

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

REPORT AND DETERMINATION PURSUANT TO SECTION 14(2) OF THE ACT

REPORT:

1. On 4 January 2001 the Premier of New South Wales, the Hon Bob Carr MP, directed the Statutory and Other Offices Remuneration Tribunal (SOORT), pursuant to section 14(2) of the *Statutory and Other Offices Remuneration Act 1975* (the Act), to make a determination concerning the salary to be paid to a full-time Deputy President of the Administrative Decisions Tribunal (ADT).
2. The ADT was established in 1998 to provide a central, cost effective and convenient way for the people of NSW to obtain a review of administrative decisions and to have certain general complaints, such as discrimination and professional misconduct, resolved.
3. The ADT currently has a full-time President, three part-time Deputy Presidents and approximately 140 judicial and non-judicial part-time members. An increase in the workload of the ADT, including the addition of a new division by virtue of the *Administrative Decisions Tribunal Legislative Amendment (Revenue) Act 2000*, has necessitated an expansion of the ADT's operations. The ADT intends to convert one of its current part-time Deputy President positions into a full-time position. Prior to filling the full-time position, the Attorney General sought a referral from the Premier to the Tribunal to determine the appropriate salary for this position.
4. The full-time Deputy President will share responsibilities with the President on a practical basis for such matters as listing and liaison with members including information circulars and training, analysis of statistical information, performance monitoring, induction of members, the conduct of delegations and compliance with statutory requirements such as annual reports.
5. Schedule 3 of the *Administrative Decisions Tribunal Act 1997* provides for the remuneration of Full-Time members of the ADT to be determined by SOORT. Until now the Tribunal has not been required to make a determination for the ADT. The legislation requires that the President of the ADT be a Judge of the District Court of NSW and be remunerated accordingly, current annual salary of \$200,330 per annum. All other officers

of the ADT are currently part-time and receive a daily sitting fee as determined by the Minister. The Deputy President rate is \$750 per day for sitting days and \$415 per day for days spent on administrative duties. The Attorney General has recommended that the newly created full-time Deputy President position receive a salary equivalent to that of a Magistrate, \$160,265 per annum.

6. The Tribunal has given careful consideration to the submissions received and, in view of the current daily fees and the need to attract suitable candidates for the position, agrees that a salary equivalent to that currently paid to Magistrates in NSW is applicable. However, this determination does not establish a permanent nexus between the salary payable for the full-time Deputy President of the ADT and that payable to Magistrates. The Tribunal does not support the linking of remuneration of Public Office Holders with that of Judicial salaries. In doing so, the Tribunal retains the flexibility to determinate the appropriate remuneration for this diverse group of office holders.
7. Having regard to the above, the Tribunal considers that the full-time Deputy President of the ADT should receive a salary of \$160,265 per annum with effect from 1 February 2001. In addition, the full time Deputy President of the ADT will receive a further increase of 2% to \$163,450 from 1 April 2001. This second increase is in line with a general increase determined by the Tribunal in its 2000 Annual Determination for Public Office Holders.

DETERMINATION:

Pursuant to section 14(2) of the *Statutory and Other Offices Remuneration Act 1975*, I determine that the remuneration payable to the full-time Deputy President of the Administrative Decisions Tribunal be \$160,265 from 1 February 2001 with a further increase to \$163,450 from 1 April 2001.

The Statutory and Other Offices

Remuneration Tribunal

Gerry Gleeson

Dated: 14 February 2001