

## STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL

### Report and Determination: Electoral Commissioner.

#### REPORT:

##### Background:

1. On 16 March 2004 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 remuneration to be paid to the Electoral Commissioner.
2. The Electoral Commissioner is listed in Schedule 1 of the Act but receives a remuneration package pursuant to section 11A of the Act. This means that all employer on costs are included within the total package amount. For remuneration purposes the office is included in the SES Level 5 remuneration range.
3. Section 11A Office Holders are statutory appointees who exercise independent statutory functions and some of whom also have CEO type responsibilities. These office holders were nominated by the Premier, pursuant to Section 11A of the Act to have access to remuneration packaging identical to the SES. Unlike the SES however, their employment status is governed by legislation specific to each office and they are not subject to annual performance appraisal. The Tribunal considers that Recruitment and Retention Allowances are not appropriate for this Group.
4. The Tribunal has been advised that the office of Electoral Commissioner is unique in that the appointment is not for a term but until 65 years of age. The Electoral Commissioner is required, under the *Parliamentary Elections and Electorates Act 1912*, to administer the provisions of this Act and any other Act as they relate to the registration or enrolment of electors, preparation of lists and roles of electors and the conduct of elections.
5. As the office of Electoral Commissioner will shortly become vacant and will be advertised and filled, the Government wishes to ensure that the remuneration of the office is sufficient to attract and retain the most outstanding applicant.

6. In undertaking the review of the remuneration level for the Electoral Commissioner, the Government has asked the Tribunal to have regard to the changes in remuneration that have occurred since the office was included in the SES in 1990. In particular the Government has asked the Tribunal to consider the impact of the introduction of the Recruitment and Retention Allowances which because of their exclusion for offices such as the Electoral Commissioner may limit the ability of the Government to attract and retain officers for such a position.

### **Consideration**

7. The office of Electoral Commissioner is of fundamental importance to the democratic system of Government. The Office carries significant responsibility not only for conducting State and Local Government elections in a proper and efficient manner but also to have the confidence of the community to undertake this task in an unbiased and impartial way.
8. Like the judiciary, independence from Government in decision making is essential if the office holder is to perform his/her statutory responsibilities properly. It is for this reason that the office is listed in the Schedule 1 of the Act along with Judges and Magistrates. To further ensure that the independence of such office holders will not be compromised, the Act provides that a determination cannot operate so as to reduce the rate of remuneration for Schedule 1 office holders.
9. The remuneration level of the Electoral Commissioner was last reviewed in 1990. Since then the office has received SES style remuneration package pursuant to Section 11A of the Act. The office of Electoral Commissioner has always been remunerated within the SES Level 5 range. The Tribunal has previously stated that Recruitment and Retention Allowances are not appropriate for Section 11A office holders. The Tribunal continues to maintain this view.
10. The Tribunal does, however, consider that the remuneration of this position may be insufficient to attract and retain the highest quality candidates particularly when the office holder also performs, concurrent with the statutory responsibilities, a CEO role in the effective management and administration of the State Electoral Office.

11. While the role of the Electoral Commissioner has remained the same since 1990, increased technology and the ever increasing public expectation to deliver accurate election results as soon as possible after the close of the Polls in any of the State or Local Government elections places even greater responsibilities on the incumbent of this Office. Added to this are the managerial requirements of ensuring the efficient management of the Electoral Office to be able to deliver corporate and statutory requirements.
  
12. For these reasons the Tribunal considers an increase in the remuneration of this office is warranted in accordance with the Determination hereunder.

Statutory and Other Offices  
Remuneration Tribunal

**Gerry Gleeson**  
**Dated: 22 March 2004**

**DETERMINATION**

Pursuant to section 14 of the Act the Tribunal determines that the remuneration package for the Electoral Commissioner shall be \$260,000pa on and from 22 March 2004.

Statutory and Other Offices  
Remuneration Tribunal

**Gerry Gleeson**  
**Dated: 22 March 2004**