

Annual Determination

Report and Determination under section
13 of the *Statutory and Other Offices
Remuneration Act 1975*

22 July 2025

(As amended by erratum in Government Gazette Number 322-
5 – Other on 7 August 2024)

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Section 1

Background

Legislative Framework

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal) to make an annual determination for the remuneration to be paid to office holders on and from 1 July in that year. Section 10A defines ‘remuneration’ as salary or allowances paid in money.
2. The Court and Related Officers Group comprises those public offices listed in the Schedules of the SOOR Act (except for the Judges and Magistrates Group and the Public Office Holders Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration of these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution (SGC), are additional to the salary amount determined.

NSW Government Wages Policy

3. When making determinations under Part 3 of the SOOR Act, the Tribunal is required to give effect to any policy concerning the remuneration of office holders as declared by the regulations. Section 6AB of the SOOR Act applies to the Tribunal’s determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group.
4. *The Statutory and Other Offices Remuneration Amendment Act 2023* commenced on 1 June 2023. It amended the SOOR Act to provide for a temporary freeze in remuneration for office holders under Part 3 and executive

office holders and senior executives under Parts 3A and 3B. The temporary freeze will expire on 30 June 2025.

5. On 23 August 2024, the *Statutory and Other Offices Remuneration Regulation 2024* (SOOR Regulation) commenced. The SOOR Regulation repealed and replaced the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013*, with amendments.
6. In anticipation of the scheduled expiry of provisions relating to the 2 year freeze, the *Statutory and Other Offices Remuneration Amendment Regulation 2024* (Amendment Regulation) was made. It amends the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2024* by renaming the Regulation to reflect its expanded application; repealed the *Statutory and Other Offices Remuneration (Executive Office Holders and Senior Executives) Regulation 2023*; and importantly; inserted a new provision under clause 6A to ensure that when making a determination, the Tribunal must take into account the NSW Government's fiscal position. It states:

“the Tribunal must have regard to the fiscal position and outlook of the Government, and the likely effect of making the determination on the position and outlook.”

2024 Annual Determination

7. The Tribunal was required to give effect to the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* and the temporary wages policy. For this reason, on 15 July 2024, the Tribunal determined that there would be no increase applied to the salaries payable to office holders in the Court and Related Officers Group with effect from 1 July 2024.

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8. It also determined that there would be no increase to the Conveyance Allowance with effect from 1 July 2024 in accordance with the Tribunal's methodology and the requirements of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013*.

2024-2025 Special Determinations

9. The Tribunal has not made any special determinations relating to the Court and Related Officers Group, under s 14(2) of the Act, since the 2024 Annual Determination.

Section 2

2025 Annual Review

10. In January 2025, the Tribunal called for submissions from parties with an interest in the 2025 Annual Determination.
11. The Tribunal received 3 submissions from office holders in the Court and Related Officers Group and one submission from the NSW Government. These are listed in Appendix 1.
12. Parties who made a submission were also offered the opportunity to meet with the Tribunal. The Tribunal met with 2 office holders in the Court and Related Officers Group. A full list is provided in Appendix 2.

Office Holder Submissions

General Themes

13. There were 2 common themes across most individual submissions from the Judges and Magistrates Group, Court and Related Officers Group and the Public Office Holders Group. First, there was a concern about the longer-term impact of the NSW Government mandated temporary remuneration freeze in 2023 and 2024. While there was a general acceptance that the “missing money” is lost forever, many argued that the base for future calculations should be what the current salaries would have been had the freeze not occurred.
14. The essence of that argument is: *we accept we missed out on pay rises in the last 2 years but don't make that impact permanent by ensuring all future years' salaries are “2 years lower” than they otherwise would have been.* Basically, people were not seeking “backpay” but asking for a “catch up” when calculating the current base.

