

Court and Related Officers Group

Annual Determination

Report and determination under section
13 of the Statutory and Other Offices
Remuneration Act 1975

15 July 2024

Contents

Section 1	3
Background	3
Legislative Framework	3
Government Wages Policy	3
Economic Analysis	4
2023 Determination	5
2023-2024 Special Determinations	5
Section 2	6
2024 Annual Review	6
Office Holder Submissions	6
Government Submission	6
Section 3	7
2024 Annual Determination	7
No Increase	7
Conveyance Allowance	7
Superannuation Guarantee Contributions	8
Section 4	9
Determinations	9
Determination No. 1 – Remuneration of office holders eligible for a Judges’ pension. Effective on and from 1 July 2024	9
Determination No. 2 – Remuneration of other office holders not referred to in determination No.1. Effective on and from 1 July 2024	10
Determination No. 3 – Annual Leave Loading	11

Section 1

Background

Legislative Framework

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the Act) requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal) to make a determination on the remuneration to be paid to office holders on and from 1 July in that year. Section 10A defines 'remuneration' as salary or allowances paid in money.
2. The Court and Related Officers Group comprises those public offices listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Public Office Holders Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution (SGC), are additional to the salary amount determined.

Government Wages Policy

3. The Tribunal is required, when making determinations under Part 3 of the Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations. Section 6AB of the Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group. Government policy concerning the remuneration of office holders to which Part 3 of the Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the Regulation).
4. In accordance with clause 5A of the Regulation the Tribunal is not to make a determination that has the effect of awarding an increase in remuneration that takes effect before 1 July 2025 to office holders covered by Part 3 of the Act.

Economic Analysis

5. As outlined in its 2024-25 Budget papers,¹ the Government noted that the outlook is consistent with a soft landing for the NSW economy, with economic growth forecast to be subdued in the very near term, before accelerating through the course of 2024-25 as cost-of-living pressures ease.
6. Cost-of-living pressures have weighed on household spending and slowed domestic economic growth in NSW. In particular, price growth for essential goods and services have continued to outpace discretionary items, constraining households' real purchasing power.
7. The softening in both spending growth and the labour market is helping to bring down inflation. Annual headline inflation in Sydney was 3.8 per cent through the year to the March 2024 quarter. This was higher than the national headline figure of 3.6 per cent. National underlying inflation rose by 4 per cent over the 12 months to the March 2024 quarter, which remains above the RBA's target band of 2-3 per cent despite easing from the peak of 6.8 per cent in December 2022.²
8. The Budget expected goods inflation to ease further in 2024 but elevated labour costs in the near term will keep services inflation high.
9. Labour supply has been boosted by international migration, driving a modest lift in the unemployment rate to 3.8 per cent in May 2024 from a low of 3.0 per cent in June 2023. The Budget papers noted that recent easing in the labour market was expected to continue with the unemployment rate rising to 4.5 per cent in the second half of 2025.
10. While the Budget provides for a 10.5 per cent increase to remuneration over 3 years for public sector workers, it notes that the wage freeze for Members of Parliament and Public Service senior executives continues to apply in 2024-25. By virtue of the Regulation, the freeze also applies to office holders with the Tribunal's remit.

¹ NSW Government. (2024). *NSW Budget 2024-25, Budget Paper No.01 Budget Statement*. <https://www.budget.nsw.gov.au/sites/default/files/2024-06/Budget-Paper-No.1-Budget-Statement-Budget-2024-25.pdf>

² Australian Bureau of Statistics. (2024). *CPI, Trimmed mean and Weighted median, Annual movement (%)*. <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release>

2023 Determination

11. The Tribunal was required to give effect to the Regulation and the temporary wages policy, so on 26 July 2023, the Tribunal determined that no increase would apply to the salaries payable to office holders in the Court and Related Officers Group with effect from 1 July 2023.
12. It was also determined that there would be no increase to the conveyance allowance with effect from 1 July 2023 in accordance with the Tribunal's methodology and the requirements of the Regulation.

2023-2024 Special Determinations

13. The Tribunal has not made any special determinations, pursuant to section 14(2) of the Act, since the making of the 2023 annual determination.

Section 2

2024 Annual Review

14. On 7 February 2024, the Tribunal wrote to office holders advising of the commencement of the 2024 annual review, noting that the Tribunal is required by the Regulation not to award an increase in remuneration.

Office Holder Submissions

15. The Tribunal received one submission from office holders in the Court and Related Officers Group.
16. The Senior Commissioner of the Land and Environment Court adopted the submissions made on behalf of the Supreme Court of NSW, as well as that made by the Chief Judge of the Land and Environment Court of NSW.³ This was on behalf of the Commissioners of the Court so far as they bear on the statutory functions of Commissioners. The submission acknowledged that the Tribunal is required by the Regulation not to award an increase in remuneration but requested the Tribunal to determine what the potential increase would be if not for the Regulation. The submission argued for an increase of at least 5 per cent in the conveyance allowance as compensation for the increase in expenditure. The submission stated that the qualification required for appointment as Commissioners is significant and an attractive salary is required to attract highly qualified candidates, especially since superior remuneration is available in the federal sphere. The submission referred to the significant increases in the case load of the Court over the last five years, with only an increase to the number of acting commissioners but not full-time commissioners, which is exacerbated by absences due to leave taken. The submission also made mention that the commissioners forwent an increase in remuneration in 2020.

Government Submission

17. The Secretary, Premier's Department provided the Government submission. It was limited to noting the temporary 2-year freeze on increases in the remuneration of office holders under Parts 3, 3A and 3B of the Act, implemented by amendments to the Act in 2023.

³ The submissions referred to are dealt with in the Judges and Magistrates determination.

Section 3

2024 Annual Determination

No Increase

18. The Tribunal thanks those office holders who made a submission, and acknowledges the concerns raised in those submissions.
19. In accordance with the Regulation and the temporary wages policy there will be no increase in the salaries payable to office holders in the Court and Related Officers Group with effect from 1 July 2024.
20. This determination is consistent with the temporary wages policy which the Tribunal is required to give effect to pursuant to the Regulation.
21. In making this determination, the Tribunal consulted with the Secretary, Premier's Department, in their capacity as assessor under the Act. The other assessor role is currently vacant.
22. Pursuant to section 13 of the Act, the Tribunal determines that the remuneration to be paid to office holders in the Court and Related Officers Group, on and from 1 July 2024 shall be as specified in Determination Nos. 1-3.

Conveyance Allowance

23. The Tribunal's methodology for considering increases to the conveyance allowance is based on the March quarter CPI: Motor Vehicles-Sydney (Series ID A2328552A), having regard to the percentage change from the corresponding quarter of the previous year. In considering any adjustment the following conditions will apply:
 - Should the March quarter data indicate a decrease in motor vehicle costs the conveyance allowance will remain unchanged (to comply with the requirements of section 21 of the Act)
 - The temporary wages policy (as set out in Clause 5A of the Regulation).
24. The annual percentage change for the March quarter CPI: Motor Vehicles-Sydney (Series ID A2328552A) from 2023 to 2024 is 0 per cent.⁴ In accordance

⁴ Australian Bureau of Statistics. (2024). *Table 10. CPI: Group, Sub-group and Expenditure Class, Percentage change from corresponding quarter of previous year by Capital City.*

with the Regulation and the temporary wages policy there will be no increase to the conveyance allowance.

Superannuation Guarantee Contributions

25. From 1 July 2024, the general SGC increases from 11.00 per cent to 11.50 per cent.⁵
26. As the Tribunal is required to not award an increase in remuneration on this occasion, it is not necessary to deal with the SGC increase.

Statutory and Other Offices Remuneration Tribunal



The Hon. Greg Pearce

Dated: 15 July 2024

<https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release>

⁵ Australian Taxation Office. (2024). *Super guarantee percentage*. <https://www.ato.gov.au/tax-rates-and-codes/key-superannuation-rates-and-thresholds/super-guarantee>

Section 4

Determinations

Determination No. 1 – Remuneration of office holders eligible for a Judges' pension. Effective on and from 1 July 2024

Position	Salary per annum	Conveyance Allowance (Note 1)
Director of Public Prosecutions	\$478,300	\$24,950
Solicitor-General	\$478,300	\$24,950

Note 1: The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Determination No. 2 – Remuneration of other office holders not referred to in determination No.1. Effective on and from 1 July 2024

Table 1

Position	Salary per annum	Conveyance Allowance (Note 1)
Chairperson, Law Reform Commission	\$472,050	\$24,950
Crown Advocate	\$424,850	\$22,445
Deputy Director of Public Prosecutions	\$424,850	\$22,445
Senior Crown Prosecutor	\$382,360	\$17,955
Senior Public Defender	\$382,360	\$17,955
Deputy Senior Crown Prosecutor	\$344,120	\$17,955
Deputy Senior Public Defender	\$344,120	\$17,955
Solicitor for Public Prosecutions	\$344,120	\$17,955
Senior Commissioner Land and Environment Court	\$330,430	\$17,955
Crown Prosecutor	\$314,380	\$17,955
Public Defender	\$314,380	\$17,955
Commissioner Land and Environment Court	\$311,530	\$17,955

Note 1: The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Table 2

Position	Daily fee
Acting Commissioner Land and Environment Court	\$1,295 per day

Determination No. 3 – Annual Leave Loading

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.

Statutory and Other Offices Remuneration Tribunal

A handwritten signature in blue ink, appearing to read 'Greg Pearce', is positioned above the printed name.

The Hon. Greg Pearce

Dated: 15 July 2024