to the administering agency evidence that demonstrates—
 - (a) the right in section 5.4(1); and
 - (b) any periods during which the right in section 5.4(1) has not applied.

5.5 Regional Office Holders: Additional Metropolitan Accommodation

- (1) For the purposes of this section, a Regional Office Holder is a Regional Member who holds one of the following offices—
 - (a) Premier;
 - (b) Deputy Premier;
 - (c) Minister of the Crown;
 - (d) Leader of the Opposition in the Legislative Assembly;
 - (e) President of the Legislative Council;
 - (f) Speaker of the Legislative Assembly;
 - (g) Leader of the Opposition in the Legislative Council; and
 - (h) Leader of a recognised non-Government Party.
- (2) This allowance can only be provided when a Regional Office Holder, or their partner, has a right to ongoing occupancy, through ownership or lease arrangements, at a residence in, or adjacent to, their Electoral Region or District.
- (3) In addition to the amount provided in section 5.3, eligible Regional Office Holders are entitled to an Allowance for metropolitan accommodation and related expenses incurred to facilitate their Parliamentary business, including Cabinet and Executive Council responsibilities, and other functions of the office they hold.
- (4) Eligible Regional Office Holders are entitled to an amount of \$273 per night for 60 nights per year.
- (5) The allowance shall be paid in monthly or twice-monthly instalments.
- (6) For an eligible Regional Office Holder appointed during a financial year to an office listed in section 5.5(1), this Allowance shall be calculated on a pro rata basis.
- (7) The onus is on the Member to submit to the administering agency evidence that demonstrates—
 - (a) the right in section 5.5(2); and
 - (b) any periods during which the right in section 5.5(2) has not applied.

5.6 Office Holders

(1) The following Office Holders are entitled to claim overnight accommodation and associated expenses related to their office that are incurred within Australia and more than a 75 kilometre radius from their home base—

- (a) Premier;
- (b) Deputy Premier;
- (c) Ministers;
- (d) Leader of the Opposition in the Legislative Assembly;
- (e) Leader of the Opposition in the Legislative Council;
- (f) Leader of a Recognised Non-Government Party;
- (g) Parliamentary Secretary to the Cabinet; and
- (h) Parliamentary Secretaries.

(2) The actual costs of accommodation claimed under this section can be debited to the Corporate Credit Card provided to the Office Holder.

(3) The total daily amount that may be claimed under this section is determined to be the relevant amount specified for accommodation expenses in Table 3, Table 4 or Table 8 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.

(4) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.

(5) Where an Office Holder reasonably and properly incurs costs exceeding the rates specified in section 5.6(3) and has debited a Corporate Credit Card provided to them, the actual costs shall be met.

(6) A Member appointed to act temporarily in an office listed in section 5.6(1) is entitled, for the duration of the temporary appointment, to claim an allowance under this section on the same basis as a permanent Office Holder, provided they have been requested in writing by the Office Holder to deputise on business related to that office.

5.7 Members on Parliamentary Committee Business

(1) A Member may claim accommodation expenses when travelling as an official representative of a Parliamentary committee or delegation, including a standing, select or a joint committee.

(2) The total daily amount that may be claimed under this section is determined to be the relevant amount set for accommodation expenses in Table 3, Table 4 or Table 8 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date of travel.

(3) Claims for non-commercial accommodation shall be paid at 40% of the applicable daily rate.

(4) Where the costs reasonably and properly incurred exceed the rates contained in section 5.7(2), the actual costs shall be met.

PART 6—PARLIAMENTARY TRAVEL AND STUDY ALLOWANCE

6.1 Parliamentary Travel and Study Allowance

(1) In this section—

conferences means meetings, seminars and short courses (excluding complete tertiary degrees or diploma courses) conducted by professional bodies, educational organisations or special interest groups.

(2) Under this Part, a Member may claim up to \$27,000 in a Parliamentary term for expenses or reimbursement incurred for—

- (a) travel, accommodation and incidental expenses while undertaking Parliamentary business; and
- (b) attendance at conferences and courses which inform and assist in the performance of their functions as a Member of Parliament.

(3) A Member who serves part of a term of Parliament may claim an amount calculated on a pro rata basis according to that part of the term of Parliament.

(4) This Allowance must not be claimed for expenses paid for or reimbursed by any other party.

(5) A Member shall not use this Allowance for expenses incurred in the period between the issue of a writ pursuant to the *Electoral Act 1907* for a general election, conjoint election or a by-election relevant to their Electorate District or Region, and the day fixed by the writ or writs for the taking of the poll.

(6) In addition to 6.1(5), a Member of the Legislative Council who will cease to be a Member following a general election or by-election is not able to claim the Allowance in the period between that election and the day they cease to be a Member.

(7) A Member may apply to the Tribunal for approval to access the Allowance in the periods specified in 6.1(5) and 6.1(6), including when a Member has—

- (a) prior to the issue of a writ, appropriately claimed expenses for travel to be undertaken after the writ is issued; or
- (b) incurred expenses for a conference or short-course and the relevant conference or short-course has commenced.

(8) Expenses must be incurred for the benefit of the Member only, except when a Member—

- (a) requires physical or medical assistance, in which case a person may accompany the Member in order to render such assistance; or

- (b) is caring for a dependent child up to 12 months of age, in which case a person may accompany the Member in order to assist with care for the child.

Claim process

(9) Claims for expenses or reimbursement must be submitted to the administering agency and must include certification that—

- (a) use of moneys complies with conditions set out in section 1.6; and
(b) expenses relate to the Member's Parliamentary business.

Reporting

(10) The agency administering this Allowance will provide the Tribunal with an annual report of Members' claims under this Part, with claims categorised as "Perth metropolitan", "intrastate", "interstate" or "international".

Reporting by Members on international travel

(11) A Member who uses this Allowance to undertake international travel must comply with reporting requirements set out in 6.1(12).

(12) Within 90 days of expending moneys, Members must submit to the Tribunal a report, in the form provided at Appendix 2 to this Determination, including details of—

- (a) how moneys have been expended; and
(b) the expected benefit to the State from the expenditure.

6.2 Applicable rates

(1) The applicable rate for claims or reimbursements under this section is determined to be—

- (a) for travel within Australia, the relevant amounts for commercial accommodation, meals and incidentals set out in Table 3 and Table 4 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date the expense is incurred; and
(b) for international travel—
(i) up to \$400 per day for commercial accommodation; and
(ii) the relevant amounts for meals and incidentals set out in Table 8 and Table 9 of the Australian Taxation Office's daily travel allowance (published as a Taxation Determination) applicable at the date the expense is incurred.

(2) For non-commercial accommodation, the daily amount of claims or reimbursements shall be 40% of the amounts specified in section 6.2(1).

PART 7—TRANSITION ALLOWANCE

7.1 Transition Allowance

(1) This Allowance is provided to facilitate a Member's post-Parliamentary transition, which may include accessing resettlement advice and services, financial counselling, re-employment counselling, training costs and any other costs incurred as the Member considers necessary.

(2) Subject to 7.2, a Member may claim this Allowance upon ceasing to be Member.

(3) This Allowance is available for 6 months only from the day after a Member ceases to be a Member.

(4) The commencement of the period set in 7.1(3) shall be deferred for a Member who has ceased to be a Member but is seeking to be a candidate in the next election, or is a candidate in the next election, and the period will commence the day after it is confirmed through the election's result that the person will not resume as a Member.

(5) The maximum amount of the Allowance is a proportion of the Base Remuneration, set in 2.2, calculated according to a Member's length of service as a Member, as follows—

Period of Parliamentary Service	Maximum Amount Of Base Remuneration
One term of Parliament	3 months
More than one term, but less than three terms of Parliament	6 months
Three terms of Parliament or more	9 months

(6) Calculations, under 7.1(5), of the maximum amount of the Allowance that may be claimed by a Member must—

- (a) consider only the Member's continuous period of service, which is concluding; and
(b) disregard separate periods of service in previous Parliaments, for which the Member has claimed the Transition Allowance or received the Resettlement Allowance provided in previous Tribunal determinations.

