

Salaries and Allowances Act 1975

DETERMINATION OF THE REMUNERATION OF SENIOR AND ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE TRIBUNAL

1. The Salaries and Allowances Tribunal (“Tribunal”) issues this Determination pursuant to section 6(1)(e) of the *Salaries and Allowances Act 1975* (“the Act”).
2. Since February 2018, section 10D of the Act has prevented the Tribunal from making a determination that increases remuneration provided to certain public offices in its jurisdiction, including offices included in section 6(1)(e).
3. This Determination is issued as a point of reference for remuneration provided to State Administrative Tribunal members at the expiry of these legislative restrictions, on 1 July 2021. From this date, the Tribunal will resume much of its usual discretion to set remuneration for offices included in section 6(1)(e).
4. However, the Tribunal must still comply with section 10G, 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; or
 - b. takes into account any increase in the cost of living that occurred between commencement day and 1 July 2021.
5. The conditions in section 8 will also resume on 1 July 2021, requiring the Tribunal to annually inquire into and determine the remuneration for offices under section 6(1)(e). As such, the Tribunal will conduct an annual inquiry and issue its next determination no later than 1 July 2022.
6. In accordance with section 10A, this determination is issued following consideration of the:
 - *Public Sector Wages Policy Statement 2019*; and
 - financial position and fiscal strategy of the State, as stated in the *Government Mid-year Financial Projections Statement of December 2020*.
7. The Tribunal has noted advice from the Under Treasurer, who stated that while the Western Australian economy appears to be recovering from the severe impact of the COVID-19 pandemic, the outlook is difficult to predict and significant risks remain. The State’s revenue estimates are currently highly sensitive to changes in key economic parameters.

8. The Tribunal notes that remuneration provided to Senior and Ordinary Members of the State Administrative Tribunal has not increased for some time.
9. With the prevailing uncertainty over the economic climate, the Tribunal has determined a \$1,000 increase in the remuneration for Senior and Ordinary Members of the State Administrative Tribunal. This increase is in line with those provided to the wider public service in accordance with the *Public Sector Wages Policy*.
10. The determination will now issue.

SALARIES AND ALLOWANCES ACT 1975

**DETERMINATION OF THE REMUNERATION OF
SENIOR AND ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE TRIBUNAL**

PURSUANT TO SECTION 6(1)(e)

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 *Senior and Ordinary Members of the State Administrative Tribunal Determination No. 1 of 2021*.

1.2 Commencement

This determination comes into operation on 1 July 2021.

1.3 Content and intent

- (1) This determination provides for the salary, allowances and other benefits to be paid, provided or reimbursed to holders of offices of the State Administrative Tribunal prescribed for the purposes of section 6(1)(e) of the *Salaries and Allowances Act 1975* (the Act).
- (2) The offices to which this determination applies are the Senior and Ordinary Members of the State Administrative Tribunal as prescribed in regulation 3 of the *Salaries and Allowances Regulations 1975*.

1.4 Terms used

In this determination, unless the contrary intention appears –

Senior Member means a Senior Member appointed under the *State Administrative Tribunal Act 2004*;

Ordinary Member means an Ordinary Member appointed under the *State Administrative Tribunal Act 2004*.

1.5 Conditions of service

- (1) Pursuant to section 119(4) of the *State Administrative Tribunal Act 2004* the Governor may determine the leave of absence to which a Senior or an Ordinary Member is entitled and any other terms and conditions of service as a Senior or an Ordinary Member.
- (2) To the extent that conditions of service affect remuneration (e.g. paid leave of absence), a Senior and an Ordinary Member are entitled to the same terms and conditions as contained in the *Public Service Award 1992* and the *Public Service and General Officers Agreement 2017*. Where there is any inconsistency between the remuneration payable under this determination and as determined by the Governor under section 119(1) of the *State Administrative Tribunal Act 2004*, the remuneration specified in this determination shall prevail to the extent of the inconsistency.
- (3) In accordance with section 119(3) of the *State Administrative Tribunal Act 2004*, the emoluments and benefits to which a Senior and an Ordinary Member are entitled cannot, during the member's term of office, be changed to be less favourable without the member's consent.

1.6 Salary Packaging

A Senior and an Ordinary Member are entitled to participate in salary packaging arrangements for superannuation and novated leases in accordance with the "Guidelines for Salary Packaging in the WA Public Sector", issued by the Department of Mines, Industry Regulation and Safety.

PART 2: SALARY

This part deals with the salary payable to a Senior or an Ordinary Member for the performance of their duties pursuant to their appointments under the State Administrative Tribunal Act 2004.

2.1 General

The amount of a person’s entitlement to an annual salary shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

2.2 Offices and salaries

The annual salaries specified in Table 1 of this Part apply to Senior and Ordinary Members.

Table 1: Annual salaries payable to Senior and Ordinary Members

OFFICE	ANNUAL SALARY
Senior Member	\$328,486
Ordinary Member	\$246,615

PART 3: *MOTOR VEHICLE BENEFITS*

This Part deals with motor vehicle benefits paid or provided to a Senior or an Ordinary Member.

3.1 General

- (1) In addition to the salary determined for the holders of offices listed in Part 2 of this Determination, those office holders are entitled 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 motor 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 Department of Finance's document, *State Fleet – Agency General Agreement*.
- (3) An individual accessing a vehicle under this Part shall take due care of the condition and security of the vehicle. This includes responsibility for regular servicing and maintenance 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 at all times. Theft or damage should be reported to the Fleet Manager.
- (4) 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.
- (5) While the vehicle may be used anywhere in Western Australia at no cost to the individual, the individual is liable for the cost of fuel and oil incurred when driving interstate. Furthermore, if used outside of Western Australia, the custodian must be in the vehicle at all times that it is being used.
- (6) 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 private use, including transport to and from work.

- (7) 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. Office holders are not entitled to claim mileage allowance for use of private vehicles 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) per annum is \$24,000.
- (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) 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, including installation 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.
- (4) 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.
- (5) 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.
- (6) In the event an office holder's vehicle requires modifications to cater for a disability, resulting in total vehicle costs higher than the notional lease values specified in 3.2(1), then the reasonable additional cost may be approved by the President of the State Administrative Tribunal in consultation with the Department of Justice.

- (7) The notional value of the vehicle benefit must include 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 = $L + R + aD + FBT + I + LCT$, 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

- (8) FBT is costed at applicable Australian Taxation Office rates: purchase price (including GST) x Statutory fraction x Gross up (2.0802) x FBT rate (0.470).
- (9) Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage.

3.3 Choice of Motor Vehicle

- (1) Where office holders elect to access a leased vehicle under State Fleet arrangements, they 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 Allowance

- (1) Where officeholders elect to not be provided with a motor vehicle through State Fleet they are entitled to the cash value being paid fortnightly as additional remuneration. The relevant cash value is \$24,000 per annum.
- (2) The cash value of the motor vehicle allowance shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by an office holder.

The determination will now issue.

Signed on 24 June 2021.

M Seares AO

B A Sargeant PSM

CHAIR

MEMBER

SALARIES AND ALLOWANCES TRIBUNAL