



# *Government Gazette*

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Chief and  
Senior  
Executive  
Service

Annual  
Determination

*Report and determination under  
section 24C of the Statutory and  
Other Offices Remuneration Act  
1975*

**27 August  
2019**

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# Section 1

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## Background

1. The Chief Executive Service and Senior Executive Services<sup>1</sup> were employed under the provisions of the former *Public Sector Employment and Management Act 2002* (PSEM Act). That Act was repealed in 2013 and replaced with the *Government Sector Employment Act 2013* (GSE Act).
2. There are a small number of 'transitional former senior executives' (subject to the transitional arrangements provided for in Schedule 4 of the GSE Act) and executives employed in the NSW Police Force Senior Executive Service and the NSW Health Service who continue to be eligible for remuneration packages as determined under Part 3A of the SOOR Act. For that reason, the Tribunal will continue to make a determination for the SES remuneration ranges. The Tribunal will review these arrangements each year to determine whether further determinations are required.

## NSW Police Force Senior Executives

3. The *Police Act 1990* was amended on 31 October 2017 to provide for NSW Police Force senior executives to be employed in a Public Service senior executive (PSSE) band. The remuneration package of a NSW Police Force senior executive must be within the range determined under the SOOR Act for the band in which the executive is employed. These remuneration ranges are determined in accordance with Part 3B of the SOOR Act and published in the Public Service senior executive determination.
4. In accordance with Schedule 4 of the *Police Act 1990* transitional arrangements are in place for existing police senior executives and administrative senior executives employed under the former senior executive provisions. These executives continue to receive a remuneration package as provided for under the former senior executive

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

## Chief and Senior Executive Service

provisions, being the ranges determined in this determination pursuant to Part 3A of the SOOR Act. Transitional arrangements will continue until the latest implementation date applicable to each executive subject to these arrangements after which the new senior executive provisions will apply.

### **NSW Health Service Senior Executives**

5. The Tribunal has historically determined remuneration ranges which applied to certain executives in the Health Service - the Specialist Medical Skills Determination and the General Medical Skills Determination. Senior executives in the NSW Health Service are now aligned to the employment arrangements for PSEs under the GSE Act. The Tribunal will retain the Specialist Medical Skills Determination and the General Medical Skills Determination for administrative purposes to cover transitional arrangements.

### **2019 General Increase**

6. The Tribunal, after consulting with the Assessors and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 2.5 per cent for all office holders subject to this determination, effective on and from 1 July 2019. The new rates are as set out in Determination No. 1.
7. This determination is consistent with the Government's wages policy which the Tribunal is required to give effect to pursuant to section 6AA of the SOOR Act.

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

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

## Section 2

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### 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 2019 shall be:

| <b>CES/SES</b>       | <b>Per annum range</b> |    |           |
|----------------------|------------------------|----|-----------|
| Remuneration Level 8 | \$487,051              | to | \$562,650 |
| Remuneration Level 7 | \$388,301              | to | \$487,050 |
| Remuneration Level 6 | \$345,551              | to | \$388,300 |
| Remuneration Level 5 | \$299,551              | to | \$345,550 |
| Remuneration Level 4 | \$274,701              | to | \$299,550 |
| Remuneration Level 3 | \$241,851              | to | \$274,700 |
| Remuneration Level 2 | \$225,501              | to | \$241,850 |
| Remuneration Level 1 | \$192,600              | to | \$225,500 |

### Determination No. 2 – Remuneration Packages for 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 2019 shall be:

| <b>Specialist Medical Skills</b> | <b>Per annum range</b> |    |           |
|----------------------------------|------------------------|----|-----------|
| Remuneration Level 6             | \$355,900              | to | \$435,900 |
| Remuneration Level 5             | \$354,500              | to | \$420,050 |
| Remuneration Level 4             | \$348,350              | to | \$404,300 |
| Remuneration Level 3             | \$332,350              | to | \$385,700 |
| Remuneration Level 2             | \$311,900              | to | \$361,950 |
| Remuneration Level 1             | \$287,700              | to | \$330,300 |

Chief and Senior Executive Service

**Determination No. 3 – Remuneration Packages for General Medical Skills**

The Tribunal determines that the remuneration package ranges for offices identified as requiring general medical skills effective on and from 1 July 2019 shall be:

| <b>General Medical Skills</b> | <b>Per annum range</b> |    |           |
|-------------------------------|------------------------|----|-----------|
| Remuneration Level 2          | \$250,400              | to | \$290,600 |
| Remuneration Level 1          | \$230,200              | to | \$264,250 |

**Statutory and Other Offices Remuneration Tribunal**

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

Court and  
Related  
Officers  
Group

Annual  
Determination

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

**27 August  
2019**



## Court and Related Officers Group

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## Court and Related Officers Group

# Section 1

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### Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) requires the Tribunal, each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year. Section 10A defines 'remuneration' as salary or allowances paid in money.
2. The Court and Related Officers Group comprises those public offices listed in the Schedules of the SOOR 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.

### Government Wages Policy

3. The Tribunal is required, when making determinations under Part 3 of the SOOR Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations. 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* (the SOOR Regulation).
4. In accordance with the SOOR Regulation any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if officer-related cost savings for the office holder (or group of office holders) have been achieved to fully offset the increased officer-related costs resulting from increased payment.

## **Section 2**

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### **2018 Determination**

5. On 7 August 2018, the Tribunal determined that officers in the Court and Related Officers Group would receive an increase in salary of 2.5 per cent.
6. The Tribunal determined that there would be a minor adjustment to the quantum of the conveyance allowance as the annual percentage change from the 2017 March quarter to the 2018 March quarter in the CPI: Motor Vehicles – Sydney (Series ID A2328552A) had increased by 0.5 per cent.
7. The Tribunal also repeated concerns about the operation of the SOOR Regulation.

## Section 3

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### 2019 Annual Review

8. On 23 March 2019, the Tribunal wrote to office holders advising of the commencement of the 2019 annual review. The Tribunal did not hold meetings with office holders as part of the 2019 review.

### Office Holder Submissions

9. The Tribunal received four submissions from office holders in the Court and Related Officers Group. All of the submissions have sought an increase of 2.5 per cent as this is the maximum that can be expected within the current constraints.
10. The submissions from the Director and Deputy Directors of Public Prosecutions and Senior Crown Prosecutor have outlined additional responsibilities associated with the implementation of the Early Appropriate Guilty Plea reforms. The Office has undergone an unprecedented transformation, including the overhaul of its structure and expansion in size. The Director and Deputies provided significant daily input and guidance, in addition to their existing workloads, to achieve the successful implementation of the reform. The submission reports positive impacts and increased efficiencies in the justice system with an increase in the number of matters committed for sentence and a decrease in the number committed for trial.
11. The Senior Crown Prosecutor has made a submission on behalf of that office and the Deputy Senior Crown Prosecutors and Crown Prosecutors. The submission advises that an additional increase will be sought, on repeal of the SOOR Regulation, to reflect changes in work load which are outlined in their submission.
12. The Acting Senior Public Defender supports and adopts the submission on behalf of the Crown Prosecutor group, citing the matters raised apply equally to the Public Defenders.
13. The submission from the Senior Commissioner of the Land and Environment Court notes that the jurisdiction of the Land and Environment Court continues to be expanded by

## **Court and Related Officers Group**

new legislation. The judges and commissioners of the Land and Environment Court have increased their productivity to hear and dispose of the increased caseload as the number judges and commissioners of the Court has remained constant.

### **Government Submission**

14. The Secretary NSW Treasury provided the Government submission to the Tribunal on 28 June 2019. The submission outlines the applicability of the NSW Government's wages policy and provides an overview of the economic conditions of the State. Having regard to that advice the Tribunal considers that the budget position for the State of NSW supports an increase of 2.5 per cent. This increase is also consistent with wages growth for non-executive employees across the public sector.
  
15. The Tribunal again notes that the Government submission states that offices in the Court and Related Officers Group are subject to section 6AA of the SOOR Act which requires the Tribunal to give effect to the same policies as those that the Industrial Relations Commission (IRC) is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees. Offices in the Court and Related Officers Group are not subject to the provisions of section 6AA of the SOOR Act. Instead these office holders are subject to the provisions of section 6AB of the SOOR Act and the SOOR Regulation.

## Section 4

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### **2019 Determination**

#### **General Increase**

16. 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, and therefore a detailed assessment of whether or not officer-related costs savings have been achieved has not been required for this group of office holders. It is open to the Tribunal to determine an increase of up to 2.5 per cent without the need for office holders to offset any additional increase with officer-related cost savings.
17. The Tribunal finds that an increase of 2.5 per cent is justified having regard to the significant role court and related officers undertake in the State's justice system.

