

STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL
REPORT AND DETERMINATION PURSUANT TO SECTION 24D OF THE STATUTORY
AND OTHER OFFICES REMUNERATION ACT 1975:

1. The Premier of New South Wales, the Hon Barry O'Farrell MP, in his letter of 19 August 2013, has requested that the Statutory and Other Offices Remuneration Tribunal (the Tribunal) make a special determination, pursuant to Section 24D of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) on the remuneration payable to the office of Chief Executive Officer (CEO) of the NSW UrbanGrowth (Development Corporation).
2. UrbanGrowth NSW is a government initiative to drive investment in key locations in NSW and help underpin the further prosperity of urban and regional centres. UrbanGrowth NSW functions in a dual capacity, both as a State Owned Corporation (formerly Landcom) and as a Development Corporation (formerly the Sydney Metropolitan Development Authority).
3. As a State Owned Corporation (SOC), the remuneration for the CEO is determined by the SOC Board. As a Development Corporation, the CEO is a statutory senior executive office holder, appointed under section 6B of the *Growth Centres (Development Corporation) Act 1974*, with the employment of the officer subject to Part 3.1 of the *Public Sector Employment and Management Act 2002* (PSEM Act). In accordance with the PSEM Act, the CEO of the Development Corporation would receive a total remuneration package within the SES ranges.
4. When senior executives hold more than one position it is the custom that the office holder receive only one remuneration package or salary, whichever has the greater value. The Premier has advised, based on advice received from the Minister for Planning, the Hon Brad Hazzard MP, that the principal component of the salary package will be determined by the SOC Board. In order that the remuneration arrangements for the dual role are clear, the Premier has proposed that the Tribunal determine a nominal payment of \$1 per annum for the statutory SES office of CEO of the Development Corporation.
5. Such an arrangement is permitted in accordance with section 24F of the SOOR Act. Section 24(F)(1)(d) provides for the Tribunal to fix remuneration packages for particular office holders. Although the position is currently vacant, section 24F(3) of the SOOR Act provides for the Tribunal to make such a determination, even if that position is vacant at the time of making the determination.

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24F General provisions relating to determinations

- (1) *In making a determination, the Tribunal may*
 - (d) *fix remuneration packages for particular executive office holders or for classes of executive office holders.*

- (3) *The Tribunal may make a determination that applies in relation to an executive office holder even though no persons holds the office for the time being.*

6. In determining the remuneration for this position the Tribunal has had regard to the dual nature of the role and the Government's Wages Policy. The Tribunal is of the view that the remuneration payable to the Chief Executive Officer of the NSW UrbanGrowth (Development Corporation) shall be \$1 per annum, while ever the office holder concurrently holds the office of Chief Executive of NSW UrbanGrowth (State Owned Corporation).

DETERMINATION:

The Tribunal determines, pursuant to Section 24D of the *Statutory and Other Offices Remuneration Act 1975*, that, with effect from the date of this determination, the annual remuneration for the Chief Executive Officer of the NSW UrbanGrowth (Development Corporation), shall be \$1 per annum, while ever the office holder concurrently holds the office of Chief Executive of NSW UrbanGrowth (State Owned Corporation).

The Statutory and Other Offices

Remuneration Tribunal

(signed)

Helen Wright

26 August 2013