

**Governor of
New South
Wales**

Annual Determination

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

**14 October
2015**

Background

1. His Excellency General The Honourable David Hurley AC DSC (Ret'd) was appointed to the office of Governor on 2 October 2014.
2. Prior to the Governor's appointment the Premier, the Hon. Mike Baird MP, requested that the Statutory and Other Offices Remuneration Tribunal (the Tribunal) make a special determination, pursuant to clause 3 of Schedule 6 of the *Statutory and Other Offices Remuneration Act 1975* (SOOR Act), in respect of the remuneration payable to the holder of the office of Governor.
3. The *Constitution Amendment (Governor's Salary) Act 2003* amended the *Constitution Act 1902* and the SOOR Act to allow the Tribunal to determine the remuneration of the Governor commencing with the appointment of His Excellency General The Honourable David Hurley AC DSC (Ret'd).
4. The special determination was made on 5 June 2014 and provided for the holder of the office of Governor to receive a salary of \$445,100 per annum, with effect on or after the commencement date of the *Constitution Amendment (Governor's Salary) Act 2003* being 2 October 2014.
5. The SOOR Act does not require that an annual determination in respect of the Governor's salary take effect from 1 July. Instead, annual determinations of the Governor's salary take effect from the anniversary of the commencement of the special determination being 2 October.

2015 Determination

Government Wages Policy

6. The Tribunal is required, when making determinations under Part 3 of the SOOR 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 *Industrial Relations Act 1996* (the IR Act).

7. Section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of the Governor. 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).
8. In accordance with the SOOR Regulation 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 officer-related cost savings for the office holder (or group of office holders) have been achieved to fully offset the increased officer-related costs resulting from increased payment.

Government Submission

9. The Tribunal invited Mr Blair Comley PSM, Secretary of the Department of Premier and Cabinet (DPC), to make a submission on behalf of the Government prior to making its annual report and determination.
10. Mr Comley provided the Government submission to the Tribunal on 9 September 2015. The Government submits that the Tribunal should determine an increase of 2.5 per cent for the Governor which is consistent with the NSW wages policy and reflects the NSW Government's intent, pursuant to section 6AB of the SOOR Act and SOOR Regulation.
11. The Tribunal also notes and supports the following statement made by Mr Comley in respect of the Governor's work over the past year:

"As the Tribunal considers its report and determination, I would like to formally acknowledge and commend the work of His Excellency General The Honourable David Hurley AC DSC (Ret'd). The Governor has done an outstanding job in his first year of tenure. He is deeply involved in community organisations and events. The Governor has travelled widely across New South Wales to engage our citizens. He speaks at a large number of events and reaches out to all levels of the community, from the State's school children to the international Diplomatic Corp."

Governor of New South Wales

Conclusion

12. The Tribunal, after having regard to the provisions of section 6AB of the SOOR Act, determines an increase of 2.5 per cent for the remuneration payable to the holder of the office of Governor, effective on and from 2 October 2015 pursuant to Part 3 of Schedule 6 of the SOOR Act. The new rate is as set out in the determination below.

Annual Determination of Remuneration

Annual determination of the remuneration to be paid to the holder of the office of Governor of New South Wales effective on and from 2 October 2015

Public Office Holder	Salary per annum
Governor	\$456,230

The Statutory and Other Offices Remuneration Tribunal

Signed

Richard Grellman AM

Dated: 14 October 2015