

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

Report and Determination: Clerk of the Parliaments

REPORT:

1. On 4 June 2007 the former Director General of the Department of Premier and Cabinet, Dr Col Gellatly, advised that the Premier, the Hon Morris Iemma MP, has nominated the Clerk of the Parliaments, Mr John Evans, had elected to receive remuneration benefits pursuant to Section 11A of the *Statutory and Other Offices Remuneration Act 1975* (“SOOR Act”) and that the Premier had approved the election.

Background:

2. When the SES was introduced in 1989 the Government considered that some Statutory Office Holders, exercising independent functions,(excluding judicial officers) should be able to receive employment benefits similar to those provided to the SES. Section 11A of the Act provides that remuneration for such office holders is to be determined on a total cost basis aligned to the SES in lieu of salary. This Group is known collectively as “11A Office Holders” and their remuneration increases are aligned to those of the SES rather than the Public Office Holder Group. As with the SES, the 11A remuneration packages are expressed as a total cost of employment and all employer on costs, such as employer contribution to superannuation and leave loading are included within the package.
3. Unlike SES officers, the office holders are not subject to contractual employment provisions or performance agreements. In addition, the remuneration of these office holders is expressed as a fixed amount rather than a range as with the normal SES Levels.
4. To ascertain the appropriate remuneration level for an 11A office holder it is the practice that the office is evaluated using standard job evaluation method. The job size points are used to fix the SES Level for the office for remuneration purposes. The Tribunal has the discretion to determine the remuneration level within the particular SES Level.

Review:

5. The Clerk of the Parliaments is the authority on Parliamentary procedures within the Legislative Council of NSW and provides authoritative and definitive advice and counsel to the President, Ministers and other Members of the Legislative Council on matters relating to Parliamentary law, practice and procedures. The position also manages and administers the operations of the Department of the Legislative Council in order to ensure the efficient and effective delivery of services to Members and the public.
6. For remuneration purposes the position of Clerk of the Parliaments is listed in Schedule 2 Part 2 of the SOOR Act. The Clerk of the Parliaments currently receives an annual salary of \$201,350, the Clerk of the Legislative Assembly receives an equivalent salary and has chosen not to pursue remuneration benefits under section 11A of the Act.
7. The office of the Clerk of the Parliaments was evaluated. The job evaluation found that it is equivalent to a Senior Executive Service Level 4. The current remuneration range for an SES 4 is 196,651 and \$214,350.
8. In making this determination the Tribunal has given careful consideration to the Clerk's roles and responsibilities and has examined the independent job evaluation findings. Having regard to these factors the Tribunal considers that a total remuneration package of \$214,350 would be appropriate and so determines.
9. Mr Evans formally applied to receive remuneration benefits pursuant to Section 11A of the SOOR Act on 29 January 2007. On this basis the Tribunal considers that the determination should take effect on and from that date.
10. It is important to note that the election to receive a remuneration package in accordance with section 11A is specific to individual office holders. As Mr Evans will shortly enter into retirement this determination will lapse at that time. It will, therefore, be necessary for the new Clerk of the Parliaments to make a separate election to receive remuneration packaging.

DETERMINATION:

Pursuant to section 14(1) of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the total remuneration package for the Clerk of the Parliaments shall be \$214,350 pa with effect from 29 January 2007.

**Statutory and Other Offices
Remuneration Tribunal**

Helen Wright

25 June 2007