



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 64

Friday, 25 July 2014

Published under the authority of the Government by the Parliamentary Counsel

OFFICIAL NOTICES

Appointments

FAIR TRADING ACT 1987

Retirement Villages Advisory Council
Appointment of Chairperson and Members

PURSUANT to section 25K of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following members to the Retirement Villages Advisory Council:

- Kevin William SCHREIBER (Chairperson);
- Kim BOETTCHER;
- John Robert COOPER;
- Mark EAGLESTON;
- Raewyn MANNIX;
- Janice Maree PRITCHETT;
- Paul Michael SADLER;
- Betty SCOTT;
- Leon Michael SHOHMELIAN;
- Lois Carol TOWART; and
- Robert Hilton WADDELL.

This appointment is made for a period commencing on this day and concluding on 30 April 2015.

Dated this 21st day of July 2014.

MATTHEW MASON-COX, M.L.C.,
Minister for Fair Trading

Department of Trade and Investment, Regional Infrastructure and Services

COAL MINE HEALTH AND SAFETY ACT 2002

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 145 (1) (b) of the Coal Mine Health and Safety Act 2002 (the Act), hereby appoint ROBERT DAVID MADELEY as an Inspector.

Dated this 17th day of July 2014.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment, Regional
Infrastructure and Services
(under subdelegation from Director-General of
authority delegated by the Minister)

MINE HEALTH AND SAFETY ACT 2004

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 127 (1) (b) of the Mine Health and Safety Act 2004, hereby appoint ROBERT DAVID MADELEY as an Inspector.

Dated this 17th day of July 2014.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment, Regional
Infrastructure and Services
(in exercise of the Minister's function under
section 127 (1) (b) of the Act,
delegated with authority to sub-delegate
to the Director-General under section 182
and sub-delegated under section 184 (2))

MINERALS

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T14-1111)

No. 5060, PEEL (CSP) PTY LTD (ACN 600550141), area of 49 units, for Group 1, dated 18 July 2014. (Cobar Mining Division.)

(T14-1112)

No. 5061, ANGLOGOLD ASHANTI AUSTRALIA LIMITED (ACN 008 737 424), area of 39 units, for Group 1, dated 21 July 2014. (Orange Mining Division.)

The Hon. ANTHONY ROBERTS, M.P.,
Minister for Resources and Energy

NOTICE is given that the following applications for renewal have been received:

(T09-0052)

Exploration Licence No. 7361, ABX1 PTY LTD (ACN 139 790 364), area of 46 units. Application for renewal received 17 July 2014.

(T09-0163)

Exploration Licence No. 7581, MMG AUSTRALIA LIMITED (ACN 004 074 962), area of 9 units. Application for renewal received 18 July 2014.

(T03-0785)

Dredging Lease No. 1231 (Act 1906), SILVER ORCHID PTY LIMITED (ACN 001 429 769), area of 40.44 hectares. Application for renewal received 18 July 2014.

The Hon. ANTHONY ROBERTS, M.P.,
Minister for Resources and Energy

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T10-0297)

Exploration Licence No. 7805, JERVOIS MINING LIMITED (ACN 007 626 575), County of Kennedy, Map Sheet (8332), area of 14 units, for a further term until 13 July 2015. Renewal effective on and from 11 July 2014.

(13-3708)

Mining Purposes Lease No. 318 (Act 1973), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), Map Sheet (8831-1-N), area of 103.3 hectares, for a further term until 31 October, 2035. Renewal effective on and from 31 October, 2014.

(13-3704)

Special Lease No. 664 (Act 1906), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), Map Sheet (8831-1-N), area of 35.41 hectares, for a further term until 31 October, 2034. Renewal effective on and from 31 October, 2014.

The Hon. ANTHONY ROBERTS, M.P.,
Minister for Resources and Energy

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(T08-0259)

Exploration Licence No. 7339, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Cunningham, Map Sheet (8432), area of 3 units. The authority ceased to have effect on 21 July 2014.

The Hon. ANTHONY ROBERTS, M.P.,
Minister for Resources and Energy

**REQUESTED CANCELLATION OF AUTHORITIES
AT REQUEST OF HOLDER**

(T11-0083)

Exploration Licence No. 7751, NYNGAN GOLD PTY LTD (ACN 154 650 585), County of Gregory, area of 89 units. Application for Cancellation was received on 21 July 2014.

(T12-1163)

Exploration Licence No. 8106, ALKANE RESOURCES LTD (ACN 000 689 216), County of Ashburnham , area of 10 units. Application for Cancellation was received on 18 July 2014.

The Hon. ANTHONY ROBERTS, M.P.,
Minister for Resources and Energy

**CANCELLATION OF AUTHORITY AT
REQUEST OF HOLDER**

NOTICE is given that the following authority has been cancelled:

(T12-1154)

Exploration Licence No. 8087, OCHRE RESOURCES PTY LTD (ACN 112 833 351), County of Mouramba and County of Robinson, Map Sheet (8034), area of 100 units. Cancellation took effect on 11 July 2014.

The Hon. ANTHONY ROBERTS, M.P.,
Minister for Resources and Energy

PRIMARY INDUSTRIES

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Section 28

10th Further Extension of Importation Order Abalone (No. 10)

I, JULIET ANNE CORISH, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 ('the Act') and pursuant to sections 28 and 29 of the Act extend the operation of the importation order titled "Importation Order – Abalone (No. 10)" dated 20 September 2013 and published in the *New South Wales Government Gazette* No. 115 on 23 September 2013, at pages 4177-4179, for a further period of 30 days from the date this notice is published in the *New South Wales Government Gazette*.

Dated this 22nd day of July 2014.

JULIET ANNE CORISH,
Deputy Chief Veterinary Officer

Note: The importation order titled "Importation Order – Abalone (No. 10)" dated 20 September 2013, was previously extended by the extension notice titled "9th Further Extension of Importation Order – Abalone (No. 10)" dated 23 June 2014 and published in *New South Wales Government Gazette* No. 57 on 27 June 2014, at page 2301.

FISHERIES MANAGEMENT ACT 1994

Notice of Final Determinations under the Fisheries Management Act 1994

THE Fisheries Scientific Committee, established under Part 7A of the Fisheries Management Act 1994, is providing official notice of the making of the following final determinations:

Vulnerable Species – Schedule 5, Part 1

- Murray Crayfish (*Euastacus armatus*) – 16 August 2013
- Great Hammerhead Shark (*Sphyrna mokarran*) – 25 May 2012

Endangered Species – Schedule 4, Part 1

- Scalloped Hammerhead Shark (*Sphyrna lewini*) – 25 May 2012

Critically Endangered Species – Schedule 4A, Part 2

- Fitzroy Falls Spiny Crayfish (*Euastacus dharawalus*) – 16 March 2012

Copies of the final determinations and the reasons for them are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.fsc.nsw.gov.au;
- (b) by contacting the Fisheries Scientific Committee by post c/- NSW Department of Primary Industries, PO Box 1305, Crows Nest NSW 1585, or by email fsc@dpi.nsw.gov.au and
- (c) in person at the NSW Department of Primary Industries Head Office, 161 Kite Street, Orange NSW 2800.

FISHERIES MANAGEMENT ACT 1994

Section 11 Notification – Revocation of Fishing Closure

Jabour Weir

I, PETER TURNELL, Acting Executive Director, Fisheries NSW, with the delegated authority of the Minister for Primary Industries and the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 11 of the Act, do by this notification revoke the fishing closure notification titled "Section 8 Notification Catch and Release Fishing Closure for Waters Adjacent to the Jabour Weir on the Richmond River" published in *New South Wales Government Gazette* No. 105 of 5 October 2012, at page 4297 and any notification revived as a result of this revocation.

This notification takes effect on the date it is published in the *New South Wales Government Gazette*.

Dated this 21st day of July 2014.

PETER TURNELL,
A/Executive Director, Fisheries NSW,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

Note: The Jabour Weir fishing closure is now implemented under Clause 153A of Schedule 4 to the Fisheries Management (General) Regulation 2010.

FISHERIES MANAGEMENT ACT 1994

Section 11 Notification – Revocation of Fishing Closures

Ex-HMAS Adelaide Reserve

I, PETER TURNELL, Acting Executive Director, Fisheries NSW, with the delegated authority of the Minister for Primary Industries and the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 11 of the Act, do by this notification revoke the following fishing closure notifications and any notifications revived as a result of this revocation:

1. fishing closure notification titled "Section 8 Notification – Fishing Closure Ex-HMAS Adelaide Reserve" published in *New South Wales Government Gazette* No. 44 of 6 May 2011, at page 2742; and
2. fishing closure notification titled "Section 8 Notification – Commercial Fishing Closure Ex-HMAS Adelaide Reserve" published in *New South Wales Government Gazette* No. 129 of 19 December 2011, at page 7264.

This notification takes effect on the date it is published in the *New South Wales Government Gazette*.

Dated this 23rd day of July 2014.

PETER TURNELL,
A/Executive Director, Fisheries NSW,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

Notes:

1. The recreational fishing closure for the Ex-HMAS Adelaide Reserve is now implemented under Clause 63A of Schedule 4 to the Fisheries Management (General) Regulation 2010.
2. The commercial fishing closure for the Ex-HMAS Adelaide Reserve is now implemented under the following regulations:
 - Clause 166 of the Fisheries Management (General) Regulation 2010;
 - Schedule 1 to the Appendix to the Fisheries Management (Abalone Share Management Plan) Regulation 2000;
 - Schedule 1 to the Appendix to the Fisheries Management (Lobster Share Management Plan) Regulation 2000;
 - Schedule 3 to the Appendix to the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006;
 - Schedule 2 to the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006; and
 - Schedule 2 to the Appendix to the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006.

FISHERIES MANAGEMENT ACT 1994

Appointment of Member to the
Fisheries Scientific Committee

I, KATRINA ANN HODGKINSON, M.P., Minister for
Primary Industries:

1. pursuant to section 221ZC of the Fisheries Management Act 1994, appoint Dr Donald James COLGAN to the Fisheries Scientific Committee for a period commencing on 27 August 2014 and ending on 22 July 2015;
2. pursuant to section 221ZE and Clause 6 of Schedule 6A of the Fisheries Management Act 1994, appoint Dr Donald James COLGAN as Deputy Chairperson of the Fisheries Scientific Committee.

Dated this 3rd day of June 2014.

KATRINA ANN HODGKINSON, M.P.,
Minister for Primary Industries

NOXIOUS WEEDS ACT 1993

Authorised Officer

I, ANDREW COLIN SANGER, Director, Biosecurity Compliance, with the delegated authority of the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 67 of the Noxious Weeds Act 1993 ("the Act") and pursuant to section 42 (1) of the Act, hereby authorise Catherine Diane WILLIAMS to exercise all of the functions of an inspector under the Act in relation to the whole of New South Wales.

Dated this 22nd day of July 2014.

A. C. SANGER,
Director, Biosecurity Compliance,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

LANDS

ARMIDALE CROWN LANDS OFFICE
108 Faulkner Street (PO Box 199A), Armidale NSW 2350
Phone: (02) 6770 3100 Fax (02) 6771 5348

**NOTICE OF PURPOSE OTHER THAN THE
DECLARED PURPOSE PURSUANT TO
SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Agriculture (Relevant Interest – Section 34A Licence – RI 525812).	Reserve No.: 95856. Public Purpose: Public recreation. Notified: 19 March 1982.
Grazing (Relevant Interest – Section 34A Licence – RI 525812).	File No.: 13/15711.
Pump and Pipeline (Relevant Interest – Section 34A Licence – RI 525812).	

**APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Rodney O'BRIEN.	Uralla Showground Trust.	Dedication No.: 510041. Public Purpose: Showground and addition. Notified: 21 December 1910. Dedication No.: 510040. Public Purpose: Showground. Notified: 26 August 1884. File No.: AE81 R 23-002.

For a term commencing the date of this notice and expiring
24 January 2015.

DUBBO CROWN LANDS OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3300 Fax: (02) 6884 2067

ROADS ACT 1993
ORDER

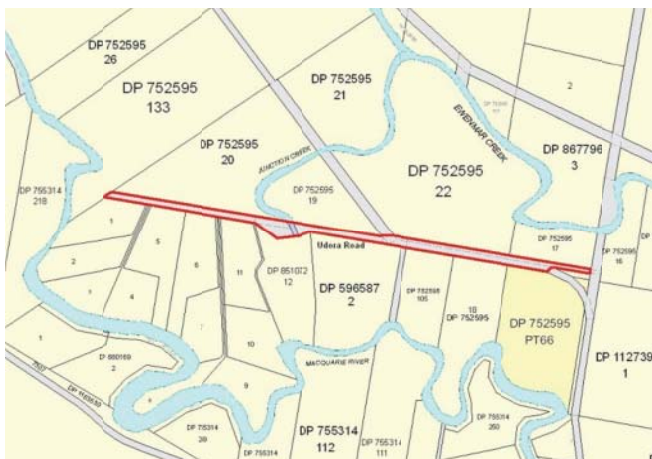
Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the roads specified in Schedule 1 cease to be a Crown road.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

SCHEDULE 1

The Crown public road south of Lots 20, 19, 22 and 17 of DP 752595, Parish of Umangla, County of Ewenmar (as shown by red edge in diagram below).



SCHEDULE 2

Road Authority: Warren Shire Council.
 File No.: W537077 – 14/06021.

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water
 and Minister for Western NSW

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Dubbo.	Lot 7300, DP No. 1149010,
Local Government Area: Dubbo City.	Parish Benolong, County Gordon.
Locality: Toongi.	
Reserve No.: 753220.	
Public Purpose: Future public requirements.	
Notified: 29 June 2007.	
File No.: 12/01903.	

GOULBURN OFFICE
159 Auburn Street, Goulburn NSW 2580
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 4824 3700 Fax: (02) 4822 4287

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land comprising the former public road, vests in the body specified hereunder.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water
 and Minister for Western NSW

Description

*Parish – Kiamma; County – Georgiana;
 Land District – Crookwell;
 L.G.A. – Upper Lachlan Shire Council*

Lot 1, DP 1186548.

File No.: 11/12248.

Note: On closing, the title for the land in Lot 1, DP 1186548 remains vested in the Crown as Crown land, to be added to Reserve 1024188 for General Cemetery.

**NOTICE OF PURPOSE OTHER THAN THE
 DECLARED PURPOSE PURSUANT TO
 SECTION 34A (2) OF THE
 CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Environmental Protection and Sustainable Grazing (Relevant Interest – Section 34A Licence– RI 527070).	Reserve No.: 753043. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: 13/16106.

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

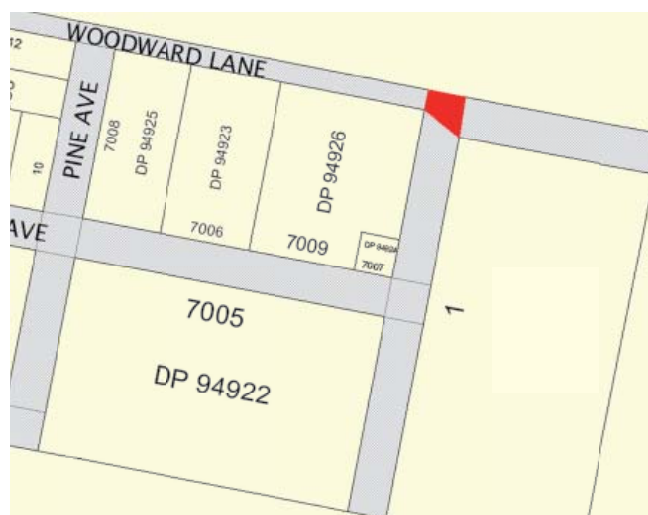
IN pursuance of the provisions of section 151 of the Act, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

SCHEDULE 1

*Parish – Kiamma; County – Georgiana;
 Land District – Crookwell; L.G.A. – Upper Lachlan Shire*

Description: Crown road shown by red colour in diagram below.



SCHEDULE 2

Roads Authority: Upper Lachlan Shire Council.
 Council Reference: F10/318.
 File No.: 11/12248.

GRAFTON OFFICE
49-51 Victoria Street, Grafton NSW 2460
(PO Box 2185, Dangar NSW 2309)
Phone: 1300 886 235 Fax: (02) 6642 5375

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92 (3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Brays Creek Public Recreation and Preservation of Native Flora Reserve Trust.	Reserve No.: 59600. Public Purpose: Preservation of native flora and public recreation. Notified: 25 March 1927. File No.: 08/5208.

APPOINTMENT OF RESERVE TRUST

PURSUANT to section 92 (1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is appointed as Trustee of the Reserve specified thereunder in column 2 of the Schedule.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Tyalgum Public Recreation and Preservation of Native Flora Reserve Trust.	Reserve No.: 59600. Public Purpose: Preservation of native flora and public recreation. Notified: 25 March 1927. File No.: 08/5208.

**NOTICE OF PURPOSE OTHER THAN THE
DECLARED PURPOSE PURSUANT TO
SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Grazing (Relevant Interest – Section 34A Licence – RI 525159).	Reserve No.: 75041. Public Purpose: Generally. Notified: 30 May 1952. File No.: 14/02444.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

Description

Parish – Glen Innes; County – Gough;
Land District – Glen Innes;
L.G.A. – Glen Innes Severn Shire

Road Closed: Lot 2, DP 1195122.
File No.: AE06 H 91.

Schedule

On closing, the land within Lot 2, DP 1195122 remains vested in the State of New South Wales as Crown land.

Description

Parishes – Wadden, Carraa, Goorara, Bengerang and Brigalow; Counties – Benarba and Staphylton;
Land District – Moree; L.G.A. – Moree Plains

Road Closed: Lots 11-12, DP 1195420 and Lot 2, DP 1195421.

File No.: ME04 H 326.

Schedule

On closing, the land within Lots 11-12, DP 1195420 and Lot 2, DP 1195421 remains vested in the State of New South Wales as Crown land.

Description

Parish – Wallangra; County – Arrawatta;
Land District – Warialda; L.G.A. – Inverell

Road Closed: Lots 1-2, DP 1196287.

File No.: ME05 H 324.

Schedule

On closing, the land within Lots 1-2, DP 1196287 remains vested in the State of New South Wales as Crown land.

Description

Parish – Livingstone; County – Wynyard;
Land District – Wagga Wagga; L.G.A. – Wagga Wagga

Road Closed: Lot 1, DP 1196672.

File No.: 14/02442.

Schedule

On closing, the land within Lot 1, DP 1196672 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Nanegai; County – Clarence;
Land District – Grafton; L.G.A. – Clarence Valley*

Road Closed: Lot 1, DP 1190085.
File No.: GF06 H 178.

Schedule

On closing, the land within Lot 1, DP 1190085 remains vested in the State of New South Wales as Crown land.

Description

*Parish – South Gundurimba; County – Rous;
Land District – Lismore; L.G.A. – Lismore*

Road Closed: Lot 4, DP 1178608.
File No.: 12/01624.

Schedule

On closing, the land within Lot 4, DP 1178608 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Ditmas; County – Gough;
Land District – Glen Innes;
L.G.A. – Glen Innes Severn Shire*

Road Closed: Lot 1, DP 1195324.
File No.: 13/14317.

Schedule

On closing, the land within Lot 1, DP 1195324 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Glass; County – Murchison;
Land District – Bingara; L.G.A. – Gwydir*

Road Closed: Lot 1, DP 1192316.
File No.: ME06 H 126.

Schedule

On closing, the land within Lot 1, DP 1192316 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Gil Gil; County – Benarba;
Land District – Moree; L.G.A. – Moree Plains*

Road Closed: Lot 1, DP 1192317.
File No.: ME05 H 66.

Schedule

On closing, the land within Lot 1, DP 1192317 remains vested in the State of New South Wales as Crown land.

ERRATA

IN the notification appearing in the *New South Wales Government Gazette* of 21 November 1997, Folio 9353, under the heading “Appointment of Trust Board Members” Column 2 of the Schedule should read “Tyalgum Public Recreation and Preservation of Native Flora and Fauna Reserve Trust” in lieu of “Tyalgum Recreation and Flora Reserve Trust”.

Reserve No.: 66096.

File No.: GF81 R 344.

IN the notification appearing in the *New South Wales Government Gazette* of 3 June 2005, Folio 1941, under the heading “Appointment of Trust Board Members” Column 2 of the Schedule should read “Tyalgum Public Recreation and Preservation of Native Flora and Fauna Reserve Trust” in lieu of “Tyalgum Recreation and Flora Reserve Trust”.

Reserve No.: 66096.

File No.: GF81 R 344-002.

IN the notification appearing in the *New South Wales Government Gazette* of 28 July 2006, Folio 5935, under the heading “Appointment of Trust Board Members” Column 2 of the Schedule should read “Tyalgum Public Recreation and Preservation of Native Flora and Fauna Reserve Trust” in lieu of “Tyalgum Recreation and Flora Reserve Trust”.

Reserve No.: 66096.

File No.: GF81 R 344-002.

IN the notification appearing in the *New South Wales Government Gazette* of 23 November 2007, Folio 8600, under the heading “Appointment of Trust Board Members” Column 2 of the Schedule should read “Tyalgum Public Recreation and Preservation of Native Flora and Fauna Reserve Trust” in lieu of “Tyalgum Recreation and Flora Reserve Trust”.

Reserve No.: 66096.

File No.: GF81 R 344-002.

IN the notification appearing in the *New South Wales Government Gazette* of 28 September 2007, Folio 7380, under the heading “Appointment of Trust Board Members” Column 2 of the Schedule should read “Tyalgum Public Recreation and Preservation of Native Flora and Fauna Reserve Trust” in lieu of “Tyalgum Recreation and Flora Reserve Trust”.

Reserve No.: 66096.

File No.: GF81 R 344-002.

IN the notification appearing in the *New South Wales Government Gazette* of 30 November 2012, Folio 4874, under the heading “Appointment of Trust Board Members” Column 2 of the Schedule should read “Tyalgum Public Recreation and Preservation of Native Flora and Fauna Reserve Trust” in lieu of “Tyalgum Recreation and Flora Reserve Trust”.

Reserve No.: 66096.

File No.: GF81 R 344-002.

KEVIN JOHN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

MAITLAND OFFICE
141 Newcastle Road, East Maitland NSW 2323
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 1300 886 235 Fax: (02) 4934 2252

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

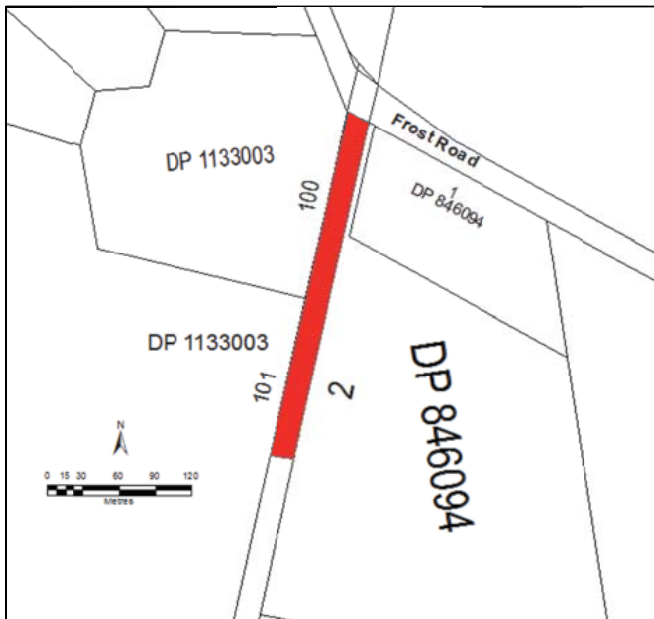
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown road.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water
 and Minister for Western NSW

SCHEDULE 1

Parish – Tomaree; County – Gloucester;
Land District – Maitland;
Local Government Area – Port Stephens

Part Crown public road commencing from the intersection of Frost Road extending south along the eastern boundary of Lots 100 and 101, DP 1133003 and terminating after approximately 290 metres (as highlighted in the diagram below).



SCHEDULE 2

Roads Authority: Port Stephens Council.
 Council's Reference: A2004-0742.
 Lands File Reference: 14/05841.

MOREE OFFICE
Frome Street (PO Box 388), Moree NSW 2400
Phone: (02) 6752 5055 Fax: (02) 6752 1707

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in Schedule 1 are hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the road specified in Schedule 1, ceases to be Crown road.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water
 and Minister for Western NSW

SCHEDULE 1

*Parish – Paramellowa; County – Courallie;
 Shire – Moree Plains Shire Council*

Blake Street between Centre Street and Gwydir Street.
 Gwydir Street north of Paramellowa Street two blocks and south of Warialda Street to Gwydir River.
 Grattai Road from Gwydir River to Gwydir Highway.
 North Street north of Blake Street, excluding area under EP42840.
 Warialda Street west of North Street.
 All night soil roads bounded by North Street, Blake Street, Centre Street and Warialda Street.
 Width to be Transferred: The whole width.

SCHEDULE 2

Roads Authority: Moree Plains Shire Council.
 Council's Reference: 12/2186.
 LPI Reference: 14/054224.

**NOTICE OF PURPOSE OTHER THAN THE
 DECLARED PURPOSE PURSUANT TO
 SECTION 34A (2) OF THE
 CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Tank (Relevant Interest – Section 34A Licence – RI 531981).	Reserve No.: 23475. Public Purpose: Travelling stock.
Access (Relevant Interest – Section 34A Licence – RI 531981).	Notified: 4 January 1896. File No.: 14/01870.

Column 1

Column 2

Irrigation Channel
 (Relevant Interest – Section 34A Licence – RI 531981).
 Pipeline (Relevant Interest – Section 34A Licence – RI 531981).
 Pump Station
 (Relevant Interest – Section 34A Licence – RI 531981).

SCHEDULE 2

Column 1

Column 2

Tank (Relevant Interest – Section 34A Licence – RI 531981).	Reserve No.: 27179. Public Purpose: Travelling stock. Notified: 22 January 1898. File No.: 14/01870.
Access (Relevant Interest – Section 34A Licence – RI 531981).	
Irrigation Channel (Relevant Interest – Section 34A Licence – RI 531981).	
Pipeline (Relevant Interest – Section 34A Licence – RI 531981).	
Pump Station (Relevant Interest – Section 34A Licence – RI 531981).	

SCHEDULE 3

Column 1

Column 2

Tank (Relevant Interest – Section 34A Licence – RI 531981).	Reserve No.: 66308. Public Purpose: Night soil depot. Notified: 9 October 1936. File No.: 14/01870.
Access (Relevant Interest – Section 34A Licence – RI 531981).	
Irrigation Channel (Relevant Interest – Section 34A Licence – RI 531981).	
Pipeline (Relevant Interest – Section 34A Licence – RI 531981).	
Pump Station (Relevant Interest – Section 34A Licence – RI 531981).	

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>
Tank (Relevant Interest – Section 34A Licence – RI 531981).	Reserve No.: 1353. Public Purpose: Camping and water supply.
Access (Relevant Interest – Section 34A Licence – RI 531981).	Notified: 16 June 1884. File No.: 14/01870.
Irrigation Channel (Relevant Interest – Section 34A Licence – RI 531981).	
Pipeline (Relevant Interest – Section 34A Licence – RI 531981).	
Pump Station (Relevant Interest – Section 34A Licence – RI 531981).	

NEWCASTLE OFFICE
437 Hunter Street, Newcastle NSW 2300
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 1300 886 235 Fax: (02) 4925 3517

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

Description

Parish – Lett; County – Cook;
Land District – Lithgow; L.G.A. – Lithgow

Road Closed: Lot 1, DP 1197267.
 File No.: 14/00473.

Schedule

On closing, the land within Lot 1, DP 1197267 remains vested in the State of New South Wales as Crown land.

Description

Parish – Binalong; County – Harden;
Land District – Boorowa; L.G.A. – Yass Valley

Road Closed: Lot 5, DP 1194774 (subject to easement created by Deposited Plan DP 1194774).
 File No.: 12/06690:AD.

Schedule

On closing, the land within Lot 5, DP 1194774 remains vested in the State of New South Wales as Crown land.

Description

Parish – Terraban; County – Bligh;
Land District – Dunedoo; L.G.A. – Warrumbungle

Road Closed: Lot 1, DP 1195832.
 File No.: DB05 H 748 RS.

Schedule

On closing, the land within Lot 1, DP 1195832 remains vested in the State of New South Wales as Crown land.

Description

Parish – Redcliffe; County – Kennedy;
Land District – Parkes; L.G.A. – Parkes

Road Closed: Lots 3-4, DP 1181861.
 File No.: CL/00878:JT.

Schedule

On closing, the land within Lot 3, DP 1181861 remains vested in the State of New South Wales as Crown land.

On closing, the land within Lot 4, DP 1181861 becomes vested in the State of New South Wales as Crown Land.

Council's Reference: CF: 12/00561.

NOWRA OFFICE
5 O’Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 9100 Fax: (02) 4421 2172

**NOTICE OF PURPOSE OTHER THAN THE
DECLARED PURPOSE PURSUANT TO
SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Access (Relevant Interest – Section 34A Licence – RI 533015).	Reserve No.: 60328. Public Purpose: Hospital. Notified: 2 March 1928.
Buffer Zone (Relevant Interest – Section 34A Licence – RI 533015).	File No.: 14/02403.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

**ORDER – AUTHORISATION OF ADDITIONAL
PURPOSE UNDER SECTION 121A**

PURSUANT to section 121A of the Crown Lands Act 1989, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedules.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Government purposes and education purposes.	Reserve No.: 100223. Public Purpose: Community purposes and heritage purposes. Notified: 30 October 1992. File No.: 14/02457.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Government purposes and education purposes.	Reserve No.: 1002989. Public Purpose: Community purposes and heritage purposes. Notified: 1 December 2000. File No.: 14/02457.

**NOTICE OF PURPOSE OTHER THAN THE
DECLARED PURPOSE PURSUANT TO
SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Recreation (Relevant Interest – Section 34A Licence – RI 531042). File No.: 14/01330.	Reserve No.: 33756. Public Purpose: Public recreation. Notified: 11 January 1902. File No.: 14/01330.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Recreation (Relevant Interest – Section 34A Licence – RI 531042). File No.: 14/01330.	Reserve No.: 45642. Public Purpose: Public recreation. Notified: 24 August 1910. File No.: 14/01330.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>
Recreation (Relevant Interest – Section 34A Licence – RI 531042). File No.: 14/01330.	Reserve No.: 70830. Public Purpose: Public recreation. Notified: 19 February 1943. File No.: 14/01330.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>
Recreation (Relevant Interest – Section 34A Licence – RI 531042). File No.: 14/01330.	Reserve No.: 77011. Public Purpose: Public recreation. Notified: 3 September 1954. File No.: 14/01330.

SCHEDULE 5

<i>Column 1</i>	<i>Column 2</i>
Recreation (Relevant Interest – Section 34A Licence – RI 531042). File No.: 14/01330.	Reserve No.: 82215. Public Purpose: Future public requirements. Notified: 11 December 1959. File No.: 14/01330.

SCHEDULE 6

<i>Column 1</i>	<i>Column 2</i>
Recreation (Relevant Interest – Section 34A Licence – RI 531042). File No.: 14/01330.	Reserve No.: 94419. Public Purpose: Community centre. Notified: 20 March 1981. File No.: 14/01330.

SCHEDULE 7

<i>Column 1</i>	<i>Column 2</i>
Recreation (Relevant Interest – Section 34A Licence – RI 531042).	Reserve No.: 752026. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: 14/01330.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder, are appointed for the terms of office specified, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Ruth Elizabeth GALLAGHER (new member). Allan James PHELPS (re-appointment). Tin Hta NU (re-appointment). Richard Brian WILSON (new member). Warren PARKINSON (re-appointment). Alvena FERGUSON (re-appointment). Eunice Jeanne ROBERTS (new member).	Kendall Community Centre Reserve Trust.	Reserve No.: 98013. Public Purpose: Community purposes. Notified: 6 December 1985. File No.: TE85 R 23.

Term of Office

For a term commencing the date of this notice and expiring
 24 July 2019.

WAGGA WAGGA OFFICE
Corner Johnston and Tarcutta Streets
(PO Box 60), Wagga Wagga NSW 2650
Phone: (02) 6937 2700 Fax: (02) 6921 1851

ERRATUM

IN the notice appearing in the *New South Wales Government Gazette* of the 21 March 2014, Folio 1007, under the heading of "Roads Act 1993 Order Transfer of Crown Road to a Council", listed in Schedule 2 it should read – "Roads Authority: Tumut Shire Council. Reference: 14/01950".

KEVIN HUMPHRIES, M.P.,
Minister for Natural Resources, Lands and Water

WESTERN REGION OFFICE
45 Wingewarra Street, Dubbo NSW 2830
(PO Box 2185, Dangar NSW 2309)
Phone: (02) 6883 5400 Fax: (02) 6884 2067

ROADS ACT 1993**ORDER**

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

SCHEDULE 1

*Parish of Picton; County of Yancowinna;
 Administrative District of Broken Hill; City of Broken Hill*

The Crown public road 20.115 metres wide separating Lots 5261, DP 757298 and Lots 1023 and 1024, DP 720120 from Lots 2 and 3, DP 820418 and Lot 150, DP 834476 known as part Pell Lane.

SCHEDULE 2

Roads Authority: Broken Hill City Council (Reference: L12/1859).

File No.: 13/14225.

SCHEDULE 1

*Parish of Picton; County of Yancowinna;
 Administrative District of Broken Hill; City of Broken Hill*

The Crown public road 3.05 metres wide separating Lot 4819, DP 757298 from Lot 1, DP 1103501.

SCHEDULE 2

Roads Authority: Broken Hill City Council (Reference: L12/1859).

File No.: 13/14225.

**NOTICE OF PURPOSE OTHER THAN THE
 DECLARED PURPOSE PURSUANT TO
 SECTION 34A (2) OF THE
 CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

KEVIN HUMPHRIES, M.P.,
 Minister for Natural Resources, Lands and Water

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Pipeline (Relevant Interest – Section 34A Licence – RI 529914).	Reserve No.: 84334. Public Purpose: Generally. Notified: 22 March 1963. File No.: 14/00977.

Column 1

Pontoon (Relevant Interest – Section 34A Licence – RI 529914).

Pump Station
 (Relevant Interest – Section 34A Licence – RI 529914).

*Column 2***SCHEDULE 2***Column 1*

Pipeline (Relevant Interest – Section 34A Licence – RI 529914).

Pontoon (Relevant Interest – Section 34A Licence – RI 529914).

Pump Station
 (Relevant Interest – Section 34A Licence – RI 529914).

Column 2

Reserve No.: 1011268.
Public Purpose: Future public requirements.
Notified: 3 February 2006.
File No.: 14/00977.

SCHEDULE 3*Column 1*

Tank (Relevant Interest – Section 34A Licence – RI 522099).

Garden (Relevant Interest – Section 34A Licence – RI 522099).

Storage Area
 (Relevant Interest – Section 34A Licence – RI 522099).

Column 2

Reserve No.: 1013791.
Public Purpose: Future public requirements.
Notified: 29 June 2007.
File No.: 13/13612.

SCHEDULE 4*Column 1*

Pump and Pipeline
 (Relevant Interest – Section 34A Licence – RI 532737).

Column 2

Reserve No.: 1013810.
Public Purpose: Future public requirements.
Notified: 29 June 2007.
File No.: 14/02281.

SCHEDULE 5*Column 1*

Pump and Pipeline
 (Relevant Interest – Section 34A Licence – RI 532737).

Column 2

Reserve No.: 84334.
Public Purpose: Generally.
Notified: 22 March 1963.
File No.: 14/02281.

SCHEDULE 6*Column 1*

Pump and Pipeline
 (Relevant Interest – Section 34A Licence – RI 532737).

Column 2

Reserve No.: 1011268.
Public Purpose: Future public requirements.
Notified: 3 February 2006.
File No.: 14/02281.

Other Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration Pursuant to Section 80

TAKE notice that RAHAMIM INCORPORATED (INC9893552) became registered under the Corporations Act 2001 as RAHAMIM LIMITED – ACN 600 468 022 a public company limited by guarantee on the first day of July 2014 and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Dated: 22 July 2014.

ROBYNE LUNNEY,
Delegate of the Commissioner,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 72

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 72 of the Associations Incorporation Act 2009.

Starfish Ministries Australia Incorporated – Inc9891575
Mid North Coast District Bowling Association Inc – Y1336045
Seagulls Chess Club Incorporated – Y1336045
Protected Cropping Australia Incorporated – Y0872708
Glossodia Community Church Incorporated – Inc1400082
Fusion Central Coast Incorporated – Inc9881244
Team Ferrari Adventures Incorporated – Inc9883738
Singmo Institute Incorporated – Inc9885744
Rotary Club of Hawkesbury Incorporated – Y2774646
Croatian Language School Terrey Hills Incorporated – Inc9893894
No Liver – No Life Australia Incorporated – Inc9896842

Cancellation is effective as at the date of gazettal.

Dated 23rd July 2014.

ROBYNE LUNNEY,
Delegate of the Commissioner,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

TAKE notice that the incorporation of the following associations are cancelled by this notice pursuant to section 76 of the Associations Incorporation Act 2009.

Asher Institute of Integrative Medicine Foundation Incorporated – Inc9884962
Korean Inbound Tour Operator Council of Australia Incorporated – Inc9882027
The Rydalmere Before and After School Care Centre Incorporated – Y1895930
Young Unity Incorporated – Inc9882857
The Rotary Club of Hay Inc – Y0828710
The Voice of Ilias (I Foni Tis Ilias) Incorporated – Inc9881452

Albanian-Australian Community of NSW Incorporated – Inc9883023
Strathfield Mission Church Incorporated – Inc9891889
Federation of Polish Association in New South Wales Incorporated – Y2678100
Clarence Valley Tenant Association Incorporated – Inc9883153
Cossatstvo of Ukraine in Australia Incorporated – Inc9880257
Kinesiology Australia Incorporated – Inc9881627
100 Percent Proud Australian Incorporated – Inc9892306
Victoria Park Community Group Incorporated – Inc9885383
Family Development Services Incorporated – Y1542729
Academy of Swimming Education East Timor Incorp – Inc9894228
Ryde Pony Club Inc – Y1032709
The Bellingen Institute Incorporated – Inc9885510
Women in Transport Incorporated – Y2930713
Nepean Districts Soccer Referees' Association (NDSRA) Incorporated – Y1997527
Ladysmith Tennis Club Incorporated – Inc9880966
Cotton Agricultural Products Association Incorporated – Y2522535
Ourimbah Community Inc – Inc9885470
Moluccana Provenance Nursery Incorporated – Inc9880909
Northern Rivers District Bowling Association Inc – Y1557220
Business Partners Consulting Group Incorporated – Inc9892174
Ourimbah Community Church Incorporated – Inc9881235
Majlisul-Ulamaa of Australia Incorporated – Inc9880841
Retail Traders and Shopkeepers Association NSW Incorporated – Inc9878636
New-Life Christian Church" Incorporated – Inc9883542
Rangeland Management Action Plan Incorporated – Y2611537
Maitland Youth Crisis Services Incorporated – Y0212811
Gunnedah Jets Football Club Inc – Inc9890758
Eden Amateur Basketball Association Incorporated – Inc9877818
Lightning Ridge Pony Club Incorporated – Y2698925
Moree Neighbourhood Centre Inc – Y0082303
Wollongong Street Machines Incorporated – Y1995631
Oran Park & District Soccer Football Club Incorporated – Inc9889427
Qifull Qigong and Taichi Network Incorporated – Inc9888582
Australia Chinese Natural Therapy and Acupuncture Promotion Association Incorporated – Inc9891625
Social Justice Incorporated – Inc9891959
Apex Club of Quirindi Inc – Y0240511
Nalloongurra Indigenous Council Incorporated – Inc9885291
Hunter Theatre Network Incorporated – Inc1300748

Central West Learning Support Inc – Inc9897758
 Community Savvy Incorporated – Inc9893195
 Australian Qigong Wushu Association Incorporated –
 Inc9877275
 Brown Swiss Sire Sampling Australia Incorporated –
 Inc9884233

Cancellation is effective as at the date of gazettal.

Dated this 23rd day of July 2014.

ROBYNE LUNNEY,
 Delegate of the Commissioner,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

TAKE notice that the incorporation of the following associations are cancelled by this notice pursuant to section 76 of the Associations Incorporation Act 2009.

