

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF

FULL-TIME SENIOR AND ORDINARY MEMBERS OF THE

STATE ADMINISTRATIVE TRIBUNAL

1. Section 6(1)(e) of the *Salaries and Allowances Act 1975* (“the Act”) requires the Salaries and Allowances Tribunal (“the Tribunal”), at intervals of not more than twelve months, to inquire into and determine the remuneration to be paid to a person holding any office prescribed for this section.

BACKGROUND

2. The Tribunal has today issued a report under Section 7 of the Act recommending an adjustment of 3.0 per cent effective from 1 January 2013 to the remuneration paid to Judges of the Supreme and District Courts, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission.
3. This determination provides for a remuneration increase of 3.0 per cent to flow through to the full-time Senior and Ordinary non-judicial Members of the State Administrative Tribunal (“Members”).

Current inquiry

4. In discharging its statutory requirements with respect to the remuneration of Members, the Tribunal’s approach has been to:
 - advertise for public submissions;
 - write to key office holders; and
 - consider relevant labour market and economic data.
5. This process provides an opportunity for members of the public, the Government, Members themselves or any other interested party to make a submission. It also helps to inform the Tribunal of changes which might have taken place in the roles or responsibilities of Members over the past year and other remuneration issues for Members.

Public submissions

6. Public submissions were sought by advertisement on the Tribunal’s website with a closing date of Friday, 26 October 2012.

Invitation to Office Holders

7. The Tribunal wrote to the President of the State Administrative Tribunal, inviting submissions to its inquiry.

Labour Market and Economic Data

8. Relevant labour market and economic data were sought from a variety of sources. For example, the Tribunal sought current data on the Wage Price Index, Average Weekly Earnings, the Consumer Price Index and Total Employment Growth. Economic forecasts at a national and state level were also considered.

SUBMISSIONS

9. The Tribunal received a submission from Mr Maurice Spillane, Senior Member and Ms Marie Connor, Ordinary Member on behalf of the full-time Senior and Ordinary Members of the State Administrative Tribunal with a covering letter from Justice John Chaney, President of the State Administrative Tribunal.
10. The submission sought an adjustment to the remuneration of Members “in line with any increase that may be granted to other judicial officers in Western Australia”. The submission also proposed that entitlements to a motor vehicle for private use should continue as at present.

CONSIDERATION

11. In exercising its statutory responsibilities, the Tribunal applies broad principles upon which levels of remuneration are determined for all categories of offices and positions coming within the scope of the Act. These principles, particularised to Members of the State Administrative Tribunal, have been applied by the Tribunal to make judgments with respect to the remuneration in this determination. These principles are:
 - the value of Members to the state and our democratic system of government;
 - measures of the “work value” of Members; and
 - the level of remuneration of Members within the context of wage and salary rates applying generally in the community.

DETERMINATION

12. The Tribunal has adjusted the remuneration of Members in line with the framework of rates payable to judicial office holders and court registrars in Western Australia. The adjustment has taken into account levels of remuneration in other relevant jurisdictions and maintains existing relativities.

The Tribunal determines that the remuneration paid or provided to Senior and Ordinary Members of the State Administrative Tribunal will be as set out in the attached Schedule.

SCHEDULE

PART 1: REMUNERATION

1.1 Remuneration shall be payable at the following rates to Senior and Ordinary full-time members effective from 1 January 2013.

POSITION	REMUNERATION
Senior full-time member	\$305,896
Ordinary full-time member	\$229,422

1.2 The remuneration is based on the offices being of a full-time nature. Where a part-time appointment is made, the salary specified in this Part shall be payable on a pro rata basis in accordance with the proportion of full-time hours worked subject to the employment being at least half of the full-time rate.

1.3 A person holding more than one Special Division or Prescribed Office, shall receive remuneration for one such office only, being the office classified or remunerated at the highest level.

PART 2: MOTOR VEHICLE BENEFITS

SECTION 1: GENERAL

1.1 In addition to the salary determined for the office holders listed in Part 3 of this Schedule, those office holders have an entitlement to a motor vehicle for private use provided through State Fleet. The notional value of the lease (and all associated costs) per annum shall be the relevant value set out in Section 4 of this Part.

1.2 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".

1.3 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.

1.4 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.

- 1.5 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.
- 1.6 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.
- 1.7 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, he/she is not entitled to access another government vehicle for his/her private use, including transport to and from work.
- 1.8 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 is he or she entitled to access another government vehicle for their personal use including transport to and from work.

SECTION 2: DETERMINING THE COST OF THE LEASE AND THE COST TO THE OFFICE HOLDER

- 2.1 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.
- 2.2 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.
- 2.3 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
- 2.4 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:

Value of Motor Vehicle =

$L + R + aD + \text{FBT} + I + \text{LCT}$, 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

- 2.5 FBT is costed at applicable Australian Taxation Office rates. For the year ending 31 March 2013, FBT is costed at purchase price (including GST) x Statutory fraction x Gross up (2.0647) x FBT rate (0.465).

Fringe Benefits Tax Exempt Agencies: 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.

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

SECTION 3: CHOICE OF MOTOR VEHICLE

- 3.1 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.
- 3.2 Vehicles with V8 engines are not included. Supercharged and turbo-charged engines with a capacity greater than 3.0 litres are not included.
- 3.3 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.

SECTION 4: CASH VALUE OF THE MOTOR VEHICLE BENEFIT

- 4.1 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 \$24,000 per annum.
- 4.2 The cash value of a motor vehicle and the notional value of the motor vehicle benefit shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder, subject to the employment being at least half of the full-time rate.

The determination will now issue.

Signed this 23rd day of November 2012

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL