

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL FOR MEMBERS OF UNIVERSITY GOVERNING COUNCILS

PREAMBLE

Statutory context

- (1) The Salaries and Allowances Tribunal (the Tribunal) is required to inquire into and determine the remuneration provided to members of University Governing Councils on an annual basis.
- (2) Under the *Salaries and Allowances Act 1975* (the Act), must issue annual determinations in relation to members of University Governing Councils. The Tribunal's last determination was issued on 11 January 2018.

Inquiry

- (3) The Tribunal reviewed the operation of the previous determination and called for submissions from the respective universities.
- (4) Responses were received from all four universities. The submissions addressed the following concerns:
 - (a) Remuneration for Members of the Edith Cowan University Governing Council;
 - (b) References to 'financial year' being clarified as 'calendar year'; and
 - (c) The linkage of travel rates for members to those applicable to persons who sit on government boards or committees.
- (5) Although the university sector is outside State budgetary considerations, the Tribunal took account of economic forecasts outlined in the State Budget. The Tribunal also has broadly considered the Government's measures to address the State's debt, which includes the *Public Sector Wages Policy Statement 2017*, and the implications of the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018*.

Conclusion

- (6) The Tribunal acknowledges that while it has the power to determine the remuneration for University Governing Council members, any remuneration must be met from within University existing budgets and must be for the fulfilment of any University strategic objectives.
- (7) By necessity, any remuneration determined must be done so in consultation with each university.
- (8) Edith Cowan University has requested the introduction of remuneration for its members. The University provided its rationale for this request, including that providing remuneration will meet the University's strategic goals. It has also advised that it is in a sound financial position, with the funding capacity to meet the remuneration of members.

- (9) After consideration, the Tribunal has determined remuneration for Edith Cowan University members at the rate proposed by the University.
- (10) Each university in Western Australia faces distinctive issues that may arise from factors such as student numbers, revenue and budgetary issues, research and teaching priorities, PhD candidates and number of campuses. Tribunal determinations are based upon the factors relevant to the individual University and not relativities with other universities.
- (11) The Tribunal will continue to liaise with the sector to ensure the fee structure remains relevant for each University.
- (12) The Tribunal has noted legislative requirements for universities to operate their budgets on a calendar year basis and has therefore changed the fee provided from a 'financial year' to a 'calendar year'. It is hoped this decision will ease any administrative confusion. The decision has no impact on the amount of remuneration provided.
- (13) One submission requested that reimbursement of members' travel expenses should not be bound by the Public Sector Commissioner's Circular 2009-20 (PSC Circular) but instead should be 'subject to relevant approval of the university governing board'.
- (14) The Tribunal does not consider it appropriate for a body to set its own reimbursement rates. However, the Tribunal has made a minor amendment to this provision in order to provide flexibility within the standard set by the PSC Circular.
- (15) The PSC Circular links travel reimbursements to Australian Taxations Office rates for motor vehicle travel, actual costs for air, rail or coach travel, subject to best value protocols and Public Service Award rates for meals and accommodation. The Tribunal believes that the PSC Circular is an appropriate standard for the reimbursement rates, as it is developed in recognition of community standards and expectations.
- (16) No other changes have been made to the determination.

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 *University Governing Board Members No. 2 of 2018*.

1.2 Commencement

This Determination comes into operation on and from 1 January 2019.

1.3 Content and intent

(1) 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 person holding any of the following offices:

- (a) Member of the Council of Curtin University;
- (b) Member of the Kalgoorlie Campus Council of Curtin University;
- (c) Member of the Council of Edith Cowan University;
- (d) Member of the ECU South West Campus (Bunbury) Advisory Board of Edith Cowan University;
- (e) Member of the Advisory Board of the Academy of Edith Cowan University;
- (f) Member of the Senate of Murdoch University; or
- (g) Member of the Senate of the University of Western Australia.

(2) This Determination fulfils the Tribunal's obligations under section 8 of the Act with respect to offices identified in section 6(1)ea.

(3) Although not required under section 10A of the Act, the decisions by the Tribunal in relation to sections 6(1)(ea) have considered the:

- (a) *Public Sector Wages Policy Statement 2018*; and
- (b) financial position and fiscal strategy of the State as set out in the *Western Australian State Budget 2018-19*.

1.4 References to Dates

(1) In this Determination, a reference to "a year" or "per annum" relates to a calendar year.

(2) Where benefits or entitlements are provided with specific reference to "a year" or "per annum", these cease on and from 31 December each year and, unless otherwise specified in this Determination, no unexpended amount can be carried over to later years.