The Korean Working Holiday Supporting Centre
 Incorporated – Inc9881878
 Sydney Sae Soon Multicultural Society Incorporated
 – Inc9883489
 PTB Incorporated – Inc9879412
 Persian Cultural Association Incorporated – Inc9878316
 Gladesville Sharks Football Club Inc – Inc9883165
 Fiji Australia Cultural & Sports Association
 Incorporated – Inc9880688
 The Founders of Goodness (Australia) Incorporated –
 Inc9884952
 Rotaract Club of Middle Harbour Incorporated –
 Inc9883197
 Northern Sydney Radio Rallycross Club Incorporated
 – Inc9882077
 Lions Club of Sydney, Lower North Shore
 Incorporated – Inc9880074
 World Wide Whale Awareness Incorporated –
 Inc9878247
 Surgefree Incorporated – Inc9885409
 Australian Association of Dorn Spinal Therapists
 Incorporated – Inc9884466
 Ramsay Genealogical Society Incorporated –
 Inc9883251
 Flamingo Moms Incorporated – Inc9884144
 The Sydney Project Incorporated – Inc9882666
 Philanthropical Association the Hospital Skortsinou
 P.A.T.H.S. Incorporated – Inc9879924
 Narrabeen Outrigger Canoe Club Incorporated –
 Inc9885805
 Homicide Survivors Association Incorporated –
 Inc9882562
 Club Goya 551 Incorporated – Inc9880283
 Te Tapenekara Christian Fellowship Inco – Inc9883713
 Australian Practical Shooting Association
 Incorporated – Inc9882444
 Australia Jiangsu Business Association Incorporated
 – Inc9880628
 Navy Surfriders Association Incorporated – Inc9882343
 Life and Leadership Incorporated – Inc9879695
 Just Cruisin 4x4 Incorporated – Inc9883529

Australia Fujian Business Association Incorporated –
 Inc9881462
 Sisterlink Incorporated – Inc9880300
 Comets Northern Beaches Netball Club Incorporated
 – Inc9879648
 The Young Cio's Club Incorporated – Inc9883558
 Terminus Projects Incorporated – Inc9883843
 International Karate Organisation I.K.O. Kyokushin
 Kaikan Australia Incorporated – Inc9877856
 Friends of Manly Environment Centre (FOMEC)
 Incorporated – Inc9879998
 Australian Children Fitness Association Incorporated
 – Inc9882227
 Food Interiors Styling Association Incorporated –
 Inc9882366
 Aid4aceh Incorporated – Inc9883427
 Sail-Aid Incorporated – Inc9883061
 Wallaby Hill Landcare Group Incorporated –
 Inc9877884
 GSM Gateways Association Incorporated – Inc9881846

Cancellation is effective as at the date of gazettal.

Dated this 23rd day of July 2014.

ROBYNE LUNNEY,
 Delegate of the Commissioner,
 NSW Fair Trading

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Wollongong at Sydney 10.00am 18 August 2014
 (1 week)
 In lieu of 18 August
 2014 (3 weeks)

Dated this 16th day of July 2014.

R. O. BLANCH,
 Chief Judge

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the name:

Possum Park for a Reserve located at 18 Arthur Street in the suburb of Warrimoo in the Blue Mountains Local Government Area.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. The proposal can also be viewed and submissions can be lodged on the Geographical Names Board website at www.gnb.nsw.gov.au from Friday, 25 July until Monday, 25 August 2014.

Otherwise submissions can be written to the secretary, Geographical Names Board, 346 Panorama Avenue, Bathurst NSW 2795 during the above dates.

Any person wishing to make comment upon this proposal may, prior to Monday, 25 August 2014, write to the Secretary of the Board with that comment. In accordance with section 9 of the Geographical Names Act 1966 all submissions lodged may be subject to a freedom of information application and may be viewed by third party to assist the Board in considering this proposal.

D. MOONEY,
Chairman

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the name:

El Alamein Park for a Reserve bounded by Moore Street, Anderson Avenue and El Alamein Avenue, in the suburb of Liverpool.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. The proposal can also be viewed and submissions can be lodged on the Geographical Names Board website at www.gnb.nsw.gov.au from Friday, 25 July until Monday, 25 August 2014.

Otherwise submissions can be written to the secretary, Geographical Names Board, 346 Panorama Avenue, Bathurst NSW 2795 during the above dates.

Any person wishing to make comment upon this proposal may, prior to Monday, 25 August 2014, write to the Secretary of the Board with that comment. In accordance with section 9 of the Geographical Names Act 1966 all submissions lodged may be subject to a freedom of information application and may be viewed by third party to assist the Board in considering this proposal.

D. MOONEY,
Chairman

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

Notice to Create a New Address Locality
in the Walgett Local Government Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended address locality boundaries to enable the creation of a new address locality named Grawin Opal Fields in the Walgett Local Government Area as shown on map GNB3817-3.

The position and extent of this feature is shown in the Geographical Names Register of New South Wales which can be viewed on the Geographical Names Board internet site at www.gnb.nsw.gov.au

D. MOONEY,
Chairman

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the following name:

Assigned Name:	Park Central
Designation:	Urban Place
L.G.A.:	Campbelltown
Parish:	St Peter
County:	Cumberland
L.P.I. Map:	Wollongong
1:100,000 Map:	Campbelltown
Reference:	GNB 5698

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

D. MOONEY,
Chairman

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuation of School Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day DISCONTINUED the twenty-three school names listed below:

'Daysdale Public School', Folio 6100, 31 August 1973
'Euabalong Public School', Folio 303, 24 April 1980
'Euberta Public School', Folio 3464, 13 October 1970
'French Park Public School', Folio 6381, 2 June 1972
'Jingellic Public School', Folio 7612, 10 June 1977
'Kapooka Military Camp Public School', Folio 7213, 30 April 1971
'Koringal Road Public School' Folio 6100, 31 August 1973
'Kurrajong Park Public School', Folio 5704, 28 April 1972
'Lalaly Public School', Folio 1206, 29 March 1974
'Landale Public School', Folio 7018, 13 May 1977
'Livingtone Public School', Folio 1657, 2 December 1977
'Maude Public School', Folio 6744, 9 November 1979
'Mellool Public School', Folio 5481, 14 September 1979
'Milbrulong Public School', Folio 6381, 2 June 1972
'Napier Public School', Folio 3059, 6 January 1984
'Noorong Public School', Folio 3927, 6 July 1979
'Osborne Public School', Folio 6381, 2 June 1972
'San Isidore Public School', Folio 3464, 23 October 1970
'Tatton Public School', Folio 5198, 17 October 1980
'Tooma Public School', Folio 1958, 16 December 1977
'Wandook Public School', Folio 3928, 6 July 1979
'Warragoon Public School', Folio 7018, 13 May 1977
'Widgiewa Public School', Folio 7265, 7 July 1972

The twenty-three school names listed will be retained in the Geographical Names Register for research purposed with a status of discontinued.

D. MOONEY,
Chairman

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

HOME BUILDING REGULATION 2014

Invitation to Comment

HELP us improve the laws that regulate residential building work and specialist trades – have your say on the draft Home Building Regulation.

NSW Fair Trading has drafted the Regulation to support recent changes to the Home Building Act 1989.

Visit www.fairtrading.nsw.gov.au to view the draft Regulation and a statement about its impact. Or, request these documents by emailing policy@finance.nsw.gov.au or phoning 13 32 20.

Written comments and submissions must be made by Friday, 15 August 2014.

PARLIAMENTARY REMUNERATION ACT 1975

Erratum

THE Annual Report and Determination of Additional Entitlements for Members of the Parliament of New South Wales by the Parliamentary Remuneration Tribunal of 11 June 2014 is amended as set out hereunder:

Section 5.2, Table 7A: Logistic Support Allowance Quantum of the Account – 28 March 2015 to 30 June 2015 on page 51 –

The last column titled “Total Logistic Support Allowance” in respect to “Zone 1 Electorates” is amended from “\$24,060” to \$24,055.

The last column titled “Total Logistic Support Allowance” in respect to “Zone 2 Electorates” is amended from “\$24,775” to \$24,770.

Section 6, Schedules: 1 July 2014 to 27 March 2015, Schedule 2 – Sydney Allowance Grouping on page 65 –

The electorate of “12. Kiama” is removed from the schedule and the electorates listed thereunder are renumbered from 12 to 27.

Section 7, Schedules: 27 March 2015 to 30 June 2015 – Schedule 2AA – Sydney Allowance Grouping on page 71 –

The electorate of “12. Kiama” is removed from the schedule and the electorates listed thereunder are renumbered from 12 to 26.

Schedule 4A – Electorate Communication Allowance on page 74 –

The electoral district of “12. Burrinjuck” is renamed as Cootamundra and the electorates listed thereunder are renumbered alphabetically.

THE PARLIAMENTARY
REMUNERATION TRIBUNAL

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Lower North Coast incorporating –
Kempsey Shire Council
Nambucca Shire Council

The Local Bush Fire Danger period has been extended for the period commencing 1 August 2014 until 31 March 2015.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 17 July 2014.

ROB ROGERS, A.F.S.M.,
Deputy Commissioner,
Director, Operational Services
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Northern Rivers incorporating –
Kyogle Council
Lismore City Council
Richmond Valley Council

The Local Bush Fire Danger period has been extended for the period commencing 1 August 2014 until 31 March 2015.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 17 July 2014.

ROB ROGERS, A.F.S.M.,
Deputy Commissioner,
Director, Operational Services
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Mid North Coast incorporating –
Bellingen Shire Council
Coffs Harbour City Council

The Local Bush Fire Danger period has been extended for the period commencing 1 August 2014 until 31 March 2015.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 17 July 2014.

ROB ROGERS, A.F.S.M.,
Deputy Commissioner,
Director, Operational Services
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Far North Coast incorporating –
Ballina Shire Council
Byron Shire Council
Tweed Shire Council

The Local Bush Fire Danger period has been extended for the period commencing 1 August 2014 until 31 March 2015.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 17 July 2014.

ROB ROGERS, A.F.S.M.,
Deputy Commissioner,
Director, Operational Services
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Clarence Valley incorporating –
Clarence Valley Council

The Local Bush Fire Danger period has been extended for the period commencing 1 August 2014 until 31 March 2015.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 17 July 2014.

ROB ROGERS, A.F.S.M.,
Deputy Commissioner,
Director, Operational Services
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Gloucester Great Lakes incorporating –
Gloucester Shire Council
Great Lakes Council

The Local Bush Fire Danger period has been extended for the period commencing 1 August 2014 until 31 March 2015.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 17 July 2014.

ROB ROGERS, A.F.S.M.,
Deputy Commissioner,
Director, Operational Services
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Mid Coast incorporating –
Greater Taree City Council
Port Macquarie-Hastings Council

The Local Bush Fire Danger period has been extended for the period commencing 1 August 2014 until 31 March 2015.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 17 July 2014.

ROB ROGERS, A.F.S.M.,
Deputy Commissioner,
Director, Operational Services
(delegate)

REPORT and DETERMINATION under SECTION 24C of the
STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES

11 July 2014

www.remtribunals.nsw.gov.au

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SECTION 1

Background

1. The Chief Executive Service and Senior Executive Service¹ was introduced in the NSW public sector in 1989. The key features of the SES are:
 - classification into 8 remuneration levels
 - minimum and maximum of each remuneration level determined by the Tribunal
 - conditions of employment being fixed by contract
 - individual performance agreements
 - annual increases in remuneration based on performance assessment
 - remuneration packages expressed as total cost of employment, whether the amount is monetary remuneration for the executive office holder, or partly that remuneration and partly as the cost to the employer of the executive office holder of employment benefits.
2. Section 24C of the Statutory and Other Offices Remuneration Act 1975 (the SOOR Act) provides for the Tribunal to determine annual remuneration packages for the SES.
3. The Government Sector Employment Act 2013 (the GSE Act) commenced operation on 24 February 2014. The GSE Act introduced a new structure and employment arrangements for all of the NSW Public Service. The new arrangements will replace those provided for in relation to the appointment of senior executives under the former Public Sector Employment and Management Act 2002 (PSEM Act).
4. Transitional arrangements are in place until up to 24 February 2017 for 'transitional former senior executives', that is, people who were in the SES or who were Senior Officers or in equivalent classifications under the former PSEM Act immediately before it was repealed. The arrangements are outlined in Schedule 4 of the GSE Act.

¹ Unless otherwise stated, the Chief Executive Service and the Senior Executive Service are referred to collectively in the Report and Determination as SES.

Under these transitional provisions, the following executives have a remuneration package that is equivalent to the remuneration package of the executive immediately before the repeal of the former PSEM Act (unless the remuneration package is increased as a result of a determination of the Tribunal made under Part 3A of the SOOR Act):

- transitional former senior executives who are former SES executives in accordance with Clause 8 (1) (a) of Schedule 4 of the GSE Act
 - persons continuing in office as Secretary under Clause 6 (2) of Schedule 4 of the GSE Act
 - persons continuing in office as head of a Public Service agency under Clause 7 (2) of Schedule 4 of the GSE Act
 - persons holding office as head of a Public Service agency under Clause 7 (5) of Schedule 4 of the GSE Act
 - the statutory officers listed in Clause 8A (1) of Schedule 4 of the GSE Act.
5. Public Service agencies are to review their executive structures within three years of commencement of the GSE Act to achieve alignment with the new executive arrangements.
 6. The Tribunal will continue to make determinations for the SES, under Part 3A of the SOOR Act, until such time as the transitional arrangements are finalised. The Tribunal expects that the final determination in respect of this group will be made on 1 July 2016.
 7. The SOOR Act was also amended to provide for the Tribunal's determinations to take effect from 1 July in that year, instead of 1 October. The SOOR Act provides for the annual determinations of Part 3A remuneration packages for the SES in the following terms:

24C Annual determination

The Tribunal is required to make, in each year, a determination of remuneration packages for executive office holders as on and from 1 July in that year.
 8. On that basis this annual determination will take effect from 1 July 2014.

SECTION 2

2013 Review

9. The Tribunal's 2013 annual determination for the SES dated 27 September 2013 provided for a 2.5 per cent increase for each SES officer, subject to satisfactory performance.
10. In determining the remuneration for SES officers, and following amendments to the SOOR Act in 2011, the Tribunal was required pursuant to section 6AA of the SOOR Act to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission (the IRC) is required to give effect to under section 146C of the Industrial Relations Act 1996 (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.
11. The then policy on wages pursuant to section 146 (1) (a) of the IR Act was specified in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (the IR Regulation 2011). The effect of IR Regulation 2011 was that public sector wages could not increase by more than 2.5 per cent. Any increase beyond 2.5 per cent could only be awarded if sufficient employee-related cost savings had been achieved to fully offset the increased employee-related costs.

SECTION 3

Government submission

12. The Government submission provides an overview of the State's recent economic performance and makes a recommendation in respect of the quantum of the increase to apply to the SES. Extracts appear below.

Economic performance and outlook for NSW

13. The submission was drafted prior to the release of the 2014-15 Budget and is largely based on economic forecast and fiscal commentary from the 2013-14 Half-Yearly Review (HYR), December 2013.
14. The Government's fiscal strategy is enshrined in the Fiscal Responsibility Act 2012 with the key objective being to maintain operating balances and debt positions that are consistent with the State's triple A credit rating. The 2012-13 Budget and the 2013-14 HRY deliver on the fiscal strategy and address critical infrastructure spending while lowering debt, consistent with maintaining the triple-A credit rating.
15. NSW real economic growth as at the HYR was revised down by $\frac{1}{4}$ of a percentage point compared with the 2013-14 Budget, to $2\frac{1}{2}$ per cent for both 2013-14 and 2014-15. This reflects a softer global outlook, which has weakened both national and NSW economic prospects. A more gradual transition to non-mining investment is now expected.
16. The 2013-14 HYR forecasts a traditional deficit of \$1 billion in 2013-14 before returning to surplus in 2014-15, with growing surpluses thereafter. Even including accounting standard amendments, the HYR forecasts a return to surplus in 2016-17. These surpluses will lower the government's net borrowing requirement, requiring less debt to fund the infrastructure program

17. Expenses growth has been brought under control by delivering on the savings measures announced in the previous three Budgets. The wage policy is a key element, given that employee expenses account for nearly one-half of budget expenses. The impact of the wages policy is clearly evident in employee-related cost growth rates over the forward estimates in this Budget. Total expenses have now come in under budget for three consecutive years.
18. Controlling employee-related expenses continues to be a key focus in the Government's expense restraint. The 2013-14 Budget and 2013-14 HYR continue to deliver the benefits of the NSW Public Sector Wages Policy 2011. The policy provides for remuneration increases of 2.5 per cent per annum, with increases above this amount funded by realised employee-related cost savings. The Government's policies relating to better management of excess employees, a labour expense cap and more stringent controls on excessive annual leave accruals also assist in delivering better fiscal outcomes.
19. In 2013-14, employee expenses are estimated to be 47.6 per cent of the total expenses, including superannuation expense (6.3 per cent) and other employee expenses (41.3 per cent) composed principally of wages and salaries. Superannuation expenses are projected to increase in line with non-salary costs, plus changes in the federally legislated rate of contribution. Non-superannuation employee expenses will continue to increase but at a slower rate over the forward estimates.
20. Wages growth has slowed to below trend over 2012-13 and early 2013-14. Through the year to the March quarter, the NSW Wage Price Index grew by 2.6 per cent, reflecting subdued growth in both public and private sector wages. As at the HYR, NSW wage growth is expected to continue to grow below trend at 2 ¾ per cent in 2013-14 and 3 per cent in 2014-15. This subdued growth reflects a soft labour market and subdued inflation expectations. The Government's wages policy will continue to assist in moderating public sector wages growth.
21. The latest Consumer Price Index (CPI) figures for the March quarter 2014 show annual CPI growth to 2.8 per cent in Sydney, and 2.9 per cent across the average of 8 capital cities. Sydney CPI is expected to moderate to 2 per cent in 2013-14, reflecting low underlying inflation pressures and the removal of the carbon tax (reducing headline inflation by ¾ of a percentage point). The Sydney CPI is expected to then pick up to 2¾ per cent in 2014-15 in line with trend growth in output and employment. Current Reserve Bank of Australia (the RBA) forecasts, as at the May 2014 Statement of Monetary Policy, are that underlying inflation will reach the upper bound of the RBA target rate before returning to the mid-section of the target range in 2015-16.

Government's submitted increase

22. The Government's submits that any increase should be discounted from 2.5 per cent to 1.88 per cent to have regard to the earlier commencement date of 1 July.
23. Past determinations have provided increases in remuneration effective from 1 October each year. However, amendments to the SOOR Act have now brought forward the date of effect from 1 October to 1 July.
24. The result of the change is that any increases in remuneration will apply three months earlier than past increases and would (if not taken into account) result in employees receiving comparatively greater remuneration in 2014-15 than would have been paid based on the previous arrangements – leading to effectively higher wages growth than legislated under the NSW Public Sector Wages Policy 2011.
25. The Government submission includes the following example to clarify the issue:
“For example, an employee with a salary of \$200,000 who receives an increase of 2.5 per cent from 1 July 2014 would earn \$1,281 more in 2014-15 than if they received the same increase from 1 October 2014 (\$210,125 compared to \$208,844 for 2014-15). Salary growth over this year would effectively be 3.1 per cent in 2014-15. It is therefore necessary to adjust any increase in remuneration to take account of this timing change by discounting the quantum of the increase by 25 per cent (i.e. one quarter representing three months out of 12 months). Under the above scenario, an increase of 1.88 per cent from 1 July 2014 results in the same remuneration being paid as applying a 2.5 per cent increase from 1 October.”
26. The Government submits that the Tribunal should approve an annual increase of 1.88 per cent for SES from 1 July 2014 on the basis that this is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and IR Regulation 2011.
27. The Tribunal notes that IR Regulation 2011 was remade on 24 June 2014, after the Government drafted its submission, and is now the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the IR Regulation 2014). The remaking of IR Regulation 2014 confirms the Government policies that are required to be given effect to by the IRC. In particular, it confirms the Government's policies regarding the management of excess public sector employees and the 2.5 per cent cap on increases in remuneration and the cost of other conditions of employment (including superannuation).
28. The Government also submits that there should be no increase to the minimum and maximum rates of Recruitment and Retention Allowances.

