

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION VARIATION

PREAMBLE

1. The Salaries and Allowances Tribunal has issued a determination in response to a request from the President of the Legislative Council due to the impending vacancy for the position of Clerk of the Legislative Council.
2. This determination is issued in accordance with the *Salaries and Allowances Act 1975* ('the Act') under section 6(1)(c).
3. The Tribunal's review noted that the new appointee to the position of Clerk of the Legislative Council would be employed on a contract term of 7 years, rather than a permanent appointment. This change will also incorporate increased accountability standards and performance measures.
4. While the Clerk of the Legislative Council is the first position in this determination to move towards a fixed term contract, it is the Tribunal's understanding the remaining positions will become fixed term appointments when vacated.
5. It is the Tribunal's expectation that the increase in accountability standards and performance measures would apply to current office holders, regardless of their employment status.
6. In 2011, the Tribunal incorporated an increased salary component for Special Division office holders under section 6(1)(d-e) of the Act. This was in recognition of the altered job security in moving to fixed term contracts and changes in accountability and performance measures, regardless of an office holders' employment status. This determination adopts those same standards.
7. The Tribunal has determined to maintain the long-standing salary parity between the office holders across both Houses of Parliament. This parity is based upon section 35 of the *Constitution Act 1889* which states "... the salaries and allowances of the various officers of the Legislative Council shall be the same as those of the corresponding officers of the Legislative Assembly" and on legal advice relating to this section.
8. The request from the President outlined significant attraction issues with the current remuneration package and the integral role the Clerk plays in the effective functioning of the Parliament.

9. The submission from the Clerks of the Parliament demonstrated the role of a Clerk is a specialised field with a unique knowledge base that draws from a very limited recruitment pool. The remuneration needs to be of sufficient level to attract and retain qualified applicants in a competitive national environment.
10. The Clerks' submission provided evidence that the remuneration of Western Australian Clerks was significantly below the nation's average in 2016. This has continued with the current remuneration being the second lowest in the country.
11. The submission from the Clerks also illustrated considerations such as conditions of employment where subordinate positions, being eligible for overtime payments, can receive remuneration close to the current rates of Clerks and their Deputies, who are unable to access overtime payments.
12. After taking due consideration of the present economic outlook and submissions received, this determination reflects the increase in the accountability standards and performance measures, the altered job security in implementation of fixed term contracts, attraction and retention issues, and ensures the positions are fairly remunerated for the level of expertise and management required.
13. The Tribunal emphasises that when the other office holders move to a fixed term contract, there will be no further compensation for the change in employment status, as this has already been incorporated into the salaries in this determination.
14. The increase provided for in this determination is inclusive of any general increase that will be awarded to the wider Special Division and Prescribed Office holders by the Tribunal in 2022.

DETERMINATION

VARIATION 1 (*effective on and from 1 April 2022*)

The determination of the Salaries and Allowances Tribunal made on 24 June 2021 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a determination set out below, with effect on and from 1 April 2022.

- Delete the reference to the offices below, as it appears in 'Table 17: Annual salary for the Clerks and Deputy Clerks of the Parliament' within Part 1 of the Fifth Schedule, and insert the following:

Office	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

Signed on 30 March 2022.

M Seares AO
CHAIR

B A Sargeant PSM
MEMBER

Hon. J Day
Member

SALARIES AND ALLOWANCES TRIBUNAL