

STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL

Report and Determination: Acting Deputy President of the Workers Compensation Commission.

REPORT:

Background:

1. On 14 January 2005, the Premier of New South Wales, the Hon Bob Carr MP, directed the Statutory and Other Offices Remuneration Tribunal (SOORT), pursuant to section 14(2) of the *Statutory and Other Offices Remuneration Act 1975* (the Act), to make a determination concerning the salary to be paid to the Acting Deputy Presidents of the Workers Compensation Commission (WCC).
2. The WCC was established in 2001 to provide a fair and cost effective system for the resolution of disputes under the Workers Compensation legislation. The WCC is intended to provide a timely service to ensure workers' entitlements are paid promptly and that where necessary it provides an independent dispute resolution service that is effective in settling matters between the parties in accordance with the legislation.
3. The Commission comprises a President, two Deputy Presidents a Registrar and Arbitrators. Recent amendments to the *Workplace Injury Management and Workers Compensation Act 1998* establish a new part time office of Acting Deputy President to be appointed by the Minister.
4. Consequential amendments to the Statutory and Other Offices Remuneration Act 975 provide that the Tribunal is to determine the remuneration for the new office.
5. The President of the Worker's Compensation Commission, the Hon Justice Terry Sheehan has suggested that the daily rate for the Acting Deputy Presidents should be equivalent to that of Acting Judges of the District Court.

Review:

6. The *Workplace Injury Management and Workers Compensation Act 1998*, provides details of the circumstances under which Acting Deputy Presidents may be appointed.

7. Schedule 5 Clause 7A of the Act provides:

“(1)If a Deputy President is absent from duty, the Minister may appoint a person to be an Acting Deputy President during the absence of the Deputy President.

(2)The Minister may make an appointment for a particular absence or for any absence that occurs from time to time.

(3)The Minister may also appoint such additional Acting Deputy Presidents as the Minister determines may be necessary having regard to the workload of the Commission and the need for the proper and efficient exercise of its functions.”

Clause 7A also sets out the role, duties and responsibilities of the Acting Deputy Presidents viz;

“(7)An Acting Deputy President has the functions of a Deputy President and anything done by an Acting Deputy President in the exercise of those functions has effect as if it had been done by a Deputy President.”

8. Under the legislation, the Acting Deputy Presidents will perform similar duties and assume similar responsibilities as the full time Deputy Presidents.

9. As with Acting Judges of the Supreme Court and the District Court, Acting Deputy Presidents will be appointed on a daily basis during their term of appointment. Remuneration for these office holders, will, as in the case of Acting Judges, be determined on a daily basis.

10. The President of the Workers Compensation Commission has suggested that the daily rate should be identical to that of Acting Judges of the District Court. This is consistent with previous submissions, made for the 2003 and 2004 annual reviews, from both the President and the full time Deputy Presidents that remuneration of full time Deputy Presidents should be identical with that of District Court Judges. On both occasions the Tribunal considered these submissions and determined that a link with the remuneration of a District Court Judge would be inappropriate.
11. The Tribunal can see no reason why the remuneration of the Acting Deputy Presidents should be linked to the part time rates of Acting Judges of the District Court when no such link exists between the full time equivalent office holders.
12. The daily rates of Acting Judges of the Supreme Court and District Court are calculated from the full time rates for the respective offices. The Tribunal considers that the same principle should be adopted in this instance.
13. The Tribunal considers that the remuneration for Acting Deputy Presidents of the Workers Compensation Commission should reflect the daily equivalent of the full Deputy President rate, noting that Acting Deputy Presidents will exercise the same functions as the full time Deputy Presidents.

DETERMINATION:

Pursuant to section 14 of the Act, the Tribunal determines that the rate of remuneration for Acting Deputy Presidents of the Workers Compensation Commission shall be \$855 per day.

**Statutory and Other Offices
Remuneration Tribunal**

Helen Wright
Dated 18 January 2005