SECTION 4

2014 Determination

Superannuation Guarantee Contribution: Changes to legislation and further increases

29. In determining remuneration for the SES the Tribunal is required pursuant to section 6AA of the SOOR Act to give effect to the same policies on increases in remuneration as those that the IRC is required to give effect to under section 146C of the IR Act when making or varying awards or orders relating to the conditions of employment of public sector employees.
30. The current policy on wages pursuant to section 146 (1) (a) of the IR Act is specified in IR Regulation 2014 which was made on 24 June 2014. The effect of IR Regulation 2014 is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. IR Regulation 2014 replaces IR Regulation 2011 and Clause 6 provides the following clarification in relation to superannuation employment benefits:
- “...Other policies*
- (1) The following policies are also declared, but are subject to compliance with the declared paramount policies:*
- (a) Public sector employees may be awarded increases in remuneration or other conditions of employment but only if employee-related costs in respect of those employees are not increased by more than 2.5 % per annum as a result of the increases awarded together with any new or increased superannuation employment benefits provided (or to be provided) to in respect of the employees since their remuneration or other conditions of employment were last determined.*
- (4) In subclause (1) (a), new or increased superannuation employment benefits means any new or increased payments by an employee to a superannuation scheme or fund of an employee as a consequence of amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987.*
31. IR Regulation 2014 is the most recent change in a series of actions taken by the Government to give effect to its policy in relation to the impact of increases in superannuation employment benefits.
32. The SCG increase does not affect the Tribunal’s ability to determine a remuneration increase of up to 2.5 per cent for SES as they receive a total remuneration package, from which the cost of the SGC must be funded.

Adjusted Annual Increase

33. To ensure the SES remuneration package ranges do not increase by more than 2.5 per cent over a twelve month period, it is appropriate that the increase to take effect from 1 July 2014 be discounted to reflect the start date of 1 July rather than the later date of 1 October, at which date the Tribunal's previous determinations have taken effect.

Recruitment Allowance and Retention Allowance

34. There was no increase in the minimum and maximum rates of the Recruitment Allowance or the Retention Allowance in 2013. Recruitment and Retention Allowances will not be available to new Public Service Senior Executives under the GSE Act. While no new allowances will be offered, the Tribunal will continue to determine these allowances for existing SES officers currently in receipt of these allowances until such time as the transition arrangements are complete and Part 3 of the SOOR Act is repealed.

Chief Executive Positions

35. During the 2013 annual review the Tribunal determined that three Chief Executive positions would receive remuneration in excess of the maximum of SES Level 8: the Director General of the Department of Premier and Cabinet, the Chief Executive Officer and Co-ordinator General of Infrastructure NSW and the Director General, Department of Trade and Investment, Regional Infrastructure and Services.
36. The Tribunal continued to support the view that additional remuneration for these positions was warranted and determined an increase of 2.5 per cent consistent with section 6AA of the SOOR Act.
37. The GSE Act provides transitional arrangements for Secretaries of Departments and Heads of other Public Service agencies.
38. In accordance with Clause 6 of Schedule 4 of the GSE Act the persons holding the office as the head of the former principal Department immediately before the repeal of the former PSEM Act continues in that role (subject to the provisions of Clause 6 (2) (a) and (b). A person who continues in office as Secretary under subclause (2) is remunerated in accordance with a determination of the Tribunal as follows:

6 Secretaries of Departments – transitional arrangements

- (4) A person who continues in office as Secretary under subclause (2):*
- (c) has a remuneration package that is equivalent to the remuneration package of the person immediately before the repeal of the former Act (unless the remuneration package is increased as a result of a determination of the Statutory and Other Offices Remuneration Tribunal made under Part 3A of the Statutory and Other Offices Remuneration Act 1975)....*

39. The remuneration determined by the Tribunal on 27 September 2013, in respect of the Director General of the Department of Premier and Cabinet and the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, continues to be payable to the persons holding those offices while ever the office holders are subject to the transitional arrangements (Schedule 4, Clause 6, GSE Act 2013).
40. The Tribunal notes that the former Secretary of the Department of Premier and Cabinet ceased to occupy that position on 25 June 2014. On that basis the transitional arrangements cease to apply and the Tribunal is no longer required to make a determination under Part 3A of the SOOR Act in respect of that office holder.
41. Any new determination in respect of the office or office holder of the position of Secretary of the Department of Premier and Cabinet is to be made in accordance with the provisions of both the GSE Act and Part 3B of the SOORT Act. When appropriate, it would be open to the Premier to direct the Tribunal to determine the remuneration payable to the office or office holder of the position of Secretary of the Department of Premier and Cabinet, in accordance with section 24P of the SOOR Act.
42. Transitional arrangements also apply in respect of the remuneration payable to the Chief Executive Officer and Co-ordinator General of Infrastructure NSW. In accordance with Clause 7 of Schedule 4 of the GSE Act persons holding office as head of the former other Division (which includes Infrastructure NSW) immediately before the repeal of the former PSEM Act continue in that role (subject to the provisions of Clause 7 (2) (a) and (b). A person who continues in office as Head of other Public Service agencies under subclause (2) is remunerated in accordance with a determination of the Tribunal as follows:

7 Heads of other Public Service agencies – transitional arrangements

(7) A person who continues in office as Secretary under subclause (2):

- (c) has a remuneration package that is equivalent to the remuneration package of the person immediately before the repeal of the former Act (unless the remuneration package is increased as a result of a determination of the Statutory and Other Offices Remuneration Tribunal made under Part 3A of the Statutory and Other Offices Remuneration Act 1975)....

43. As transitional arrangements currently apply to the office holders appointed to the positions of Secretary of the Department of Trade and Investment, Regional Infrastructure and Services and the Chief Executive Officer and Co-ordinator General of Infrastructure NSW the Tribunal will make an annual determination for these positions.

Conclusion

44. The Tribunal after considering the views of the Assessors and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 1.88 per cent for all SES officers, effective on and from 1 July 2014. The new rates are as set out in Determinations Nos 1-7.

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 1 – Remuneration Package Ranges for the SES

The Tribunal determines that the remuneration package ranges for executive office holders effective on and from 1 July 2014 shall be:

<i>CES/SES</i>	<i>Per annum range</i>		
Remuneration Level 8	\$430,451	to	\$497,300
Remuneration Level 7	\$343,201	to	\$430,450
Remuneration Level 6	\$305,401	to	\$343,200
Remuneration Level 5	\$264,751	to	\$305,400
Remuneration Level 4	\$242,801	to	\$264,750
Remuneration Level 3	\$213,751	to	\$242,800
Remuneration Level 2	\$199,301	to	\$213,750
Remuneration Level 1	\$170,250	to	\$199,300

Determination No. 2 – Chief Executive Officer and Co-ordinator General, Infrastructure NSW

The Tribunal determines that the remuneration package for the Chief Executive Officer and Co-ordinator General, Infrastructure NSW shall be \$548,575 per annum effective on and from 1 July 2014.

Determination No. 3 – Director General, Department of Trade and Investment, Regional Infrastructure and Services

The Tribunal determines that the remuneration package for the Director General, Department of Trade and Investment, Regional Infrastructure and Services shall be \$544,455 per annum effective on and from 1 July 2014.

Determination No. 4 – Recruitment Allowance

The recruitment allowance applies only to existing SES officers currently in receipt of the allowance. Officers in receipt of a Recruitment Allowance are not eligible for payment of a Retention Allowance.

<i>CES/SES</i>	<i>Maximum Allowance</i>	
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

Determination No. 5 – Retention Allowance

SES Officers shall be eligible for a Retention Allowance up to the maximum for each level as set out hereunder. The Allowance will apply on and from the date of approval by the Public Service Commissioner and will accrue on an annual basis or part thereof and the total amount will be payable upon the completion of the term of appointment.

Officers in receipt of a Retention Allowance are not eligible for payment of a Recruitment Allowance.

<i>CES/SES</i>	<i>Maximum Allowance</i>	
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

Determination No. 6 – Specialist Medical Skills

The Tribunal determines that the remuneration package ranges for offices identified as requiring specialist medical skills effective on and from 1 July 2014 shall be:

<i>Specialist Medical Skills</i>	<i>Per annum range</i>		
Remuneration Level 6	\$314,600	to	\$385,300
Remuneration Level 5	\$313,250	to	\$371,250
Remuneration Level 4	\$307,850	to	\$357,350
Remuneration Level 3	\$293,750	to	\$340,900
Remuneration Level 2	\$275,700	to	\$319,900
Remuneration Level 1	\$254,300	to	\$291,950

Determination No. 7 – General Medical Skills

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills effective on and from 1 July 2014 shall be:

<i>General Medical Skills</i>	<i>Per annum range</i>		
Remuneration Level 2	\$221,350	to	\$256,850
Remuneration Level 1	\$203,450	to	\$233,500

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

REPORT and DETERMINATION under SECTION 14 (1) and SECTION 13 of the
STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

COURT AND RELATED OFFICERS GROUP

11 July 2014

www.remtribunals.nsw.gov.au

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Determination No. 3 – Annual Determination effective on and from 1 July 2014

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SECTION 1

Introduction

1. Section 13 of the Statutory and Other Offices Remuneration Act 1979 (the SOOR Act), requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year (formerly 1 October). “Remuneration” is defined in section 10A as salary or allowances paid in money.
2. The Court and Related Officers Group comprises those public offices listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Public Office Holders 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, are additional to the salary amount determined.
3. The Tribunal’s 2013 annual determination for the Court and Related Officers Group was disallowed by the Legislative Assembly on 12 November 2013, pursuant to section 19 of the SOOR Act. The effect of the disallowance was that the Tribunal’s previous year’s determination of 9 November 2012 continued in effect. The impact of the disallowance was that office holders in the Court and Related Officers Group effectively received no increase for 2013, with the exception of the Director of Public Prosecutions and the Solicitor General. The Director of Public Prosecutions and the Solicitor General received an increase of 2.5 per cent with effect from 1 October 2013 in accordance with the Tribunal’s special determination for Judges, Acting Judges, Associate Judges, Director of Public Prosecutions and Solicitor General of 19 December 2013.
4. On 10 July 2014 the Premier, the Honourable Mike Baird, M.P., directed the Tribunal to make a special determination for those office holders in the Court and Related Officers Group who, as a result of the disallowance of the 2013 Court and Related Officers Determination, did not receive an increase with effect from 1 October 2013.

5. The special determination and the 2014 annual determination will be made concurrently. The special determination, pursuant to section 14 of the SOOR Act, will cover those office holders in the Court and Related Officers Group who did not receive the 2013 increase. For those office holders an increase will apply from 1 October 2013 to 30 June 2014. Increases available in the 2014 annual determination, pursuant to section 13 of the SOOR Act, will be based on the rates determined in the special determination.
6. For the Director of Public Prosecutions and the Solicitor General the 2014 adjustments will be based on the salaries determined in the Tribunal's special determination of 19 December 2013.

SECTION 2

2013 Review

Amendments to the SOOR Act

7. The SOOR Act was amended, with effect from 1 July 2013, to require the Tribunal, 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 (IRC) is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act). In addition the policy declared by the regulations also extended to judicial office holders, who previously had been excluded under the SOOR Act.
8. Section 6AB of the SOOR 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 SOOR Act applies is declared in the Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 (SOOR Regulation 2013).
9. In accordance with SOOR Regulation 2013 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.

Changes to the Superannuation Guarantee Contribution (SGC)

10. A number of office holders the subject of the Tribunal's determination were also affected by the changes to the SGC – which increased by 0.25 per cent with effect from 1 July 2013. The exceptions were Director of Public Prosecutions and the Solicitor General. These offices do not receive the SGC, instead they are eligible to receive a judicial pension.
11. In May 2013 the Government advised that its intention was that the SGC increase be funded from within the existing wages cap of 2.5 per cent. Amendments to SOOR Regulation 2013 passed in the Legislative Assembly clarified the application of Government policy in relation to the impact of increases in superannuation employment benefits. However, the amendments to SOOR Regulation 2013 were disallowed by the Legislative Council on 21 August 2013.

2013 Annual Determination

12. On 27 September 2013 the Tribunal determined that office holders in the Court and Related Office Holders Group would receive an increase of 2.5 per cent which was consistent with increases provided to other offices, and groups of office holders, and was made having regard to the law (a decision of the Industrial Relations Commission) as it stood at that time.

Disallowance of determinations

13. On 12 November 2013, pursuant to section 19A of the SOOR Act, the Tribunal's determinations for the Judges and Magistrates Group, the Court and Related Office Holders Group and the Public Office Holders Group were disallowed by the Legislative Assembly. The effect of the disallowance was that the Tribunal's previous year's determination of 9 November 2012 continued in effect. However, from 1 October 2013 up to the date of the disallowance (being 12 November 2013), remuneration was to be paid in accordance with the disallowed 2013 determinations. The 2012 determinations applied from 12 November 2013. The Tribunal understands that not all office holders were paid an increase for that period.

Special determination – Judges, Acting Judges, Associate Judges, Director of Public Prosecutions and Solicitor General

14. On 20 November 2013 the then Premier, the Hon. Barry O'Farrell, M.P., wrote to the Tribunal, in regard to the remuneration payable to those judges and other related officers who are potentially entitled upon retirement to receive a judicial pension and in respect of whom, therefore, the employer does not incur the cost of the superannuation guarantee contribution (SGC).
15. The Premier wrote:

“The reason for disallowance is that there are currently Court proceedings on foot in which a question has arisen as to whether the Government Wages Policy, as reflected in the relevant Regulations, requires the 2.5 per cent limit on remuneration increases to also take into account increases in the SGC (Superannuation Guarantee Contribution).”

The Annual Determinations proceeded on the basis that the limit did not need to take into account the increases in the SGC. However, the Government considers that it does and is making submission to that effect in the current Court proceedings.

The Government considers that it would be inappropriate for the Annual Determinations to operate until the question is finally determined by the Courts.

It is the Government's intention, however, that once the Courts have finally resolved the question the Tribunal will be asked to make new determinations with effect from the date of disallowance.

In the meantime, there are a number of officers for whom the question of the interaction of the Government Wages Policy and the SGC changes does not apply. These are judges and other related officers, who, upon retirement, are entitled to a judicial pension and therefore who are not eligible to receive the SGC.

To ensure that those officers are not adversely affected, I request that the Tribunal now proceed immediately to make a new determination just for those officers.

The Tribunal's determination should provide for relevant remuneration increase to be taken to have been effective from 1 October 2013."

16. The office holders referred to in the former Premier's request include judges as defined within the meaning of the Judges' Pensions Act 1953, Associate Judges, the Director of Public Prosecutions, and the Solicitor General. Acting Judges were also included for the purposes of this determination.
17. While the Director of Public Prosecutions and the Solicitor General are not judicial office holders as defined by the Judicial Officers Act 1986 these offices are eligible to receive a judicial pension. The office of the Director of Public Prosecution is eligible to receive a judicial pension in accordance with Clause 10 of Schedule 1 of the Director of Public Prosecutions Act 1986. The office of Solicitor General is eligible to receive a judicial pension under section 6 of the Solicitor General Act 1969.
18. On 19 December 2013 the Tribunal determined that the Director of Public Prosecutions and the Solicitor General would receive an increase of 2.5 per cent with effect from 1 October 2013. This increase was consistent with increases provided to other office holders eligible to receive a judicial pension and the subject of the Tribunal's special determination.
19. Other office holders the subject of the Court and Related Officers Group determination were not eligible for consideration under the terms of the Premier's special reference.

SECTION 3

2014 Annual Review

20. There have been no further amendments to SOOR Regulation 2013.
21. The Tribunal notes that the SGC has increased from 9.25 per cent to 9.50 per cent from 1 July 2014. The SOOR Regulation 2013 includes employer payments to employee superannuation schemes or funds within the definition of "officer-related costs", therefore the Tribunal will have regard to the impact of SGC increases in making this determination. The SGC increase does not affect the Tribunal's ability to determine a remuneration increase of up to 2.5 per cent for office holders who potentially are entitled to a judge's pension.

Office Holder Submissions

22. As is the usual practice, prior to making its Reports and Determinations, the Tribunal invited submissions from office holders. No submissions were received from office holders in the Court and Related Offices Group for consideration during the 2014 review.

Special Reference

23. On 10 July 2014 the Premier, the Honourable Mike Baird, M.P., directed the Tribunal to make a special determination for those office holders who did not receive an increase with effect from 1 October 2013 as a result of the disallowance of the 2013 Judges and Magistrates Determination, and that the new determinations should take effect from 1 October 2013.

"I write seeking Determinations from the Tribunal under section 14 (1) of the Statutory and Other Offices Remuneration Act 1975 in regard to the remuneration payable to those office-holders who remain affected by the disallowance of the Tribunal's 2013 Annual Determinations for Judges and Magistrates, Court and Related Officers and Public Office Holder Group....

...In these circumstances, it would appear appropriate that I direct the Tribunal to proceed immediately to make new Determinations for those office-holders still affected by the disallowance of the Tribunal's 2013 Annual Determinations. The Tribunal's new Determinations should provide for any relevant remuneration increases for 2013-2014 to be taken to have been effective from 1 October 2013."

Government submission

24. The Government submission outlines the Government's view of appropriate adjustments in respect of the special determination and the annual determination.
25. For the section 14 special determination the Government submits that the Tribunal should determine an increase of 2.27 with effect from 1 October 2013. The increase of 2.27 per cent for 2013 is equivalent to that which the

Unions and the Industrial Relations Commission agreed upon for Public Sector Salaries Awards in 2013. The salary increase of 2.27 per cent was arrived at as, for that group of employees, the SGC increase is not payable in respect of overtime or leave loading and, as a result, the total employee-related cost of the additional SGC is less than 0.25 per cent.

26. For the section 13 annual determination the Government submits that the Tribunal should determine an increase of 1.88 per cent for the Director of Public Prosecutions and the Solicitor General and 1.70 per cent for other office holders in the Court and Related Officers Group, being those office holders subject to the section 14 special determination, with effect from 1 July 2014. The 2014 increase is discounted to have regard to the earlier commencement date of 1 July in 2014. Past determinations have provided increases in remuneration effective from 1 October each year. However, amendments to the SOOR Act have brought forward the date of effect from 1 October to 1 July.
27. The result of the change is that any increases in remuneration will apply three months earlier than past increases, and would (if not taken into account) result in office holders receiving comparatively greater remuneration in 2014-15 than would have been paid based on the previous arrangements – leading to effectively higher wages growth than legislated under the NSW Public Sector Wages Policy 2011.
28. The Government submission includes the following example to clarify the issue:
“For example, an employee with a salary of \$200,000 who receives an increase of 2.5 per cent from 1 July 2014 would earn \$1,281 more in 2014-15 than if they received the same increase from 1 October 2014 (\$210,125 compared to \$208,844 for 2014-15). Salary growth over this year would effectively be 3.1 per cent in 2014-15. It is therefore necessary to adjust any increase in remuneration to take account of this timing change by discounting the quantum of the increase by 25 per cent (i.e. one quarter representing three months out of 12 months). Under the above scenario, an increase of 1.88 per cent from 1 July 2014 results in the same remuneration being paid as applying a 2.5 per cent increase from 1 October.”
29. For the Director of Public Prosecutions and the Solicitor General the submitted increase of 1.88 per cent is discounted from the maximum annual increase of 2.5 per cent. As these office holders do not receive the SGC, over a twelve month period they would ordinarily be entitled to an increase of up to 2.5 per cent.

SECTION 4

2014 Increase

30. In undertaking the 2014 review the Tribunal advised office holders that it would consider a general increase for all office holders of up to or, if warranted, above 2.5 per cent. It would also consider requests from individual office holders or groups of office holders for increases above 2.5 per cent based on work value assessment. Office holders were advised that in both instances, any increase in excess of 2.5 per cent could only be paid if sufficient officer-related cost savings for the office holder or relevant group had been achieved or were expected to be achieved, to fully offset the increased officer-related costs resulting from the increased payment.
31. Under current legislation the Tribunal determines remuneration for office holders, which is either a salary or a total remuneration package. For office holders subject to Court and Related Offices determinations, the determinations also provide for a conveyance allowance. Information on other employment entitlements and/or personal appointment benefits provided to individual office holders, or groups of office holders, by their employer is not readily available to the Tribunal. Further, the overall cost to the State of engaging these office holders is not readily quantifiable by the Tribunal.
32. Should office holders, or groups of office holders, consider that the Tribunal, in determining whether officer-related cost savings will or have been achieved, should have regard to other employment entitlements and/or personal appointment benefits, the types and costs of these entitlements would need to be made available (and independently verified) to the Tribunal.
33. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.
34. The Tribunal has not been asked to consider an increase, either a general increase or an increase based on work value assessment, in excess of 2.5 per cent, which detailed officer-related cost savings. Consequently the Tribunal is not presently required to come to a view on how officer-related costs and officer-related cost savings would be calculated for the purposes of determining any increase in remuneration of more than 2.5 per cent.
35. As noted in the 2013 annual determination (disallowed) the Tribunal finds that amendments to the SOOR Act and SOOR Regulation 2013 make it difficult for office holders, and, in particular, groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify an increase of more than 2.5 per cent.
36. The Tribunal is also aware that the erosion of long standing salary relativities and the impact of changes to the SGC, are matters of concern for office holders within the Court and Related Officers Group.

37. As outlined in the Tribunal's 2012 and 2013 determinations, as soon as the current climate of fiscal restraint is relaxed to any extent, and if the legislation in existence at the time (noting that the current legislation has an expiry date) does not prohibit the Tribunal from doing so, the Tribunal will immediately consider restoring the original relativities both between office holders within this group and with certain office holders in the Judges and Magistrates Group.
38. Having regard to the Government submission, SGC requirements, key economic indicators, the special reference restoring the disallowed 2013 increases, and the earlier commencement date for determinations, the Tribunal proposes to apply an appropriate discount to remuneration increases it determines, in respect of office holders in the Court and Related Offices Group.
39. After considering submissions received, the Premier's special direction, the Government submission, and key economic indicators, the Tribunal finds those office holders the subject of this determination should receive the maximum permissible increase, although taking into account the impact of the SGC, where necessary, and the changed commencement date.
40. It is the obligation of the Tribunal to undertake its duties consistently with the legislation and court decisions as they presently stand with regard to that legislation. On that basis the Tribunal, after considering the views of the Assessors, has made the following special determination for 2013 and annual determinations for 2014.

Special Determination (pursuant to section 14 of the SOOR Act)

41. The Tribunal welcomes the Premier's direction to make a special determination for office holders who did not receive an annual adjustment following the disallowance of the 2013 determination – being those court and related officers who were not the subject of the Tribunal's special determination of 19 December 2013.
42. The special determination will provide an increase for these office holders of 2.27 per cent for the period 1 October 2013 to 30 June 2014, in accordance with the Premier's direction, as specified in Determination No. 1 and Determination No. 2. The increase is consistent with the Government's position on the treatment of SGC increases and the law on that matter as it presently stands.
43. The special determination goes some way to restoring salary relativities within the group and will enable affected office holders to receive back pay. Officers were eligible to receive the 2013 annual increase of 2.5 per cent from 1 October up until the date of disallowance, being 12 November 2013. If such payments have been made then appropriate adjustments should be made when applying the 2.27 per cent increase from 1 October 2013.

Annual determinations (pursuant to section 13 of the SOOR Act)

44. Pursuant to section 13 of the SOOR Act the Tribunal determines that an increase of 1.88 per cent will apply to the Director of Public Prosecution and the Solicitor General, and an increase of 1.70 per cent will apply for all other Court and Related offices, on and from 1 July 2014 as specified in Determination No. 3 and Determination No. 4.

Conveyance Allowance

45. The Tribunal has undertaken a review of the conveyance allowance. In determining the quantum of this allowance the Tribunal applies the average of leasing, on road and running costs for a range of vehicles which may be leased by office holders in the Court and Related Officers Group.
46. The Tribunal's analysis has shown that there has been no substantial change in the costs for leasing the sample motor vehicles over the last 12 months and considers that the Allowance should not be increased at this time.

2015 Review

47. The Tribunal does not propose to discount any remuneration increase it determines for the 2015 annual review as the change in commencement date for annual determinations has been addressed in the 2014 annual determination.

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 1 – Special Determination effective on and from 1 October 2013

Special determination of the Remuneration for the following Court and Related Officer Holders effective on and from 1 October 2013

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (1)</i>
Chairperson, Law Reform Commission	\$395,990	\$22,550
Crown Advocate	\$356,390	\$20,330
Deputy Director of Public Prosecutions	\$356,390	\$20,330
Senior Crown Prosecutor	\$320,750	\$16,235
Senior Public Defender	\$320,750	\$16,235

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (1)</i>
Deputy Presidents, Workers Compensation Commission	\$288,670	\$16,235
Deputy Senior Crown Prosecutor	\$288,670	\$16,235
Deputy Senior Public Defender	\$288,670	\$16,235
Solicitor for Public Prosecutions	\$288,670	\$16,235
Senior Commissioner Land and Environment Court	\$277,190	\$16,235
Crown Prosecutor	\$263,730	\$16,235
Public Defender	\$263,730	\$16,235
Commissioner Land and Environment Court	\$261,350	\$16,235
Acting Deputy President Workers Compensation Commission	\$1,200 per day	–

Conveyance Allowance

The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Determination No. 2 – Annual Leave Loading effective on and from 1 October 2013

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

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 3 – Annual Determination effective on and from 1 July 2014

Annual Determination of the Remuneration of the Court and Related Officers Group effective on and from 1 July 2014

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (1)</i>
Director of Public Prosecutions	\$404,340	\$22,550
Solicitor-General	\$404,340	\$22,550
Chairperson, Law Reform Commission	\$402,720	\$22,550
Crown Advocate	\$362,450	\$20,330
Deputy Director of Public Prosecutions	\$362,450	\$20,330
Senior Crown Prosecutor	\$326,200	\$16,235
Senior Public Defender	\$326,200	\$16,235
Deputy Presidents, Workers Compensation Commission	\$293,580	\$16,235
Deputy Senior Crown Prosecutor	\$293,580	\$16,235
Deputy Senior Public Defender	\$293,580	\$16,235
Solicitor for Public Prosecutions	\$293,580	\$16,235
Senior Commissioner Land and Environment Court	\$281,900	\$16,235
Crown Prosecutor	\$268,210	\$16,235
Public Defender	\$268,210	\$16,235
Commissioner Land and Environment Court	\$265,790	\$16,235
Acting Deputy President Workers Compensation Commission	\$1,220 per day	–

Conveyance Allowance

The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

Determination No. 4 – Annual Leave Loading effective on and from 1 July 2014

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.

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

REPORT and DETERMINATIONS under SECTION 14 (1) and SECTION 13 of the
STATUTORY AND OTHER OFFICES REMUNERATION Act 1975

JUDGES AND MAGISTRATES GROUP

11 July 2014

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SECTION 1

Introduction

1. Section 13 of the Statutory and Other Offices Remuneration Act 1975 (SOOR Act) requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year (formerly 1 October). "Remuneration" is defined in section 10A as salary or allowances payable in money.
2. On 10 July 2014 the Premier, the Honourable Mike Baird, M.P., directed the Tribunal to make a special determination for those office holders in the Judges and Magistrates Group who, as a result of the disallowance of the 2013 Judges and Magistrates Determination, did not receive an increase with effect from 1 October 2013.

3. The special determination and the 2014 annual determination will be made concurrently. The special determination, pursuant to section 14 of the SOOR Act, will cover those office holders not eligible to receive a judicial pension, who did not receive the 2013 increase. For those office holders an increase will apply from 1 October 2013 to 30 June 2014. For office holders the subject of the special determination, increases provided in the 2014 annual determination, pursuant to section 13 of the SOOR Act, will be based on the rates determined in the special determination.
4. For judicial office holders who received an increase in 2013, as provided in the Tribunal's special determination of 19 December 2013, the 2014 annual determination will be based on those rates.

SECTION 2

2013 Review

Amendments to the SOOR Act

5. The SOOR Act was amended with effect from 1 July 2013 to require the Tribunal 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 (IR Act). In addition, the policy declared by the regulations also extended to judicial office holders, who previously had been excluded under the SOOR Act.
6. Section 6AB of the SOOR 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 SOOR Act applies is declared in the Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 (SOOR Regulation 2013).
7. In accordance with SOOR Regulation 2013 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 be paid only 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.

Changes to the Superannuation Guarantee Contribution (SGC)

8. A number of office holders the subject of the Tribunal's determination were also affected by the changes to the SGC, which increased by 0.25 per cent with effect from 1 July 2013. The exceptions were judicial office holders and other office holders eligible to receive a judicial pension (these office holders do not receive the SGC).
9. In May 2013 the Government advised that its intention was that the SGC increase be funded from within the existing wages cap of 2.5 per cent. Amendments to SOOR Regulation 2013 passed in the Legislative Assembly clarified the application of the Government's policy in relation to the impact of increases in superannuation employment benefits. However, the amendments to SOOR Regulation 2013 were disallowed by the Legislative Council on 21 August 2013.

Nexus

10. Historically, a principal feature of remuneration for Judges has been the Agreement between Federal and State Governments, reached in 1989, on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This Agreement provided that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia. The Tribunal has consistently held the view that this relativity remains acceptable only if and whilst the remuneration of a Justice of the High Court of Australia remains at an appropriate level, and that the Tribunal should have regard to the base salary plus non-financial benefits (such as motor vehicles) when determining judicial remuneration.
11. Prior to making the 2013 determination the Tribunal had maintained the remuneration of a State Supreme Court Judge at approximately 85 per cent of the remuneration of a Justice of the High Court. However, the Tribunal found that the Government's decision to extend the wages cap to judicial officers was not consistent with the maintenance of salary relativities between judicial office holders in NSW and the Federal Courts as provided for in the intergovernmental agreement.
12. The Commonwealth Remuneration Tribunal determined that Federal Judges would receive an increase of 2.4 per cent with effect from 1 July 2013. While the SOOR Tribunal had regard to this decision, it found that the full increase of 2.5 per cent was warranted, and determined that it was payable to NSW Judges. The Tribunal requested that the Government clarify its view on the continued relevance of the nexus in its 2014 submission to the Tribunal.

2013 Annual Determination

13. On 27 September 2013 the Tribunal determined that office holders in the Judges and Magistrates Group would receive an increase of 2.5 per cent. The Tribunal found that the maximum increase was warranted having regard to the significant role judicial office holders undertake in the State's justice system, including but not limited to, their achievements in delivering reforms and initiatives which have demonstrated productivity improvements. The Tribunal also noted that, while the Commonwealth Remuneration Tribunal determined an increase of 2.4 per cent for judicial office holders from 1 July 2014, the Commonwealth Remuneration Tribunal also proposed to review

that determination later in the financial year, and in any event SOORT was not compelled to retain the nexus given the legislative constraints.

14. In making that determination the Tribunal had regard to the Government submission which advised that the SGC is not payable in respect of those judicial officers who are eligible for a pension under the Judges' Pension Act 1953.
15. The 2013 Judges and Magistrates Determination was made having regard to the law (a decision of the Industrial Relations Commission) as it stood at that time, but making no distinction between those officers who were and those officers who were not potentially entitled to a pension under the Judges' Pension Act 1953.

Disallowance of determinations

16. On 12 November 2013, pursuant to section 19A of the SOOR Act, the Tribunal's determinations for the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group were disallowed by the Legislative Assembly. The effect of the disallowance was that the Tribunal's previous year's determinations of 9 November 2012 continued in effect for all officers in that group. However, from 1 October 2013 up to the date of disallowance (being 12 November 2013), remuneration was to be paid in accordance with the disallowed 2013 determinations. The 2012 determinations applied from 12 November 2013. The Tribunal understands that not all office holders were paid an increase for that period.

Special determination – Judges, Acting Judges, Associate Judges, Director of Public Prosecutions and Solicitor General

17. On 20 November 2013 the then Premier, the Hon. Barry O'Farrell, M.P., wrote to the Tribunal in regard to the remuneration payable to those judges and other related officers who are potentially entitled upon retirement to receive a judicial pension and in respect of whom, therefore, the employer does not incur the cost of the superannuation guarantee contribution (SGC).

18. The Premier wrote:

"The reason for disallowance is that there are currently Court proceedings on foot in which a question has arisen as to whether the Government Wages Policy, as reflected in the relevant Regulations, requires the 2.5 per cent limit on remuneration increases to also take into account increases in the SGC (Superannuation Guarantee Contribution).

The Annual Determinations proceeded on the basis that the limit did not need to take into account the increases in the SGC. However, the Government considers that it does and is making submission to that effect in the current Court proceedings.

The Government considers that it would be inappropriate for the Annual Determinations to operate until the question is finally determined by the Courts.

It is the Government's intention, however, that once the Courts have finally resolved the question the Tribunal will be asked to make new determinations with effect from the date of disallowance.

In the meantime, there are a number of officers for whom the question of the interaction of the Government Wages Policy and the SGC changes does not apply. These are judges and other related officers, who, upon retirement, are entitled to a judicial pension and therefore who are not eligible to receive the SGC.

To ensure that those officers are not adversely affected, I request that the Tribunal now proceed immediately to make a new determination just for those officers.

The Tribunal's determination should provide for relevant remuneration increase to be taken to have been effective from 1 October 2013."

19. The office holders referred to in the former Premier's request include judges as defined within the meaning of the Judges' Pensions Act 1953, Associate Judges, the Director of Public Prosecutions, and the Solicitor General. Acting Judges were also included for the purposes of this determination.
20. Judges are only eligible to receive a judicial pension if they satisfy the criteria applicable under the relevant legislation. Only on retirement, when their eligibility can be confirmed, will each officer be considered an excluded employee for the purposes of the First State Superannuation Act 1992. The Tribunal noted that it is possible some current officers will not qualify for a judicial pension (e.g. if they retire before 60) and that different superannuation arrangements will apply in such case/s.
21. The Tribunal therefore noted that it was not in a position to identify which of the existing office holders would in due course qualify for a judicial pension.
22. Differences in superannuation entitlements notwithstanding, under section 16(6) of the SOOR Act the Tribunal may not make a determination that applies differently between two or more persons holding the same office, for those offices listed in Schedule 1 of the SOOR Act. Schedule 1 includes the offices in the Judges and Magistrates Group.
23. Therefore the Tribunal concluded that the determination would apply to those offices which involve eligibility for a judges' pension, whether or not existing individual office holders eventually prove to be eligible.
24. On 19 December 2013 the Tribunal determined that the maximum increase of 2.5 per cent would apply. The increase also applied to the President of the Workers Compensation Commission who must be a judge of a court of record to hold that office.

25. Other judicial office holders as defined by the Judicial Officers Act 1986 and other office holders within the Court and Related Officers Group and Public Office Holders Group are not eligible for a judicial pension and therefore, were not eligible for consideration under the terms of the Premier's special reference.
26. The Director of Public Prosecutions and Solicitor General were also the subject of the Tribunal's special determination, as these office holders are eligible to receive a judicial pension, and received a 2.5 per cent increase.

2014 Annual Review

27. There have been no further amendments to SOOR Regulation 2013. SOOR Regulation 2013 includes employer payments to employee superannuation schemes or funds within the definition of "officer-related costs", therefore the Tribunal will have regard to the impact of SGC increases in making this determination.
28. The Tribunal notes that the SGC has increased from 9.25 per cent to 9.50 per cent from 1 July 2014. The SGC increase does not affect the Tribunal's ability to determine a remuneration increase of up to 2.5 per cent for office holders who potentially are entitled to a judge's pension.

Nexus

29. On 21 May 2014 the Commonwealth Remuneration Tribunal determined that Holders of Public Office, including Judges and Related Offices, would receive no increase with effect from 1 July 2014. In making those determinations the Commonwealth Remuneration Tribunal noted, in its 2014 Review of Remuneration for Holders of Public Office Statement, that:

"The Tribunal has been briefed on the Government's recently released Workplace Bargaining Policy for new enterprise agreements in the APS and federal public sector generally. This policy indicates that pay adjustments in that sector will be predicated on clearly defined improvements to productivity.

For some months, noting the Government's policy, it has been evident that any wages movement in the APS and federal public sector would be restrained. Indeed, at its April Meeting, the Tribunal's preliminary conclusion was that it would determine no annual review increase for offices in its jurisdiction from 1 July 2014.

The conclusion has been supported by a submission from the Government to the Tribunal on its annual review, received last week in advance of today's scheduled Tribunal meeting. The Government considers that parliamentarians and Commonwealth office holders should lead by example in these matters. The Government's submission was that the Tribunal should not approve any increases in remuneration for any offices within the Tribunal's jurisdiction for at least one year.

DECISION

Taking into account these factors, especially the outlook for public sector remuneration, the Tribunal has decided to determine no annual adjustment to remuneration for offices in its jurisdiction from 1 July 2014."

Office Holder Submissions

30. As is the usual practice, prior to making its Reports and Determinations, the Tribunal invited submissions from office holders. For the 2014 review office holders in the Judges and Magistrates Group were advised that, if they wished to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the officer-related cost savings which it or they intend to achieve.
31. As part of the current review the Tribunal received four submissions from office holders in the Judges and Magistrates Group. The Tribunal also met with Judges of the Supreme Court, the President of the Industrial Relations Commission, the Chief Judge of the District Court and the Chief Magistrate. Once again the Tribunal thanks the office holders for their time and the effort they have put in to their submissions.
32. The submission from the Supreme Court requested that the salary of Judges covered by the Judges Pension Act 1953 be increased by 2.5 per cent from 1 July 2014 and also that the conveyance allowance be increased by the same amount.
33. The submission also noted the determination of the Commonwealth Remuneration Tribunal that there would be no annual adjustment from 1 July 2014 to all offices, including Federal judges, within its jurisdiction. It was submitted that it would be neither fair nor reasonable for this determination to impede a 2.5 per cent increase for Judges, with the submission noting that:

"The Government has abandoned the Nexus. The anomalous situation of the Government being permitted to adopt the Nexus when it may suit the Government's position and reject it when it does not should not be tolerated... Should there be legislation for the Nexus to be reinstated and guaranteed, which the Judges continue to support, they would wish to make a submission at a suitable time."
34. The Supreme Court submission also noted that, while there has been a reduction in the number of permanent judges of the Supreme Court, the productivity of the Judges has increased including improved clearance rates for cases and reductions in caseloads across both the trial divisions and the Court of Appeal.
35. The Chief Judge of the District Court provided the Tribunal with details of cost savings and productivity improvement by the District Court. The Chief Judge again expressed concern in relation to the erosion of the salary of District Court Judges to below 90 per cent of the salary of a Supreme Court Judge. The Chief Judge requested that the Tribunal consider what options are open to it to restore the historical relativities between these offices.

36. The Chief Magistrate's submission raised the disallowance of the 2013 annual determinations and the adverse impact this has had on salaries for Magistrates and the internal relativities in the judicial office holders group.
37. The submission also highlighted improved productivity in case load management and the achievement of productivity savings. In recognition of these achievements and the negative impact recent decisions have had on magistrates salaries, the submission requested:
- "At the very least restoration of the cross jurisdictional nexus broken by the Tribunal in its 2012 determination warrants restoration so that the base against which a 2.5% constraint is measured is one that historically existed for many years. To apply it against the current basis of relativity continues to penalize the magistracy in a way that surely could not have been intended in the making of the 2012 determination."*
38. The President of the Industrial Relations Commission requested that the Tribunal increase the salaries of judicial members of the Industrial Court by 2.5 per cent and the conveyance allowance by the same amount. The President also requested that the historical nexus which existed between the judicial and non-judicial members of the Commission be restored.

Special Reference and Government Submission

39. On 10 July 2014 the Premier, the Honourable Mike Baird, M.P., directed the Tribunal to make a special determination for those office holders in the Judges and Magistrates Group who did not receive an increase with effect from 1 October 2013 as a result of the disallowance of the 2013 Judges and Magistrates Determination, and that the new determinations should take effect from 1 October 2013.
- "I write seeking Determinations from the Tribunal under section 14 (1) of the Statutory and Other Offices Remuneration Act 1975 in regard to the remuneration payable to those office-holders who remain affected by the disallowance of the Tribunal's 2013 Annual Determinations for Judges and Magistrates, Court and Related Officers and Public Office Holder Group....*
-In these circumstances, it would appear appropriate that I direct the Tribunal to proceed immediately to make new Determinations for those office-holders still affected by the disallowance of the Tribunal's 2013 Annual Determinations. The Tribunal's new Determinations should provide for any relevant remuneration increases for 2013-2014 to be taken to have been effective from 1 October 2013."*
40. The Government submission outlines the Government's view of appropriate adjustments in respect of the special determination and the annual determination and provides the views of the Department of Justice.
41. The views of the Department of Justice are outlined in the Government submission as follows:
- "The Department (Attorney General and Justice) notes that since the commencement on 1 July 2013 of the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Act 2013, SOORT is now required to give effect to declared Government policy concerning the remuneration of office holders, including judicial office holders. In effect this limits remuneration increases to 2.5 per cent, unless sufficient officer-related cost savings for the officer have been achieved to fully offset increased officer-related costs above 2.5 per cent.*
- However the Department advises that within the bounds of this limitation, they continue to support the nexus with Federal Court judges and Supreme Court judges.*
- Consistent with advice given in previous years, the Department is of the view that the internal relativities maintained between judges and magistrates up to 2012 remain appropriate. This is so notwithstanding whether there have been any changes in the productivity of particular courts. This remains the Department's position.*
42. The Government submission also provides the following comment in respect of the SGC:
- The Superannuation Guarantee Contribution (SGC) was increased by 0.25 per cent with effect from 1 July 2013, in accordance with the Superannuation Guarantee (Administration) Act 1992 (C'wth). The SGC will increase by 0.25 per cent with effect from 1 July 2014. As the SGC is not payable in respect of those judicial officers who are entitled to a pension under the Judges' Pension Act 1953, they will not receive the 0.25 per cent SGC increase separately to any increases determined by the Tribunal.*
- However, other judicial officers including magistrates (other than the Chief Magistrate), acting Supreme Court and District Court judges (not otherwise already in receipt of a judges pension) and judges who do not end up being eligible for a judges pension (because they do not meet the criteria, for instance if they retire before 60) will receive the 0.25 per cent SGC increase separately to any remuneration increases determined by the Tribunal.*
- Differences in superannuation entitlements notwithstanding, under section 16(6) of the SOOR Act 1975, the Tribunal cannot make a determination that applies differently between two or more persons holding the same office, for those offices listed in Schedule 1 of the SOOR Act 1975. Schedule 1 includes the offices in the Judges and Magistrates Group.*
- Magistrates, the Deputy President of the Industrial Relations Commission (not being a judicial member), and Commissioners, Industrial Relations Commission are currently entitled to leave loading on the same basis as employees of the NSW Public Service. Although superannuation is not payable on leave loading, the difference of 0.25 per cent on the capped leave loading amount is negligible and should not affect the determinations of the Tribunal in respect of this Group".*

Government Submission

43. For Judges, Acting Judges and Associate Judges the Government submits the Tribunal should approve an increase of 1.88 per cent from 1 July 2014 for judicial officers who are potentially eligible for a pension under the Judges' Pension Act 1953.
44. For judicial office holders not potentially eligible for a pension under the Judges Pensions Act 1953 the Government submits an increase of 2.27 per cent from 1 October 2013 would be appropriate, as this group did not receive the 2013 increase, and an increase of 1.70 per cent from 1 July 2014.
45. The Government's submitted increases for 2014 are discounted to have regard to the earlier commencement date of 1 July in 2014. Past determinations have provided increases in remuneration effective from 1 October each year. However, amendments to the SOOR Act have brought forward the date of effect from 1 October to 1 July.
46. The result of the change is that any increases in remuneration will apply three months earlier than past increases, and would (if not taken into account) result in office holders receiving comparatively greater remuneration in 2014-15 than would have been paid based on the previous arrangements – leading to effectively higher wages growth than legislated under the NSW Public Sector Wages Policy 2011.
47. The Government submission includes the following example to clarify the issue:
“For example, an employee with a salary of \$200,000 who receives an increase of 2.5 per cent from 1 July 2014 would earn \$1,281 more in 2014-15 than if they received the same increase from 1 October 2014 (\$210,125 compared to \$208,844 for 2014-15). Salary growth over this year would effectively be 3.1 per cent in 2014-15. It is therefore necessary to adjust any increase in remuneration to take account of this timing change by discounting the quantum of the increase by 25 per cent (i.e. one quarter representing three months out of 12 months). Under the above scenario, an increase of 1.88 per cent from 1 July 2014 results in the same remuneration being paid as applying a 2.5 per cent increase from 1 October.”
48. For Judges, Acting Judges, Associated Judges and the President of the Workers Compensation Commission, the submitted increase of 1.88 per cent is discounted from the maximum annual increase of 2.5 per cent. As these offices do not attract the employer on-cost of the SGC, over a twelve month period they would ordinarily be entitled to an increase of up to 2.5 per cent.
49. For judicial office holders not eligible to receive a pension under the Judges' Pension Act 1953, being those office holders subject to the section 14 special determination, the Government submits that the Tribunal should determine an increase of 2.27 with effect from 1 October 2013. The increase of 2.27 per cent for 2013 is equivalent to that which the Unions and the Industrial Relations Commission agreed upon for Public Sector Salaries Awards in 2013. The salary increase of 2.27 per cent was arrived at as, for that group of employees, the SGC increase is not payable in respect of overtime or leave loading and, as a result, the total employee-related cost of the additional SGC is less than 0.25 per cent. The Government submission has proposed that this group receive 2.27 per cent for 2013. The submitted increase has been discounted by 25 per cent to provide a general increase from 1 July 2014 of 1.70 per cent.

SECTION 4

Determinations

General comments

50. In undertaking the 2014 review the Tribunal advised office holders that it would consider a general increase for all judicial offices of up to or, if warranted, above 2.5 per cent. It would also consider requests from individual office holders or groups of office holders for increases above 2.5 per cent based on work value assessment. Office holders were advised that in both instances, any increase in excess of 2.5 per cent could only be paid if sufficient officer-related cost savings for the office holder or relevant group had been achieved or were expected to be achieved, to fully offset the increased officer-related costs resulting from the increased payment.
51. Under current legislation the Tribunal determines remuneration for office holders which is either a salary or a total remuneration package. For office holders the subject of the Judges and Magistrates and the Court and Related Offices determinations, the determinations also provide for a conveyance allowance and for Judges and Magistrates to also receive travelling allowances. Information on other employment entitlements and/or personal appointment benefits provided to individual office holders, or groups of office holders, by their employer is not readily available to the Tribunal. Further, the overall cost to the State of engaging these office holders is not readily quantifiable by the Tribunal.
52. Should office holders, or groups of office holders, consider that the Tribunal, in determining whether officer-related cost savings will or have been achieved, should have regard to other employment entitlements and/or personal appointment benefits, the types and costs of these entitlements would need to be made available (and independently verified) to the Tribunal.
53. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.

54. The Tribunal has not been asked to consider any increase, either a general increase or an increase based on work value assessment, in excess of 2.5 per cent, which detailed proposed officer-related cost savings. Consequently the Tribunal is not presently required to come to a view on how officer-related costs and officer-related cost savings would be calculated for the purposes of determining any increase in remuneration of more than 2.5 per cent.
55. As noted in the 2013 annual determination (disallowed) the Tribunal finds that amendments to the SOOR Act and SOOR Regulation 2013 make it difficult for office holders, and, in particular, groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify an increase of more than 2.5 per cent.
56. The Tribunal is also aware that the erosion of long standing salary relativities, resulting from the decision in 2012 which limited some, but not all, judicial officer increases to 2.5 per cent, the disallowance of the 2013 determinations, and the impact of changes to the SGC, are matters of concern for office holders within the Judicial Office Holders Group. As previously stated the Tribunal's determinations in this regard were in no way intended to imply that the Tribunal considered that the role and standing of those offices had diminished in any way. On the contrary, the Tribunal is well aware of the continuing increased pressures on and improvements in productivity of the several Courts and other groups headed by officers within this group, and the commitment, skills and effort which those officers have demonstrated in that regard. But the Tribunal is presently very constrained in what it may do to recognise those increased pressures and improvements in productivity.
57. In determining appropriate adjustments for 2014 the Tribunal has considered what options, if any, are available to it to restore the historical relativities. The Tribunal found that most possible combinations of adjustments to remuneration could require that some office holders receive an annual increase of more than 2.5 per cent, and/or that some office holders receive a decrease. The Tribunal is unable to restore relativities using any of those possible combinations as an increase of more than 2.5 per cent is contrary to the provisions of the SOOR Regulation 2013, and section 21 of the SOOR Act prevents the Tribunal from making a determination which would reduce the remuneration payable to office holders in Schedule 1.
58. It is possible to restore the 2011 salary relativities for the 2014 determination if some office holder groups receive only a very minor increase. While it is open to the Tribunal to make such a determination, to do so would be restrictive on some groups which does not appear to be justified in the currently restrained environment.
59. As outlined in the Tribunal's 2012 and 2013 determinations, as soon as the current climate of fiscal restraint is relaxed to any extent, and if the legislation in existence at the time (noting that the current legislation has an expiry date) does not prohibit the Tribunal from doing so, the Tribunal will immediately consider restoring the original relativities both between office holders within this group and with certain office holders in the Court and Related Officer Group.
60. The Tribunal notes comments made in the Government submission in relation to continued support of the nexus. As the nexus is a link between Federal and State judicial salaries it would follow that the Government might well have submitted a recommendation for a nil increase, which was what the Commonwealth Remuneration Tribunal determined for Federal Judicial Office Holders from 1 July 2014. But the Government has submitted recommended increases of 1.70 per cent and 1.88 per cent (ie 2.5% or 2.25%, discounted for earlier implementation on 1 July rather than 1 October). The Government's position on the nexus is contradictory and this matter should be considered in detail by Government before it makes a submission in relation to retaining the nexus in 2015.
61. This determination will cover only those office holders defined as a "judicial officer" in accordance with the Judicial Officers Act 1986 (with the exception of the President of the Workers Compensation Commission for the reasons outlined in paragraph 70 of this report). The 2014 annual determinations for the offices of the Director of Public Prosecutions and the Solicitor General, which were subject to the Tribunal's special determination of 19 December 2013, are provided for in the Court and Related Officers Determination.
62. After considering submissions received, the Premier's special direction, the Government submission, and key economic indicators, the Tribunal finds that office holders the subject of this determination should receive the maximum permissible increase, although taking into account the impact of the SGC where necessary, and the changed commencement date.
63. It is the obligation of the Tribunal to undertake its duties consistently with the legislation and court decisions as they presently stand with regard to that legislation. On that basis the Tribunal, after considering the views of the Assessors, has made the following special determination for 2013 and annual determinations for 2014.

Special Determination (pursuant to section 14 of the SOOR Act)

64. The Tribunal welcomes the Premier's direction to make a special determination for office holders who did not receive an annual adjustment following the disallowance of the 2013 determination – being those judicial office holders who were not the subject of the Tribunal's special determination of 19 December 2013.
65. The special determination will provide an increase for these office holders of 2.27 per cent for the period 1 October 2013 to 30 June 2014, in accordance with the Premier's direction, as specified in Determination No.1. The increase is consistent with the Government's position on the treatment of SGC increases and the law on that matter as it presently stands.
66. The special determination goes some way to restoring salary relativities within the group and will enable affected office holders to receive back pay. Officers were eligible to receive the 2013 annual increase of 2.5 per cent from

1 October up until the date of disallowance, being 12 November 2013. If such payments have been made then appropriate adjustments should be made when applying the 2.27 per cent increase from 1 October 2013.

Annual determinations (pursuant to section 13 of the SOOR Act)

67. Judges, Acting Judges, Associate Judges and the President of the Workers Compensation Commission will receive an annual increase of 1.88 per cent with effect from 1 July 2014.
68. For judicial office holders not eligible to receive a pension under the Judges' Pension Act 1953, being those office holders the subject of the section 14 special determination, the Tribunal has determined that an increase of 1.70 per cent will apply from 1 July 2014 as specified in Determinations Nos 2 to 6.
69. The Tribunal has also made a Report and Determination on Travel Allowances for NSW Judges and Magistrates and the rates are specified in Determination No. 8.

Other matters

Workers Compensation Commission, President

70. The office of President, Workers Compensation Commission is not defined as a "judicial officer" in accordance with the Judicial Officers Act 1986. This is anomalous as the Workplace Injury Management and Workers Compensation Act 1998 stipulates that to be eligible for appointment as President the person must be a Judge of a Court of Record, ie a judicial officer.
71. The Tribunal continues to include the office of President of the Workers Compensation Commission in the Judges and Magistrates Determination for the purpose of determining the remuneration for this office.
72. The President will receive the same annual increase as applies to other judicial office holders eligible to receive a judicial pension, being 1.88 per cent with effect from 1 July 2014.

Conveyance Allowance

73. The Tribunal has undertaken a review of the conveyance allowance. In determining the quantum of this allowance the Tribunal applies the average of leasing, on road and running costs for a range of vehicles leased by NSW Judges and Magistrates.
74. Analysis has shown that there has been no substantial change in the total costs for leasing the sample motor vehicles over the last 12 months and consequently the Allowance will not be increased at this time.

2015 Review

75. The Tribunal does not propose to discount any remuneration increase it determines for the 2015 annual review as the change in commencement date for annual determinations has been addressed in the 2014 annual determination.

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 1 – Special Determination (pursuant to section 14 of the SOOR Act) effective on and from 1 October 2013

Determination of the Remuneration for the following Judicial Officers effective on and from 1 October 2013

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (NOTE 1)</i>
Deputy President of the Industrial Relations Commission (not being a judicial member)	\$409,960	\$22,550
Chief Magistrate	\$368,960	\$20,330
Deputy Chief Magistrate	\$311,770	\$16,235
State Coroner	\$311,770	\$16,235
Chief Industrial Magistrate	\$300,330	\$16,235
Magistrate	\$295,170	\$16,235
Chairperson Victims Compensation Tribunal (NOTE 2)	\$295,170	\$16,235
Children's Magistrate	\$295,170	\$16,235
Deputy State Coroner	\$295,170	\$16,235
Commissioner Industrial Relations Commission	\$270,570	\$16,235

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

NOTE 2 When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

**Determination No. 2 – Annual Leave Loading of Judges, Magistrates and Related Group
effective on and from 1 October 2013**

Determination of Leave Loading for Judicial Officers referred to in Determination No. 1 effective on and from 1 October 2013

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, to each of the following office holders:

- Magistrates
- Deputy President of the Industrial Relations Commission (not being a judicial member)
- Commissioners, Industrial Relations Commission

**Determination No. 3 – Judicial Officers not Referred to in Determination No. 5
effective on and from 1 July 2014**

Annual Determination (pursuant to section 13 of the SOOR Act) for the following Judicial Officers effective on and from 1 July 2014

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (NOTE 1)</i>
Chief Justice of the Supreme Court	\$470,700	\$22,550
President of the Court of Appeal	\$440,750	\$22,550
President of the Industrial Relations Commission	\$440,750	\$22,550
Chief Judge of the Land and Environment Court	\$440,750	\$22,550
Judge of the Supreme Court	\$420,640	\$22,550
Vice-President of the Industrial Relations Commission	\$420,640	\$22,550
Judge of the Land and Environment Court	\$420,640	\$22,550
Deputy President of the Industrial Relations Commission (being a judicial member)	\$420,640	\$22,550
Judge of the District Court	\$376,740	\$20,330
Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)	\$376,740	\$20,330

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

**Determination No. 4 – President of the Workers Compensation Commission
effective on and from 1 July 2014**

Determination of the remuneration to be paid to the President of the Workers Compensation Commission (pursuant to section 369 of the Workplace Injury Management and Workers Compensation Act 1988) effective on and from 1 July 2014

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (NOTE 1)</i>
President, Workers Compensation Commission	\$420,640	\$22,550

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

**Determination No. 5 – Judicial Officers not referred to in Determination No. 3
effective on and from 1 July 2014**

Determination of the Remuneration for Judicial Officers as defined in the Judicial Officers Act 1986 but not referred to in Determination No. 3 effective on and from 1 July 2014

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (NOTE 1)</i>
Deputy President of the Industrial Relations Commission (not being a judicial member)	\$416,930	\$22,550
Chief Magistrate	\$375,230	\$20,330
Deputy Chief Magistrate	\$317,070	\$16,235
State Coroner	\$317,070	\$16,235
Chief Industrial Magistrate	\$305,440	\$16,235
Magistrate	\$300,180	\$16,235

<i>Position</i>	<i>Salary per annum</i>	<i>Conveyance Allowance (NOTE 1)</i>
Chairperson Victims Compensation Tribunal (NOTE 2)	\$300,180	\$16,235
Children's Magistrate	\$300,180	\$16,235
Deputy State Coroner	\$300,180	\$16,235
Commissioner Industrial Relations Commission	\$275,170	\$16,235

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

NOTE 2 When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

Determination No. 6 – Acting Judges Rates effective on and from 1 July 2014

Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court \$1,820 per day

District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court \$1,630 per day

Determination No. 7 – Annual Leave Loading of Judges, Magistrates and Related Group effective on and from 1 July 2014

Determination of Leave Loading for Judicial Officers referred to in Determination No. 5 effective on and from 1 July 2014

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, to each of the following office holders:

- Magistrates
- Deputy President of the Industrial Relations Commission (not being a judicial member)
- Commissioners, Industrial Relations Commission

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Report and Determination on Travel Allowances for NSW Judges and Magistrates

Report

Background

1. 'Remuneration' is defined in the SOOR Act, as salary and allowances payable to office holders. Judges and magistrates are holders of offices specified in Schedule 1 of the Act.
2. 'Allowance' is defined as follows:

allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

a Judge or Acting Judge of a court, or

any other judicial officer (within the meaning of the Judicial Officers Act 1986) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition.
3. The Tribunal in this determination will be setting rates for overnight stays in capital cities, for overnight stays in areas other than capital cities and meal rates for day or part of day absences from headquarters. The Tribunal has also determined the conditions upon which the rates are to be paid.

2014 Review

4. Historically the Tribunal has regard to movements in the travel rates as adopted for the NSW Public Sector generally. These rates are based on the reasonable travel allowances as determined by the Australian Taxation Office (ATO). The ATO has made a new determination for 2014 (TD2014/19) and these rates will be adopted for the NSW Public Sector. On that basis the Tribunal has determined the rates that are based on ATO TD 2014/19.

Principles Adopted

5. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.
 - (a) Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from home/place of work on official business. Such costs include accommodation, meals and incidental expenses.

- (b) Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.
- (c) Office holders are not expected to gain or lose financially as a result of travelling on official business.
- (d) Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.

Conclusion

6. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2014/19. Non metropolitan accommodation rates and meal rates have also been adjusted as set out in the Determination.
7. The Tribunal makes the following determination (Determination No 7) effective on and from 1 July 2014.

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 8 – Travel Allowances for Judges and Magistrates effective on and from 1 July 2014

Pursuant to section 13 of the SOOR Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 July 2014.

A. Travel necessitating an overnight stay

Travel Allowances

<i>Capital City Rates</i>	
Adelaide	\$379.00
Brisbane	\$427.00
Canberra	\$416.00
Darwin	\$457.00
Hobart	\$365.00
Melbourne	\$435.00
Perth	\$469.00
Sydney	\$435.00
<i>Other Centre Rates</i>	
Newcastle	\$360.00
Wollongong	\$360.00
Other Centres	\$360.00

Conditions

General conditions are to be as determined from time to time by the Attorney General.

In addition the following specific conditions will apply.

- The full daily travel allowance rate is to be paid only where the judge/magistrate stays overnight at commercial accommodation. Where the judge/magistrate stays overnight at non commercial accommodation then one third of the daily rate is to be paid.
- Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

B. Travel not involving an overnight stay Meal Allowances for travel NOT involving an overnight stay

Breakfast	\$25.35
Lunch	\$28.55
Dinner	\$48.65

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

REPORT and DETERMINATION under SECTION 24O of the
STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975
**PUBLIC SERVICE SENIOR EXECUTIVES EMPLOYED UNDER THE
GOVERNMENT SECTOR EMPLOYMENT ACT 2013**

11 July 2014

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Determination No. 1 – Remuneration Package Ranges for the PSSEs

SECTION 1

Background

1. The Government Sector Employment Act 2013 (the GSE Act) commenced on 24 February 2014. The GSE Act introduced a new structure and employment arrangements for senior executives. Senior executives employed under the GSE Act are referred to as Public Service Senior Executives (PSSEs).
2. Upon commencement, the GSE Act amended the Statutory and Other Offices Remuneration Act 1975 (SOOR Act) to provide for the Statutory and Other Offices Remuneration Tribunal (the Tribunal) to determine annual remuneration packages for the PSSEs.
3. Under section 35 of the GSE Act the Premier (as the Minister administering the GSE Act) determines the bands in which senior executives are to be employed:

35 Minister may determine bands in which senior executives to be employed

 - (1) *The Minister may from time to time determine the bands in which Public Service senior executives are to be employed (the senior executive bands determination).*
 - (2) *The senior executive bands determination may deal with matters related to bands.*
 - (3) *The Minister may amend or repeal the senior executive bands determination by a further determination.*
 - (4) *Before making, amending or repealing the senior executive bands determination, the Minister is to obtain the advice of the Commissioner.*
 - (5) *The senior executive bands determination (including any amendment or repeal) is to be published on the NSW legislation website and takes effect on the date it is so published or on any later specified date.*
4. The SOOR Act provides for the Tribunal to make the initial and then annual determinations in respect of the remuneration package applicable to each band. The Tribunal's Initial Determination on the remuneration packages applicable to each band was made on 3 February 2014. The Initial determination covered the period from the commencement of the GSE Act being 24 February 2014 to 30 June 2014.
5. The SOOR Act was also amended to provide for the Tribunal's determinations to take effect from 1 July in that year, instead of 1 October. The SOOR Act provides for the annual determinations of Part 3B remuneration packages for PSSEs in the following terms:

24O Annual determinations

The Tribunal is required to make, in each year, a determination of remuneration packages for senior executives as on and from 1 July in that year.
6. On that basis this annual determination will take effect from 1 July 2014.

