

**REPORT**

**and**

**DETERMINATION**

**under**

**SECTION 13**

**of the**

**STATUTORY AND OTHER OFFICES**

**REMUNERATION ACT, 1975**

**PUBLIC OFFICE HOLDER GROUP**

**28 September 2005**

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## **PUBLIC OFFICE HOLDERS GROUP**

### **Section 1 Background**

After nearly 10 years as the Tribunal, Mr Gerry Gleeson AC resigned on 12 December 2004. Effective from 13 December 2004 the Governor, pursuant to section 6(2) of the Act, appointed Ms Helen Wright as the new Tribunal for a term of three years.

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.

5. For this review the Tribunal has received a submission from the Registrar Workers Compensation Commission to reconsider the submission provided for the 2004 Review.
6. The Tribunal also received submissions from the Clerks and Deputy Clerks of the Parliament seeking increases in remuneration based on changes to the roles and responsibilities of their offices since 1998 when their remuneration was last reviewed.

**Section 3      2005 Tribunal Review**

7. For the present review, the Tribunal has considered the submission from the Registrar, Workers Compensation Commission and discussed the submission with the President of the Workers Compensation Commission who attended on her behalf.
8. The Tribunal reviewed this office in 2003 and 2004. In 2003 the remuneration of the office was increased. In 2004 the Tribunal again reviewed this office but found no change in the role and responsibilities of the office to warrant a further special increase.
9. The Tribunal has again reviewed the 2004 submission of the Registrar and had regard to the comments of the President of the Worker's Compensation Commission but can see no compelling reason to provide a special increase in remuneration for this office.
10. The Tribunal would be prepared to review the remuneration of this office as part of the 2006 annual review. Any such submission should refer specifically to increases in the role and responsibilities of the office.

**Clerks and Deputy Clerks of the Parliament**

11. The Tribunal has given careful consideration to the joint submissions of the Clerks and Deputy Clerks of the Parliament. The Tribunal notes changes that have occurred since 1998 and in particular in the parliamentary entitlements scheme. The Tribunal considers that the Clerks and Deputy Clerks, as the administrators of this scheme,

with its emphasis on greater accountability on the use of public resources by Members has broadened their responsibilities and a special increase is justified.

## **Section 4      Conclusion**

12. The Tribunal has noted the Government's 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, after considering the views of the Assessors 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 2005 shall be as specified in Annexure A.

### **The Statutory and Other Offices Remuneration Tribunal**

**Helen Wright**

Dated: 28 September 2005

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE  
HOLDERS GROUP ON AND FROM 1 OCTOBER 2005**

<b>Salary</b>	<b>\$ per annum</b>
Commissioner Police Integrity Commission	351,965
Ombudsman	342,440
President, Mental Health Review Tribunal	225,830
Chairperson, Consumer Trader and Tenancy Tribunal	225,830
President, Guardianship Tribunal	221,115
Deputy Chairperson Consumer Trader and Tenancy Tribunal	208,865
Deputy Chairperson, Law Reform Commission	207,360
Deputy President Administrative Decisions Tribunal	198,865
Deputy President Mental Health Review Tribunal	198,320
Registrar Workers Compensation Commission	193,605
Clerk of the Legislative Assembly	193,605
Clerk of the Parliaments	193,605
Senior Chairperson (Government and Related Employees Appeals Tribunal) - not being a judicial office holder.	190,695
Commissioner, Law Reform Commission	186,210
Deputy President, Guardianship Tribunal	172,995
Senior Member, Consumer Trader and Tenancy Tribunal	170,470
Deputy Clerk, Legislative Assembly	166,200
Chairman, Transport Appeals Board	158,625
Chairman, Local Land Boards	158,625
Registrar, Aboriginal Land Rights Act 1983	153,545
Deputy Clerk, Legislative Council	150,355

## ANNEXURE A (CONT'D)

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE  
HOLDERS GROUP ON AND FROM 1 OCTOBER 2005**

	<b>Salary \$ per annum</b>
Chairperson, Government and Related Employees Appeals Tribunal <b><u>who is legally qualified</u></b> (not being the holder of a judicial office or a magisterial office)	146,915
Member, Consumer Trader and Tenancy Tribunal	146,915
Assessor (Civil Claims)	146,915
Chairperson, Government and Related Employees Appeals Tribunal (not being the holder of a judicial office or a magisterial office)	138,715
Chairperson, Aboriginal Housing Authority	114,640
Member of the New South Wales Aboriginal Land Council	81,690 (Note 2)
Assessor Civil Claims (daily rate)	\$596 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 \$85,775 per annum) and the Secretary and Treasurer shall receive an allowance of 3% (ie. a total of \$84,140 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**

**Helen Wright**

Dated: 28 September 2005