1.5 Pro rata payments

The amount of a person's entitlement to remuneration 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 Terms used

In this Determination, unless the contrary intention appears –

Committee Chairperson means Chairperson of a designated committee of a University Governing Council.

Committee Member means a Member of a designated committee of a University Governing Council.

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

Tribunal means the Salaries and Allowances Tribunal.

PART 2 REMUNERATION

This Part deals with the remuneration payable to Governing Council members.

2.1 Eligibility Criteria

- (1) Members are ineligible to receive any remuneration fees if there are:
 - (a) On the public payroll, including all current full time State, Commonwealth and Local Government employees, including Western Australian statutory authorities;
 - (b) Members of Parliament;
 - (c) Current and retired judicial officers;
 - (d) Former Member of Parliament and less than 12 months has passed since sitting in parliament.
- (2) Part time employees of State, Commonwealth and Local Government public services, including Western Australian statutory authorities are eligible for remuneration fees only if the member can clearly demonstrate that the work of the Governing Council will happen in their own time.
- (3) University Governing Councils may create Committees from within the membership of the Council, such as Audit and Compliance Committees, that are eligible for remuneration at the Committee Chairperson/Member rates described in Part 2.2. In doing so the Governing Council must:
 - (a) Designate each Committee as being eligible for remuneration at the higher level through the policies and procedures of the university; and
 - (b) Ensure that each Committee has sufficient scope and workload to justify the higher level of remuneration.

2.2 Remuneration

- (1) Members of certain University Governing Councils are eligible to receive remuneration fees specified in the Table below, subject to the eligibility criteria in Part 2.1.
- (2) Each eligible member must make an annual application to the respective Governing Council to receive the remuneration specified for their position. Once an application has been made, the University must remunerate the member according to their applicable rate. If an eligible member does not make an annual application, their remuneration fees will be \$0.
- (3) Each member is entitled to the remuneration applicable to one category only, the remuneration levels are not cumulative.
- (4) An eligible member may accept or decline the remuneration payments in full. In deciding whether to accept or decline remuneration payments, eligible members should be mindful

that accepting such payment may mean that the member is no longer deemed a volunteer for the purposes of, for example, work health and safety legislation thereby potentially increasing their exposure to relevant liabilities. If members have any questions they should seek the advice of their respective University.

- (5) If an eligible member has entered into an arrangement with an employer which provides that the remuneration payments are to be paid to the employer as part of the member's conditions of employment, payment will be made to the employer.
- (6) Remuneration payments will be subject to PAYG tax under Australian Taxation Office legislation. Employer superannuation guarantee contributions, levies and payroll tax will be payable by the University.

TABLE 1: Annual remuneration for University Governing Councils members

	Chancellor	Pro Chancellor	Committee Chairperson	Committee Member	Council Member (non-student)	Council Member (student)
Council of Curtin University	\$80,000	\$40,000	\$35,000	\$20,000	\$15,000	\$5,000
Council of ECU	\$40,000	\$20,000	\$15,000	\$10,000	\$5,000	\$2,500
Senate of UWA	\$0	\$0	\$0	\$0	\$0	\$0
Senate of Murdoch University	\$0	\$0	\$0	\$0	\$0	\$0
Kalgoorlie Campus Council of Curtin University	\$0	\$0	\$0	\$0	\$0	\$0
ECU South West Campus Advisory Board	\$0	\$0	\$0	\$0	\$0	\$0
Advisory Board of the Academy of ECU	\$0	\$0	\$0	\$0	\$0	\$0

PART 3 EXPENSES

This Part deals with the reimbursement of reasonable out of pocket expenses incurred in carrying out approved duties of the office.

3.1 General

- (1) All members of a Governing Council may, upon application to the University, be reimbursed for reasonable out of pocket expenses for which they are not otherwise reimbursed.
- (2) The expenses must have been incurred while performing council approved duties.
- (3) Reimbursements should not be used so that a member receives any personal benefit from the reimbursement.
- (4) Each University should develop guidelines on what is considered an approved expense.
- (5) Any reimbursements must be approved by the council or by an appropriate approving authority of the University.
- (6) All claims for reimbursement must be supported by documentation such as receipts.

3.2 Reimbursement of Expenses

- (1) Travel expenses to and from approved University events may be claimed, subject to the approval of the Governing Council shall not exceed the rates contained in the Public Sector Commissioner's Circular 2009-20.
- (2) Professional development expenses may be covered/reimbursed subject to the approval of the University.
- (3) Any other reasonable out of pocket expenses may be approved subject to the relevant approvals of the University Governing Council

Signed on 27 November 2018

M Seares AO
CHAIR

B A Sargeant PSM
MEMBER

C P Murphy PSM
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL