

**REPORT**

**and**

**DETERMINATION**

**under**

**SECTION 13**

**of the**

**STATUTORY AND OTHER OFFICES**

**REMUNERATION ACT, 1975**

**PUBLIC OFFICE HOLDER GROUP**

**15 September 2008**

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## **PUBLIC OFFICE HOLDERS GROUP**

### **Section 1 Background**

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975*, (the Act), requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices, listed in the Schedules of the Act (except for the Judges, Magistrates and Related Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for this Group is determined as a fixed salary amount. Employer on costs such as Superannuation Guarantee Levy are, unlike the Senior Executive Service, additional to the salary amount determined. The Government considers that there should be no direct nexus with the remuneration of the Judges, Magistrates and Related Group. The Tribunal has supported this position in past Determinations.
3. The Tribunal's Report and Determination of 2007 provided a general increase of 2.5% to the Public Office Holders Group.
4. During the year the Tribunal made a determination pursuant to section 14 of the Act. A new position of Executive Manager, Parliamentary Services was created to manage the common functions of Parliament House. The successful applicant subsequently chose to receive remuneration packaging rather than a salary and as such has been listed with the Section 11A Office Holders within the CES and SES determinations.

### **Section 2 Submissions Received**

#### Government Submission

5. The Government has asked the Tribunal to consider a number of factors, including the key national economic indicators and salary movements across the NSW public sector. Particular emphasis is given to the Government's wages policy as articulated in the *Economic and Financial Statement* of February 2006.

6. The Government submission recommends that this Group receive an increase similar to that determined for the CES and SES.

Commissioner Law Reform Commission

7. The Commissioner Law Reform Commission has sought an increase in remuneration for his office on the basis of increased responsibility, functions and workload,. The Commissioner is seeking an increase in remuneration equivalent to the salary of a District Court Judge.

**Section 3      2008 Tribunal Review**

8. As with the SES, the Tribunal has had regard to award increases settled since its 2007 Determination for the major public sector wage groups. These agreements have on average delivered increases of 4 percent although the Government Submission for 2008 confirms that, consistently with the Government's Wages Policy, increases beyond 2.5 percent have been achieved by way of agency savings. The Tribunal for reasons outlined in the Chief Executive Service and Senior Executive Service Report has stated its reasons for providing an annual increase beyond 2.5 percent. The Tribunal will adopt a similar approach with the Public Office Holder Group and determine an increase of 3.9 percent effective on and from 1 October 2008.

Commissioner Law Reform Commission

9. The Tribunal last examined the role of this position in 1994 but provided no special increase at that time. The Tribunal notes that the Law Reform Commission was the subject of a review in 2006 and that the Commission is still awaiting implementation of the recommendations of that Report.
10. The work of the Law Reform Commission is onerous, complex and demanding. While this is not a unique situation, the Commissioner is also required to take on additional managerial and administrative duties in addition to his role of reviewing and recommending to the Government proposals for law reform. Increased workload is not a factor that the Tribunal considers when assessing the level of remuneration for office holders. In this regard the Tribunal notes that this issue was addressed in the

2006 review and that one of the recommendations not yet implemented was for the appointment of a second full time Commissioner of the Law Reform Commission. The Tribunal also does not consider that the remuneration for the office should be equated to that of a District Court Judge even though in the late 70s and early 80s there existed such a nexus. That nexus, however, was broken long ago. Nevertheless, the Tribunal does consider that the role and responsibilities of this office have increased since 1994 and will provide a special increase on this occasion.

#### **Section 4      Conclusion**

11. Having regard to the above and after considering the views of the Assessors, the Tribunal considers that an increase of 3.9 percent would be appropriate and so determines.
  
12. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2008 shall be as specified in Annexure A.

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

Helen Wright  
Dated: 15 September 2008

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE  
HOLDERS GROUP ON AND FROM 1 OCTOBER 2008**

<b>Salary</b>	<b>\$ per annum</b>
Commissioner Police Integrity Commission	389,830
Ombudsman	379,280
President, Mental Health Review Tribunal	250,125
Chairperson, Consumer Trader and Tenancy Tribunal	250,125
President, Guardianship Tribunal	244,905
Deputy Chairperson Consumer Trader and Tenancy Tribunal	231,335
Deputy Chairperson, Law Reform Commission	229,665
Deputy President Administrative Decisions Tribunal	220,260
Deputy President Mental Health Review Tribunal	220,260
Commissioner, Law Reform Commission	220,260
Registrar Workers Compensation Commission	214,435
Clerk of the Legislative Assembly	214,435
Clerk of the Parliaments	214,435
Senior Chairperson (Government and Related Employees Appeals Tribunal) - not being a judicial office holder.	211,215
Deputy President, Guardianship Tribunal	191,605
Senior Member, Consumer Trader and Tenancy Tribunal	188,805
Deputy Clerk, Legislative Assembly	184,080
Deputy Clerk, Legislative Council	184,080
Chairman, Transport Appeals Board	175,690
Chairman, Local Land Boards	175,690
Registrar, Aboriginal Land Rights Act 1983	170,060

## ANNEXURE A (CONT'D)

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE  
HOLDERS GROUP ON AND FROM 1 OCTOBER 2008**

	<b>Salary \$ per annum</b>
Chairperson, Government and Related Employees Appeals Tribunal <b><u>who is legally qualified</u></b> (not being the holder of a judicial office or a magisterial office)	162,720
Member, Consumer Trader and Tenancy Tribunal	162,720
Assessor (Civil Claims)	162,720
Chairperson, Government and Related Employees Appeals Tribunal (not being the holder of a judicial office or a magisterial office)	153,635
Member of the New South Wales Aboriginal Land Council	113,275 (Note 1)
Assessor Civil Claims (daily rate)	\$675 per day

Note 1        The Chairperson shall receive an allowance of 10% (ie. a total of \$124,605 per annum) and the Secretary and Treasurer shall receive an allowance of 5% (ie. a total of \$118,940 per annum).

### **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, as set out in Section 6-17.12 to 6-17.17 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

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

**Helen Wright**

Dated: 15 September 2008