#### **Conveyance Allowance**

18. The annual percentage change from the 2018 March quarter to the 2019 March quarter in the CPI: Motor Vehicles – Sydney (Series ID A2328552A) is 0.10 per cent. To reflect this change there is a minor adjustment to the quantum of the conveyance allowance.

#### **Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 (SOOR Regulation)**

19. As outlined in the 2018 annual determination the Tribunal sought advice from the Secretary of the Department of Premier and Cabinet (DPC) on the status of the SOOR Regulation. On 6 August 2018 the Secretary of DPC advised that the automatic repeal of the SOOR Regulation had been postponed for a period of one year on the basis that it was appropriate for the Government to consider the remake of the SOOR Regulation at the same time that it considers the remake of the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014*, which is due to be repealed on 1 September 2019.

## **Court and Related Officers Group**

20. The Tribunal has now been advised that the Government will recommend to the Premier that the repeal of the SOOR Regulation be postponed for a further period of 12 months, subject to the Governor's approval.
21. As previously stated, this is a matter for the Government and the Tribunal will continue to operate within the legislative framework.
22. The Tribunal acknowledges that the NSW Public Sector Wages Policy, and the application of that policy via the SOOR Regulation, supports the Government in managing employee expenses growth which is key to maintaining the State's strong fiscal position.
23. The State's leaders, key independent officer holders and judiciary play a crucial role in supporting the functions of the Government and providing services to the citizens of NSW.
24. While there are factors other than remuneration which attract people to public office, it is important that these roles are appropriately remunerated to ensure people of caliber apply and can be retained in these roles.
25. The remuneration for a role should as much as practical reflect the work value of that role. Office Holders should receive competitive and equitable remuneration that reflects the responsibilities and experience required of the roles.
26. While the Members of the NSW Aboriginal Land Council have been successful in demonstrating sufficient officer-related cost savings to provide for an increase of more than 2.5 cent, other office holders and groups of office holders have found it difficult to identify the necessary officer-related savings required of the SOOR Regulation.
27. The Tribunal continues to be of the view that the SOOR Regulation, as presently constructed, makes the identification and assessment of officer-related cost savings prohibitively complex and difficult. The Tribunal continues to encourage the Government to review these provisions with the view to providing the Tribunal with greater flexibility in determining appropriate remuneration based on work value.

## **Court and Related Officers Group**

28. Office holders should refer to the 2019 determination for the Public Office Holders Group for details of the determination made for Members of the NSW Aboriginal Land Council.

### **Conclusion**

29. The Tribunal, after consulting with the Assessors, considers that an increase of 2.5 per cent in remuneration is appropriate and so determines. In respect to the conveyance allowance, a minor adjustment of 0.10 per cent is warranted in accordance with the Tribunal's methodology.

30. This determination is consistent with the Government's wages policy which the Tribunal is required to give effect to pursuant to the SOOR Regulation.

31. Pursuant to section 13 of the SOOR Act the Tribunal determines that the remuneration to be paid office holders in the Court and Related Officers Group, on and from 1 July 2019 shall be as specified in Determination Nos. 1-2.

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

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019



## Court and Related Officers Group

# Section 5

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### Determinations

#### Determination No. 1- Annual Determination of Remuneration

Annual determination of the remuneration of the Court and Related Officers Group effective on and from 1 July 2019

| Position  | Salary per annum | Conveyance Allowance (NOTE 1) |
|---|------------------|-------------------------------|
| Director of Public Prosecutions                         | \$457,480        | \$23,745                      |
| Solicitor-General                                       | \$457,480        | \$23,745                      |
| Chairperson, Law Reform Commission                      | \$455,640        | \$23,745                      |
| Crown Advocate  | \$410,080        | \$21,365                      |
| Deputy Director of Public Prosecutions                  | \$410,080        | \$21,365                      |
| Senior Crown Prosecutor                                 | \$369,070        | \$17,090                      |
| Senior Public Defender                                  | \$369,070        | \$17,090                      |
| Deputy Presidents, Workers Compensation Commission      | \$332,150        | \$17,090                      |
| Deputy Senior Crown Prosecutor                          | \$332,150        | \$17,090                      |
| Deputy Senior Public Defender                           | \$332,150        | \$17,090                      |
| Solicitor for Public Prosecutions                       | \$332,150        | \$17,090                      |
| Senior Commissioner Land and Environment Court          | \$318,940        | \$17,090                      |
| Crown Prosecutor  | \$303,450        | \$17,090                      |
| Public Defender   | \$303,450        | \$17,090                      |
| Commissioner Land and Environment Court                 | \$300,710        | \$17,090                      |
| Acting Deputy President Workers Compensation Commission | \$1,380 per day  | -                             |
| Acting Commissioner Land and Environment Court          | \$1,250 per day  | -                             |