Claiming the Transition Allowance

(7) A Member may claim the Allowance by submitting an application to the administering agency that—

- (a) includes certification that the Member is eligible to be provided the Allowance; and
(b) specifies the amount(s) being claimed.

(8) A Member may elect to be provided the Allowance in up to two instalments.

(9) In exceptional circumstances, such as ill health and bereavement, a Member may apply to the administering agency to adjust the number of instalments specified in 7.1(8).

(10) An application under 7.1(9) must be in writing and must provide sufficient details of the exceptional circumstances.

7.2 Ineligible Members

(1) This Allowance is not available to a Member who—

- (a) is entitled to superannuation benefits through the Parliamentary Pension Scheme;
- (b) has not complied with reporting requirements set out in this Determination; or
- (c) is disqualified from membership of the Legislature under section 32(1)(b) of the *Constitution Acts Amendment Act 1899*.

Signed on 23 July 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.
Salaries and Allowances Tribunal.

HON. J DAY,
Member.

Appendix 1

MEMBER'S REPORT: USE OF MEMBERS ALLOWANCES

MEMBER: _____

ELECTORATE: _____

In accordance with 1.7 and Part 3 of this Determination, within 90 days of the end of a financial year, Members must submit to the Tribunal a report of expenditure using Members Allowances, including—

- a completed form (below) with details in aggregate terms of how moneys were expended;
- certification (below) that—
 - o use of moneys has complied with principles set out in section 1.6; and
 - o conditions of use set out for the Members Allowance.

Members must submit the report to submissions@sat.wa.gov.au.

Reports provided by Members will be published on the Tribunal's website.

MEMBERS ALLOWANCES (PART 3 OF DETERMINATION)

BASE MEMBERS ALLOWANCE (PART 3.2) and ADDITIONAL MEMBERS ALLOWANCE (PART 3.3)

TOTAL ANNUAL MEMBERS ALLOWANCE AVAILABLE TO MEMBER	
AMOUNT DRAWN DOWN	
AMOUNT NOT DRAWN DOWN	
AMOUNT NOT DRAWN DOWN AND CARRIED OVER TO NEXT FINANCIAL YEAR (maximum 10% of total annual Members Allowance)	\$
REPORTED EXPENDITURE	
• community engagement and constituent support	
• communication with the electorate	
• electorate office equipment and Information Communication Technology	
• general electorate office expenses	
• other expenses related directly to Parliamentary business	
TOTAL EXPENDITURE	\$
TOTAL DRAWN DOWN THAT WAS NOT EXPENDED	\$

CERTIFICATION

To be signed by Member of Parliament before submission

This report reflects all expenditure in the last financial year using the Members Allowance provided under Part 3 of the Members of Parliament Tribunal Determination.

Expenditure detailed in this report conforms to the—

- conditions of use set out for the Members Allowance; and
- principles for use of allowances provided in this Determination, which state that Members must—
 - (a) use allowances for parliamentary business—
 - (b) adhere to any conditions for using allowances;
 - (c) be prepared to be personally responsible and accountable for the use of allowances;

- (d) be prepared to publicly justify use of allowances; and
- (e) act ethically and in good faith when using, and accounting for the use of allowances.

Signed: _____

Date: _____

Appendix 2

MEMBER'S REPORT: USE OF PARLIAMENTARY TRAVEL AND STUDY ALLOWANCE

MEMBER: _____

ELECTORATE: _____

In accordance with Part 6 of this Determination, within 90 days of expending moneys for international expenses using the Parliamentary Travel and Study Allowance, Members must submit to the Tribunal—

- *certification (see below) that—*
 - o use of moneys has complied with principles set out in section 1.6; and
 - o expenses related to the Member's Parliamentary business; and
- *a report including details of—*
 - o how moneys were expended (see form below); and
 - o the expected benefit to the State from the expenditure.

Members must submit the certification and report to submissions@sat.wa.gov.au.

Reports provided by Members will be published on the Tribunal's website.

PARLIAMENTARY TRAVEL AND STUDY ALLOWANCE (PART 7 OF DETERMINATION)

INTERNATIONAL EXPENSES ONLY:

ALLOWANCE CLAIMED	\$
REPORTED EXPENDITURE:	
• Airfares o Please list international destinations	
• Fees for conferences or short courses	
• Accommodation o Number of nights	
• Incidentals	
• Other (please identify)	
TOTAL EXPENDITURE	\$
TOTAL SURPLUS/DEFICIT	\$

CERTIFICATION**To be signed by Member of Parliament before submission**

This report reflects all expenditure for international expenses using the Parliamentary Travel and Study Allowance.

Expenditure detailed in this report conforms to the—

- *conditions of use of the Parliamentary Travel and Study Allowance; and*
- *principles for use of allowances provided in this 1.6 of this Determination, which states that Members must—*
 - (a) *use allowances for parliamentary business—*
 - (b) *adhere to any conditions for using allowances;*
 - (c) *be prepared to be personally responsible and accountable for the use of allowances;*
 - (d) *be prepared to publicly justify use of allowances; and*
 - (e) *act ethically and in good faith when using, and accounting for the use of allowances.*

Signed: _____

Date: _____

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE SALARIES AND ALLOWANCES
TRIBUNAL FOR CLERKS AND DEPUTY CLERKS OF THE
PARLIAMENT, PUBLIC SERVICE OFFICE HOLDERS INCLUDED
IN THE SPECIAL DIVISION OF THE PUBLIC SERVICE AND
PERSONS HOLDING OFFICES PRESCRIBED IN SALARIES AND
ALLOWANCES REGULATION NUMBER 3**

PREAMBLE**Statutory context**

1. This determination is issued in accordance with the *Salaries and Allowances Act 1975* (the Act) and sets the remuneration to be paid or provided to—
 - (a) the Clerk of the Legislative Council or Clerk of the Legislative Assembly or the Deputy Clerk of either House (section 6(1)(c));
 - (b) officers of the Public Service holding offices including in the Special Division of the Public Service (section 6(1)(d)); and
 - (c) 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 (section 6(1)(e)).
2. Section 8(a) of the Act provides that a determination relating to offices identified in sections 6(1)(c), 6(1)(d) and 6(1)(e) must be issued within 12 months of the previous determination. The Tribunal's most recent determination in relation to the remuneration of the offices was issued on 24 June 2021.
3. The Tribunal must comply with section 10G, which prevents the Tribunal from making a determination that—
 - has the effect of providing for the payment or provisions of remuneration on the basis that the remuneration was not paid or provided before 1 July 2021 by reason of the operation of section 10D; or
 - takes into account any increase in the cost of living that occurred between commencement day [February 2018] and 1 July 2021.
4. In accordance with section 10A, this Determination has considered the—
 - *Public Sector Wages Policy Statement 2022*; and
 - financial position and fiscal strategy of the State, as stated in the *WA State Budget 2022-23*.

Decision

5. The Tribunal has considered the current economic environment, noting the WA State Budget 2022-23 and the Public Sector Wages Policy.
6. The Tribunal notes that prior to the \$1,000 increase provided in the 2021 Determination, remuneration of offices included in section 6(1)(c), (d) and (e) has not increased for some time and had resulted in issues with attracting candidates to vacant positions.
7. The Tribunal has determined a general 2.75% increase in remuneration for officers held within this Determination. This increase takes into account the economic influences provided to the Tribunal and remains in line with the increases available to the wider public service and provided to other groups in the Tribunal's jurisdiction.
8. Officers outlined in the third and fifth schedules will not receive the benefit of the 2.75% increase, as a remuneration increase was applied to these offices effective from 1 January 2022 and 1 April 2022 respectively.
9. The 2.75% increase has been applied to the maximum and minimum of the salary bands.
10. The Tribunal has also made changes to the following positions that reflect changes to the work value of the positions—
 - Director General, Department of Justice;
 - Director General, Department of Biodiversity, Conservation and Attraction;
 - Worksafe Commissioner;
 - Commissioner, Department of Fire and Emergency Services;
 - Deputy Commissioner, Department of Fire and Emergency Services;
 - CEO, Government Employee Superannuation Board; and
 - Managing Director, Department of Transport.
11. The determination will now issue.

Determination

PART 1—INTRODUCTORY MATTERS

This Part deals with some matters that are relevant to the Determination generally.

1.1 Short Title

This Determination may be cited as the *Special Division, Prescribed Office Holders and Clerks of the Parliament Determination No. 1 of 2022*.

1.2 Commencement

This Determination comes into operation on 1 July 2022.

1.3 Content and intent

Pursuant to the *Salaries and Allowances Act 1975* (‘the Act’) this determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to—

- (a) the Clerk of the Legislative Council or Clerk of the Legislative Assembly or the Deputy Clerk of either House (section 6(1)(c));
- (b) officers of the Public Service holding offices including in the Special Division of the Public Service (section 6(1)(d)); and
- (c) 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 (section 6(1)(e)).

1.4 References to Dates

- (1) In this Determination, a reference to “a year” or “per annum” relates to a financial year.
- (2) Where benefits or entitlements are provided with specific reference to “a financial year”, these cease on and from 30 June each year and, unless otherwise specified in this Determination, no unexpended amount can be carried over to later financial years.

1.5 Terms used

In this Determination, unless the contrary intention appears—

remuneration means salary, allowances, fees, emoluments and benefits (whether in money or not);

salary means the portion of remuneration which is paid as money;

Special Division officer means the holder of an office which has been included in the Special Division of the Public Service pursuant to section 38 of the *Public Sector Management Act 1994* and for the purposes of section 6(1)(d) of the Act;

Prescribed Officer means the holder of an office which has been created or established under a law of the State, that is prescribed for the purposes of section 6(1)(e) of the Act.

Tribunal means the Salaries and Allowances Tribunal.

Officer means the person appointed to the position on a substantive basis.

1.6 Conditions of service

- (1) Unless the conditions of service of a Special Division officer or Prescribed Officer are determined pursuant to a law of the State other than the Act, the conditions of service specified in this determination will apply.
- (2) To the extent that terms and conditions of employment affect remuneration (e.g. paid leave), office holders listed in this Schedule are entitled to the same terms and conditions as contained in the *Public Service Award 1992* as at the date of this determination and the *Public Sector CSA Agreement 2021*.
- (3) Where there is any inconsistency between this determination and the terms and conditions of the *Public Service Award 1992* and the *Public Sector CSA Agreement 2021*, the conditions of service specified in this determination shall prevail.

1.7 Salaries

- (1) All salaries stated in the Schedules of this determination are inclusive of annual leave loading.
- (2) A person holding more than one Special Division or Prescribed Office, shall receive remuneration for one office only, being the office classified or remunerated at the highest level.

1.8 Salary Packaging

An Office holder identified in this determination is entitled to participate in salary packaging arrangements for superannuation and novated leases in accordance with circular No. 04 of 2012 “Guidelines for Salary Packaging in the WA Public Sector 2012” issued by the Department of Mines, Industry Regulation and Safety.

First Schedule
SPECIAL DIVISION AND PRESCRIBED OFFICE HOLDERS
PART 1—SALARY

This Part deals with the salary payable to Special Division and Prescribed Office Holders listed below.

1.1 Salary

(1) The annual salaries specified in the Tables of this Part apply to the holders of the corresponding offices.

Table 1—Special Division CEOs

Office	Department or Agency	Band	Office Holder	Salary
Director General	Biodiversity, Conservation and Attractions	2	M Webb	\$345,754
Chief Executive Officer	Botanic Gardens and Parks Authority	4	M Webb	See Director General, Biodiversity, Conservation and Attractions
Managing Director	Central Regional TAFE	4	J Payne	\$221,940
Chief Executive Officer	ChemCentre	4	P McCafferty	\$227,135
Director General	Communities	1	M Andrews	\$441,311
Registrar	Department of the Registrar, Western Australian Industrial Relations Commission	4	S Bastian	\$227,135
Director General	Education	1	L Rodgers	\$454,572
Director General	Finance	1	J Cant	\$414,378
Director	Gascoyne Development Commission	4	T Duncanson	\$209,231
Director	Goldfields-Esperance Development Commission	4	K Starcevich	\$209,231
Chief Executive Officer	Government Employees Superannuation Board	2	B Palmer	\$351,988
Director	Great Southern Development Commission	4	N Monks	\$209,231
Managing Director	Insurance Commission of Western Australia	2	R Whithear	\$351,988
Director General	Jobs, Tourism, Science and Innovation	1	R Brown	\$414,378
Director General	Justice	1	A Tomison	\$414,378
Director	Kimberley Development Commission	4	C Berger	\$209,231
Director General	Local Government, Sport and Cultural Industries	2	L Chopping	\$329,705
Chief Executive Officer	Lotteries Commission	3	R Addis	\$313,543
Commissioner	Mental Health Commission	2	J McGrath	\$329,705
Chief Executive Officer	Metropolitan Cemeteries Board	4	K Oliver	\$227,135
Chief Executive Officer	Metropolitan Redevelopment Authority	3	Vacant	\$-
Director	Mid-West Development Commission	4	N Hay	\$209,231
Chief Executive Officer	Minerals Research Institute of Western Australia	4	N Roocke	\$228,619
Managing Director	North Metropolitan TAFE	3	M Hoad	\$243,044
Managing Director	North Regional TAFE	4	Vacant	\$-
Director	Peel Development Commission	4	A Ward	\$209,231
Director	Pilbara Development Commission	4	T Hill	\$217,684

Office	Department or Agency	Band	Office Holder	Salary
Director General	Planning, Lands and Heritage	2	A Kannis	\$378,192
Director General	Premier and Cabinet	1	E Roper	\$454,572
Director General	Primary Industries and Regional Development	2	Vacant	\$-
Chief Executive Officer	Public Transport Authority	2	P Woronzow	See Director General, Department of Transport
Chief Executive Officer	Rottneest Island Authority	4	M Webb	See Director General, Department of Biodiversity, Conservation and Attractions
Chief Executive Officer	School Curriculum and Standards Authority	3	L Rodgers	See Director General, Department of Education
Small Business Commissioner	Small Business Development Corporation	4	D Eaton	\$238,745
Managing Director	South Metropolitan TAFE	3	T Durant	\$243,044
Managing Director	South Regional TAFE	4	D Ganeson-Oats	\$221,940
Director	South West Development Commission	4	M Teede	\$209,231
Director General	Training and Workforce Development	2	K Ho	\$329,705
Director General	Transport	1	P Woronzow	\$414,378
Under Treasurer	Treasury	1	M Barnes	\$454,572
Director General	Water and Environmental Regulation	2	M Rowe	\$313,543
Chief Executive Officer	Western Australian Health Promotion Foundation	4	R Addis	See Chief Executive Officer, Lotteries Commission
Chief Executive Officer	Western Australian Land Information Authority	3	G Gammie	\$260,670
Director	Wheatbelt Development Commission	4	R Cossart	\$209,231
Chief Executive Officer	WorkCover Western Australia Authority	4	C White	\$243,044
Chief Executive Officer	Zoological Parks Authority	4	M Webb	See Director General, Biodiversity, Conservation and Attractions

Table 2—Prescribed Office Holders

Office	Department or Agency	Office Holder	Salary
Commissioner for Equal Opportunity	Equal Opportunity Commissioner	J Byrne	\$259,978
Commissioner	Fire and Emergency Services	D Klemm	\$365,276
General Manager	Forest Products Commission	S West	\$272,185
Chief Health Officer	Health	A Robertson	See Eighth Schedule
Director	Health and Disability Services Complaints Office	S Cowie	\$243,044
Chief Executive Officer	Infrastructure WA	P Helberg	\$354,282
Commissioner of Main Roads	Main Roads WA	P Woronzow	See Director General, Department of Transport

Office	Department or Agency	Office Holder	Salary
President	Mental Health Tribunal	K Whitney	\$249,793
Auditor General	Office of the Auditor General	C Spencer	\$414,481
Chief Psychiatrist	Office of the Chief Psychiatrist	N Gibson	See Seventh Schedule
Commissioner for Children and Young People	Office of the Commissioner for Children and Young People	J McGowan-Jones	\$243,044
Director of Public Prosecutions	Office of the Director of Public Prosecutions	Vacant	See Fourth Schedule
Deputy Director of Public Prosecutions	Office of the Director of Public Prosecutions	Vacant	See Fourth Schedule
Information Commissioner	Office of the Information Commissioner	C Fletcher	\$243,044
Inspector of Custodial Services	Office of the Inspector of Custodial Services	E Ryan	\$243,044
Solicitor General	Office of the Solicitor General	J Thomson SC	See Sixth Schedule
Commissioner	Parliamentary Commissioner for Administrative Investigations	C Field	\$383,329
Deputy Commissioner	Parliamentary Commissioner for Administrative Investigations	G (Mary) White	\$204,528
Public Sector Commissioner	Public Sector Commission	S O'Neill	\$454,572
State Librarian	State Library of Western Australia	C Clark	\$243,044
Electoral Commissioner	Western Australian Electoral Commission	R Kennedy	\$259,978
Deputy Electoral Commissioner	Western Australian Electoral Commission	C Barron	\$197,050
Commissioner of Police	Western Australian Police Service	C Dawson	\$454,572
Deputy Commissioner	Western Australian Police Service	C Blanch	\$289,898
Deputy Commissioner	Western Australian Police Service	Vacant	\$289,898
Assistant Commissioner	Western Australian Police Service	Vacant	\$219,204
Assistant Commissioner	Western Australian Police Service	B Royce	\$219,204
Assistant Commissioner	Western Australian Police Service	J McCabe	\$219,204
Assistant Commissioner	Western Australian Police Service	K Whiteley	\$219,204
Assistant Commissioner	Western Australian Police Service	P Steel	\$219,204
Assistant Commissioner	Western Australian Police Service	P Zanetti	\$219,204
Assistant Commissioner	Western Australian Police Service	C Donaldson	\$219,204
Assistant Commissioner	Western Australian Police Service	D Gaunt	\$219,204
Assistant Commissioner	Western Australian Police Service	P Dallimore	\$219,204
Assistant Commissioner	Western Australian Police Service	A Adams	\$219,204
Assistant Commissioner	Western Australian Police Service	Vacant	\$219,204
Assistant Commissioner	Western Australian Police Service	Vacant	\$219,204
Chief Executive Officer	Western Australian Tourism Commission	R Brown	See Director General, Jobs, Tourism, Science and Innovation
WorkSafe Commissioner	WorkSafe WA	D Kavanagh	\$227,135

(2) Where the Deputy Commissioner, Western Australian Electoral Commission (WAEC), acts in the position of Electoral Commissioner, WAEC, for a period of four or more consecutive weeks while the office is substantively vacant or the office holder is on leave, the Deputy Commissioner is entitled to receive the salary awarded in Table 2 Prescribed Office Holders, to the position of Electoral Commissioner for the duration of the acting arrangement.

(3) A person appointed by the Governor to temporarily act in the Office of the Inspector of Custodial Services, is entitled to receive the same salary that is awarded to the position of Inspector of Custodial Services as set out in 'Table 2 Prescribed Office Holders'. The acting Inspector of Custodial Services is also entitled to the motor vehicle benefits set out in Part 3 and the superannuation entitlements set out in Part 6 of this Determination. The salary and benefits apply on a pro-rata basis for any period in which the Inspector of Custodial Services is absent from duty.

Table 3— Special Division Non-CEOs

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General	Biodiversity, Conservation and Attractions	3	P Dans	\$235,112
Deputy Director General, Housing and Assets	Communities	2	Vacant	\$—
Deputy Director General, Community Services	Communities	2	R Green	\$289,899
Deputy Director General, Governance, Integrity and Reform	Communities	4	Vacant	\$ -
Deputy Director General, Education Business Services	Education	2	J Peckitt	\$289,899
Deputy Director General, Schools	Education	2	M Sands	\$289,899
Deputy Director General, Student Achievement	Education	2	J Bell	\$289,899
Executive Director, School Curriculum and Standards	Education	3	A Blagaich	\$249,118
Deputy Director General, Buildings and Contracts	Finance	2	S Whitmarsh	\$304,140
Deputy Director General, Major Projects	Finance	2	N Godecke	\$328,275
Deputy Director General, Advisory Services	Finance	3	K Ingham	\$247,628
Chief Customer Officer, Service WA	Finance	3	H Farrell	\$235,112
Commissioner Revenue WA	Finance	3	Vacant	\$ -
Deputy Commissioner, Operations	Fire and Emergency Services	3	C Waters	\$262,506
Deputy Chief Executive Officer	Infrastructure WA	4	Vacant	\$ -
Assistant Director General Strategy and Governance	Health	2	N O'Keefe	\$296,295
Assistant Director General Purchasing and System Performance	Health	2	A Kelly	\$302,691
Deputy Director General, Industry Science and Innovation	Jobs, Tourism, Science and Innovation	3	L Dawson	\$235,112
Deputy Director General Resources and Project Facilitation	Jobs, Tourism, Science and Innovation	3	C Clark	\$235,112
Deputy Director General Strategy and International Engagement	Jobs, Tourism, Science and Innovation	3	S Spencer	\$235,112
Managing Director	Jobs, Tourism, Science and Innovation	3	C Turnbull	\$289,899
Commissioner of Corrective Services (Deputy Director General)	Justice	3	M Reynolds	\$289,899
Executive Director, Courts and Tribunal Services	Justice	4	J Stampalia	\$219,203
Public Trustee	Justice	4	B Roche	\$235,112
Managing Director	Main Roads WA	2	Vacant	\$ -
Coordinator of Energy	Mines, Industry Regulation and Safety	2	Vacant	\$ -

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General, Resource and Environmental Regulation	Mines, Industry Regulation and Safety	3	P Gorey	\$235,112
Deputy Director General, Industry Regulation and Consumer Protection	Mines, Industry Regulation and Safety	3	K Berger	\$235,112
Deputy Director General, Safety Regulation	Mines, Industry Regulation and Safety	3	I Munns	\$235,112
Deputy Auditor General	Office of the Auditor	2	S Labuschagne	\$289,899
Director Operations	Office of the Director of Public Prosecutions	3	Vacant	\$ -
Deputy Director General, Intergovernmental Relations and COVID-19	Premier and Cabinet	2	A Pickrell	\$316,779
Deputy Director General, Aboriginal Engagement and Community Policy	Premier and Cabinet	2	F Hunt	\$316,779
Deputy Director General, Infrastructure, Economy and Recovery	Premier and Cabinet	3	Vacant	\$ -
Executive Director State Services	Premier and Cabinet	4	Vacant	\$ -
Government Chief Information Officer	Premier and Cabinet	4	G Italiano	\$227,078
Deputy Director General Industry and Economic Development	Primary Industries and Regional Development	3	N Grazia	\$235,112
Deputy Director General Sustainability and Biosecurity	Primary Industries and Regional Development	3	H Brayford	\$262,506
Managing Director	Public Transport Authority	2	M Burgess	\$316,779
Managing Director OMITD	Transport	2	Vacant	\$ -
Managing Director DoT	Transport	2	I Cameron	\$316,779
Managing Director Metronet	Transport	2	Vacant	\$ -
Managing Director Westport	Transport	3	P Seares	\$261,478
Deputy Under Treasurer	Treasury	2	M Court	\$316,779
Assistant Under Treasurer, Economic	Treasury	3	A Jones	\$289,899
Assistant Under Treasurer, Infrastructure and Finance	Treasury	3	R Watson	\$262,506
Assistant Under Treasurer, Strategic Policy and Evaluation	Treasury	3	M Andrews	\$262,506
Executive Director	Western Australian Police Service	3	F Pasquale	\$280,004

PART 2—CLASSIFICATION FRAMEWORK FOR SPECIAL DIVISION OFFICES

This Part deals with the classification framework applicable to Special Division offices listed in Part 1 of this Schedule.

2.1 General

- (1) Special Division offices listed in this Schedule have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.
- (2) Each classification (Band 1 to Band 4) has a commensurate annual salary as specified in this Section. The salary is exclusive of other benefits described further below in Parts 3, 4, 5 and 6.
- (3) Chief Executive Officers (CEOs) have been designated a higher salary range within each Band in recognition of the distinction between CEOs with end of line responsibility and non-CEOs in subordinate positions.

(4) The Tribunal will review the classification of an office when that office becomes vacant and prior to a new appointment being made.

Table 4—Annual salary range for the classification of Chief Executive Officers in the Special Division of the Public Service

SPECIAL DIVISION CHIEF EXECUTIVE OFFICERS		
Band	Annual Salary Range	
Band 1	\$378,192	\$531,519
Band 2	\$313,543	\$378,192
Band 3	\$243,044	\$313,543
Band 4	\$209,231	\$243,044

Table 5—Annual salary range for the classification of non-Chief Executive Officers in the Special Division of the Public Service

SPECIAL DIVISION NON-CHIEF EXECUTIVE OFFICERS		
Band	Annual Salary Range	
Band 1	Not applicable	Not applicable
Band 2	\$289,899	\$341,066
Band 3	\$235,112	\$289,899
Band 4	\$197,050	\$235,112

PART 3—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in Part 1 of this Schedule.

3.1 General

(1) In addition to the salary determined for the office holders listed in Part 1 of this Schedule, those office holders have an entitlement to an allowance which may be taken as cash with salary or may be utilised to access a motor vehicle for private use leased through State Fleet.

(2) The vehicle (being part of the Government-owned State Fleet) should be managed in accordance with the policies and conditions established and amended from time to time by the Department of Finance (the effective owner of the State Fleet). Applicable terms and conditions are currently set out in the document “State Fleet—Agency General Agreement”.

(3) A person holding more than one Special Division or Prescribed Office, shall be entitled to a motor vehicle or cash in lieu of a motor vehicle for one such office only, being the office classified or remunerated at the highest level.

(4) An individual accessing a vehicle under this Part shall take due care of the condition and security of the vehicle. This includes responsibility for ensuring the vehicle is regularly serviced and maintained at government expense according to the manufacturer’s recommended specifications, and making arrangements for off-street parking at home, whenever practicable, with appropriate security precautions taken at all times. Any theft or damage should be reported to the Fleet Manager.

(5) Officeholders who choose to lease an Electric Vehicle (EV) need to be aware that the costs associated with re-fuelling an electric vehicle are not included in published annual operating costs and are the responsibility of the officeholder. Officeholders will be responsible for making their own arrangements for at-home EV charging infrastructure and energy costs. Officeholders may not utilise office-based charging infrastructure nor agency-provided recharging cards to refuel SAT vehicles.

(6) Motor vehicles leased for office holders under this determination or a previous determination of the Tribunal shall not be changed or cash in lieu taken prior to the expiration of the lease.

(7) While the vehicle may be used anywhere in Western Australia at no cost to the individual, if the vehicle is driven interstate, the individual is liable for the cost of fuel and oil while interstate. Furthermore, if used outside of Western Australia, the custodian must be in the vehicle at all times that it is being used.

(8) Should the officer choose not to use the vehicle, supplied through State Fleet, for business, or for travelling to and from work, but allows and authorises the vehicle to be used for private use during business hours by another family member or person, they are not entitled to access another government vehicle for their private use, including transport to and from work.

(9) Should the officer choose to take cash in lieu of a motor vehicle supplied through State Fleet, it is not the Tribunal’s intent that this should result in additional government expense or an increase in the government fleet to provide transport for the office holder during business hours. The office holder is not entitled to claim a mileage allowance for use of their private vehicle for work purposes. Neither are they entitled to access another government vehicle for their personal use including transport to and from work.

3.2 Notional value of the lease and the cost to the Office Holder

(1) The notional value of the lease (and all associated costs) shall be—

Table 6—Notional Value of a Motor Vehicle

Salary of Office Holder	Notional Value of the lease
Below \$246,397 p.a.	\$20,300 p.a.
Equal to or above \$246,397 p.a.	\$22,650 p.a.

(2) The notional value of the lease shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

(3) Office holders located in non-metropolitan locations that require a four wheel drive vehicle for operational reasons, can apply to the employing authority for the issue of a four wheel drive vehicle in lieu of the entitlement mentioned in this Section. Four wheel drive vehicles shall be of a standard, the cost of which does not exceed the Toyota Prado GXL Automatic 3.0 litre Turbo Diesel.

(4) The total lease cost of the chosen vehicle and accessories determined in this section, must be borne by the office holder. This includes the purchase cost of any accessories and the installation cost and removal costs if required, before disposal of the vehicle. No additional costs shall be incurred by the office holder as a result of fluctuations in lease costs during the specified term of the lease.

(5) In the event an office holder's motor vehicle requires modifications to cater for a disability, resulting in total vehicle costs higher than the notional lease values in Table 6, then the reasonable additional cost may be approved by the office holder's employing authority.

(6) Where the total lease and associated costs of a vehicle and accessories in accordance with this determination is less than the relevant motor vehicle benefit determined in this section, the difference in the cost to Government is to be paid fortnightly as part of the office holder's remuneration.

(7) The method of determining whether an additional contribution must be made by the office holder or the surplus is to be paid to the office holder, shall be based on the notional lease cost to the Government of the vehicle sought (using the formula detailed below), compared with the relevant notional lease value determined for the benefit in this section. The cost at the time of entering into the lease is applicable.

(8) The notional value of the vehicle benefit must include the lease cost, Fringe Benefits Tax (FBT) and all other operating costs based on the relevant figure of nominated kilometres to be travelled annually. The formula to be adopted in valuing the motor vehicle is outlined in Table 7.

Table 7—Value of a Motor Vehicle Formula

Value of a Motor Vehicle =		
L + R + aD + FBT + I + LCT, where		
L	=	Lease payments
R	=	Registration costs
a	=	Running cost per kilometre
D	=	nominated annual kilometres
FBT	=	Fringe Benefits Tax
I	=	Insurance
LCT	=	Luxury Car Tax

(9) FBT is costed at applicable Australian Taxation Office rates. FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470). A 'Fringe Benefits Tax Exempt Agency' means where an organisation is exempt from FBT in accordance with Commonwealth Government legislation, a notional amount equal to the standard FBT must be added to the cost of the benefit.

(10) Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage patterns.

3.3 Choice of motor vehicle

(1) Where an office holder elects to access a leased vehicle under State Fleet arrangements, he/she may choose any vehicle and accessories in the relevant Western Australian Government Common Use Contract or an "off contract" vehicle and accessories available under Government leasing arrangements in accordance with the following criteria.

(2) Vehicles with V8 engines are not included. Supercharged and turbo-charged engines with a capacity greater than 3.0 litres are not included.

(3) Office holders unable to lease their choice of vehicle within the scope of the arrangements set out in this determination should elect to make their own arrangements to meet their personal transport needs.

3.4 Cash value of the motor vehicle benefit

(1) Where a person elects not to be provided with a motor vehicle through State Fleet he/she is entitled to the cash value being paid fortnightly as additional remuneration. The relevant cash value is to be determined in accordance with the following criteria—

Table 8—Cash Value of a Motor Vehicle

Salary of Office Holder	Cash Value
Below \$246,397 p.a.	\$20,300 p.a.
Equal to or above \$246,397 p.a.	\$22,650 p.a.

(2) The cash value of a motor vehicle shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

PART 4—DISTRICT AND TRAVEL ALLOWANCES

This Part deals with the district and travel allowances paid or provided to Office holders listed in this Part.

4.1 District Allowances

(1) Officer holders listed in this Section shall be entitled to the applicable district allowances, if they are residing in the relevant region of their department or agency, in accordance with the *District Allowance (Government Officers) General Agreement 2010* and the relevant provisions of the *Public Service Award 1992* as at the date of this determination. Applicable FBT shall be payable by the relevant department or agency.

(2) For the purposes of calculating the standard rate, dependant rate or partial dependant rate applicable under the *District Allowance (Government Officers) General Agreement 2010*, the standard rates set out in Table 9 below shall form the basis of the calculations unless and until determined otherwise by the Tribunal.

Table 9—District Allowances

Office	Department or Agency	Office Holder	Annual District Allowance (Standard Rate)
Managing Director	Central Regional TAFE	Vacant	\$-
Director	Gascoyne Development Commission	T Duncanson	\$4,387
Director	Kimberley Development Commission	C Berger	\$7,436
Director	Mid West Development Commission	N Hay	\$1,239
Managing Director	North Regional TAFE	Vacant	\$-
Director	Pilbara Development Commission	T Hill	\$9,449

4.2 Travel Allowances—Annual Leave Travel Concessions

Office holders listed in this section are entitled to travel allowances in accordance with the *Public Service Award 1992* (as at the date of this determination) and described in clause 23(10) of that Award as “Annual Leave Travel Concessions”.

Table 10—Travel Allowances—Annual Leave Travel Concessions

Office	Department or Agency	Office Holder
Director	Gascoyne Development Commission	T Duncanson
Director	Kimberley Development Commission	C Berger
Managing Director	North Regional TAFE	Vacant
Director	Pilbara Development Commission	T Hill

PART 5—HOUSING AND UTILITIES

This Part deals with the housing and utilities subsidies paid or provided to Office holders listed in this Part.

5.1 Rental Subsidies

(1) Office holders listed in this section are entitled to the applicable Government Regional Officers Housing (GROH) rental subsidies, if they are residing in the relevant region of their department or agency, in accordance with the Department of Communities *GROH Tenant Rent Setting Framework Policy (2019)* (as at the date of this determination).

(2) The rental subsidy shall be payable to GROH for the benefit of the office holders and is to be calculated using the Department of Communities on-line rent calculator which can be accessed at—

http://www.housing.wa.gov.au/currenttenants/governmentemployeehousing/rentcalculation/Pages/groh_rent_calc.aspx

(3) In the event the full rental cost is more than the rental subsidy, the difference is to be borne by the office holder. However, Departments or Agencies can apply to the Employing Authority for approval for the difference to be borne by the Department or Agency.

(4) Applicable FBT shall be paid by the office holder’s department or agency.

Table 11—Rental Subsidies

Office	Department or Agency	Office Holder
Director	Gascoyne Development Commission	T Duncanson
Director	Pilbara Development Commission	T Hill

5.2 Home ownership subsidies

(1) Office holders identified in this section shall be entitled to applicable Government home loan subsidies which are aligned generally to the Department of Communities' GROH *Home Ownership Subsidy Scheme and Tenants Purchasing a GROH Dwelling Policy (January 2020)*.

(2) The home ownership subsidy shall be payable for the benefit of the office holder up to the maximum specified in Table 12 below.

(3) The subsidy shall be paid in accordance with and for the period specified in the relevant Home Loan Subsidy Agreement between the office holder and their Department or agency identified in Table 12 below.

(4) Applicable FBT shall be paid by the office holder's department or agency.

Table 12—Home Ownership Subsidies

Office	Department or Agency	Office Holder	Maximum Annual Home Ownership Subsidy
Managing Director	Central Regional TAFE	Vacant	\$9,100 (\$175 per week)
Director	Kimberley Development Commission	C Berger	\$9,100 (\$175 per week)

5.3 Electricity subsidies

(1) Office holders listed in this Section shall be entitled to claim electricity subsidies as specified in Table 13 below.

(2) Claims made under this Section must be accompanied by a tax invoice for electricity utilised at the residence ordinarily occupied by the office holder, within the region where the office holder's department or agency is located.

(3) A claim for an electricity subsidy made under this Section must be submitted within 90 days of the due payment date of the tax invoice. In the case of exceptional circumstances, the administering authority may approve an extension of time to submit a claim. Any application made to the administering authority seeking an extension of time to submit a claim under this Section, should be in writing and explain the exceptional circumstances leading to the need for extra time to submit a claim. Exceptional circumstances, for which an extension will be approved, will only be where the office holder has demonstrated that the claim submission has been delayed for reasons outside the office holder's control or in circumstances where ill health or bereavement has prevented a claim being made on time. Where delays in submitting a claim have been due to administrative oversight or negligence, the Tribunal does not regard these as circumstances appropriate to grant an extension of time to submit a claim. Where a claim is made after 90 days and no extension has been granted, payment against the claim will not be made.

(4) Applicable FBT shall be paid by the office holder's department or agency.

(5) Any gap between the electricity subsidy as stated in Table 13 and the full electricity amounts is payable by the office holder.

Table 13—Electricity Subsidies

Office	Department or Agency	Office Holder	Maximum Annual Electricity Subsidy
Director	Gascoyne Development Commission	T Duncanson	\$1,455
Director	Kimberley Development Commission	C Berger	\$2,477
Managing Director	North Regional TAFE	Vacant	\$-
Director	Pilbara Development Commission	T Hill	\$2,735

PART 6—SUPERANNUATION ENTITLEMENTS

This Part deals with the superannuation entitlements paid or provided to Office holders listed in Part 1 of this Schedule.

6.1 Superannuation Entitlements

(1) Employer superannuation contributions are payable in accordance with the obligations applicable under the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *State Superannuation Act 2000* and the *State Superannuation Regulations 2001* or the *Fire and Emergency Services Regulations 1986*, as the case may be, unless determined otherwise in this Schedule.

(2) Superannuation contributions to the Gold State Super scheme are based on the concept of remuneration set out in Regulation 5 of the *State Superannuation Regulations 2001*. Contributions to an accumulation scheme, whether a GESB accumulation scheme or a scheme of choice, are determined by the concept of Ordinary Time Earnings (OTE) defined in the *Superannuation Guarantee (Administration) Act 1992* (Cth) and 'over OTE items' as defined in the *State Superannuation Regulations 2001*. The Department of Treasury document titled *Ordinary Time Earnings and the Treatment of Allowances and Payments for Superannuation Remuneration Purposes—General Principles* provides useful guidance on this matter. The document can be found on the Department of Treasury web site at—

http://www.treasury.wa.gov.au/cms/uploadedFiles/_Treasury/State_finances/ote_treatment_allowances_payments_superannuation_remuneration_general_principles.pdf?n=1655

(3) Superannuation contributions to the Fire and Emergency Services Superannuation Fund are governed by the *Superannuation Guarantee (Administration) Act 1992* (Cth) and the *Fire and Emergency Services (Superannuation Fund) Regulations 1986*.

(4) The position of Chief Executive Officer and State Librarian, State Library of Western Australia, while held by Ms C Clark, shall be paid superannuation in accordance with *UniSuper*.

(5) A *Gold State* member electing to take a motor vehicle or the cash equivalent in lieu of a motor vehicle is not entitled to have either amount included for superannuation purposes.

(6) A *West State* or *GESB Super* member electing to take a vehicle does not have the cash value of that vehicle included for superannuation. However if the office holder elects to take a cash equivalent in lieu of a motor vehicle then this amount is included for the purposes of superannuation.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

Second Schedule

SENIOR LEGAL OFFICES

Pursuant to section 6(1)(d) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid per annum to the holders of the offices listed below and is as follows.

PART 1—SALARY

This Part deals with the salary payable to the holders of Senior Legal Offices listed below in Part 1 of this Schedule.

1.1 Salary

The annual salaries specified in Table 14 of this Part apply to the holders of the corresponding offices.

Table 14—Remuneration and Offices

Office	Department or Agency	Band	Office Holder	Salary
State Solicitor, SSO	Justice	1	Vacant	\$-
Parliamentary Counsel, PCO	Justice	1	G Lawn	\$454,324
State Counsel, SSO	Justice	2	A Sefton SC	\$409,732*
Deputy State Solicitor, SSO	Justice	2	A Komninos	\$387,182
Deputy State Solicitor—Commercial, SSO	Justice	2	C Bydder	\$387,182
Deputy State Solicitor, SSO	Justice	2	Vacant	
Deputy State Solicitor, SSO	Justice	2	Vacant	
Deputy State Solicitor, SSO	Justice	2	Vacant	
Deputy State Solicitor, SSO	Justice	2	Vacant	
Deputy Parliamentary Counsel, PCO	Justice	2	U Couper	\$387,182
Senior Adviser, SSO	Justice	3	J O'Halloran	\$368,807
Deputy State Counsel, SSO	Justice	3	Vacant	
Senior Parliamentary Counsel, PCO	Justice	3	Vacant	
Senior Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	J Whalley SC	\$353,463*

Office	Department or Agency	Band	Office Holder	Salary
Senior Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	L Christian SC	\$353,463*
Senior Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	Vacant	
Senior Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	P Usher	\$343,188
Senior Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	L Fox SC	\$353,463*
Consultant State Prosecutor	Office of the Director of Public Prosecutions	4	I Jones	\$268,178
Consultant State Prosecutor	Office of the Director of Public Prosecutions	4	Vacant	
Consultant State Prosecutor	Office of the Director of Public Prosecutions	4	Vacant	
Consultant State Prosecutor	Office of the Director of Public Prosecutions	4	Vacant	
Consultant State Prosecutor	Office of the Director of Public Prosecutions	4	Vacant	
Consultant State Prosecutor	Office of the Director of Public Prosecutions	4	Vacant	
Director Legal Services	Office of the Director of Public Prosecutions	3	M Bugg	\$353,463
Adviser, SSO	Justice	4	M Payne	\$258,627
Adviser, SSO	Justice	4	K Chivers	\$258,627
Adviser, SSO	Justice	4	Vacant	
Adviser, SSO	Justice	4	I Petersen	\$258,627
Adviser, SSO	Justice	4	Vacant	
Adviser, SSO	Justice	4	Vacant	
Senior Parliamentary Counsel, PCO	Justice	4	D Djurdjevic	\$258,627
Senior Parliamentary Counsel, PCO	Justice	4	R Jacobs	\$258,627

Abbreviations: SSO—State Solicitor's Office / PCO—Parliamentary Counsel's Office

* includes \$10,000 premium in recognition of appointment as Senior Counsel.

PART 2—CLASSIFICATION FRAMEWORK

This Part deals with the classification framework applicable to the holders of Senior Legal Offices listed in Part 1 of this Schedule.

2.1 General

- (1) Offices listed in this Schedule have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.
- (2) Each classification (Band 1 to Band 4) has a commensurate indicative annual salary as specified in this Section.
- (3) The Tribunal will review the classification and salary of an office when that office becomes vacant and prior to a new appointment being made.

Table 15—Indicative annual salary range for the classification of Senior Legal Offices

SENIOR LEGAL OFFICES		
Band	Annual Salary Range	
Band 1	\$424,047	\$488,250
Band 2	\$353,362	\$424,047
Band 3	\$284,944	\$353,362
Band 4	\$251,326	\$284,944

PART 3—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in this schedule.

The holders of the offices listed in this Schedule have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$22,650 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to office holders listed in this Schedule.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

Third Schedule**COURT REGISTRARS**

Pursuant to section 6(1)(d) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid to the holders of the offices listed.

PART 1—SALARY

This Part deals with the salary payable to the holders of the offices listed below

Table 16—Annual salary for Court Registrars

Office	Annual salary
Supreme Court	
Principal Registrar	\$351,383
Registrar	\$311,290
District Court	
Principal Registrar	\$327,322
Registrar	\$307,622
Deputy Registrar	\$298,424

PART 2—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in this schedule.

The holders of the offices listed in this Schedule have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$24,000 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to office holders listed in this Schedule.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

Fourth Schedule**DIRECTOR OF PUBLIC PROSECUTIONS AND
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS**

Pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to the holder of the offices of the Director of Public Prosecutions and the Deputy Director of Public Prosecutions.

PART 1—SALARY AND ALLOWANCES

This Part deals with the salary and allowances payable to the Director of Public Prosecutions and the Deputy Director of Public Prosecutions.

1.1 Director of Public Prosecutions

(1) The holder of the office of Director of Public Prosecutions is to be paid a salary of \$500,923 per annum.

(2) All other allowances payable from time to time are the same as provided to a Puisne Judge of the Supreme Court of Western Australia.

(3) As stated in section 2(b) of the *Director of Public Prosecutions Act 1991*, the Director of Public Prosecutions has the same annual leave, sick leave and long service leave entitlements as an officer of the public service.

1.2 Deputy Director of Public Prosecutions

(1) The holder of the office of Deputy Director of Public Prosecutions is to be paid a salary of \$409,732 per annum.

(2) All other allowances payable from time to time are the same as provided to a District Court Judge of Western Australia.

PART 2—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to the Director of Public Prosecutions and the Deputy Director of Public Prosecutions.

2.1 Motor Vehicle Entitlement

The Director of Public Prosecutions and the Deputy Director of Public Prosecutions each have an entitlement to the provision of a fully maintained leased motor vehicle for private use to the notional value of \$26,900 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to these office holders.

Signed on 23 June 2021.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

Fifth Schedule

CLERKS AND DEPUTY CLERKS OF THE PARLIAMENT

Pursuant to section 6(1)(c) of the *Salaries and Allowances Act 1975* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to Clerk of the Legislative Council or Clerk of the Legislative Assembly or the Deputy Clerk of either House.

PART 1—SALARY

This Part deals with the salary payable to the holders of the offices listed below.

Table 17—Annual salary for the Clerks and Deputy Clerks of the Parliament

Office	Annual salary
Clerk of the Legislative Council	\$264,456
Deputy Clerk of the Legislative Council	\$203,651
Clerk of the Legislative Assembly	\$264,456
Deputy Clerk of the Legislative Assembly	\$203,651

PART 2—MOTOR VEHICLE BENEFITS

This Part deals with the motor vehicle benefits paid or provided to Office holders listed in this Schedule.

The holders of the offices listed in this Schedule have an entitlement to the supply of a fully maintained motor vehicle for business and private use.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

Sixth Schedule

SOLICITOR-GENERAL

Pursuant to section 4 of the *Solicitor-General Act 1969* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to the holder of the office of the Solicitor-General.

PART 1—REMUNERATION

The holder of the office of Solicitor-General is entitled to remuneration of \$621,092 annum inclusive of salary, motor vehicle entitlement and superannuation. This remuneration is provided on the basis that the holder of the office of Solicitor-General has not retained the right to private practice.

PART 2—MOTOR VEHICLE BENEFITS

For the purpose of superannuation the notional value of the motor vehicle entitlements is \$26,900 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to the Solicitor-General.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

Seventh Schedule**CHIEF PSYCHIATRIST**

Pursuant to Section 510 of the *Mental Health Act 2014* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to the holder of the office of the Chief Psychiatrist.

PART 1—REMUNERATION

The holder of the office of Chief Psychiatrist is entitled to remuneration of \$506,305 per annum inclusive of salary, motor vehicle entitlement and superannuation.

PART 2—MOTOR VEHICLE BENEFITS

For the purpose of superannuation the notional value of the motor vehicle entitlements is \$22,650 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to the Chief Psychiatrist.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

Eighth Schedule**CHIEF HEALTH OFFICER**

Pursuant to Section 12 of the *Public Health Act 2016* the Salaries and Allowances Tribunal determines the remuneration to be paid or provided to the holder of the office of Chief Health Officer.

PART 1—REMUNERATION

The holder of the office of Chief Health Officer is entitled to remuneration of \$513,409 per annum inclusive of salary, motor vehicle entitlements and superannuation.

PART 2—MOTOR VEHICLE ENTITLEMENTS

For the purpose of superannuation the notional value of the motor vehicle entitlement is \$22,650 per annum. In all other respects, the motor vehicle entitlements set out in Part 3 of the First Schedule of this determination apply to the Chief Health Officer.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.

SALARIES AND ALLOWANCES ACT 1975

GOVERNMENT TRADING ENTITIES DETERMINATION
NO. 1 OF 2022

PREAMBLE

1. Under section 7C of the *Salaries and Allowances Act 1975* (the Act) the Tribunal must “determine the minimum and maximum amounts of remuneration to be paid or provided to executive officers of Government entities”.
2. A Chief Executive Officer (CEO) position is only subject to the Tribunal’s determinations following the expiry of a contract that was in place when section 7C commenced.
3. From 1 July 2021, respective Government Trading Entity (GTE) boards have been able to set or adjust remuneration of their CEOs within the range of the allocated bands.
4. The Tribunal must comply with section 10G, which prevents the Tribunal from making a determination that—
 - has the effect of providing for the payment or provisions of remuneration on the basis that the remuneration was not paid or provided before 1 July 2021 by reason of the operation of section 10D; or
 - takes into account any increase in the cost of living that occurred between commencement day [February 2018] and 1 July 2021.
5. In accordance with section 10A, this determination has considered the—
 - *Public Sector Wages Policy Statement 2022*; and
 - financial position and fiscal strategy of the State, as stated in the *WA State Budget 2022-23*.

DECISION

6. The Tribunal reviewed the GTE environment, with consideration to the submissions received, and has retained the three-band model for remuneration.
 7. The Tribunal determined a 3% increase be applied to the maximum and minimum of the Bands.
 8. The 3% is inclusive of the 0.5% increase in the Commonwealth Superannuation Guarantee to 10.5% effective 1 July 2022.
 9. The Tribunal determined the existing GTE Band classifications are appropriate.
 10. In recognition of some of the labour and general market conditions identified in the submissions, the maximum of the Band 2 and Band 3 ranges have been increased to \$550,000 and \$400,000 respectively.
 11. The 3% increase has subsequently been applied to the maximum and minimum of the Bands.
 12. The 3% increase will be applied to the total remuneration package payable to the Chief Executive Officer, Horizon, whose specific remuneration is determined by the Tribunal.
- The Determination will now issue.

PART 1—INTRODUCTORY MATTERS

This Part deals with some matters that are relevant to the determination generally.

1.1 Short title

This determination may be cited as the *Government Trading Entities Determination No. 1 of 2022*.

1.2 Commencement

This Determination comes into operation on 1 July 2022.

1.3 Content and intent

- (1) This Determination is issued pursuant to section 7C of the *Salaries and Allowances Act 1975* (the Act) and applies to Executive Officers of Government entities specified in Schedule 2 of the Act.
- (2) The total remuneration package specified in this Determination includes all components of remuneration provided to an Executive Officer.
- (3) This Determination fulfils the Tribunal’s obligations under section 7C of the Act and applies to offices identified in Schedule 2 of the Act that have been prescribed in regulations.
- (4) In accordance with section 10A of the Act, decisions by the Tribunal in relation to section 7C have considered the—
 - (a) *Public Sector Wages Policy Statement 2022*, issued on 11 February 2022; and
 - (b) financial position and fiscal strategy of the State, as stated in the *WA State Budget 2022-23*.

1.4 Terms used

In this determination, unless the contrary intention appears—

Band means the minimum and maximum amounts of remuneration set in Part 2 of this Determination.

Executive Officer has the meaning provided in section 7C(1) and (4) of the Act.

Government Entity means an entity specified in column 1 of Schedule 2 of the Act.

Remuneration has the meaning provided in section 4 of the Act.

Tribunal means the Salaries and Allowances Tribunal.

1.5 Pro rata payments

(1) The total remuneration package for Executive Officers specified in this determination is based on a person serving in the office on a full-time basis. The relevant amount shall be payable on a pro rata basis when the position is undertaken on a part time basis.

(2) The total remuneration package specified in this determination shall be apportioned on a pro rata basis according to the portion of a year that the person holds office.

1.6 References to Dates

In this Determination, a reference to “a year” or “per annum” relates to a financial year.

1.7 Government Entity Band allocations

Unless the contrary intention appears, government entities in this determination are allocated to the bands as set out in Part 3 of this determination.

PART 2—CLASSIFICATION FRAMEWORK FOR EXECUTIVE OFFICERS OF GOVERNMENT ENTITIES

This Part deals with the classification framework applicable to Executive Officers under section 7C of the Act.

2.1 General

(1) This Part sets the minimum and maximum amounts of remuneration for each Band in which an Executive Officer is classified.

(2) A Government Entity must ensure the total remuneration package provided to its Executive Officer complies with Band ranges specified in 2.2(1), according to the Band classification of the office specified in Part 3.

(3) The Tribunal, from time to time, may review the Band classification of an Executive Officer.

2.2 Band Ranges

(1) The Band ranges for annual total remuneration packages provided to Executive Officers in Government Entities are as follows—

Band	Total Remuneration Range	
Band 1	\$489,250	\$721,000
Band 2	\$309,000	\$566,500
Band 3	\$226,600	\$412,000

(2) The total remuneration package provided to an Executive Officer must be within the amounts specified in 2.2(1), according to the Band classification of the office specified in Part 3.

PART 3—TOTAL REMUNERATION PACKAGE

This Part deals with the remuneration payable to Executive Officers.

3.1 General

(1) Executive offices have been classified in Bands listed in 3.2.

(2) Each Band classification (Band 1 to Band 3) has a corresponding Total Remuneration Package (TRP) range, as specified in Part 2.

(3) A TRP must comprise all components of remuneration provided as a reward for service, which typically includes, but is not limited to, base salary, superannuation and a private motor vehicle allowance.

(4) The only exclusions from the TRP are—

- (a) employer obligations, such as professional development relevant to the executive officer’s role, reimbursement for work expenses or the cost of recruitment and relocation; and
- (b) items considered to be a “tool of trade” necessary to undertake the duties of an executive officer and which are not provided as a reward for service.

3.2 Executive Officer Remuneration

(1) Executive Officers in Government entities are classified in Bands as follows—

Government Entity	Band Classification
Bunbury Water Corporation (Aqwest)	3
Busselton Water Corporation	3
Fremantle Port Authority	1
Gold Corporation (Perth Mint)	1
Horizon Power	2
Kimberley Port Authority	3
Mid-West Ports Authority	3
Pilbara Ports Authority	1
Racing and Wagering WA	2
Southern Ports Authority	3
Synergy	1
WA Land Authority	2
WA Treasury Corporation	2
Water Corporation	1
Western Power	1

(2) Notwithstanding 3.2(1), the total remuneration package for the Chief Executive Officer, Horizon is \$580,070 until the current office holder vacates the office.

Signed on 23 June 2022.

M SEARES, AO
Chair.

B A SARGEANT, PSM
Member.

HON. J DAY,
Member.

Salaries and Allowances Tribunal.