15. However, while the NSW Government's announcement of the temporary remuneration freeze did not explicitly rule out a future "catch up" amount, it implicitly reset the base for 2025 as being the 2023 figure. The NSW Government submission to the Tribunal argues that any increase determined in 2025 should not exceed 3.5%. This would suggest that the NSW Government does not support any recalibration of future salaries to assume that the freeze did not occur.
16. Secondly, almost all submissions argued for increased compensation because their work is getting harder. Common concerns were that the nature of the work is becoming more difficult; more stressful; the volume of work is increasing; that in some instances it is becoming more dangerous. Some of these claims were backed by statistical evidence - for example, the dramatically increased percentage of sexual assault trials in the District Court which has significant implications for Judges, Crown Prosecutors and Public Defenders.
17. The submission from the Senior Public Defender notes statistics from the NSW Bureau of Crimes Statistics and Research that indicates that 53% of matters in the District Court in the Greater Sydney area are sexual matters. This figure increases to 60-70% in regional areas. The submission further notes reports of regional Public Defenders' trial case load in sexual assault matters being as high as 100%.
18. There is a trend in the Courts and Related Office Holders space, affecting both retention and recruitment. The Director of Public Prosecutions notes that 18 Crown Prosecutors have left the Office of the Director of Public Prosecutions (ODPP) in recent years in favour of positions with a higher salary, such as a Judge or Magistrate. That equates to 14% of its workforce. Similarly, the Senior Public Defender notes that his office has lost 2 Senior Counsels to the private bar.

19. Simultaneously, all 3 submissions note the erosion of salary conditions for statutory office holders in the Court and Related Offices Group on recruiting suitable candidates. With the relative decline of salaries in NSW, an appointment in another jurisdiction, or going to a private practice becomes substantively more attractive. It pays better and it is less susceptible to what many in the profession would regard, perhaps a little unfairly, as “the vagaries of politics” in relation to remuneration.
20. The Tribunal does not doubt though that, for the majority of people covered by its determinations, work is generally becoming harder. But this is a wider societal problem. The same complaint is frequently raised in other forums by all front-line workers and many in executive positions. These are difficult and complex issues for any Government to address. Efforts to ameliorate these problems might involve things like changes in work practices, better personal and emotional support, improved security and increased staffing levels. These are matters for the wider Public Service and the NSW Government to address. Because the origins are often complex, there are no simple “silver bullets” to fix these problems and these are matters beyond the Tribunal’s remit.
21. However, the Tribunal believes that salaries alone are **not** the best way to address these important issues. Dollar increases in isolation will not fix the serious underlying problems.

Commissioners of the Land and Environment Court of NSW

22. The Senior Commissioner of the Land and Environment Court of NSW adopted the submission made on behalf of the Supreme Court of NSW, as well as that made by the Chief Judge of the Land and Environment Court of NSW.
23. The Senior Commissioner submits that the Tribunal should award an increase to the salaries of the Commissioners of the NSW Land and Environment Court of

7.3%. The increase comprising of a one-off increase of 4.1% and a general annual increase of 3.2%, a position also advocated by the Chief Judge of the Land and Environment Court of NSW.

24. The submission asserts that a significant increase in salary is required in order to attract highly qualified people to seek appointment whilst being competitive in the private and federal sphere, address cost of living pressures and impact of the remuneration freeze. The submission also notes the significant qualifications required to be held by Commissioners as another reason to justify a significant increase. Finally, the submission suggests that remuneration should reflect the Commissioners' contribution to the NSW Land and Environment Court's productivity and efficiency.
25. The submission seeks for both the Conveyance and Travel Allowances to be significantly increased.

Office of the Director of Public Prosecutions

26. The submission from the Director of Public Prosecutions requested that the ODPP Statutory Offices be returned to the Judges and Magistrates Group for the purpose of determination of remuneration. The submission states that returning the ODPP Statutory Officers to the Judges and Magistrates Group would recognise the value of the work, the complexity and seriousness of matters, as well as the high level of expertise required as an independent professional body.
27. The submission also supports an increase in remuneration for Statutory Office Holders of the ODPP, being the Director, Deputy Director, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Deputy Senior Crown Prosecutors and Crown Prosecutors. The submission also asserts that the increases should be in line with national and judicial office peers.

28. In addition, the submission contends that the Director of Public Prosecutions should receive remuneration equal to a NSW Supreme Court Justice. It was argued that this would reflect the magnitude of the role, seriousness of the work and parity in responsibilities. The submission notes that upon the establishment of the ODPP in 1986, the Director of Public Prosecutions had the same salary and allowances as a Supreme Court Justice, as reflected in the second reading speech of the *Director of Public Prosecutions Act 1986*.
29. The submission outlines proposed remuneration for ODPP Statutory Office Holders, which they assert is an equitable reflection of their work value and will assist in attraction and retention of legal professionals. The proposed remuneration is listed below:

Office	Current rem.	Proposed rem.	% increase
Director of Public Prosecutions	\$478,300	\$497,580	4.03%
Deputy Director of Public Prosecutions	\$424,850	\$445,640 Same level as District Court Judge	4.89%
Senior Crown Prosecutor	\$382,360	\$445,640 Same level as Deputy Director of Public Prosecutions	16.55%
Solicitor for Public Prosecutions	\$344,120	\$445,640 Same level as Deputy Director of Public Prosecutions	29.50%
Deputy Senior Crown Prosecutor	344,120	\$401,076	16.55%
Crown Prosecutor	\$314,380	\$356,512 Same level as Magistrates	13.40%

The Public Defenders

30. The submission from the Senior Public Defender on behalf of the Public Defenders requested the Tribunal undertake a thorough investigation of salaries and conditions since 2011.
31. The submission proposed 3 models for determining the 2025 remuneration increases for Senior Public Defenders. The preferred option is that Public Defenders are returned to the Judges and Magistrates Group, with remuneration determined at the rate formerly set, being equivalent to 66% of the salary of a Supreme Court Justice. The effect of this would be a return to internal relativities, therefore also requiring a return to the nexus for Supreme Court Justices.
32. If the Tribunal was to adopt the preferred proposed model to deliver a return to internal relativities for Public Defenders, the outcome would be a salary of \$342,434. This equates to an increase of 8.92%.
33. The remaining 2 models put forward canvassed the use of an assessment based on Consumer Price Index (CPI) and Wage Price Index (WPI) increases. The submission states that from 2011 to 2024, CPI has cumulatively increased by 37.7%, while salaries for Public Defenders have increased 25% for the same period, representing a real loss of earnings in the order of \$32,059, per annum. Using data supplied based on WPI, the submission contends that over the same period, the WPI increased by 37.4% and salaries by 25%, representing a loss of real earnings in the order of \$31,304 per annum.
34. The submission also raises the Conveyance Allowance. The submission outlines that since 2016 there has been an increase in costs (using the current methodology - CPI motor Vehicle metric) of 18.7%, compared to the Tribunal determining increases totalling 7.7%. It is on this basis that the submission

requests that the Tribunal increase the Conveyance Allowance to compensate for the years of lost entitlements.

35. The submission also comments on the need for the Tribunal to consider the fiscal position and outlook of the NSW Government. In particular, it notes various increases to groups of public sector employees and the healthy financial forecast of the state modelled by NSW Treasury. The submission submits that an accounting for past foregone salary increases is now required, to assist in recruitment and retention of Public Defenders.

NSW Government Submission

36. In January 2025, the Tribunal invited the Secretary of the Premier's Department to make a submission on behalf of the NSW Government.
37. The Secretary of the Premier's Department provided the NSW Government submission to the Tribunal on 4 April 2025. The submission supported an increase of 3.5% consistent with the NSW Government Fair Pay and Bargaining Policy 2024-25.
38. The submission contends that:

“an increase to remuneration which exceeds 3.5 per cent would pose a risk to the NSW's budget position, current credit ratings and increase the State's debt burden.”

