

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

Request for determination

1. On 1 October 2020 the Statutory and Other Offices Remuneration Tribunal (the Tribunal) received a direction from the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts (the Minister) the Hon Don Harwin MLC, to make a determination in respect of the remuneration payable to the offices of the:
 - President of the Personal Injury Commission
 - Deputy President of the Personal Injury Commission
 - Acting Deputy President of the Personal Injury Commission
 - Full-time non-presidential member of the Personal Injury Commission.
2. The Minister advised that the *Statutory and Other Officers Remuneration Act 1975* (the SOOR Act) will be amended by the *Personal Injury Commission Act 2020* (the PIC Act) either from the date of proclamation or from 1 March 2021, to include these offices in Schedule 2, Part 1. These are new positions and the Tribunal has not previously made determinations on the remuneration payable to these offices.
3. In requesting the Tribunal to make this determination the Minister provided a letter from the Minister for Customer Service, the Hon Victor Dominello MP which advised that additional information would be provided direct to the Tribunal. The additional information was provided in a submission from His Hon. Judge G.M Phillips, who was appointed as President of the PIC (the President) on 26 August 2020.

The Personal Injury Commission

4. The Personal Injury Commission (the PIC) will be established under the PIC Act on 1 March 2021. The functions of the Workers Compensation Commission (WCC), the State Insurance Regulatory Authority's (SIRA's) Dispute Resolution Services (DRS), Motor Accidents Medical Assessment Service (MAS) and Motor Accidents Claims Assessment and Resolution Service (CARS) will transfer to the PIC. The WCC, DRS, MAS and CARS will be abolished and various office holders and others will immediately transfer to become members of the PIC on 1 March 2021.

5. The NSW Government has announced that the reforms deliver a new one-stop shop to simplify the dispute resolution system for injured road users and workers who make a compensation claim. The PIC will have two specialist divisions to deal with workers compensation and motor accidents, with an independent judicial head. The purpose of the PIC is to simplify the dispute resolution process and deal with disputes justly, quickly, and as cost efficiently as possible.
6. The membership of the PIC is outlined in Part 2, Division 2.2, section 8(1) of the PIC Act. The President and Deputy President are referred to as presidential members (section 8(2)). Principal members, senior members and general members are referred to as non-presidential members (section 8(3)):
 - President
 - Deputy President
 - principal members
 - senior members
 - general members
7. The appointment requirements for members of the PIC are outlined in Part 2, Division 2.2, section 10 of the PIC Act:

<ul style="list-style-type: none"> • President • Deputy President • principal members • senior members • general members 	<p>Must be:</p> <ul style="list-style-type: none"> a judge of a court of record a judicial officer or former judicial officer, or be an Australian lawyer of 7 years' standing and has, in the opinion of the Minister, special knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction an Australian lawyer of at least 7 years' standing, or have special knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction an Australian lawyer of at least 5 years' standing, or have special knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction
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8. The two Divisions of the PIC are outlined in Part 2, Division 2.3, section 12 of the PIC Act - the Workers Compensation Division and the Motor Accidents Division. Under section 14 the Minister may appoint the President, or Deputy President or principal member as the Division Head.

Impact on existing determinations and current office holders

9. These changes impact the following office holders which are currently subject to existing determinations under the SOOR Act:
 - President of the WCC
 - Deputy President of the WCC
 - Acting Deputy President of the WCC
 - Registrar of the WCC
 - Senior Arbitrator or other full-time Arbitrator of the WCC
 - Principal Claims Assessor under the *Motor Accident Injuries Act 2017* or the *Motor Accidents Compensation Act 1999* (or both).
10. The changes also impact on claims assessors in the DRS which are currently not subject to a SOORT determination. Claims assessors are paid an hourly rate that SIRA from time to time determines.
11. The remuneration for the existing office of President of the WCC is determined by the Tribunal in the annual determination for the Judges and Magistrates Group. In accordance with the Tribunal's 2020 Annual Determination for this group, the President of the WCC receives an annual salary of \$475,920 with an annual conveyance allowance of \$23,745.
12. The remuneration for the existing office of Deputy President of the WCC and Acting Deputy President of the WCC is determined by the Tribunal in the annual determination for the Court and Related Officers Group. In accordance with the Tribunal's 2020 Annual Determination for this group, the Deputy President of the WCC receives an annual salary of \$332,150 with an annual conveyance allowance of \$17,090 and the Acting Deputy President receives \$1,380 per hour.
13. The remuneration for the existing offices of Registrar of the WCC, Senior Arbitrator or other full-time Arbitrator of the WCC, Principal Claims Assessor under the *Motor Accidents Compensation Act 1999*, and Principal Claims Assessor under the *Motor Accident Injuries Act 2017*, are determined by the Tribunal in the annual determination for the Public Office Holders Group. In accordance with the Tribunal's 2020 Annual Determination for this group, these office holders receive the following annual salaries: Registrar (\$283,990); Principal Claims Assessor (\$322,115); Senior Arbitrator (\$263,590 - legally

qualified and \$242,760 - not legally qualified); Full-time Arbitrator (\$232,730 - legally qualified and \$209,225 - not legally qualified).

Transfer and appointment of current office holders

14. Schedule 1 of the PIC Act outlines the transitional arrangements for the transfer and appointment of current office holder in the WCC, DRS, MAS, and CARS to the PIC. The President, Deputy President and Acting Deputy President in the WCC will be appointed as the President, Deputy President and Acting Deputy President of the PIC. The Registrar WCC will be appointed as a principal member and also as Division Head of the Workers Compensation Division. The Principal Claims Assessor DRS will be appointed as a principal member and also as Division Head of the Motor Accidents Division. The Senior Arbitrators WCC will be appointed as principal members. The Full-time Arbitrator WCC and Claims Assessor DRS will be appointed as senior members.

Determinations applicable to new offices

15. The Tribunal notes that the appointment criteria for a principal member, senior member and general member provides for the appointment of a person with legal qualifications or with special knowledge, skills and experience. A principal member may also be appointed as a Division Head. The Tribunal has authority under section 16(6) of the SOOR Act to apply different remuneration to the same office if it is in Schedule 2 or 3. The new offices will be Schedule 2 and the Tribunal will determine different remuneration to reflect the appointment criteria for these office holders and additional responsibilities undertaken by a principal member appointed as a Division Head.
16. The Tribunal consulted with the President about the proposed determination groups for the new offices in the PIC. The remuneration for the President will be determined in the annual determination for the Judges and Magistrates Group. The remuneration for the Deputy President, Acting Deputy President and non-presidential members will be determined in the annual determination for the Public Office Holders Group. The remuneration for the existing office of Deputy President of the WCC is determined in the annual determination for the Court and Related Officers Group whereby an annual conveyance allowance is payable. The conveyance allowance is not payable to offices in the Public Officer Holders Group and the conveyance allowance is rolled into the salary for the Deputy President of the PIC. The Acting Deputy President is a pro-rata about of the Deputy President's salary and is adjusted accordingly.

17. In determining the remuneration for the new offices the Tribunal has had regard to the President's submission, transitional arrangements, remuneration determined for existing offices and internal relativities within the PIC.
18. The Minister has requested that the determination take effect from the date of proclamation or the establishment date, as provided for under the PIC Act.

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 Personal Injury Commission shall be as follows, with effect from the date of proclamation or the establishment date, as provided for under the *Personal Injury Commission Act 2020*.

Office	Salary per annum	Conveyance allowance
President of the Personal Injury Commission	\$475,920	\$23,745

Office	Salary per annum
Deputy President of the Personal Injury Commission	\$349,240
Acting Deputy President of the Personal Injury Commission	\$1,450 per day
Full-time non-presidential member of the Personal Injury Commission:	
Principal Member (Division Head of the Workers Compensation Division)	\$322,115
Principal Member (Division Head of the Motor Accidents Division)	\$322,115
Principal Member (legally qualified)	\$290,000
Principal Member (not legally qualified)	\$267,000
Senior Member (legally qualified)	\$263,590
Senior Member (not legally qualified)	\$242,760
General Member (legally qualified)	\$241,000
General Member (not legally qualified)	\$209,225

**Statutory and Other Offices
Remuneration Tribunal**

Signed

Richard Grellman
23 October 2020