

**STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL
REPORT AND DETERMINATION PURSUANT TO SECTION 14(2) OF THE ACT
REPORT:**

1. On 9 November 2016 the Statutory and Other Offices Remuneration Tribunal (the Tribunal) received a direction from the Premier, the Hon Mike Baird MP, to make a determination in respect of the remuneration payable to the offices of the:
 - Chief Commissioner of the Law Enforcement and Conduct Commission
 - Full-time Commissioner for Integrity of the Law Enforcement and Conduct Commission
 - Full-time Commissioner for Oversight of the Law Enforcement and Conduct Commission

2. The Premier advised that the *Statutory and Other Office Remuneration Act 1975* (the SOOR Act) will be amended by *Law Enforcement and Conduct Commission Bill 2016* (the LECC Bill) on assent to include these offices in Schedule 1. These are new positions and the Tribunal has not previously made determinations on the remuneration payable to these offices.

3. The Chief Commissioner is a full-time office and the two Commissioners may be full-time or part-time offices. The Chief Commissioner and any full-time Commissioner are entitled to be paid remuneration in accordance with the SOOR Act.

4. The establishment of the LECC is part of NSW Government's commitment to strengthen and improve the oversight of police complaints in NSW. The LECC will be a single, independent, accountable body exercising royal commission powers to detect, investigate, and expose serious misconduct within the NSW Police Force and the NSW Crime Commission. The LECC also independently monitors and reviews the investigation and complaints by the NSW Police Force and the NSW Crime Commission about the conduct of their officers. The LECC will work collaboratively with the NSW Police Force and the NSW Crime Commission to educate and promote prevention and elimination of officer misconduct, particularly through the identification of systematic issues that are likely to be conducive to the occurrence of officer misconduct and corruption.

5. These functions are currently undertaken by the Police Integrity Commission (PIC), the Ombudsman and the Inspector of the Crime Commission. The PIC and Inspector of the Crime Commission will be abolished and the Ombudsman's jurisdiction as it relates to police will be transferred to the LECC.
6. The functions of the LECC are outlined in Part 4 of the LECC Bill and include the following:
 - (a) the detection, investigation and exposure of conduct that is (or could be) serious misconduct or serious maladministration,
 - (b) the referral of misconduct matters relating to members of the NSW Police Force for police investigation and of misconduct matters relating to Crime Commission officers to the Crime Commission for Crime Commission investigation (unless the conduct concerned is (or could be) serious misconduct or serious maladministration and the Commission has decided to investigate the matter),
 - (c) the referral of misconduct matters for investigation or action by other appropriate authorities,
 - (d) the monitoring of the investigation or handling of misconduct matters referred by it to other authorities,
 - (e) working collaboratively with the NSW Police Force and Crime Commission with respect to educating Crime Commission officers and members of the NSW Police Force about officer misconduct and maladministration and supporting and promoting initiatives of those agencies directed at the prevention and elimination of officer misconduct and maladministration,
 - (f) assembling evidence and information that may be used in prosecuting criminal offences or dealing with disciplinary infringements and giving it to appropriate authorities,
 - (g) forming opinions and making recommendations in the exercise of its functions without making any findings of guilt about the commission of criminal offences (but which may be used as a ground for taking disciplinary proceedings),

- (h) exercising the functions that may be exercised by the Crime Commission under the *Criminal Assets Recovery Act 1990* in connection with matters arising during or in the course of the Law Enforcement Conduct Commission's investigations under the proposed Act,
 - (i) inspecting records and reports to ensure the NSW Police Force and Crime Commission are complying with certain legislative requirements.
7. The LECC will exercise its functions independently of the Government and is not subject to the control or direction of the Minister. A Parliamentary Joint Committee has certain functions outlined in Part 10 of the LECC Bill to monitor and review the exercise by the LECC of its functions.
 8. The appointment requirements as outlined in Section 18 of the LECC Bill require the Chief Commissioner to be a serving or retired judge of a superior court of record within Australia, and the two Commissioners to have special legal qualifications. This means the two Commissioners must be qualified to be appointed as a judge of a superior court of record. Under the *Supreme Court Act 1970* a person is qualified for appointment as a judge if the person holds or has held a judicial office in Australia or is an Australian lawyer of at least seven year's standing.
 9. The Chief Commissioner is required to:
 - Provide for the independent detection, investigation and exposure of serious misconduct within the NSW Police Force and the Crime Commission
 - Provide for independent monitoring and review (including where necessary real time monitoring and review) of the investigation by the NSW Police Force and the Crime Commission of complaints about the conduct of their officers
 - Provide for collaboration with the NSW Police Force and the Crime Commission to educate and promote the prevention and elimination of officer misconduct.
 10. The Commissioner for Integrity is responsible for the Integrity Division which specifically provides for the independent detection, investigation and exposure

of serious misconduct within the NSW Police Force and the NSW Crime Commission.

11. The Commissioner for Oversight is responsible for the Oversight Division which specifically provides for independent monitoring and review of the investigation by the NSW Police Force and the NSW Crime Commission of misconduct matters concerning the conduct of its members and or critical incidents.
12. In requesting the Tribunal to make this determination the Premier provided supporting information, including role descriptions, from the Hon Troy Grant MP (the Deputy Premier). In determining the remuneration for the Chief Commissioner and the two Commissioners the Tribunal has had regard to the supporting information, an independent work value assessment of the roles, and the remuneration paid to comparable roles (where relevant) in NSW and across Australia.
13. The Tribunal is of the view that the office of Chief Commissioner of the LECC should receive an annual salary of \$475,000 and the two Commissioners receive an annual salary of \$356,250.

DETERMINATION:

Pursuant to section 14(2) of the *Statutory and Other Offices Remuneration Act 1975*, the Tribunal determines that the annual salary for members of the Law Enforcement Commission shall be as follows, with effect from the date of assent to the *Law Enforcement and Conduct Commission Bill 2016*:

Public Office Holder	Salary per annum
Chief Commissioner of the Law Enforcement and Conduct Commission	\$475,000
Full-time Commissioner for Integrity of the Law Enforcement and Conduct Commission	\$356,250
Full-time Commissioner for Oversight of the Law Enforcement and Conduct Commission	\$356,250

**Statutory and Other Offices
Remuneration Tribunal**

[Signed]

Richard Grellman
18 November 2016