Relativities

39. Most submissions received raised the issue of relativity. Basically, what percentage of a Supreme Court Judge's salary should be received by occupants of office holders in this Annual Determination?

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40. For example, in NSW, a Judge of the District Court is normally paid 90% of the salary of a Supreme Court Judge. It was the same percentage in 2024 as it was in 2003. However, in 2024 the Director of Public Prosecutions received 96% of a Supreme Court Judge's salary, down from 100% in 2003.
41. At this point in time, the Tribunal is not prepared to tackle the issue of relativities with regard to the Court and Related Officers' Group salaries, though it welcomes a broader discussion in the lead up to the 2026 Annual Determination.

Superannuation Guarantee Contributions

42. From 1 July 2025, the general Superannuation Guarantee Contribution (SGC) increases from 11.50% to 12.00%.¹
43. As explained in earlier determinations, the Tribunal's previous approach to superannuation increases in respect to office holders in the Judges and Magistrates Group, has been to adjust remuneration for those office holders not entitled to a judicial pension (to account the increased cost of statutory increases to the SGC). In contrast, the Tribunal determined that it was not required to adjust remuneration increases for those office holders that are potentially entitled to a judicial pension on retirement.
44. This was due to both the impact of the NSW Government Wages Policy at that time, and the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* in force at the time and required that the Tribunal take into account the cost of SGC increases in determining remuneration.

¹ Australian Taxation Office, [Super guarantee](#), ATO, 2025

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45. Given that there is a new Regulation and Government wages policy (the Fair Pay and Bargaining Policy 2024-25) in place, the Tribunal is of the view that it is no longer required to discount remuneration increases to take into account scheduled statutory SGC increases.
 46. It is notable that the remuneration set out in this determination is for salary exclusive on any SGC payments, and that SGC contributions are limited by a maximum contribution base that sits below the level of salary for most judicial officers and other office holders. This limits the overall impact of adjustments to the SGC rate.
 47. For this reason, the Tribunal has determined that the remuneration increase will be **in addition** to the SGC increase effective from 1 July 2025.

Conveyance Allowance

48. Submissions from the Senior Commissioner of the Land and Environment Court of NSW and the Senior Public Defender advocated for a one-off increase to compensate for the years of lost entitlements, due to the remuneration freeze, and to bring it in line with current costs. The treatment of Conveyance Allowance is an issue for debate.
49. In 2024, the Tribunal sought advice from the Crown Solicitor to clarify if the Conveyance Allowance was considered remuneration. From that advice, the Tribunal was satisfied that the Conveyance Allowance fell under the meaning of an allowance, under s 10A of the SOOR Act. Being an allowance payable in money to office holders for the discharge of the functions of their office, the Conveyance Allowance therefore falls within the definition of remuneration in s 10A of the SOOR Act. On this basis, it is a form of remuneration. For this reason, the Tribunal did not award an increase to the Conveyance Allowance in 2024.

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50. Submissions from the Senior Commissioner of the NSW Land and Environment Court and the Senior Public Defender advocated for a one-off increase to the Conveyance Allowance to compensate for the loss of entitlements arising from the remuneration freeze and to bring it in line with current costs.
 51. The Tribunal does not feel that a one-off increase to the Conveyance Allowance to compensate for the remuneration freeze has been justified.
 52. For the 2025 Annual Determination, the Tribunal has continued the longstanding practice of treating the setting of the Conveyance Allowance as being purely for transportation purposes and has applied the formula as set out below in Section 3 of the 2025 Annual Determination.

