

SALARIES AND ALLOWANCES ACT 1975

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

PREAMBLE

Statutory context

- (1) The *Universities Legislation Amendment Act 2016*, enacted in October 2016, amended the *Salaries and Allowances Act 1975* (the Act) to include members of University Governing Councils within the Tribunal's jurisdiction, by the insertion of section 6(1)(ea) in the Act. These changes require the Tribunal to enquire into and determine the remuneration provided to members on an annual basis.
- (2) The Tribunal assumed responsibility for setting remuneration for members of University Governing Councils on 1 October 2017.

Inquiry

- (3) The Tribunal has reviewed current arrangements at Western Australia's universities.
- (4) Curtin University is the only university that has been providing remuneration for members of its Governing Council. The Tribunal has considered adjusting the remuneration provided by Curtin University and whether remuneration should be provided across the board for members of Governing Councils of other universities.
- (5) The Tribunal did not receive persuasive arguments for remuneration to be provided at the other universities at this time. The Tribunal was also mindful that the financial burden of creating a requirement to provide remuneration would need to be carried by each university, which may impact on its internal funding decisions.
- (6) 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*, issued on 11 May 2017.

Conclusion

- (7) The existing remuneration arrangements for Members of University Governing Councils will be maintained. Within the scope of remuneration, all existing arrangements of reimbursement of out of pocket expenses shall apply.
- (8) The Tribunal will liaise with other universities to implement a fee structure where members of the Governing Council elect to receive remuneration.
- (9) The provisions for remuneration which apply at Curtin University will be adopted for general application, with that University the only body to which these provisions have effect at this time.

- (10) This determination replaces the existing determination issued on 28 November 2017 which includes minor changes to more accurately reflect existing remuneration arrangements.

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. 1 of 2018*.

1.2 Commencement

This Determination comes into operation on and from 1 October 2017.

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 2017*, issued on 12 May 2017 ;
- (b) financial position and fiscal strategy of the State as set out in the *Western Australian State Budget 2017-18*, issued on 7 September 2017.

1.4 References to Dates

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

(2) Where benefits or entitlements are provided with specific reference to "a financial year", these cease on and from 30 June each year and, unless otherwise specified in this Determination, no unexpended amount can be carried over to later financial 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:
 - (a) The member can clearly demonstrate that the work of the Governing Council will happen in their own time; and
 - (b) Potential conflicts of interest are managed accordingly.
- (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 members' 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
Senate of UWA	\$0	\$0	\$0	\$0	\$0	\$0
Council of ECU	\$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 to and from approved University events may be claimed, subject to the approval of the governing council in accordance with rates contained in the Public Sector Commissioner's Circular 2009-20.
- (2) Professional development costs 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 board

Signed on 11 January 2018

W S Coleman AM
CHAIRMAN

C A Broadbent
MEMBER

B J Moore
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL