

Public Office Holders Group

Annual Determination

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

15 July 2024

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Section 1

Background

Legislative Framework

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the Act) requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal) to make a determination on the remuneration to be paid to office holders on and from 1 July in that year. Section 10A defines 'remuneration' 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 and Magistrates Group and the Court and Related Officers Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution (SGC), are additional to the salary amount determined.
3. This group also comprises any office holders who, pursuant to section 11A of the Act, have elected to receive, and for whom the Minister has approved access to, remuneration packaging arrangements that may be provided to Public Service senior executives under the *Government Sector Employment Act 2013*.

Government Wages Policy

4. The Tribunal is required, when making determinations under Part 3 of the Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations. Section 6AB of the Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group. Government policy concerning the remuneration of office holders to which Part 3 of the Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the Regulation).
5. In accordance with clause 5A of the Regulation the Tribunal is not to make a determination that has the effect of awarding an increase in remuneration that takes effect before 1 July 2025 to office holders covered by Part 3 of the Act.

Economic Analysis

6. As outlined in its 2024-25 Budget papers,¹ the Government noted that the outlook is consistent with a soft landing for the NSW economy, with economic growth forecast to be subdued in the very near term, before accelerating through the course of 2024-25 as cost-of-living pressures ease.
7. Cost-of-living pressures have weighed on household spending and slowed domestic economic growth in NSW. In particular, price growth for essential goods and services have continued to outpace discretionary items, constraining households' real purchasing power.
8. The softening in both spending growth and the labour market is helping to bring down inflation. Annual headline inflation in Sydney was 3.8 per cent through the year to the March 2024 quarter. This was higher than the national headline figure of 3.6 per cent. National underlying inflation rose by 4 per cent over the 12 months to the March 2024 quarter, which remains above the RBA's target band of 2-3 per cent despite easing from the peak of 6.8 per cent in December 2022.²
9. The Budget expected goods inflation to ease further in 2024 but elevated labour costs in the near term will keep services inflation high.
10. Labour supply has been boosted by international migration, driving a modest lift in the unemployment rate to 3.8 per cent in May 2024 from a low of 3.0 per cent in June 2023. The Budget papers noted that recent easing in the labour market was expected to continue with the unemployment rate rising to 4.5 per cent in the second half of 2025.
11. While the Budget provides for a 10.5 per cent increase to remuneration over 3 years for public sector workers, it notes that the wage freeze for Members of Parliament and Public Service senior executives continues to apply in 2024-25. By virtue of the Regulation, the freeze also applies to office holders with the Tribunal's remit.

¹ NSW Government. (2024). *NSW Budget 2024-25, Budget Paper No.01 Budget Statement*. <https://www.budget.nsw.gov.au/sites/default/files/2024-06/Budget-Paper-No.1-Budget-Statement-Budget-2024-25.pdf>

² Australian Bureau of Statistics. (2024). *CPI, Trimmed mean and Weighted median, Annual movement (%)*. <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release>

2023 Determination

12. The Tribunal was required to give effect to the Regulation and the temporary wages policy, so on 26 July 2023, the Tribunal determined that no increase would apply to the salaries payable to office holders in the Public Office Holders Group with effect from 1 July 2023.

2023-2024 Special Determinations

13. The Tribunal has not made any special determinations, pursuant to section 14(2) of the Act, since the making of the 2023 annual determination.

Section 2

2024 Annual Review

14. On 7 February 2024, the Tribunal wrote to office holders advising of the commencement of the 2024 annual review, noting that the Tribunal is required by the Regulation not to award an increase in remuneration.

Office Holder Submissions

15. The Tribunal received 3 submissions from office holders in the Public Office Holder Group, with all acknowledging the requirement that the Tribunal is not to award an increase in remuneration pursuant to the Regulation.
16. The President of the Personal Injury Commission (PIC) provided a submission on behalf of the Deputy Presidents, Acting Deputy Presidents and non-presidential members. The submission noted that Commission Members volunteered for no increase in remuneration during the pandemic in 2021 and remained open to hear and determine cases no matter the public health orders in place. The submission also detailed the increase in filings in the Workers Compensation Division in the last 12 months. The President noted the challenges he faced in recruiting for new Members given other tribunals attract higher pay rates.
17. The President of the PIC further noted that in December 2023, the Public Service Association wrote to the Minister responsible for the PIC suggesting that Commission Members be removed from the Tribunal's remuneration system and instead be covered by a new Crown Employees Senior Officers Award. The President stated that this was not his preference as Members are not employees and such a move would adversely impact upon the PIC's independence and Members' status as statutorily appointed decision-makers.
18. In 2023, the Executive Manager, Parliamentary Services, together with the Clerk of the Legislative Assembly and Clerk of the Parliaments sought the Tribunal's advice on conducting a review of the offices based on changes in work value.
19. This year, these 3 office holders made a joint submission to inform they have followed the Tribunal's advice in paragraph 27 of the 2023 report and determination and have participated in an independent role analysis and benchmarking process. They foreshadowed a submission about this in 2025.
20. The Chairperson of the NSW Aboriginal Land Council (NSWALC) made a submission on behalf of the Members of the NSWALC. The submission proposed that a 4 per cent increase should be made in line with non-executive NSW public

service staff. The Chairperson noted the last remuneration increase the Public Office Holders Group received was 1.53 per cent in 2022 but since then sustained high inflation has had a major impact on cost of living. The submission detailed that Members have seen their remuneration decrease in real terms by 5.6 per cent from 2022 to 2023 whereas non-executive staff were awarded a 4 per cent increase. The Chairperson noted that the Member remuneration level of \$166,800 effectively placed them on the lower end of equivalent executive salary bands in the NSW Public Service and are more adversely impacted by cost-of-living increases than the higher paid public service executives the freeze is focussed on.

Government Submission

21. The Secretary, Premier's Department provided the Government submission. It was limited to noting the temporary 2-year freeze on increases in the remuneration of office holders under Parts 3, 3A and 3B of the Act, implemented by amendments to the Act in 2023.

Section 3

2024 Annual Determination

No Increase

22. The Tribunal thanks those office holders who made a submission, and acknowledges the concerns raised in those submissions.
23. In accordance with the Regulation and the temporary wages policy, there will be no increase in the salaries payable to office holders in the Public Office Holders Group with effect from 1 July 2024.
24. This determination is consistent with the temporary wages policy which the Tribunal is required to give effect to pursuant to the Regulation.
25. The Tribunal acknowledges the Chairperson of the NSWALC's assessment that Members of the NSWALC are more adversely impacted by cost-of-living increases than the higher paid senior executives in the NSW Public Service. Their current salary of \$166,800 is in fact closer to the maximum salary for a Clerk Grade 12 (\$161,663) than the notional salary for a Band 1 senior executive at the minimum of the remuneration package range (\$181,396).
26. While the Tribunal is sympathetic to the cost-of-living challenges Members of the NSWALC are facing, the Tribunal is unable to award any increase in salaries in accordance with the Regulation and the temporary wages policy. The Chairperson may wish to approach the NSW Government as to whether the Members should be subject to the remuneration freeze, noting that while the Members are listed in Schedule 2 of the Act, the NSWALC is not part of the NSW public sector.
27. In making this determination, the Tribunal consulted with the Secretary, Premier's Department, in their capacity as assessor under the Act. The other assessor role is currently vacant.
28. Pursuant to Section 13 of the Act, the Tribunal determines that the remuneration to be paid to office holders in the Public Office Holders Group on and from 1 July 2024 shall be as specified in Determination Nos. 1 and 2.

Superannuation Guarantee Contributions

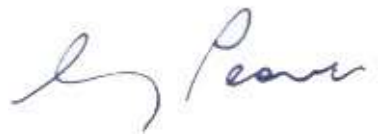
29. From 1 July 2024, the general SGC increases from 11.00 per cent to 11.50 per cent.³
30. As the Tribunal is required to not award an increase in remuneration on this occasion, it is not necessary to deal with the SGC increase.

Section 11A Office Holders

31. The Tribunal made a Special Determination in 2020 determining the total remuneration packages (TRPs) applying to Members of the NSWALC who have elected to receive employment benefits pursuant to section 11A of the Act.
32. Subsequent Annual Determinations from 2020 to 2023 omitted listing the applicable TRP for these office holders.
33. To correct this omission in 2024, the Tribunal reviewed the Annual Determinations from 2020 to 2023 and calculated the applicable TRPs for those years.
34. The 2024 TRPs for these offices are set out in Determination No. 2 while the salary for Members not electing a remuneration package are in Determination No 1.

³ Australian Taxation Office. (2024). *Super guarantee percentage*. <https://www.ato.gov.au/tax-rates-and-codes/key-superannuation-rates-and-thresholds/super-guarantee>

Statutory and Other Offices Remuneration Tribunal

A handwritten signature in dark ink, appearing to read 'Greg Pearce', is centered on the page.