#### Conveyance Allowance

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

METHODOLOGY: The Tribunal provides increases to the conveyance allowance based on the CPI: Motor Vehicles – Sydney (Series ID A2328552A) March quarter - having regard to the

## **Court and Related Officers Group**

percentage change from the corresponding quarter of the previous year. In considering any adjustment the following conditions will apply:

- Should the March quarter data indicate a decrease in motor vehicle costs the conveyance allowance will remain unchanged (to comply with the requirements of section 21 of the SOOR Act).
- The annual adjustment will not exceed 2.5 per cent (to comply with section 6AB of the SOOR Act).

### **Determination No. 2- Annual Leave Loading**

#### **Leave Loading**

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.

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

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

# Judges and Magistrates Group

Annual  
Determination

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

**27 August  
2019**

## Judges and Magistrates Group

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# Section 1

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## Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act* (the SOOR Act) requires 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. Section 10A defines 'remuneration' as salary or allowances payable in money.

## Government Wages Policy

2. The Tribunal is required, when making determinations under Part 3 of the SOOR Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations. 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* (the SOOR Regulation).
3. In accordance with the SOOR Regulation any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if officer-related cost savings for the office holder (or group of office holders) have been achieved to fully offset the increased officer-related costs resulting from increased payment.

## Section 2

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### **2018 Determination**

4. On 7 August 2018, the Tribunal determined that officers in the Judges and Magistrates Group would receive an increase in salary of 2.5 per cent.
5. The Tribunal determined that there would be a minor adjustment to the quantum of the conveyance allowance as the annual percentage change from the 2017 March quarter to the 2018 March quarter in the CPI: Motor Vehicles – Sydney (Series ID A2328552A) had increased by 0.5 per cent.
6. The Tribunal considered a request from the Chief Commissioner of the Industrial Relations Commission (IRC) that the Tribunal determine a daily rate to be payable to an Acting Commissioner of the IRC similar to that made in the 2017 determination for the offices of Acting Magistrate of the Local Court and Acting Commissioner of the Land and Environment Court. The Tribunal found that it did not have jurisdiction to make a determination.
7. The Tribunal also repeated concerns about the operation of the SOOR Regulation.

## Section 3

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### 2019 Annual Review

8. On 23 March 2019, the Tribunal wrote to office holders advising of the commencement of the 2019 annual review. The Tribunal did not hold meetings with office holders as part of the 2019 review.

### Office Holder Submissions

9. The Tribunal received four submissions from office holders in the Judges and Magistrates Group. All of the submissions have sought an increase of 2.5 per cent as this is the maximum that can be expected within the current constraints.
10. The submissions outline reasons to justify the maximum allowable increase under the SOOR Regulation. The submission from the Supreme Court notes that the relevant key economic indicators support a 2.5 per cent increase, as does the continuing high productivity of the Judges of the Court, despite their heavy workload. The Court also continues to deal with caseloads of the most complex kind dealt with by trial and appellate courts at its level in Australia, including criminal trials.
11. The submission from the Chief Judge of the District Court also highlights the workload and productivity of the District Court. In 2018 the criminal trial registrations decreased but registrations for sentences increased, enabling the Court to finalise more criminal trials than were registered and resulting in a reduction in the pending trial caseload.
12. The Chief Magistrate's submission notes the continuing rise in caseload over 2017/2018 and the addition of two positions to deal with two legislative initiatives – Early Appropriate Guilty Plea and Driver Licensing initiatives. Changes to legislation relating to sentencing, domestic violence and road traffic have had a significant impact on the Court.
13. The submission from the Chief Judge of the Land and Environment Court notes that the productivity of Judges has been maintained and continues to be expanded by new

## **Judges and Magistrates Group**

legislation as identified in previous submissions. There has been a significant increase in caseload over the past five years and the number of Judges and Commissioners of the Court has remained constant, and they have increased their productivity to hear and dispose of the increased caseload.

