

**Governor of
New South
Wales**

Annual Determination

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

**15 September
2016**

Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) requires the Tribunal, each year, to make a determination on the remuneration to be paid to office holders. “Remuneration” is defined in section 10A as salary or allowances paid in money.
2. Schedule 6, Part 3, clause (3)(2) of the SOOR Act provides for the determination in respect to the office of Governor to be taken as a determination under section 13 in the following terms:

3 Governor’s salary

- (1) *On, or as soon as practicable after, the commencement of the Constitution Amendment (Governor’s Salary) Act 2003, the Tribunal is to make a determination of the remuneration to be paid to the holder of the office of Governor as on and from the day specified for that purpose in the determination (which may, but need not, be the day on which that Act commences).*
 - (2) *A determination under this clause is taken to be a determination under section 13. However, sections 17 (2) and 20 (1) (b) do not apply to a determination under this clause.*
 - (3) *A determination under this clause comes into force, or is taken to have come into force, on the day specified for that purpose in the determination (which may, but need not, be the day on which the Constitution Amendment (Governor’s Salary) Act 2003) commences.*
3. The effect of the above clause is that an annual determination in respect of the Governor’s salary does not take effect from 1 July. Instead, annual determinations of the Governor’s salary take effect from the anniversary of the commencement of the Tribunal’s special determination made on 5 June 2014. That special determination took effect on or after the commencement date of the *Constitution Amendment (Governor’s Salary) Act 2003*, that being 2 October 2014.

Government Wages Policy

4. 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).
5. 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).
6. 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.

2015 Determination

7. On 14 October 2015 the Tribunal determined that Governor would receive a 2.5 per cent increase in salary to \$456,230 with effect on and from 2 October 2015.

2016 Determination

Government Submission

8. The Tribunal invited Mr Blair Comley PSM, Secretary of the Department of Premier and Cabinet, to make a submission on behalf of the Government prior to making its annual report and determination.
9. Mr Comley provided the Government submission to the Tribunal on 15 September

Governor of New South Wales

2016. 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.

10. The Tribunal also notes and supports the following statement made by Mr Comley in respect of the Governor's work over the past year:

"I 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 the second year of his tenure....."

I look forward to continuing to work with the Governor in years to come and am confident he will continue to exercise his duties with distinction."

Conclusion

11. 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 2016 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 2016

Public Office Holder	Salary per annum
Governor	\$467,640

The Statutory and Other Offices Remuneration Tribunal

(Signed)

Richard Grellman AM

Dated: 15 September 2016