The Hon. Greg Pearce

Dated: 15 July 2024

Section 4

Determinations

Determination No. 1 – Public Office Holders Group

Annual determination of the remuneration of the Public Office Holders Group effective on and from 1 July 2024

Table 1

Public Office Holder	Salary per annum
Public Service Commissioner	\$560,860
Chief Commissioner, Law Enforcement Conduct Commission	\$529,940
Auditor General	\$521,740
Ombudsman	\$520,385
Commissioner, NSW Crime Commission	\$516,360
Assistant Commissioner, NSW Crime Commission	\$489,180
Chief Commissioner, NSW Independent Casino Commission	\$450,000
President, Mental Health Review Tribunal	\$422,250
Electoral Commissioner	\$406,110
Full-time Commissioner, Law Enforcement Conduct Commission	\$397,455
Commissioner, Health Care Complaints Commission	\$390,160
Independent Review Officer	\$386,889
Valuer General	\$375,685
Deputy President, Mental Health Review Tribunal	\$369,430
Information Commissioner	\$366,335
Deputy President, Personal Injury Commission	\$361,815
Privacy Commissioner	\$353,515
Mental Health Commissioner	\$339,890
Parliamentary Budget Officer	\$335,010
Full-time non-presidential member, Personal Injury Commission: Principal Member (Division Head of the Workers Compensation Division)	\$333,715
Full-time non-presidential member, Personal Injury Commission: Principal Member (Division Head of the Motor Accidents Division)	\$333,715
Inspector of Custodial Services	\$323,070

Chairperson, Independent Liquor and Gaming Authority	\$320,000
Small Business Commissioner	\$318,285
Deputy Chairperson, Law Reform Commission	\$315,120
Full-time non-presidential member, Personal Injury Commission: Principal Member (legally qualified)	\$300,440
Commissioner, Law Reform Commission	\$299,855
Clerk of the Legislative Assembly	\$294,220
Clerk of the Parliaments	\$294,220
Executive Manager, Parliamentary Services	\$294,220
Full-time non-presidential member, Personal Injury Commission: Principal Member (not legally qualified)	\$276,615
Deputy Chairperson, Independent Liquor and Gaming Authority	\$275,000
Full-time non-presidential member, Personal Injury Commission: Senior Member (legally qualified)	\$273,080
Deputy Mental Health Commissioner	\$272,145
Commissioner, NSW Independent Casino Commission	\$270,000
Member, Independent Liquor and Gaming Authority	\$255,000
Deputy Clerk, Legislative Assembly	\$252,565
Deputy Clerk, Legislative Council	\$252,565
Full-time non-presidential member, Personal Injury Commission: Senior Member (not legally qualified)	\$251,500
Full-time non-presidential member, Personal Injury Commission: General Member (legally qualified)	\$249,675
Registrar, Aboriginal Land Rights Act 1983	\$233,330
Assessor (<i>Local Court Act 2007</i>)	\$223,255
Full-time non-presidential member, Personal Injury Commission: General Member (not legally qualified)	\$216,760
Chairperson, New South Wales Aboriginal Land Council	\$183,480
Deputy Chairperson, New South Wales Aboriginal Land Council	\$175,140
Chairperson, Board of the Aboriginal Housing Office	\$174,210
Part-time Chairperson of a Board of Governors of a Corporation constituted by the <i>Electricity Retained Interest Corporations Act 2015</i>	\$167,350
Member, New South Wales Aboriginal Land Council	\$166,800
Part-time Member of a Board of Governors of a Corporation constituted by the <i>Electricity Retained Interest Corporations Act 2015</i>	\$94,835

Chairperson, Infrastructure NSW	\$89,660
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Table 2

Public Office Holder	Daily fee
President, Mental Health Review Tribunal (part time daily rate)	\$1,755
Deputy President, Mental Health Review Tribunal (part time daily rate)	\$1,535
Acting Deputy President, Personal Injury Commission (part time daily rate)	\$1,500
Assessor, <i>Local Court Act 2007</i>	\$925

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.

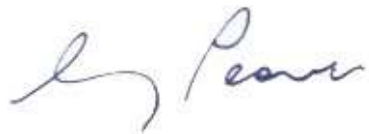
Determination No. 2 – Public Office Holders Group, Section 11A

Annual determination of the remuneration of Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act effective on and from 1 July 2024

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

Public Office Holder	Remuneration package per annum
Chairperson, New South Wales Aboriginal Land Council	\$204,825
Deputy Chairperson, New South Wales Aboriginal Land Council	\$195,610
Member, New South Wales Aboriginal Land Council	\$186,395

Statutory and Other Offices Remuneration Tribunal



The Hon. Greg Pearce

Dated: 15 July 2024