

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975
REPORT AND DETERMINATION PURSUANT TO SECTION 14 OF THE ACT

REPORT:

1. The Premier of NSW, the Hon Bob Carr MP has received a request from the Attorney General, the Hon Jeff Shaw QC MLC, seeking a determination from the Tribunal on the quantum of any allowance that may be payable to the holder of the office of President Anti Discrimination Board and Privacy Commissioner whenever both offices are held concurrently. The Attorney General has advised that Mr Chris Puplick has been appointed to both offices for a period of 5 years commencing 1 November 1999.
2. The Premier, in his letter of 28 February 2000 has directed the Tribunal to make a determination in respect of the quantum of any allowance that may be payable to the President, Anti Discrimination Board whenever that office holder concurrently holds the office of Privacy Commissioner.
3. The office of Privacy Commissioner was established pursuant to Section 34 of the Privacy and Personal Information Protection Act 1998. Schedule 1, Clause 3(1) of this Act provides that the remuneration of the Privacy Commissioner shall be determined by the Statutory and Other Offices Remuneration Tribunal. Clause 3(3) provides that a person may hold the office of Privacy Commissioner even though that person concurrently holds a judicial, statutory or other public office.
4. The office of President, Anti Discrimination Board is a statutory position. The office holder has previously elected to receive remuneration packaging pursuant to section 11A of the SOOR Act. The current remuneration package for the President Anti Discrimination Board is \$151,545pa effective 1 October 1999.

5. The Tribunal has been informed that office of Privacy Commissioner was established on 1 February 1999 and that the President, Anti Discrimination Board, Mr Chris Puplick was appointed on a temporary basis until a substantive appointment could be made. Mr Puplick was substantively re appointed as the President Anti Discrimination Board for five years from 1 November 1999 and was also substantively appointed as the Privacy Commissioner from the same date. Both offices are held by Mr Puplick concurrently.

6. Having examined the information provided by the Government, the Tribunal considers that the remuneration level of the holder of the office of President Anti Discrimination Board should be increased to reflect the additional duties and responsibilities of the Privacy Commissioner whilst ever both offices are held concurrently. The Tribunal considers that an additional amount of \$10,000 pa would be appropriate in these particular circumstances.

7. As the President, Anti Discrimination Board is in receipt of remuneration packaging pursuant to section 11A of the Act. Section 11A(2) requires that;

“A determination of the remuneration to be paid to the office holders to whom this section applies must fix the remuneration as a single amount without reference to salary or allowance.”

8. As Mr Puplick has held both offices concurrently since 1 February 1999 the Tribunal considers that the additional remuneration be payable from that date.

DETERMINATION:

The Tribunal determines, pursuant to Section 14 of the Statutory and Other Offices Remuneration Act 1975, that the annual remuneration of the holder of the offices of President, Anti Discrimination Board and Privacy Commissioner where the same person holds both offices for the time being shall be 158,575 per annum for the period 1 February 1999 to 30 September 1999 and \$161,545pa on and from 1 October 1999. This amount comprises the annual remuneration payable to the holder of the office of President, Anti Discrimination Board increased by an additional amount of \$10,000 per annum for performance of the duties of Privacy Commissioner.

The Statutory and Other Offices

Remuneration Tribunal

Gerry Gleeson

Dated: