

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

PUBLIC OFFICE HOLDER GROUP

28 September 2007

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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, are additional to the salary amount determined. The Government considers that there should be no direct nexus with the remuneration of the Judges Magistrates and Related Group. The Tribunal has supported this position in past Determinations.
3. The Tribunal's Report and Determination of 2006 provided a general increase of 4% to the Public Office Holders Group. Since then the Tribunal has made special determinations on the remuneration payable to the Clerk of the Parliaments, the Deputy Clerk of the Parliaments and the Councillors of the NSW Aboriginal Land Council.
4. During the year the Tribunal made two determinations pursuant to sections 11A and 11B of the Act. In one case the new Deputy Clerk of the Parliaments elected to forego an entitlement to a private plated motor vehicle and instead to obtain a vehicle under normal salary sacrifice arrangements. Consistent with the Tribunal's previous determinations when such elections take place, the remuneration of the Deputy Clerk has been increased to compensate for the loss of an employer provided motor vehicle. The Reports and Determinations were published in the Government Gazette and are also available on the Tribunal's website.

5. The Tribunal also made a special determination on the salary payable to the new Councillors of the NSW Aboriginal Land Council arising from their increased role and responsibilities, particularly under amendments made in 2001 and 2006 to their legislation. The Report outlining the matters considered by the Tribunal and the Determination were published in the Government Gazette and are also available on the Tribunal's website.
6. The Tribunal has also removed the Office of Chairperson of the Aboriginal Housing Office from Annexure A as the office is now filled on a part time basis

Section 2 Submissions Received

Government Submission

7. The Government has asked the Tribunal to consider a number of factors, including the key national economic indicators and salary movements across the NSW public sector. Particular emphasis is given to the Government's wages policy as articulated in the *Economic and Financial Statement* of February 2006.
8. The Government submission recommends an increase of 2.5% which is consistent with the Government's wages policy.

Mental Health Review Tribunal

9. The President of the Mental Health Review Tribunal has requested that the Tribunal review the salary payable to the President and Deputy Presidents.

Section 3 2007 Tribunal Review

10. As with the SES, the Tribunal has had regard to the 2007 award increases for the major public sector employment groups which on average have delivered increases of 4 percent. The Tribunal, however, has noted that these increases are the last provided for under previously negotiated awards. The Tribunal has also noted that the Government has placed great importance on its wages policy in the upcoming wage negotiations and on its commitment to providing general increases not greater than 2.5 percent as a means of maintaining the value of gains in remuneration. The

Tribunal supports this approach and on this occasion will provide a general increase for this Group of 2.5 percent.

11. As with the SES Determination, the Tribunal's determination takes effect from 1 October 2007 and is in effect until 30 September 2008. During this period the Government may reach agreement with public sector groups regarding future wage increases. The Tribunal will, therefore, monitor closely the results of any concluded award agreements and, should they provide for increases beyond 2.5 percent per annum the Tribunal will, pursuant to Section 14 of the Act, write to the Premier and seek a special reference to review remuneration levels for the Public Office Holder Group.

Mental Health Review Tribunal

12. The President's submission points to legislative changes arising from the new *Mental Health Act 2007* (not yet proclaimed) which will place additional administrative workload on the President and full time Deputy Presidents. In addition there is currently a review of the forensic provisions of the *Mental Health Act* and the *Mental Health (Criminal Procedure) Act 1990* which may impose significant additional responsibilities on the President and full time Deputy Presidents.
13. It is expected that the role and responsibilities of the President and Deputy Presidents will change as a result of the legislative amendments. It is understood that the President has already undertaken a number of reviews both in respect to the administration of the Tribunal and the forensic aspects of the Tribunal role. These reviews and recommendations are currently awaiting Government consideration.
14. As the legislative amendments have yet to be proclaimed it is not possible to estimate the full impact on the roles and responsibilities of these office holders. In addition, the Government has not yet made a decision in regard to the recommendations made in the President's review. For these reasons, the Tribunal will defer its review of this matter until such time as the roles and responsibilities of these offices can be more clearly assessed. As changes are expected to be implemented prior to the 2008 annual review the Tribunal is prepared undertake a special reference in regard to this matter.

Section 4 Conclusion

15. Having regard to the above and after considering the views of the Assessors, the Tribunal considers that an increase of 2.5 percent would be appropriate and so determines.

16. 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 2007 shall be as specified in Annexure A.

**The Statutory and Other Offices
Remuneration Tribunal**

Helen Wright

Dated: 28 September 2007

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2007**

Salary	\$ per annum
Commissioner Police Integrity Commission	375,195
Ombudsman	365,045
President, Mental Health Review Tribunal	240,735
Chairperson, Consumer Trader and Tenancy Tribunal	240,735
President, Guardianship Tribunal	235,710
Deputy Chairperson Consumer Trader and Tenancy Tribunal	222,650
Deputy Chairperson, Law Reform Commission	221,045
Deputy President Administrative Decisions Tribunal	211,990
Deputy President Mental Health Review Tribunal	211,410
Registrar Workers Compensation Commission	206,385
Clerk of the Legislative Assembly	206,385
Clerk of the Parliaments	206,385
Senior Chairperson (Government and Related Employees Appeals Tribunal) - not being a judicial office holder.	203,285
Commissioner, Law Reform Commission	198,500
Deputy President, Guardianship Tribunal	184,415
Senior Member, Consumer Trader and Tenancy Tribunal	181,720
Deputy Clerk, Legislative Assembly	177,170
Deputy Clerk, Legislative Council	177,170
Chairman, Transport Appeals Board	169,095
Chairman, Local Land Boards	169,095
Registrar, Aboriginal Land Rights Act 1983	163,675

ANNEXURE A (CONT'D)

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2007**

	Salary \$ per annum
Chairperson, Government and Related Employees Appeals Tribunal <u>who is legally qualified</u> (not being the holder of a judicial office or a magisterial office)	156,610
Member, Consumer Trader and Tenancy Tribunal	156,610
Assessor (Civil Claims)	156,610
Chairperson, Government and Related Employees Appeals Tribunal (not being the holder of a judicial office or a magisterial office)	147,870
Member of the New South Wales Aboriginal Land Council	109,025 (Note 2)
Assessor Civil Claims (daily rate)	\$650 per day

Note 2 The Chairperson shall receive an allowance of 10% (ie. a total of \$119,930 per annum) and the Secretary and Treasurer shall receive an allowance of 5% (ie. a total of \$114,475 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 2007