SECTION 2

Initial Determination

7. In December 2013 the former Premier wrote to the Tribunal advising that a draft band determination had been made and requested that the Tribunal make an initial determination of remuneration packages for PSSEs.
8. In accordance with Part 3B of the SOOR Act, section 24N (Initial Determinations), the Tribunal is required to make an initial determination of the remuneration package in respect of a band in which PSSEs may be employed under the GSE Act, when notified to the Tribunal by the Premier:

24N Initial determinations

- (6) *The Tribunal is required to make, as soon as practicable after the commencement of this Part, a determination of the remuneration package for each band in which senior executives may be employed under the Government Sector Employment Act 2013.*
 - (7) *The Tribunal may make a determination under this section in respect of a prospective band in which senior executives may be employed that is notified to the Tribunal by the Minister.*
9. Part 3B, section 24V (1) (a) of the SOOR Act (Operation of determinations) provides that the initial determination of the Tribunal comes into force when it is made. However section 26 of the Interpretation Act 1987 operates to empower the Tribunal to make the initial determination prior to commencement of the GSE Act, and prevents the determination having effect prior to the commencement of the GSE Act.
 10. Section 26 of the Interpretation Act 1987 enabled the Premier to determine the senior executive bands and the Tribunal to determine the remuneration for each band, before the GSE Act and its amendments to the SOOR Act commenced.

26 Exercise of certain powers between enactment and commencement of Acts and making and commencement of instruments

- (1) *If an Act (in this section referred to as the Act concerned) that does not commence on its enactment would, had it commenced:*
 - (a) *confer a power, or*
 - (b) *amend some other Act in such a manner that the other Act, as amended, would confer a power, that must or may be exercised by the making of an instrument of a legislative or administrative character, then:*
 - (c) *such an instrument may be made, and*
 - (d) *any thing may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, before the Act concerned commences, as if the Act concerned had commenced.*
 - (2) *A provision of an instrument made by virtue of subsection (1) shall take effect:*
 - (a) *on the day on which the Act concerned commences, or*
 - (b) *on the day on which the provision would have taken effect had the Act concerned commenced when the instrument was made, whichever is the later.*
11. On that basis prior to the commencement of the amendments to the SOOR Act the Tribunal proceeded to make the initial determination, which, as with the Premier's band determination, would take effect following commencement of the GSE Act on 24 February 2014.
 12. The Government Sector Employment (Senior Executive Bands) Determination 2014, made under section 35 of the GSE Act, determined the remuneration bands in which PSSEs are to be employed as follows:

3 Public Service senior executive bands

For the purposes of the Government Sector Employment Act 2013, the Public Service senior executive bands are as follows:

- BAND 4 – Secretary level*
- BAND 3 – Deputy Secretary level*
- BAND 2 – Executive Director level*
- BAND 1 – Director level*

13. The SOOR Act, as amended, outlines those matters to be taken into consideration by the Tribunal in making its determinations. Section 24Q provides that the Premier may notify the Tribunal of matters which the Tribunal should take into consideration when making determinations of the remuneration packages for senior executives and the Tribunal must take into consideration any such matters.
14. The Government's submission in respect of the Initial Determination provided the following background and context for the initial determination:

“The GSE Act creates a single executive structure across the Public Service, with common employment arrangements. It replaces the existing Chief Executive Service, eight-level Senior Executive Service, and award-based Senior Officer structure and equivalents, with the Public Service senior executive...”

Transition to the new arrangements is expected to take place over three years from the commencement of the Act...The transitional provisions allow for existing employees to be no worse off financially at the point of transition if placed in a role of equivalent value to the one they occupied under the PSEM Act arrangements. The practicality and ease of the transition will be greatly assisted if remuneration rates remain the same, at least initially, for work of comparable value...

15. The Government submitted that the initial remuneration ranges for Bands 1 to 4 of the draft determination be equivalent to those of Senior Executive Service (SES) levels 1 to 8, having regard to the work value ranges.
16. The Government also submitted that the existing recruitment and retention allowances should not form part of the initial determination for PSSEs as the new executive arrangements would provide for a different approach to market-based recruitment allowances.
17. On 3 February 2014 the Tribunal, having regard to the prospective bands in which senior executives may be employed and to the Government submission, and after considering the views of the Assessors, determined that the remuneration ranges for the PSSE bands would be equivalent, based on corresponding work value ranges, to those determined for the SES Levels 1 to 8 in the Tribunal's 2013 Annual Determination for the Chief Executive and Senior Executive Services made on 27 September 2013 (the 2013 Annual Determination).
18. With effect from 24 February 2014 the remuneration package ranges for Public Service senior executives were determined as follows:

<i>Band</i>	<i>Per annum range</i>		
Band 4 – Secretary level	\$422,501	to	\$488,100
Band 3 – Deputy Secretary level	\$299,751	to	\$422,500
Band 2 – Executive Director level	\$238,301	to	\$299,750
Band 1 – Director level	\$167,100	to	\$238,300

19. Section 24O of Part 3B of the SOOR Act provides for the Tribunal to make an annual determination to take effect from 1 July in that year. On that basis the initial determination applied from the date of commencement, being 24 February 2014 and operates up to 30 June 2014.

SECTION 3

Government submission

20. The Government submission provides an overview of the State's recent economic performance and makes a recommendation in respect of the quantum of the increase to apply to the PSSEs. Extracts appear below:

Economic performance and outlook for NSW

21. The submission was drafted prior to the release of the 2014-15 Budget and is largely based on economic forecast and fiscal commentary from the 2013-14 Half-Yearly Review (HYR), December 2013.
22. The Government's fiscal strategy is enshrined in the Fiscal Responsibility Act 2012 with the key objective being to maintain operating balances and debt positions that are consistent with the State's triple A credit rating. The 2012-13 Budget and the 2013-14 HRY deliver on the fiscal strategy and address critical infrastructure spending while lowering debt, consistent with maintaining the triple-A credit rating.
23. NSW real economic growth as at the HYR was revised down by ¼ of a percentage point compared with the 2013-14 Budget, to 2½ per cent for both 2013-14 and 2014-15. This reflects a softer global outlook, which has weakened both national and NSW economic prospects. A more gradual transition to non-mining investment is now expected.
24. The 2013-14 HYR forecasts a traditional deficit of \$1 billion in 2013-14 before returning to surplus in 2014-15, with growing surpluses thereafter. Even including accounting standard amendments, the HYR forecasts a return to surplus in 2016-17. These surpluses will lower the government's net borrowing requirement, requiring less debt to fund the infrastructure program
25. Expenses growth has been brought under control by delivering on the savings measures announced in the previous three Budgets. The wage policy is a key element, given that employee expenses account for nearly one-half of budget expenses. The impact of the wages policy is clearly evident in employee-related cost growth rates over the forward estimates in this Budget. Total expenses have now come in under budget for three consecutive years.
26. Controlling employee-related expenses continues to be a key focus in the Government's expense restraint. The 2013-14 Budget and 2013-14 HYR continue to deliver the benefits of the NSW Public Sector Wages Policy 2011. The policy provides for remuneration increases of 2.5 per cent per annum, with increases above this amount funded by realised employee-related cost savings. The Government's policies relating to better management of excess employees, a labour expense cap and more stringent controls on excessive annual leave accruals also assist in delivering better fiscal outcomes.
27. In 2013-14, employee expenses are estimated to be 47.6 per cent of the total expenses, including superannuation expense (6.3 per cent) and other employee expenses (41.3 per cent) composed principally of wages and salaries. Superannuation expenses are projected to increase in line with non-salary costs, plus changes in the federally

legislated rate of contribution. Non-superannuation employee expenses will continue to increase but at a slower rate over the forward estimates.

28. Wages growth has slowed to below trend over 2012-13 and early 2013-14. Through the year to the March quarter, the NSW Wage Price Index grew by 2.6 per cent, reflecting subdued growth in both public and private sector wages. As at the HYR, NSW wage growth is expected to continue to grow below trend at 2¾ per cent in 2013-14 and 3 per cent in 2014-15. This subdued growth reflects a soft labour market and subdued inflation expectations. The Government's wages policy will continue to assist in moderating public sector wages growth.
29. The latest Consumer Price Index (CPI) figures for the March quarter 2014 show annual CPI growth to 2.8 per cent in Sydney, and 2.9 per cent across the average of 8 capital cities. Sydney CPI is expected to moderate to 2 per cent in 2013-14, reflecting low underlying inflation pressures and the removal of the carbon tax (reducing headline inflation by ¾ of a percentage point). The Sydney CPI is expected to then pick up to 2¾ per cent in 2014-15 in line with trend growth in output and employment. Current Reserve Bank of Australia (the RBA) forecasts, as at the May 2014 Statement of Monetary Policy, are that underlying inflation will reach the upper bound of the RBA target rate before returning to the mid-section of the target range in 2015-16.

Government's submitted increase

30. The Government submits that any increase should be discounted from 2.5 per cent to 1.88 per cent to have regard to the earlier commencement date of 1 July.
31. Past determinations have provided increases in remuneration effective from 1 October each year. However, amendments to SOOR Act have now brought forward the date of effect from 1 October to 1 July.
32. The result of the change is that any increases in remuneration will apply three months earlier than past increases and would (if not taken into account) result in employees receiving comparatively greater remuneration in 2014-15 than would have been paid based on the previous arrangements – leading to effectively higher wages growth than legislated under the NSW Public Sector Wages Policy 2011.
33. The Government submission includes the following example to clarify the issue:

“For example, an employee with a salary of \$200,000 who receives an increase of 2.5 per cent from 1 July 2014 would earn \$1,281 more in 2014-15 than if they received the same increase from 1 October 2014 (\$210,125 compared to \$208,844 for 2014-15). Salary growth over this year would effectively be 3.1 per cent in 2014-15. It is therefore necessary to adjust any increase in remuneration to take account of this timing change by discounting the quantum of the increase by 25 per cent (i.e. one quarter representing three months out of 12 months). Under the above scenario, an increase of 1.88 per cent from 1 July 2014 results in the same remuneration being paid as applying a 2.5 per cent increase from 1 October.”
34. The Government submits that the Tribunal should approve an annual increase of 1.88 per cent for PSSEs from 1 July 2014 on the basis that this is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (the IR Regulation 2011).
35. The Tribunal notes that IR Regulation 2011 was remade on 24 June 2014, after the Government drafted its submission, and is now the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the IR Regulation 2014). The remaking of IR Regulation 2014 confirms the Government policies that are required to be given effect to by the Industrial Relations Commission (the IRC). In particular, it confirms the Government's policies regarding the management of excess public sector employees and the 2.5 per cent cap on increases in remuneration and the cost of other conditions of employment (including superannuation).

SECTION 4

2014 Determination

Superannuation Guarantee Contribution: Changes to legislation and further increases

36. In determining remuneration for the PSSEs the Tribunal is required pursuant to Section 6AA of the SOOR Act to give effect to the same policies on increases in remuneration as those that the IRC is required to give effect to under section 146C of the Industrial Relations Act 1996 (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.
37. The current policy on wages pursuant to section 146 (1) (a) of the IR Act is specified in IR Regulation 2014 which was made on 24 June 2014. The effect of IR Regulation 2014 is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. IR Regulation 2014 replaces IR Regulation 2011 and Clause 6 provides the following clarification in relation to superannuation employment benefits:

“...Other policies

(1) The following policies are also declared, but are subject to compliance with the declared paramount policies:

(a) Public sector employees may be awarded increases in remuneration or other conditions of employment but only if employee-related costs in respect of those employees are not increased

by more than 2.5 % per annum as a result of the increases awarded together with any new or increased superannuation employment benefits provided (or to be provided) to in respect of the employees since their remuneration or other conditions of employment were last determined.

- (4) *In subclause (1) (a), new or increased superannuation employment benefits means any new or increased payments by an employee to a superannuation scheme or fund of an employee as a consequence of amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987.*
38. IR Regulation 2014 is the most recent change in a series of actions taken by the Government to give effect to its policy in relation to the impact of increases in superannuation employment benefits.
39. The SCG increase does not affect the Tribunal's ability to determine a remuneration increase of up to 2.5 per cent for PSSEs as they receive a total remuneration package, from which the cost of the SGC must be funded.
40. In accordance with section 24O of the SOOR Act the Tribunal determines remuneration packages for the PSSE. Section 24M of the SOOR Act provides for the following definition of a remuneration package for the PSSE:
- "s24M remuneration package means the annual amount payable to a senior executive under the Government Sector Employment Act 2013:*
- (a) *as monetary remuneration for the executive, or*
- (b) *partly as that remuneration and partly as the cost to the employer of the executive's employment benefit*
41. Section 40 of the GSE Act outlines the remuneration, benefits and allowances for senior executives. These include:
- "(4) For the purposes of this Division, employment benefits for a Public Service senior executive are: contributions by the executive's employer to a superannuation scheme or fund of the executive,..."*

Adjusted Annual Increase

42. The remuneration package ranges for the PSSEs bands are based on the remuneration package ranges for the SES that increased by 2.5% effective from 1 October 2013, as determined in the 2013 Annual Determination. To ensure the PSSEs remuneration package ranges and the SES remuneration package ranges do not increase by more than 2.5 per cent over a twelve month period, it is appropriate that the increase to take effect from 1 July 2014 be discounted to reflect the start date of 1 July rather than the later date of 1 October, on which the Tribunal's previous determinations have taken effect.

Conclusion

43. The Tribunal, after considering the views of the Assessors and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 1.88 per cent for the remuneration package ranges for PSSEs bands, effective on and from 1 July 2014. The new rates are as set out in Determination No. 1.
44. Transitional arrangements are in place until up to 24 February 2017 for 'transitional former senior executives', that is, people who were in the Chief Executive Services or SES under the former PSEM Act immediately before it was repealed. The Tribunal has made a separate determination under Part 3A of the SOOR Act for transitional former senior executives.

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 1 – Remuneration Package Ranges for the PSSEs

The Tribunal determines that the remuneration package ranges for Public Sector Senior Executive holders effective on and from 1 July 2014 shall be:

<i>Band</i>	<i>Per annum range</i>		
Band 4 – Secretary level	\$430,451	to	\$497,300
Band 3 – Deputy Secretary level	\$305,401	to	\$430,450
Band 2 – Executive Director level	\$242,801	to	\$305,400
Band 1 – Director level	\$170,250	to	\$242,800

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

REPORT and DETERMINATION under SECTION 14 (1) and SECTION 13 of the
STATUTORY AND OTHER OFFICES REMUNERATION Act 1975

PUBLIC OFFICE HOLDERS GROUP

11 July 2014

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SECTION 1

Introduction

1. Section 13 of the Statutory and Other Offices Remuneration Act 1979 (the SOOR Act), requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year (formerly 1 October). “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 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, are additional to the salary amount determined. This Group also comprises a small number of 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 identical to the SES.
3. The Tribunal’s 2013 annual determination for the Public Office Holders Group was disallowed by the Legislative Assembly on 12 November 2013, pursuant to section 19 of the SOOR Act. The effect of the disallowance was that the Tribunal’s previous year’s determination of 9 November 2012 continued in effect. The impact of the disallowance was that office holders in the Public Office Holders Group effectively received no increase for 2013.
4. On 10 July 2014 the Premier, the Honourable Mike Baird, M.P., directed the Tribunal to make a special determination for office holders in the Public Office Holders Group who, as a result of the disallowance of the 2013 Public Office Holders Determination, did not receive an increase with effect from 1 October 2013.

5. The special determination and the 2014 annual determination will be made concurrently. The special determination, pursuant to section 14 of the SOOR Act, will apply from 1 October 2013 to 30 June 2014. Increases available in the 2014 annual determination, pursuant to section 13 of the SOOR Act, will be based on the rates determined in the special determination.

SECTION 2

2013 Review

Amendments to the SOOR Act

6. The SOOR Act was amended, with effect from 1 July 2013, to require the Tribunal, 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 (IR Act). In addition the policy declared by the regulations also extended to judicial office holders, who previously had been excluded under the SOOR Act.
7. Section 6AB of the SOOR 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 SOOR Act applies is declared in the Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 (SOOR Regulation 2013).
8. In accordance with SOOR Regulation 2013 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.

Changes to the Superannuation Guarantee Contribution (SGC)

9. A number of office holders the subject of this Tribunal's determination were also affected by the changes to the SGC – which increased by 0.25 per cent with effect from 1 July 2013. The exceptions were office holders who elected to receive a total remuneration package pursuant to section 11A of the SOOR Act. Total remuneration packages include contributions payable to a superannuation scheme by an executive officer's employer. Consequently the 0.25 percentage increase in employer contributions payable to their superannuation must be funded from the total remuneration package.
10. In May 2013 the Government advised that its intention was that the SGC increase be funded from within the existing wages cap of 2.5 per cent. Amendments to SOOR Regulation 2013 passed in the Legislative Assembly clarified the application of Government policy in relation to the impact of increases in superannuation employment benefits. However, the amendments to SOOR Regulation 2013 were disallowed by the Legislative Council on 21 August 2013.

2013 Annual Determination

11. On 27 September 2013 the Tribunal determined that office holders in the Public Office Holders Group would receive an increase of 2.5 per cent which was consistent with increases provided to other offices, and groups of office holders, and was made having regard to the law (a decision of the Industrial Relations Commission) as it stood at that time.

Disallowance of determinations

12. On 12 November 2013, pursuant to section 19A of the SOOR Act, the Tribunal's determinations for the Judges and Magistrates Group, the Court and Related Office Holders Group and the Public Office Holders Group were disallowed by the Legislative Assembly. The effect of the disallowance was that the Tribunal's previous year's determination of 9 November 2012 continued in effect. However, from 1 October 2013 up to the date of the disallowance (being 12 November 2013), remuneration was to be paid in accordance with the disallowed 2013 determinations. The 2012 determinations applied from 12 November 2013. The Tribunal understands that not all office holders were paid an increase for that period.

Special determination – Judges, Acting Judges, Associate Judges, Director of Public Prosecutions and Solicitor General

13. On 20 November 2013 the then Premier, the Hon. Barry O'Farrell, M.P., wrote to the Tribunal requesting a special determination, in regard to the remuneration payable to those judges and other related officers who are potentially entitled upon retirement to receive a judicial pension and in respect of whom, therefore, the employer does not incur the cost of the superannuation guarantee contribution (SGC).
14. On 19 December 2013 the Tribunal determined that the Judges, Acting Judges, Associate Judges, the Director of Public Prosecutions, and the Solicitor General would receive an increase of 2.5 per cent with effect from 1 October 2013.
15. The special determination was not applicable to any office holder, or group of office holders, in the Public Office Holders Group.

SECTION 3

2014 Annual Review

16. Schedule 2 of the SOOR Act has been amended to remove a number of positions for which the Tribunal is no longer required to make determinations. These include: the full-time member and assessor of the Administrative Decisions Tribunal; the Chairperson, full-time and part-time members of the Consumer Trade and Tenancy Tribunal; the President and Deputy President of the Guardianship Tribunal; and the Chairperson of the Local Lands Board. The roles and responsibilities undertaken by those offices have been incorporated into the NSW Civil and Administrative Tribunal which commenced on 1 January 2014. The Tribunal is not responsible for determining the salaries or fees applicable to office holders of the NSW Civil and Administrative Tribunal.
17. There have been no further amendments to SOOR Regulation 2013.
18. The Tribunal notes that the SGC has increased from 9.25 per cent to 9.50 per cent from 1 July 2014. SOOR Regulation 2013 includes employer payments to employee superannuation schemes or funds within the definition of "officer-related costs", therefore the Tribunal will have regard to the impact of SGC increases in making this determination. The SGC increase does not affect the Tribunal's ability to determine a remuneration increase of up to 2.5 per cent for office holders who have elected to receive a total remuneration package pursuant to section 11A of the SOOR Act. Total remuneration packages include contributions payable to a superannuation scheme by an executive officer's employer. Consequently the 0.25 percentage increase in employer contributions payable to their superannuation must be funded from the total remuneration package.

