

The following Report and Determination of the Statutory and Other Offices Remuneration Tribunal was disallowed by resolution of the Legislative Assembly on Tuesday 12 November 2013, pursuant to section 19A of the *Statutory and Other Offices Remuneration Act 1975*. . The effect of the disallowance is that the Tribunal's previous year's determinations of 9 November 2012 continue in effect. However, from 1 October 2013 up to the date of disallowance (being 12 November 2013), remuneration will be paid in accordance with the disallowed 2013 determinations. The 2012 determinations (below) will apply from 12 November 2013.

REPORT
and
DETERMINATION
under
SECTION 13
of the
STATUTORY AND OTHER OFFICES
REMUNERATION ACT, 1975
PUBLIC OFFICE HOLDERS GROUP

27 September 2013

[NSW Remuneration Tribunals Website](#)

DISALLOWED

Contents

Contents.....	2
Section 1.....	3
Introduction	3
Background	3
Section 2.....	4
2012 Review.....	4
Section 3.....	6
2013 Review.....	6
Changes to the Superannuation Guarantee Contribution.....	10
Submissions Received	12
Government Submission.....	12
Other Submissions	13
2013 Increase.....	14
Section 11A Office Holders	15
2014 Review.....	16
Section 4.....	16
Conclusion.....	16
Determination No 1	18
Leave Loading.....	19
Determination No 2	20

Section 1

Introduction

Mr Ken Baxter was appointed to the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the *Statutory and Other Offices Remuneration Act 1975*, (the SOOR Act)) for a term of up to three years commencing 20 March 2013.

Background

1. Section 13 of the SOOR Act, requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Court Related Officers Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for the majority of office holders in this Group is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution, are additional to the salary amount determined. This Group also comprises a small number of office holders who, pursuant to Section 11A of the Act, have elected to receive, and for whom the Minister has approved access to, remuneration packaging arrangements identical to the SES.
3. During the past year the Tribunal has made two special determinations in respect of two new offices in the Public Office Holders Group: the Inspector of Custodial Services, Corrective Services NSW and the Small Business Commissioner.
4. The above special determinations of the Tribunal were published in the Government Gazette and tabled in Parliament.
5. The special determination for the Small Business Commissioner was made on 12 September 2013. Given the proximity of the special determination to the 2013 annual review, in considering the appropriate remuneration for the Small Business Commissioner the Tribunal had regard to - amongst other factors - the likely

Public Office Holders Group

general increase to be provided across the public office holder group. Therefore, the office of Small Business Commissioner will receive no further increase with effect from 1 October 2013.

Section 2

2012 Review

6. In undertaking the 2012 review the Tribunal was required (pursuant to Section 6AA) to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.
7. The current policy on wages pursuant to section 146(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* (IR Regulation 2011).
8. The Tribunal noted the significant impact that section 6AA of the SOOR Act had on the way the Tribunal made its determinations. The effect of the amendments to the SOOR Act in 2011 was to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for office holders unless there were sufficient employee-related cost savings to offset the additional employee-related costs.
9. In 2012 the Tribunal examined the issue of employee-related cost savings. As part of that review the Tribunal received legal advice and met with judicial members of the Industrial Relations Commission.
10. The Tribunal found that section 146C and the IR Regulation 2011 required a new approach to identifying savings not previously contemplated. Increases provided to individual office holders or groups of office holders based on productivity savings achieved across an organisation would no longer be sufficient to meet the policy requirements specified in the IR Regulation 2011.
11. Having regard to the definitions contained in the IR Regulation 2011 of "employee-related costs" and "employee-related cost savings", the Tribunal was of the view

Public Office Holders Group

that any pay increase which may be awarded to the Public Office Holders Group above 2.5 per cent must be matched by cost savings which neutralise the cost of the increase. Clause 6(1)(c) suggests the kinds of employee-related cost savings which may be relevant, in that it contemplates reduction (with the agreement of the relevant parties) in "existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment".

