

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

REPORT AND DETERMINATION PURSUANT TO SECTION 14 OF THE ACT

REPORT:

1. On 2 July 2009 the Minister for Public Sector Reform, the Hon John Robertson MLC, directed the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 14(1) of the *Statutory and Other Offices Remuneration Act 1975* (the Act), to make a determination in respect of the remuneration payable to the Principal Claims Assessor under the *Motor Accidents Compensation Act 1999*.
2. For remuneration purposes the office of Principal Claims Assessor is listed in Schedule 2 of the Act. This is a new position and the Tribunal has not previously made a determination on the remuneration payable for this office.
3. The Principal Claims Assessor is established as a statutory office holder under the *Motor Accidents Compensation Act 1999*. The Principal Claims Assessor is the head of the Claims Assessment and Resolution Service (CARS) of the Motor Accidents Authority. The CARS determines certain procedural disputes in connection with motor accident claims as well as liability on the part of an insurer to pay compensation to an injured person and the amount of such compensation.
4. The Principal Claims Assessor is not subject to the direction or control of the Motor Accidents Authority or any public servant in relation to their assessment duties. The role of the Principal Claims Assessor is that of an independent decision maker.
5. The Claims Assessment and Resolution Service comprises a number of Claims Assessors (including the Principal Claims Assessor) as well as case management and administrative staff. The assessors are lawyers who are

appointed due to their expertise in injury compensation law. The Principal Claims Assessor is responsible for the overall management of the Assessors and assessment process.

6. Claims are assessed in accordance with common law and subject to certain restrictions to benefits as outlined in the Act. The majority of claims are assessed by the Claims Assessors, under delegation from the Principal Claims Assessor. The PCA and the Assessors have unlimited monetary jurisdiction in regard to claims.
7. The Principal Claims Assessor also has statutory authority to exempt certain claims enabling them to proceed direct to Court without having to be assessed first. The PCA has exclusive powers in respect of the exemption of claims from assessment.
8. As head of the CARS the Principal Claims Assessor also undertakes the leading role in the recruitment and training of the external claims assessors, their leadership and continued development and the monitoring of their performance. The position also provides specialist professional advice internally and externally on complex or sensitive claims disputes and is primarily responsible for providing leadership and professional input into policy, Guidelines, stakeholder and Assessor management and education.
9. In determining the remuneration for this position the Tribunal has had regard to the enhanced role and responsibilities of the Principal Claims Assessor. The Tribunal has also had regard to the remuneration paid to other office holders with similar jurisdictional responsibilities as well as the outcome of an independent job evaluation of the position.

10. Having regard to the above, and having considered the views of the Assessors, the Tribunal is of the view that the Principal Claims Assessor should receive an annual salary of \$243,220 and so determines.

DETERMINATION:

Pursuant to section 14(1) of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the salary for Principal Claims Assessor under the *Motor Accidents Compensation Act* shall be \$243,220 per annum with effect from 1 July 2009.

**Statutory and Other Offices
Remuneration Tribunal**

Chris Raper
27 July 2009