Office Holder Submissions

19. As is the usual practice, prior to making its Reports and Determinations, the Tribunal invited submissions from office holders.
20. The Ombudsman's submission has requested that the Tribunal review the remuneration for this office having regard to changes that have occurred in the role and responsibilities since the Tribunal last reviewed the office in 2004. The Ombudsman has advised that in the ten years since the last review, there has been and continues to be, significant change to the role, including additional responsibilities as well as considerable legislative and structural change.
21. The Ombudsman has also advised that the Office has been required to make "efficiency savings". However these savings have not resulted in changed work practices, or savings from changes to employment entitlements, or from structural change, or from any of the other "officer-related cost savings" which are required to be identified, for a consideration of remuneration increases for offices the subject of remuneration determinations by the Tribunal. The submission noted that:

"Because of this, it is my understanding that any application to the Tribunal for consideration of work value increases for the NSW Ombudsman would fail, as savings required could not be appropriately demonstrated as required by the Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013. If savings cannot be identified in the form required, it does not mean that the work value of a position has not changed."

Special Reference

22. On 10 July 2014 the Premier, the Honourable Mike Baird, M.P., directed the Tribunal to make a special determination for those office holders who did not receive an increase with effect from 1 October 2013 as a result of the disallowance of the 2013 Public Office Holders Group Determination, and that a new determination should take effect from 1 October 2013.

"I write seeking Determinations from the Tribunal under section 14 (1) of the Statutory and Other Offices Remuneration Act 1975 in regard to the remuneration payable to those office-holders who remain affected by the disallowance of the Tribunal's 2013 Annual Determinations for Judges and Magistrates, Court and Related Officers and Public Office Holder Group....

...In these circumstances, it would appear appropriate that I direct the Tribunal to proceed immediately to make new Determinations for those office-holders still affected by the disallowance of the Tribunal's 2013 Annual Determinations. The Tribunal's new Determinations should provide for any relevant remuneration increases for 2013-2014 to be taken to have been effective from 1 October 2013."

23. The Government submission outlines the Government's view of appropriate adjustments in respect of the special determination and the annual determination.

Government submission

24. For the section 14 special determination the Government submits that the Tribunal should determine an increase of 2.27 for office holders in receipt of a salary with effect from 1 October 2013. The increase of 2.27 per cent for 2013 is equivalent to that which the Unions and the Industrial Relations Commission agreed upon for Public Sector Salaries Awards in 2013. The salary increase of 2.27 per cent was arrived at as, for that group of employees, the SGC increase is not payable in respect of overtime or leave loading and, as a result, the total employee-related cost of the additional SGC is less than 0.25 per cent.

25. For the Office holders, who elect to receive a total remuneration package pursuant to section 11A of the SOOR Act, the Government submits that the increase should be 2.5 per cent with effect from 1 October 2013, as section 11A Office holders receive a total remuneration package, from which the cost of the SGC must be funded.
26. For the section 13 annual determination the Government submits that office holders in receipt of a salary should receive a 1.70 per cent increase and office holders in receipt of a total remuneration package a 1.88 per cent increase, with effect from 1 July 2014. The 2014 increase is discounted to have regard to the earlier commencement date of 1 July in 2014. Past determinations have provided increases in remuneration effective from 1 October each year. However, amendments to the SOOR Act have brought forward the date of effect from 1 October to 1 July.
27. The result of the change is that any increases in remuneration will apply three months earlier than past increases, and would (if not taken into account) result in office holders receiving comparatively greater remuneration in 2014-15 than would have been paid based on the previous arrangements – leading to effectively higher wages growth than legislated under the NSW Public Sector Wages Policy 2011.
28. The Government submission includes the following example to clarify the issue:
“For example, an employee with a salary of \$200,000 who receives an increase of 2.5 per cent from 1 July 2014 would earn \$1,281 more in 2014-15 than if they received the same increase from 1 October 2014 (\$210,125 compared to \$208,844 for 2014-15). Salary growth over this year would effectively be 3.1 per cent in 2014-15. It is therefore necessary to adjust any increase in remuneration to take account of this timing change by discounting the quantum of the increase by 25 per cent (i.e. one quarter representing three months out of 12 months). Under the above scenario, an increase of 1.88 per cent from 1 July 2014 results in the same remuneration being paid as applying a 2.5 per cent increase from 1 October.”

SECTION 4

2014 Increase

29. In undertaking the 2014 review the Tribunal advised office holders that it would consider a general increase for all office holders of up to or, if warranted, above 2.5 per cent. It would also consider requests from individual office holders or groups of office holders for increases above 2.5 per cent based on work value assessment. Office holders were advised that in both instances, any increase in excess of 2.5 per cent could only be paid if sufficient officer-related cost savings for the office holder or relevant group had been achieved or were expected to be achieved, to fully offset the increased officer-related costs resulting from the increased payment.
30. Under current legislation the Tribunal determines remuneration for office holders, which is either a salary or a total remuneration package. Information on other employment entitlements and/or personal appointment benefits provided to individual office holders or groups of office holders by their employer is not readily available to the Tribunal. Further, the overall cost to the State of engaging these office holders is not readily quantifiable by the Tribunal.
31. Should office holders, or groups of office holders, consider that the Tribunal in determining whether officer-related cost savings will or have been achieved, should have regard to other employment entitlements and/or personal appointment benefits, the types and costs of those entitlements would need to be made available (and independently verified) to the Tribunal.
32. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.
33. The Tribunal has not been asked to consider an increase, either a general increase or an increase based on work value assessment, in excess of 2.5 per cent, which detailed proposed officer-related cost savings. Consequently the Tribunal is not presently required to come to a view on how officer-related costs and officer-related cost savings would be calculated for the purposes of determining any increase in remuneration of more than 2.5 per cent.
34. As noted in the 2013 annual determination (disallowed) the Tribunal finds that amendments to the SOOR Act and SOOR Regulation 2013 make it difficult for office holders, and, in particular, groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify an increase of more than 2.5 per cent. The Ombudsman has also highlighted these difficulties in his submission.
35. After considering submissions received, the Premier's special direction, the Government submission, and key economic indicators, the Tribunal finds those office holders the subject of this determination should receive the maximum permissible increase, although taking into account the impact of the SGC where necessary, and the changed commencement date.
36. It is the obligation of the Tribunal to undertake its duties consistently with the legislation and court decisions as they presently stand with regard to that legislation. On that basis the Tribunal, after considering the views of the Assessors, has made the following special determination for 2013 and annual determinations for 2014.

Special Determination (pursuant to section 14 of the SOOR Act)

37. The Tribunal welcomes the Premier's direction to make a special determination for office holders who did not receive an annual adjustment following the disallowance of the 2013 determination – being those office holders who were not the subject of the Tribunal's special determination of 19 December 2013.
38. The special determination will provide an increase for office holders in receipt of a salary of 2.27 per cent, and office holders in receipt of a total remuneration package of 2.5 per cent, for the period 1 October 2013 to 30 June 2014, in accordance with the Premier's direction, as specified in Determinations No. 1 and No. 2. The increase is consistent with the Government's position on the treatment of SGC increases and the law on that matter as it presently stands.
39. The special determination goes some way to restoring salary relativities within the group and will enable affected office holders to receive back pay. Officers were eligible to receive the 2013 annual increase of 2.5 per cent from 1 October up until the date of disallowance, being 12 November 2013. If such payments have been made then appropriate adjustments should be made when applying the 2.27 per cent increase to office holders in receipt of a salary from 1 October 2013.

Annual determinations (pursuant to section 13 of the SOOR Act)

40. Pursuant to section 13 of the SOOR Act the Tribunal determines that an increase of 1.70 per cent will apply to office holders in receipt of a salary, and an increase of 1.88 per cent for office holders in receipt of a total remuneration package, on and from 1 July 2014 as specified in Determinations No. 3 and No. 4.

Section 11A Office Holders

41. Historically, when an officer has elected to receive employment benefits pursuant to section 11A of the SOOR Act, the Tribunal has determined a total remuneration package payable to that office holder. Determinations which provide for a total remuneration package are listed separately (Determinations No. 2 and No. 4) from those determinations which are expressed as a salary only (Determinations No. 1 and No. 3).
42. For the special determination and 2014 determination the Tribunal continues to identify, in Determinations No. 2 and No. 4 those offices which are held by individuals who have elected to receive a total remuneration package pursuant to section 11A. The Tribunal will also make a salary-only determination for those particular offices and list that salary in the general determination for Public Office Holders in Determinations No. 1 and No. 3. This is to ensure that a current determination exists for these roles should the incumbent officer revoke his/her election or if a new officer is appointed to the role.

2015 Review

43. The Tribunal does not propose to discount any remuneration increase it determines for the 2015 annual review as the change in commencement date for annual determinations has been addressed in the 2014 annual determination.

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 1 – Special Determination effective on and from 1 October 2013

Special determination of the remuneration of the Public Office Holder Group effective on and from 1 October 2013

<i>Public Office Holder</i>	<i>Salary per annum</i>
Public Service Commissioner	\$470,490
Commissioner Police Integrity Commission	\$448,685
Auditor General	\$437,670
Ombudsman	\$436,545
Commissioner, NSW Crime Commission (Note 1)	\$433,155
Assistant Commissioner, NSW Crime Commission	\$410,365
Full time Member and CEO, Independent Pricing and Regulatory Tribunal (Note 1)	\$390,125
President, Mental Health Review Tribunal	\$354,215
Electoral Commissioner (Note 1)	\$340,675
Valuer General (Note 1)	\$315,145
Workcover Independent Review Officer	\$314,480
Deputy President Mental Health Review Tribunal	\$309,905
Information Commissioner	\$307,300

<i>Public Office Holder</i>	<i>Salary per annum</i>
Privacy Commissioner	\$296,555
Chairperson, Consumer Trader and Tenancy Tribunal	\$287,890
Mental Health Commissioner	\$285,130
President, Guardianship Tribunal	\$281,880
Parliamentary Budget Officer	\$281,030
Principal Claims Assessor (Motor Accidents Compensation Act)	\$279,940
Inspector of Custodial Services	\$271,015
Small Business Commissioner	\$267,000
Deputy Chairperson Consumer Trader and Tenancy Tribunal	\$266,260
Deputy Chairperson, Law Reform Commission	\$264,340
Commissioner, Law Reform Commission	\$253,515
Deputy President Administrative Decisions Tribunal	\$253,515
Clerk of the Legislative Assembly	\$246,810
Clerk of the Parliaments	\$246,810
Executive Manager, Parliamentary Services	\$246,810
Registrar Workers Compensation Commission	\$246,810
Senior Arbitrator, Workers Compensation Commission (legally qualified)	\$229,080
Deputy President, Guardianship Tribunal	\$220,535
Senior Member, Consumer Trader and Tenancy Tribunal	\$217,315
Deputy Clerk, Legislative Assembly	\$211,875
Deputy Clerk, Legislative Council	\$211,875
Senior Arbitrator, Workers Compensation Commission (not legally qualified)	\$210,980
Arbitrator, Workers Compensation Commission (legally qualified)	\$202,260
Chairperson, Local Land Boards	\$202,220
Registrar, Aboriginal Land Rights Act 1983	\$195,735
Assessor (Local Court Act 2007)	\$187,280
Member, Consumer Trader and Tenancy Tribunal	\$187,280
Arbitrator, Workers Compensation Commission (not legally qualified)	\$181,830
Chairperson, Board of the Aboriginal Housing Office	\$146,140
Member of the New South Wales Aboriginal Land Council (Note 2)	\$130,380
Chairperson, Infrastructure NSW	\$75,215
President Mental Health Review Tribunal (part time daily rate)	\$1,470
Deputy President Mental Health Review Tribunal (part time daily rate)	\$1,285
Senior Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$900
Assessor Local Court Act 2007 (daily rate)	\$780
Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$780

Note 1 The Public Office Holders of these public offices have elected to be provided with employment benefits pursuant to section 11A of the Act and the remuneration packages are listed in Determination 2.

Note 2 The Chairperson shall receive an allowance of 10% (i.e. a total of \$143,418 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$136,899 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.

Determination No. 2 – Section 11a Office Holders effective on and from 1 October 2013

Determination of 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 October 2013

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:

<i>Public Office Holder</i>	<i>Remuneration</i>
Commissioner, NSW Crime Commission	\$452,730
Electoral Commissioner	\$359,295
Valuer General	\$333,705

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

Determination No. 3 – Annual Determination effective on and from 1 July 2014

Annual determination of the remuneration of the Public Office Holder Group effective on and from 1 July 2014

<i>Public Office Holder</i>	<i>Salary per annum</i>
Public Service Commissioner	\$478,490
Commissioner Police Integrity Commission	\$456,315
Auditor General	\$445,110
Ombudsman	\$443,965
Commissioner, NSW Crime Commission (Note 1)	\$440,520
Assistant Commissioner, NSW Crime Commission	\$417,340
Full time Member and CEO, Independent Pricing and Regulatory Tribunal (Note 1)	\$396,755
President, Mental Health Review Tribunal	\$360,235
Electoral Commissioner (Note 1)	\$346,465
Valuer General (Note 1)	\$320,500
Workcover Independent Review Officer	\$319,825
Deputy President Mental Health Review Tribunal	\$315,175
Information Commissioner	\$312,525
Privacy Commissioner	\$301,595
Mental Health Commissioner	\$289,975
Parliamentary Budget Officer	\$285,810
Principal Claims Assessor (Motor Accidents Compensation Act)	\$284,700
Inspector of Custodial Services	\$275,620
Small Business Commissioner	\$271,540
Deputy Chairperson, Law Reform Commission	\$268,835
Commissioner, Law Reform Commission	\$257,825
Clerk of the Legislative Assembly	\$251,005
Clerk of the Parliaments	\$251,005
Executive Manager, Parliamentary Services	\$251,005

<i>Public Office Holder</i>	<i>Salary per annum</i>
Registrar Workers Compensation Commission	\$251,005
Senior Arbitrator, Workers Compensation Commission (legally qualified)	\$232,975
Deputy Clerk, Legislative Assembly	\$215,475
Deputy Clerk, Legislative Council	\$215,475
Senior Arbitrator, Workers Compensation Commission (not legally qualified)	\$214,565
Arbitrator, Workers Compensation Commission (legally qualified)	\$205,700
Registrar, Aboriginal Land Rights Act 1983	\$199,060
Assessor (Local Court Act 2007)	\$190,465
Arbitrator, Workers Compensation Commission (not legally qualified)	\$184,920
Chairperson, Board of the Aboriginal Housing Office	\$148,625
Member of the New South Wales Aboriginal Land Council (Note 2)	\$132,595
Chairperson, Infrastructure NSW	\$76,495
President Mental Health Review Tribunal (part time daily rate)	\$1,495
Deputy President Mental Health Review Tribunal (part time daily rate)	\$1,310
Assessor Local Court Act 2007 (daily rate)	\$790

Note 1 The Public Office Holders of these public offices have elected to be provided with employment benefits pursuant to section 11A of the Act and the remuneration packages are listed in Determination 4.

Note 2 The Chairperson shall receive an allowance of 10% (i.e. a total of \$145,854 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$139,225 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.

Determination No. 4 – Section 11a Office Holders effective on and from 1 July 2014

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 2014

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:

<i>Public Office Holder</i>	<i>Remuneration</i>
Commissioner, NSW Crime Commission	\$461,240
Electoral Commissioner	\$366,050
Valuer General	\$339,980

Dated: 11 July 2014.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

AUBURN CITY COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Unpaid Rates and Charges
61A Vaughan Street, Lidcombe

NOTICE is hereby given that Auburn City Council by resolution of the Council dated 19 February 2014 resolved to sell the land at 61A Vaughan Street, Lidcombe, known as Lot 221, DP 210749 pursuant to the above mentioned Act.

MARK BRISBY, General Manager, Auburn City Council,
PO Box 118, Auburn NSW 1835. [7593]

BLACKTOWN CITY COUNCIL

Roads Act 1993, Sections 39 and 40

Closure and Transfer of Temporary Road

THE Council hereby declares, pursuant to sections 39 and 40 of the Roads Act 1993, that the temporary road comprised in the lots described in the Schedule hereunder is closed and is to be transferred to Kellyville Ridge Developments Pty. Ltd.

KERRY ROBINSON, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

SCHEDULE

Lots 7 and 8, DP 1128624, situated between Fyfe Road and Fairlie Street, Kellyville Ridge. [7594]

ROCKDALE CITY COUNCIL

Pesticide Use Notification Plan

NOTICE is hereby given that in accordance with the Pesticides Regulation 2009 and following community consultation, Council has adopted its revised Pesticide Use Notification Plan, July 2014.

A copy of the Plan can be found at <http://www.rockdale.nsw.gov.au> [7595]

ESTATE NOTICES

NOTICE of intended distribution of estate. – NSW grant made 16 December 2013. – Any person having any claim upon the estate of RICHARD WADIH MOGHAMES, late of Wallsend, who died on 30 July 2013, must send particulars of the claim to the legal representative for the estate, care of Lockhart Quinn & Co., Solicitors, 5 Library Lane, Charlestown NSW 2290, within 30 days from publication of this notice. After that time the legal representative intends to distribute the property in the estate having regard only to the claims of which the legal representative had notice at the time of distribution. LOCKHART QUINN & CO., 5 Library Lane, Charlestown NSW 2290 (PO Box 373, Charlestown NSW 2290), tel.: (02) 4942 3222. [7596]

OTHER NOTICES

ESSENTIAL ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements for Electricity Purposes between Dubbo and Gilgandra

ESSENTIAL ENERGY declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Interests in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated this 16th day of July 2014. GARY HUMPHREYS, Chief Operating Officer, Essential Energy, PO Box 5730, Port Macquarie NSW 2444.

SCHEDULE 1

<i>No.</i>	<i>Interest In Land</i>	<i>Locality</i>	<i>LGA</i>	<i>Parish</i>	<i>County</i>
1	Easement for overhead powerlines 45 wide and variable width affecting the Crown land known as Talbragar River shown as “® proposed easement for overhead powerlines 45 wide and variable width” in DP 1171535	Dubbo	Dubbo	Dubbo/ Terramungamine	Lincoln
2	Easement for overhead powerlines 45 wide and variable width affecting the Crown land known as Mogriguy Creek between Lot A in DP 396091 and Lot 50 in DP 754328 shown as “® proposed easement for overhead powerlines 45 wide and variable width” in DP 1171535	Brocklehurst	Dubbo	Terramungamine	Lincoln
3	Easement for overhead powerlines 45 wide and variable width affecting the Crown land known as Mogriguy Creek between Lot 128 in DP 754328 and Lot 50 in DP 754328 shown as “® proposed easement for overhead powerlines 45 wide and variable width” in DP 1171535	Brocklehurst	Dubbo	Terramungamine	Lincoln
4	Easement for overhead powerlines 45 wide and variable width affecting the Crown land known as Coolbaggie Creek shown as “® proposed easement for overhead powerlines 45 wide and variable width” in DP 1171706	Eumungerie	Dubbo	Caledonia/ Eumungerie	Lincoln
5	Easement for overhead powerlines 45 wide and variable width affecting the Crown land known as Drillwarrina Creek shown as “® proposed easement for overhead powerlines 45 wide and variable width” in DP 1171706	Eumungerie	Dubbo	Eumungerie	Lincoln
6	Easement for overhead powerlines 15, 30 & 45 wide affecting Lot 7007 in DP 94733 shown as “(e) Proposed easement for overhead powerlines 15, 30 & 45 wide and variable width” in DP 1171706	Eumungerie	Dubbo	Eumungerie	Lincoln
7	Easement for overhead powerlines 45 wide and variable width affecting the Crown land known as Marthaguy Creek shown as “® proposed easement for overhead powerlines 45 wide and variable width” in DP 1172129	Gilgandra	Dubbo	Bungey	Lincoln

SCHEDULE 2

The easements for overhead powerlines described in Schedule 1 are on the terms set out in Part A of Memorandum No. AG189384 registered on the Register held under the Real Property Act 1900.

In so far as any Native Title rights and interests exist over the Crown land affected by the easement, the “non-extinguishment principle” as defined in section 238 of the Native Title Act 1993 (Cth) applies to the acquisition of the Interests in Land.

[7597]

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