

**STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL**

Report and Determination for Dr Jim Bentley in the role of the Chief Executive Officer, NSW Water, Department of Planning, Industry and Environment pursuant to Section 24P of the *Statutory and Other Offices Remuneration Act 1975*.

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**MINISTER’S DIRECTION**

1. On 27 February 2020, the Statutory and Other Offices Remuneration Tribunal (the Tribunal) received a direction from the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Hon Don Harwin MLC (the Minister), pursuant to section 24P of the *Statutory and Other Offices Remuneration Act 1975* (SOOR Act) to make a determination as to whether, and (if so) how, the determination of the range of remuneration packages of Band 3 Public Service senior executives should be altered in relation to Dr Jim Bentley in the role of Chief Executive Officer, NSW Water, Department of Planning, Industry and Environment (CEO, NSW Water).

2. Section 24P of the SOOR Act provides for the Minister to direct the Tribunal to make a special determination in the following terms:

**24P Special determinations**

*If the Minister so directs, the Tribunal is required to make (not later than the day specified in the direction as the day on or before which the determination is to be made) a determination as to whether, and (if so) how, any determination already made should be altered in relation to remuneration packages as are referred to in the direction.*

3. The CEO, NSW Water is a Public Service senior executive (PSSE) “Band 3 – Deputy Secretary level”. The determination already made in respect of PSSE Band 3 – Deputy Secretary level is the Tribunal’s 2019 annual determination which provides the following remuneration package range:

| Band                            | Per annum range |    |           |
|---------------------------------|-----------------|----|-----------|
| Band 3 – Deputy Secretary level | \$345,551       | to | \$487,050 |

## **BACKGROUND**

4. The role of CEO, NSW Water was created on the commencement of the Department of Planning, Industry and Environment (DPIE) on 1 July 2019. The Minister has advised that Dr Bentley has been undertaking the role by way of a secondment from his role of Managing Director of the Hunter Water Corporation.
5. The CEO, NSW Water leads NSW Water providing strategic oversight and direction for multiple privately-owned water utilities, State Owned Corporations and a planned new water infrastructure agency, responsible for water infrastructure, water supply and service delivery. The role leads and directs stewardship of the State's water resources, water policy, water science and water agreements.
6. The Minister has advised that this is the Government's most senior water role with responsibilities for negotiating with other jurisdictions and the Commonwealth to make sure the State has sustainable and affordable access to water. The CEO, Water NSW will report to the Minister and administratively to the Secretary, DPIE.
7. Dr Bentley has now been selected via a recruitment process to undertake the role on an ongoing basis. Dr Bentley has over 20 years' experience in water and wastewater infrastructure management spanning from the United Kingdom, Europe, the Middle East, New Zealand and Australia. He has held executive positions in the public and private sectors and worked with a variety of water utility service providers.
8. The Minister has requested that Dr Bentley receive remuneration above the maximum of the range of a Band 3 role. The recommendation takes into account the requirements of the role, Dr Bentley's skills and expertise and the need to attract and retain Dr Bentley given his existing remuneration package with the Hunter Water Corporation.
9. Having regard to the particular circumstances of the case the Tribunal is of the view that the remuneration package for Dr Bentley in the role of CEO, NSW will be \$588,102 per annum. The Tribunal's determination is consistent with advice contained in the Minister's direction and is appropriate given the complexity,

responsibility and challenges of the role and Dr Bentley's experience and skills. This determination will alter the Tribunal's determination in respect of Band 3 remuneration levels.

10. The determination is made in accordance with section 24R(3)(a) of the SOOR Act which provides for the Tribunal to fix a remuneration package for a particular senior executive named in the determination. Consistent with the Minister's request, this determination is personal to Dr Bentley and is not a determination that applies to the role of CEO Water or to future appointments to the role.

11. This determination shall take effect from the date of Dr Bentley's appointment.

### **DETERMINATION**

Pursuant to section 24P of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the range of remuneration packages of Band 3 Public Service senior executives is altered to provide Dr Bentley in the role of Chief Executive Officer, NSW Water, Department of Planning, Industry and Environment, with a remuneration package of \$588,102 per annum, with effect from the date of his appointment.

| <b>Band</b>                     | <b>Per annum range</b> |    |           |  |
|---------------------------------|------------------------|----|-----------|--|
| Band 3 – Deputy Secretary level | \$345,551              | to | \$487,050 | Dr Jim Bentley, Chief Executive Officer, NSW Water, Department of Planning, Industry and Environment: \$588,102 per annum. |

### **Statutory and Other Offices Remuneration Tribunal**

*Signed*

28 February 2020