12. In making a submission in support of any increase above 2.5 per cent, the Tribunal found that public office holders would need to find employee-related costs savings, such as changes to leave entitlements, elimination of leave loading, reduction of travelling allowances etc.
13. Office holders within the Public Office Holders Group are not employed under an industrial instrument. Their conditions of employment are outlined in the relevant legislation or, in some instances, negotiated with the relevant Minister at the time of appointment. Any changes to these conditions aimed at reducing employee-related costs and contributing to savings, would need to be approved by the relevant Minister, and in some cases, may need to be effected by legislative amendment.
14. In 2012 the Tribunal identified, as it did during the 2011 review, the need to develop a methodology to assess employee-related cost savings which may warrant a "general increase" above 2.5 per cent in appropriate circumstances.
15. The 2012 Government submission recommended that the Tribunal approve an increase of 2.5 per cent for the Public Office Holders Group. That recommendation was consistent with the NSW Wages Policy and reflected the NSW Government's intent, pursuant to section 6AA and the IR Regulation 2011.
16. The Tribunal's 2012 annual determination dated 9 November 2012 provided for a 2.5 per cent increase for each public office holder.

Section 3

2013 Review

17. In January 2013 the Tribunal wrote to the Director General of the Department of Premier and Cabinet (DPC) and the Secretary of NSW Treasury to seek their assistance in the development of an appropriate methodology to assess officer-related cost savings, as they relate to the office holders subject to the determinations of the Tribunal.
18. Subsequently the Tribunal met with officers from both the DPC and the Treasury to discuss the development of such a methodology. The Tribunal acknowledges the assistance given at that time.
19. In February 2013 the Government introduced into the Parliament the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013. The Bill signalled the Government's intent to extend the wages policy to judicial office holders, who were exempt under the legislation at that time.
20. On 22 May 2013, the Parliament passed the amendments to the SOOR Act which now require the Tribunal, 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, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act. In addition, any policy concerning the remuneration of office holders as declared by the regulations will now also extend to judicial office holders, who previously had been excluded under the SOOR Act. The new provisions commenced on 1 July 2013.
21. New section 6AB of the SOOR 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.

6AB Tribunal to give effect to declared government policy on remuneration of office holders under Part 3

- 1) *This section applies to the determination under Part 3 (Remuneration of office holders (other than chief executive or*

Public Office Holders Group

senior executive office holders)) of any alteration in the remuneration to be paid to office holders within the meaning of that Part.

- 2) *The Tribunal must, when making a determination to which this section applies, give effect to any policy concerning the remuneration of office holders:
 - (a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and
 - (b) that applies to the matter to which the determination relates.*
- 3) *Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.*
- 4) *This section extends to any inquiries that are pending in the Tribunal on the commencement of this section. A regulation made under this section extends to any inquiries that are pending in the Tribunal on the commencement of the regulation, unless the regulation otherwise provides.*
- 5) *This section has effect despite any other provisions of this Act (other than section 16(6) and 21) or any other Act.*

22. Government policy concerning the remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation 2013).

5 *Paramount policy*

It is declared that equal remuneration for men and women doing work of equal or comparable value is a paramount policy.

6 *Other policies*

- 1) *The following policies are also declared, but are subject to compliance with the declared paramount policy:
 - (a) an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,
 - (b) increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs.*
- 2) *For the purposes of subclause (1) (b):*

Public Office Holders Group

- (a) whether relevant officer-related cost savings have been achieved is to be determined by the Tribunal, and*
- (b) the office, organisation or other agency for which the office holder is to be treated as belonging in connection with the relevant officer-related cost savings (the relevant agency for an office holder) is also to be determined by the Tribunal, and*
- (c) increases may be awarded before the relevant officer-related cost savings have been achieved, but are not payable until they are achieved, and*
- (d) the full officer-related cost savings are not required to be awarded as increases in remuneration.*

- 3) For the avoidance of doubt, the Tribunal may take into account any additional functions conferred or imposed on the office held by an office holder in determining the remuneration of the officer holder. However, any such additional functions cannot be used as a basis for awarding an office holder an increase in remuneration that increases the officer-related costs for the office holder by more than 2.5% per annum without offsetting relevant officer-related cost savings.*

7 Meaning of “officer-related cost savings”

- 1) For the purposes of this Regulation, officer-related cost savings for an office holder are savings:*
 - a) that are identified in the determination of the Tribunal that relies on those savings, and*
 - b) that involve any or all of the following:*
 - (i) savings resulting from a change in the work practices, terms of appointment, employment entitlements or personal appointment benefits of the office holder (other than savings from a reduction of the kind referred to in paragraph (c) (i)),*
 - (ii) savings resulting from structural changes to the relevant agency for the office holder, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly),*
 - (iii) savings resulting from changes to the work practices of the relevant agency for the office holder, or persons working for that agency, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly), and*
 - c) that are not achieved by a reduction in any of the following:*
 - (i) an amount payable or provided as a term of the appointment, or as an employment entitlement or personal appointment benefit, of the office holder if legislation requires that amount (or at least that amount) to be paid or provided to the office holder in connection with the officer’s appointment,*

Public Office Holders Group

- (ii) *employment entitlements of any other persons working (whether as an employee or as an officer holder) in the same relevant agency for the office holder, and*
- d) *that are not existing savings (as defined in subclause (2)), and*
- e) *that are additional to whole of Government savings measures (such as efficiency dividends).*

2) *Savings are existing savings:*

a) *if and to the extent that:*

- (i) *the savings have been identified in a determination of the Tribunal made under the Act before the relevant policy application day for the office holder concerned, and*
- (ii) *the savings have been relied on by that determination and the remuneration specified in the determination has been paid (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the determination), or*

b) *if and to the extent that:*

- (i) *the savings have been identified in an industrial instrument of the Industrial Relations Commission made before the commencement of the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (or in an agreement contemplated by such an instrument), and*
- (ii) *the savings have been relied on by that instrument (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the instrument).*

3) *In this clause:*

relevant policy application day *for an office holder means:*

- a) *in the case of a judicial officer within the meaning of the Judicial Officers Act 1986—the day on which this Regulation commenced, and*
- b) *in any other case—27 June 2011 (being the day on which the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011 commenced).*

23. In accordance with the SOOR Regulation 2013 any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs resulting from increased payment.

24. These new arrangements do not apply to determinations under Part 3A - remuneration packages for chief executive and senior executive office holders. For those determinations the Tribunal will continue to be required to give effect to the

Public Office Holders Group

same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act.

Changes to the Superannuation Guarantee Contribution

25. The Superannuation Guarantee Contribution (SGC) – made in compliance with the *Superannuation Guarantee (Administration) Act 1992 (C'wth)* – was increased by 0.25 per cent with effect from 1 July 2013.

26. The SOOR Regulation 2013, which was first published on 21 June 2013, outlined the declared government policy on remuneration of office holders under Part 3. In accordance with Clause 6:

6 Other policies

(1) The following policies are also declared, but are subject to compliance with the declared paramount policy:

(a) an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,

(b) increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increase.

27. The policy, as drafted at the time, reflected the intent of the original IR Regulation 2011 which continues to apply to the SES determination, and previously applied to the Tribunal's determinations pursuant to section 6AA, with the exception of Judicial Office Holders.

28. In May 2013 the Government advised that it was its intention that the SGC increase be funded from within the existing wages cap of 2.5 per cent. The Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales, which had filed applications to vary the salaries of certain public sector awards by 2.5 per cent, opposed the SGC being funded from the existing wages cap of 2.5 per cent. This issue was referred to a Full Bench of the Industrial Relations Commission of New South Wales for determination.

29. In its decision made on 25 June 2013, the Full Bench found that the increases in remuneration or other conditions of employment, referred to in clause 6(1)(a) of the

Public Office Holders Group

IR Regulation 2011, are only those increases resulting from an award or order made or varied by the Commission either by consent or in arbitration proceedings: Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors [2013] NSWIRComm 53.

30. Subsequent to the decision of the Full Bench on 28 June 2013 the Government amended the IR Regulation 2011 to make clear the Government's public sector policies for the purposes of section 146 of the IR Act, and to clarify the application of those policies in relation to the impact of increases in superannuation employment benefits.

31. Clause 6 (1)(a) of the IR Regulation 2011 as amended provided;

"...Other policies

(1) The following policies are also declared, but are subject to compliance with the declared paramount policies:

(a) Public sector employees may be awarded increases in remuneration or other conditions of employment, but only if employee-related costs in respect of those employees are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment benefits provided (or to be provided) to the employees since their remuneration or other conditions of employment were last determined."

32. Clause 8 of the IR Regulation 2011, as amended, provided;

".... Meaning of employee-related costs

(1) For the purposes of this Regulation, employee-related costs are the costs to the employer of the employment of public sector employees, being costs related to the salary, wages, allowances and other remuneration payable to the employees and the superannuation and other personal employment benefits payable to or in respect of the employees.

(2) In subsection (1), superannuation benefits include any payments by the employer to a superannuation fund of an employee as a consequence of the enactment of or amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987".

Public Office Holders Group

33. The effect of the amendments to the IR Regulation 2011 was that SGC increases were to be funded from within the existing wages cap of 2.5 per cent. These arrangements applied to the Tribunal's determinations pursuant to Part 3A, the SES, and all other public sector employees and office holders subject to the IR Regulation 2011, including Members of Parliament.
34. To ensure the same conditions applied to the Tribunal's determination pursuant to Part 3 of the SOOR Act - being the Judges and Magistrates, Court and Related Offices and Public Office Holders - the Government also amended the SOOR Regulation 2013 on 9 August 2013 to re-declare the Government's policies the Tribunal is required to give effect to when determining the remuneration of office holders. The re-declaration clarified the application of those policies in relation to the impact of increases in superannuation employment benefits and followed the similar re-declaration in relation to public sector remuneration made by the IR Regulation 2011.
35. The amendments to the IR Regulation 2011, which clarified the application of the policies articulated in the IR Regulation 2011 in relation to the impact of increases in superannuation employment benefits, were disallowed by the Legislative Council on 21 August 2013. This had the effect of restoring the original *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* immediately.
36. Similarly on 22 August 2013, the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*, which applied to those determinations of the Tribunal pursuant to Part 3A of the SOOR Act, was also disallowed by the Legislative Council. This had the effect of restoring the original *Statutory and Other Office Holders Regulation 2013* immediately.

Submissions Received

Government Submission

37. The Government submission recommends the Tribunal approve an increase of 2.25 per cent for the Public Office Holders Group. Those office holders to whom a section 11A determination applies should receive an increase of 2.5 per cent.
38. The Government submission states:

Public Office Holders Group

“This recommendation is consistent with the NSW Wages Policy and reflects the NSW Governments’ intent, pursuant to section 6AB of the SOOR Act and the SOOR Regulation 2013.”

39. The Government recommends a 2.25 per cent increase, rather than a 2.5 per cent increase, to reflect the intent of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*. That regulation, now disallowed, provided that under section 6(1)(a):

“an office holder may be awarded increases in remuneration, but only if officer-related costs for the office holder are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment entitlements provided (or to be provided) to the office holder since his or her remuneration was last determined.”

40. Following the disallowance of the SOOR Amendment Regulation, the Tribunal received a supplementary submission from the Secretary of The Treasury, Mr Philip Gaetjens. The Supplementary submission states that:

“Notwithstanding the disallowance, the Government intends to ensure the 2.5 per cent remuneration policy requirement is met and is currently considering options available to it.”

Other Submissions

41. As is the usual practice, prior to the Tribunal making her Reports and Determinations, the Tribunal invited submissions from office holders. For the 2013 review office holders in the Public Office Holders Group were advised that if they wished to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the officer-related cost savings which it or they intend to achieve.
42. As part of the current review the Tribunal received four submissions from offices within the Public Office Holders Group. Three of those submissions sought an increase of 2.5 per cent only.
43. The WorkCover Independent Review Officer (WIRO) made a submission requesting an (unspecified) increase of more than 2.5 per cent based on the achievement of officer-related cost savings which related to savings resulting from changes in work practices (pursuant to Clause 7(1)(b)(i) of the SOOR Regulation 2013). The WIRO has

Public Office Holders Group

requested that the Tribunal review the remuneration for this position having regard to changes that have occurred in the responsibilities and management of the office since it became operational on 1 October 2012. The WIRO submits that the additional responsibility for managing a new legal assistance and review service (the ILARS) has had an impact on the office and the position of WIRO. Also, that the new office (established June 2012) had no comparative office elsewhere in the NSW Government or other Australian jurisdiction. By establishing work practices such as electronic communications and a paperless office, the WIRO submits that cost savings have been achieved. The WIRO has provided the Tribunal with an estimate of cost savings achieved to 30 June 2013.

2013 Increase

44. The WIRO submits that certain decisions made by him, in establishing work practices for himself and the agency, provide sufficient officer-related cost savings to warrant an additional increase in remuneration. The savings identified in the submission relate to the period prior to 1 July 2013.
45. The Tribunal has considered the WIRO's submission carefully, but finds that the tests for officer-related cost savings, set out in clause 7 of the SOOR Regulation 2013, are not met. The requirement is that any savings result from changes in work practices. As the work practices described in the submission are initial practices – established in a new office and where none had existed previously – they cannot reasonably be characterised as changes.
46. Based on the information provided the Tribunal is unable to consider the WIRO's request for an increase of more than 2.5 per cent. Therefore the Tribunal will only consider what general increase, if any, of up to 2.5 per cent is warranted.
47. An assessment of the key economic indicators would suggest that an increase of 2.5 per cent is warranted. The Tribunal notes that the NSW Wages Price Index was 3 per cent for the March quarter 2013 and is expected to grow to 3.25 per cent in 2013-14 and 3.5 per cent in 2014-15. The Consumer Price Index (CPI) figures for the June quarter 2013 show annual CPI growth of 2.6 per cent in Sydney, and 2.4 per cent across the average of 8 capital cities. In year average terms, the Sydney CPI rose by

Public Office Holders Group

2.5 percent in 2011-12. The outlook for headline inflation, according to NSW and Commonwealth Treasury forecasts, is for inflation to remain within the Reserve Bank of Australia's 2-3 per cent target band over the forecast period.

48. Having regard to the Parliament's disallowance of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*, and to the approach adopted by the Industrial Relations Commission in arbitration proceedings: *Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors* [2013] NSWIRComm 53, the Tribunal understands that the intent of the Parliament is clear, and does not propose to discount any remuneration increase it determines to take account of the increase in the Superannuation Guarantee Contribution.

Section 11A Office Holders

49. Historically, when an officer has elected to receive employment benefits pursuant to section 11A of the SOOR Act, the Tribunal has determined a total remuneration package payable to that office holder. Determinations which provide for a total remuneration package are listed separately (Determination No.2) from those determinations which are expressed as a salary only (Determination No.1).
50. For the 2013 determination the Tribunal will continue to identify, in Determination No.2 of the Public Office Holders report and determination, those offices which are held by individuals who have elected to receive a total remuneration package pursuant to section 11A. The Tribunal will also make a salary-only determination for those particular offices and list that salary in the general determination for Public Office Holders in Determination No. 1. This is to ensure that a current determination exists for these roles should the incumbent officer revoke his/her election or if a new officer is appointed to the role.

Public Office Holders Group

2014 Review

51. The *Government Sector Employment Act 2013* (the GSE Act) was assented to on 25 June 2013 and reflects and builds on the Government's reform program for the public sector. The GSE Act provides a new and simpler statutory framework devoted solely to NSW Government sector employment and workforce management.
52. All determinations of the Tribunal will apply from 1 July each year once the GSE Act commences. The SOOR Act will be amended upon proclamation of the GSE Act. Clause 7 of Schedule 6 of the GSE Act will amend section 13 of the SOOR Act to change the commencement date of the Tribunal's annual determinations from 1 October to 1 July. Section 17 of the SOOR Act will also be amended to allow the Tribunal to commence its inquiries on 1 January instead of 1 April.
53. On that basis the Tribunal will commence the 2014 annual review earlier than usual (but not before 1 January 2014) to ensure sufficient time is available to complete the determinations before or as close to 1 July as possible.

Section 4

Conclusion

54. The amendments to the SOOR Act (Section 6AB) and the introduction of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* have had a further impact on the way this Tribunal makes its determinations. It is the obligation of the Tribunal to undertake its duties consistent with the legislation. On that basis the Tribunal, after considering the views of the Assessors, considers that an increase of 2.5 per cent is appropriate and so determines.
55. Pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2013 shall be as specified in Determination 1 in respect of the Public Office Holders and Determination 2 in respect of Section 11A Office Holders.

