

**REPORT**

**and**

**DETERMINATION**

**under**

**SECTION 13**

**of the**

**STATUTORY AND OTHER OFFICES**

**REMUNERATION ACT, 1975**

**PUBLIC OFFICE HOLDER GROUP**

**17 September 2004**

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## **PUBLIC OFFICE HOLDERS GROUP**

### **Section 1 Background**

1. Section 13 of the Statutory and Other Offices Remuneration Act 1975, (the 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 Magistrates and Related Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for this Group is determined as a fixed salary amount. Employer on costs such as Superannuation Guarantee Levy are, unlike the Senior Executive Service, additional to the salary amount determined. It is the Government's view that there be no direct nexus with the remuneration of the Judges Magistrates and Related Group. The Tribunal has supported this position in past Determinations.
3. Since the last review, the Tribunal also made a separate determination for the Clerk of the Parliaments, who elected to forego his employer provided motor vehicle, by increasing his remuneration to an amount equivalent to the cost of a motor vehicle obtained under State contract. This was consistent with determinations made for other officers in this Group who made similar elections.

### **Section 2 Submissions Received**

#### Government Submission

4. The Government has asked the Tribunal to consider various factors, including the economic outlook and has recommended a 3 percent increase for this Group.

#### Other Submissions Received.

For this review the Tribunal has received a submission from the Registrar Workers Compensation Commission.

### Section 3      2004 Tribunal Review

5. For the present review, the Tribunal has considered the Submission from the Registrar, Workers Compensation Commission and met with the office holder to explore further the issues raised in that submission.
6. The Workers Compensation Commission (WCC) was established as part of the Government's workers compensation reforms in 2001 to provide a fair and cost effective system for the resolution of disputes under the Workers Compensation legislation. The WCC is intended to provide a timely service to ensure workers' entitlements are paid promptly and that where necessary it provides an independent dispute resolution service that is effective in settling matters between the parties in accordance with the legislation.
7. For the reasons stated in the 2003 Report, the Tribunal first reviewed the role and responsibilities of the position as part of the 2003 annual review. At that time the Commission is has been operating for over 12 months. At that time the Tribunal noted that:
  - i. *"...The position has two main roles. As the CEO of the Commission the Registrar is responsible for the management of the Commission's budget of \$30 million and 80 full time staff, 85 Arbitrators, 34 Mediators and 113 Approved Medical Specialists. In addition the Registrar is responsible for and overall managerial responsibility for Mediators and Approved Medical Specialists.*
  - ii. *In addition the Registrar has specific statutory functions under the Legislation. In the exercise of their functions, the Arbitrators are under the control and direction of the Registrar and are accountable to the Registrar. The Act also provides that the Registrar decides which Arbitrator is to constitute the Commission in any proceedings. The Registrar also has all the functions and duties of an Arbitrator.*
  - iii. *In the case of appeals against medical assessments, the Registrar decides how an appeal is to be heard and determining the Arbitrator and Approved Medical Specialists to constitute the Appeal.*
  - iv. *On the basis of the information before the Tribunal it is considered appropriate that the remuneration of the office be increased to the level shown in the determination."*

8. On this occasion, the Registrar has pointed to increased workload, increased staffing and changes in reporting responsibilities. There was, however, no significant change in the role and responsibilities to warrant a further increase on this occasion.

### **President Guardianship Tribunal**

9. The Tribunal has been advised that recruitment action will shortly commence to replace the President of the Guardianship Tribunal who will be retiring from the position.
10. The current office holder was provided with a vehicle as part of his employment arrangements. Since then the Government has introduced a policy that provides for motor vehicles to be available only through salary sacrifice arrangements. Premier's Department Circular 2002-43 dated 23 September 2002 articulates this policy and provides that:

*"...Ministers and Chief Executive Officers are to ensure that motor vehicles in future are only available to statutory office holders, including public office holders, through normal public sector salary sacrifice arrangements.*

*Motor vehicles are not to be offered as part of an employment package under any special arrangement."*

11. To ensure the new appointee is not disadvantaged by the new policy arrangements the Tribunal will make a determination increasing the remuneration for the new President, Guardianship Tribunal consistent with similar determination made for other office holders whose remuneration was increased as a result of their foregoing the employer provided and funded motor vehicle.

### **Section 4 Conclusion**

12. The Tribunal has noted the Government recommendation that the increase be limited to 3 percent for this Group. The Tribunal has also had regard to the economic and budgetary outlook, key national economic indicators and increases flowing generally to public sector groups both federally and in New South Wales. On this basis the Tribunal considers that an increase of 4.0 percent would be appropriate and so determines.

13. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2004 shall be as specified in Annexure A.

**The Statutory and Other Offices  
Remuneration Tribunal**

**Gerry Gleeson**

Dated: 17 September 2004

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE  
HOLDERS GROUP ON AND FROM 1 OCTOBER 2004**

<b>Salary</b>	<b>\$ per annum</b>
Commissioner Police Integrity Commission	338,430
Ombudsman	329,270
President, Mental Health Review Tribunal	217,145
Chairperson, Consumer Trader and Tenancy Tribunal	217,145
Deputy Chairperson Consumer Trader and Tenancy Tribunal	200,830
Deputy Chairperson, Law Reform Commission	199,385
President, Guardianship Tribunal	198,080
President, Guardianship Tribunal Appointed after 1 October 2004	212,640
Deputy President Administrative Decisions Tribunal	191,215
Deputy President Mental Health Review Tribunal	190,690
Registrar Workers Compensation Commission	186,160
Senior Chairperson (Government and Related Employees Appeals Tribunal) - not being a judicial office holder.	183,360
Commissioner, Law Reform Commission	179,050
Clerk of the Legislative Assembly	171,755
Clerk of the Parliaments	171,755
Deputy President, Guardianship Tribunal	166,340
Senior Member, Consumer Trader and Tenancy Tribunal	163,915
Chairman, Transport Appeals Board	152,525
Chairman, Local Land Boards	152,525
Registrar, Aboriginal Land Rights Act 1983	147,640
Deputy Clerk, Legislative Assembly	147,440

## ANNEXURE A (CONT'D)

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE  
HOLDERS GROUP ON AND FROM 1 OCTOBER 2004**

	<b>Salary \$ per annum</b>
Chairperson, Government and Related Employees Appeals Tribunal <b>who is legally qualified</b> (not being the holder of a judicial office or a magisterial office)	141,265
Member, Consumer Trader and Tenancy Tribunal	141,265
Assessor (Civil Claims)	141,265
Chairperson, Government and Related Employees Appeals Tribunal (not being the holder of a judicial office or a magisterial office)	133,380
Deputy Clerk, Legislative Council	133,380
Chairperson, Aboriginal Housing Authority	110,230
Member of the New South Wales Aboriginal Land Council	78,550 (Note 2)
Assessor Civil Claims (daily rate)	\$573 per day

Note 1        This rate of remuneration is payable only to those Chairpersons who are barristers admitted by, or solicitors of, the Supreme Court of NSW or who hold equivalent qualifications.

Note 2        The Chairperson shall receive an allowance of 5% (ie. a total of \$82,480 per annum) and the Secretary and Treasurer shall receive an allowance of 3% (ie. a total of \$80,905 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 6-17.12 to 6-17.17 of the Premier's Department Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

**The Statutory and Other Offices  
Remuneration Tribunal**

**Gerry Gleeson**

Dated: 17 September 2004