Section 3

2025 Annual Determination

General Increase

53. The Tribunal thanks those office holders who made a submission, and acknowledges the concerns raised in those submissions.
54. After considering submissions received and the provisions of s 6AB of the SOOR Act, the Tribunal finds those office holders the subject of this Determination should receive an increase of **3.5%**. This increase **is in addition** to any SGC increases provided to judicial officers that are not eligible for a Judge's pension.
55. In making this Annual Determination, the Tribunal consulted with the Secretary of the Premier's Department, in their capacity as Assessor under the SOOR Act. The other assessor role is currently vacant.
56. Pursuant to s 13 of the SOOR Act, the Tribunal determines that the remuneration to be paid to office holders in the Court and Related Officers Group, on and from 1 July 2025 shall be as specified in **Determination Nos. 1-3**.

Conveyance Allowance

57. The Tribunal's methodology for considering increases to the Conveyance Allowance is based on the March 2025 quarter CPI: Motor Vehicles-Sydney (Series ID A2328552A), having regard to the percentage change from the corresponding quarter of the previous year. In considering any adjustment the following condition will apply:
 - Should the March quarter data indicate a decrease in motor vehicle costs the Conveyance Allowance will remain unchanged (to comply with the requirements of s 21 of the SOOR Act).

58. The annual percentage change for the March quarter CPI: Motor Vehicles-Sydney (Series ID A2328552A) from 2024 to 2025 is minus 0.8%.²

59. Accordingly, for the reasons outlined above, there will be no increase to the Conveyance Allowance.

Statutory and Other Offices Remuneration Tribunal

A handwritten signature in blue ink, appearing to read 'Michael Knight', with a stylized flourish extending to the right.

The Hon. Michael Knight AO

Dated: 22 July 2025

² *Australian Bureau of Statistics*, Table 10. CPI: Group, Sub-group and Expenditure Class, Percentage change from corresponding quarter of previous year by Capital City, ABS, 2025

Section 4

Determinations

Determination No. 1 – Remuneration of office holders eligible for a Judges' pension. Effective on and from 1 July 2025

Position	Salary per annum	Conveyance Allowance (Note 1)
Director of Public Prosecutions	\$495,040	\$24,950
Solicitor-General	\$495,040	\$24,950

Note 1: The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Determination No. 2 – Remuneration of other office holders not referred to in determination No.1. Effective on and from 1 July 2025

Table 1

Position	Salary per annum	Conveyance Allowance (Note 1)
Chairperson, Law Reform Commission	\$488,570	\$24,950
Crown Advocate	\$439,720	\$22,445
Deputy Director of Public Prosecutions	\$439,720	\$22,445
Senior Crown Prosecutor	\$395,740	\$17,955
Senior Public Defender	\$395,740	\$17,955
Deputy Senior Crown Prosecutor	\$356,160	\$17,955
Deputy Senior Public Defender	\$356,160	\$17,955
Solicitor for Public Prosecutions	\$356,160	\$17,955
Senior Commissioner Land and Environment Court	\$342,000	\$17,955
Crown Prosecutor	\$325,380	\$17,955
Public Defender	\$325,380	\$17,955
Commissioner Land and Environment Court	\$322,430	\$17,955

Note 1: The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Table 2

Position	Daily fee
Acting Commissioner Land and Environment Court	\$1,340 per day

Determination No. 3 – Annual Leave Loading

Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales.

Statutory and Other Offices Remuneration Tribunal

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The Hon. Michael Knight AO

Dated: 22 July 2025

Appendices

Appendix 1: List of written submissions for the Court and Related Officers Group

- Senior Commissioner of the Land and Environment Court of NSW, on behalf of the Commissioners and acting Commissioners of the Land and Environment Court of NSW
- Director of Public Prosecutions, on behalf of the Statutory Office Holders of the Office of the Director of Public Prosecutions
- Senior Public Defender, on behalf of the Public Defenders

Appendix 2: List of office holders in the Court and Related Officers Group who met with the Tribunal

- Director of Public Prosecutions
- Deputy Senior Public Defender