Public Office Holders Group

The Statutory and Other Offices

Remuneration Tribunal

(Signed)

Helen Wright

Dated: 27 September 2013

Disallowed

Public Office Holders Group

Determination No 1

Determination of the remuneration of the Public Office Holders Group Effective on and from 1 October 2013

Salary	\$ per annum
Public Service Commissioner	\$471,545
Commissioner Police Integrity Commission	\$449,695
Auditor General	\$438,655
Ombudsman	\$437,525
Commissioner, NSW Crime Commission (Note 1)	\$434,130
Assistant Commissioner, NSW Crime Commission	\$411,285
Full time Member and CEO, Independent Pricing and Regulatory Tribunal	\$391,000
President, Mental Health Review Tribunal	\$355,015
Electoral Commissioner (Note 1)	\$341,445
Valuer General (Note 1)	\$315,885
Workcover Independent Review Officer	\$315,190
Deputy President Mental Health Review Tribunal	\$310,600
Information Commissioner	\$307,990
Privacy Commissioner	\$297,225
Chairperson, Consumer Trader and Tenancy Tribunal	\$288,540
Mental Health Commissioner	\$285,770
President, Guardianship Tribunal	\$282,515
Parliamentary Budget Officer	\$281,660
Principal Claims Assessor (Motor Accidents Compensation Act)	\$280,570
Inspector of Custodial Services	\$271,625
Small Business Commissioner	\$267,000
Deputy Chairperson Consumer Trader and Tenancy Tribunal	\$266,860
Deputy Chairperson, Law Reform Commission	\$264,935
Commissioner, Law Reform Commission	\$254,085
Deputy President Administrative Decisions Tribunal	\$254,085
Clerk of the Legislative Assembly	\$247,365
Clerk of the Parliaments	\$247,365
Executive Manager, Parliamentary Services	\$247,365

Public Office Holders Group

Salary	\$ per annum
Registrar Workers Compensation Commission	\$247,365
Senior Arbitrator, Workers Compensation Commission (legally qualified)	\$229,595
Deputy President, Guardianship Tribunal	\$221,030
Senior Member, Consumer Trader and Tenancy Tribunal	\$217,800
Deputy Clerk, Legislative Assembly	\$212,350
Deputy Clerk, Legislative Council	\$212,350
Senior Arbitrator, Workers Compensation Commission (not legally qualified)	\$211,450
Arbitrator, Workers Compensation Commission (legally qualified)	\$202,715
Chairperson, Local Land Boards	\$202,675
Registrar, Aboriginal Land Rights Act 1983	\$196,175
Assessor (Civil Claims)	\$187,705
Member, Consumer Trader and Tenancy Tribunal	\$187,705
Arbitrator, Workers Compensation Commission (not legally qualified)	\$182,240
Chairperson, Board of the Aboriginal Housing Office	\$146,465
Member of the New South Wales Aboriginal Land Council (Note 2)	\$130,670
Chairperson, Infrastructure NSW	\$75,385
President Mental Health Review Tribunal (part time daily rate)	\$1,475
Deputy President Mental Health Review Tribunal (part time daily rate)	\$1,290
Senior Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$905
Assessor Civil Claims (daily rate)	\$780
Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$780

Note 1 The Public Office Holders of these public offices have elected to be provided with employment benefits pursuant to section 11A of the Act and the remuneration packages are listed in Determination 2.

Note 2 The Chairperson shall receive an allowance of 10% (i.e. a total of \$143,737 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$137,204 per annum).

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, as set out in Section 6-15.11 to 6-15.16 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

Public Office Holders Group

Determination No 2

Determination of Remuneration of Public Office Holders Who Have Elected to be Provided with Employment Benefits Pursuant to Section 11a of the Act Effective on and from 1 October 2013

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

Public Office Holder	Remuneration
Commissioner, NSW Crime Commission	\$452,730
Electoral Commissioner	\$359,295
Valuer General	\$333,705

The Statutory and Other Offices

Remuneration Tribunal

(Signed)

Helen Wright

Dated: 27 September 2013