

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE REMUNERATION OF SENIOR AND ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE TRIBUNAL NO. 1 OF 2024

PREAMBLE

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. In accordance with section 10A, this Determination is issued following consideration of the:
 - *Public Sector Wages Policy Statement* issued on 18 December 2023; and
 - financial position and fiscal strategy of the State, as stated in the *Western Australia State Budget 2024-25 Economic and Fiscal Outlook*.

CURRENT INQUIRY

3. In discharging the Tribunal's statutory requirements with respect to Members of the State Administrative Tribunal, submissions were invited from stakeholders and office holders.
4. The submissions received sought to maintain current relativities and raised matters relating to the motor vehicle entitlement.

SUMMARY OF DETERMINATION

5. The Tribunal has determined a 4% increase in the remuneration for Senior and Ordinary Members of the State Administrative Tribunal, in line with other office holders within the judicial and quasi-judicial sphere.
6. The Tribunal has also increased the value of the motor vehicle allowance by \$1,000 in recognition of increased costs associated with motor vehicle leases and services. In increasing this allowance, the Tribunal has decided to not create a higher level of allowance for Senior Members.
7. The motor vehicle section has also been updated to reflect current practices and terminology.
8. The Determination will now issue.

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE REMUNERATION OF SENIOR AND ORDINARY MEMBERS OF THE STATE ADMINISTRATIVE TRIBUNAL NO. 1 OF 2024

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 *Senior and Ordinary Members of the State Administrative Tribunal Determination No. 1 of 2024*.

1.2 Commencement

This Determination comes into operation on 1 December 2024.

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 Sector CSA Agreement 2022 (or its replacement)*. When 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 Energy, 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	\$378,750
Ordinary Member	\$321,938

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 Members listed in Part 2 of this Determination, those Members 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) All vehicles (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 Agency responsible for the State Fleet). Applicable terms and conditions are currently set out in the document "State Fleet - General Agreement".
- (3) Members 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. Government agencies will therefore bear no costs associated with refuelling SAT-leased EVs. Members will be responsible for making their own arrangements for at-home EV charging infrastructure and energy costs. Members may not utilise office-based charging infrastructure nor agency-provided recharging cards to refuel SAT vehicles.
- (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 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 agency Fleet Coordinator.
- (5) Motor vehicles leased for Members 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.
- (6) 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.

- (7) Should the Member 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.
- (8) Should the Member 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 Member during business hours. Members 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 business or personal use including transport to and from work.

3.2 Annualised whole of life cost of the vehicle and the cost to the Member

- (1) The annual whole of life cost for the vehicle (including accessories) shall be \$26,000.
- (2) The annual whole of life cost for the vehicle shall be calculated on a pro rata basis in accordance with the proportion of full-time hours worked by a Member.
- (3) The annual whole of life cost for the vehicle determined in this section must be borne by the Member. This includes the purchase cost of any accessories, including installation and removal costs if required, before disposal of the vehicle.
- (4) When the annual whole of life cost for the vehicle 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 Member's remuneration.
- (5) Where the annual whole of life cost of a vehicle and accessories is greater than the relevant benefit, the difference in cost is to be subtracted fortnightly from the Member's remuneration. Salary adjustments are fixed once the Member commits to a vehicle model and accessory package – regardless of any fluctuations in whole of life costs occurring up to, and post delivery. However, in the event the Member elects to amend the vehicle lease term (including lease extensions or increased lease kilometres), a salary adjustment review (taking into account the revised whole of life costs) must be undertaken and applied. Vehicle leases must be aligned to actual usage.

- (6) The method of determining whether an additional contribution must be made by the Member, or the surplus is to be paid to the Member, shall be based on the annual whole of life cost of the vehicle to the Government of the vehicle sought (using the formula detailed below), compared with the relevant whole of life cost allowance. The cost at the time of entering into the lease is applicable.
- (7) In the event a Member's vehicle requires modifications to cater for a disability, resulting in the annual whole of life cost of the vehicle higher than the annual whole of life cost allowance 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.
- (6) The whole of life cost of the vehicle must include lease cost (based on nominated lifespan and kilometres), Fringe Benefits Tax (FBT) and all other operating costs. 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

- (7) 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).
- (8) Each lease should be tailored to achieve the most cost-effective arrangement based on individual usage.

3.3 Choice of Motor Vehicle

- (1) Where Members 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 Arrangement or an "off contract" vehicle and accessories available under Government leasing arrangements in accordance with the following criteria.
- (2) Members unable to access 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 the Members elect not to 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 \$26,000 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 a Member.

Signed on 4 October 2024



E Prof M Seares AO

CHAIR



Hon. J Day

MEMBER



Dr M Schaper

MEMBER

SALARIES AND ALLOWANCES TRIBUNAL