### **Government Submission**

14. The Secretary NSW Treasury provided the Government submission to the Tribunal on 28 June 2019. The submission outlines the applicability of the NSW Government's wages policy and provides an overview of the economic conditions of the State. Having regard to that advice the Tribunal considers that the budget position for the State of NSW supports an increase of 2.5 per cent. This increase is also consistent with wages growth for non-executive employees across the public sector.
  
15. The Tribunal again notes that the Government submission states that offices in the Judges and Magistrates Group are subject to section 6AA of the SOOR Act which requires the Tribunal to give effect to the same policies as those that the Industrial Relations Commission (IRC) is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees. Offices in the Judges and Magistrates Group are not subject to the provisions of section 6AA of the SOOR Act. Instead these office holders are subject to the provisions of section 6AB of the SOOR Act and the SOOR Regulation.



## Section 4

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### 2019 Determination

#### General Increase

16. 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, and therefore a detailed assessment of whether or not officer-related costs savings have been achieved for the Judges and Magistrates Group has not been required. It is open to the Tribunal to determine an increase of up to 2.5 per cent without the need for office holders to offset any additional increase with officer-related cost savings.
17. The Tribunal finds that an increase of 2.5 per cent is justified having regard to the significant role judicial office holders undertake in the State's justice system. Including work essential to the maintenance of the rule of law, the proper administration of justice and the ongoing success of both the economy and the social fabric of the State.
18. The Tribunal notes additional work for the Courts associated with legislative change and a significant increase in case load. These claims are supported by data reported by the NSW Bureau of Crime Statistics and Research which reports significant increases in court finalisations over the last five years across all courts in NSW.

#### Conveyance Allowance

19. The annual percentage change from the 2018 March quarter to the 2019 March quarter in the CPI: Motor Vehicles – Sydney (Series ID A2328552A) is 0.10 per cent. To reflect this change there is a minor adjustment to the quantum of the conveyance allowance.

#### Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 (SOOR Regulation)

20. As outlined in the 2018 annual determination the Tribunal sought advice from the Secretary of the Department of Premier and Cabinet (DPC) on the status of the SOOR Regulation. On 6 August 2018 the Secretary of DPC advised that the automatic repeal of

## **Judges and Magistrates Group**

the SOOR Regulation had been postponed for a period of one year on the basis that it was appropriate for the Government to consider the remake of the SOOR Regulation at the same time that it considers the remake of the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014*, which is due to be repealed on 1 September 2019.

21. The Tribunal has now been advised that the Government will recommend to the Premier that the repeal of the SOOR Regulation be postponed for a further period of 12 months, subject to the Governor's approval.
22. As previously stated, this is a matter for the Government and the Tribunal will continue to operate within the legislative framework.
23. The Tribunal acknowledges that the NSW Public Sector Wages Policy, and the application of that policy via the SOOR Regulation, supports the Government in managing employee expenses growth which is key to maintaining the State's strong fiscal position.
24. The State's leaders, key independent officer holders and judiciary play a crucial role in supporting the functions of the Government and providing services to the citizens of NSW.
25. While there are factors other than remuneration which attract people to public office, it is important that these roles are appropriately remunerated to ensure people of caliber apply and can be retained in these roles.
26. The remuneration for a role should as much as practical reflect the work value of that role. Office Holders should receive competitive and equitable remuneration that reflects the responsibilities and experience required of the roles.
27. While the Members of the NSW Aboriginal Land Council have been successful in demonstrating sufficient officer-related cost savings to provide for an increase of more than 2.5 cent, other officer holders and groups of office holders have found it difficult to identify the necessary officer-related savings required of the SOOR Regulation.

## **Judges and Magistrates Group**

28. The Tribunal continues to be of the view that the SOOR Regulation, as presently constructed, makes the identification and assessment of officer-related cost savings prohibitively complex and difficult. The Tribunal continues to encourage the Government to review these provisions with the view to providing the Tribunal with greater flexibility in determining appropriate remuneration based on work value.
29. Office holders should refer to the 2019 determination for the Public Office Holders Group for details of the determination made for Members of the NSW Aboriginal Land Council.

## **Conclusion**

30. The Tribunal, after consulting with the Assessors, considers that an increase of 2.5 per cent in remuneration is appropriate and so determines. In respect to the conveyance allowance, a minor adjustment of 0.10 per cent is warranted in accordance with the Tribunal's methodology.
31. This determination is consistent with the Government's wages policy which the Tribunal is required to give effect to pursuant to the SOOR Regulation.
32. Pursuant to section 13 of the SOOR Act the Tribunal determines that the remuneration to be paid to office holders in the Judges and Magistrates Group, on and from 1 July 2019 shall be as specified in Determination Nos. 1-5.

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

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

## Section 5

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### Report on travel allowances for NSW Judges and Magistrates

#### 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 SOOR 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) *a Judge or Acting Judge of a court, or*
  - (b) *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.

#### 2019 Review

4. Historically the Tribunal has had 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 determination for 2019 being ATO TD2019/11.

#### 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

## **Judges and Magistrates Group**

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.
6. 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**

7. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling TD2019/11. Non metropolitan accommodation rates and meal rates are also as set out in the Determination.
8. The Tribunal makes Determination No 6 effective on and from 1 July 2019.

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

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

## Judges and Magistrates Group

# Section 6

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### Determinations

#### Determination No. 1 - Remuneration of Judges effective on and from 1 July 2019

| Position   | Salary per annum | Conveyance Allowance (NOTE 1) |
|--|------------------|-------------------------------|
| Chief Justice of the Supreme Court   | \$532,560        | \$23,745                      |
| President of the Court of Appeal   | \$498,670        | \$23,745                      |
| Chief Judge of the Land and Environment Court                                | \$498,670        | \$23,745                      |
| Judge of the Supreme Court   | \$475,920        | \$23,745                      |
| Judge of the Land and Environment Court                                      | \$475,920        | \$23,745                      |
| President, Workers Compensation Commission                                   | \$475,920        | \$23,745                      |
| Judge of the District Court  | \$426,250        | \$21,365                      |
| Associate Judge or acting Associate Judge (under the Supreme Court Act 1970) | \$426,250        | \$21,365                      |

#### Determination No. 2 - Remuneration of other Judicial Officers not referred to in determination No.1 effective on and from 1 July 2019

| Position   | Salary per annum | Conveyance Allowance (NOTE 1) |
|--|------------------|-------------------------------|
| Chief Magistrate                                   | \$424,540        | \$21,365                      |
| Deputy Chief Magistrate                            | \$358,740        | \$17,090                      |
| State Coroner                                      | \$358,740        | \$17,090                      |
| Chief Industrial Magistrate                        | \$345,580        | \$17,090                      |
| Chief Commissioner Industrial Relations Commission | \$342,460        | \$17,090                      |
| Magistrate   | \$339,630        | \$17,090                      |
| Children's Magistrate                              | \$339,630        | \$17,090                      |
| Deputy State Coroner                               | \$339,630        | \$17,090                      |
| Commissioner Industrial Relations Commission       | \$311,330        | \$17,090                      |

## Judges and Magistrates Group

### Conveyance Allowance

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

METHODOLOGY: The Tribunal provides increases to the conveyance allowance based on the CPI: Motor Vehicles – Sydney (Series ID A2328552A) March quarter - having regard to the percentage change from the corresponding quarter of the previous year. In considering any adjustment the following conditions will apply:

- i. Should the March quarter data indicate a decrease in motor vehicle costs the conveyance allowance will remain unchanged (to comply with the requirements of section 21 of the SOOR Act).
- ii. The annual adjustment will not exceed 2.5 per cent (to comply with section 6AB of the SOOR Act).

### Determination No. 3 - Acting Judges rates

#### 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 | \$2,060 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 | \$1,850 per day |
|------------------------------------|-----------------|

### Determination No. 4 - Acting Magistrate rate

#### Local Court

The following rate shall be paid for each ordinary court working day on which the acting Magistrate is occupied in the performance of duties of a Magistrate.

|                                      |                 |
|--------------------------------------|-----------------|
| Acting Magistrate of the Local Court | \$1,410 per day |
|--------------------------------------|-----------------|

## Judges and Magistrates Group

### Determination No. 5 - Annual leave loading

Determination of leave loading for Judicial Officers effective on and from 1 July 2019

#### 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
- Chief Commissioner, Industrial Relations Commission
- Commissioners, Industrial Relations Commission

### Determination No. 6 - Travel allowances for Judges and Magistrates

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 2019.

#### A. Travel necessitating an overnight stay

| Travel Allowances  |          |
|--------------------|----------|
| Capital City Rates | Amount   |
| Adelaide           | \$396.50 |
| Brisbane           | \$444.50 |
| Canberra           | \$433.50 |
| Darwin             | \$480.50 |
| Hobart             | \$383.50 |
| Melbourne          | \$452.50 |
| Perth              | \$452.50 |
| Sydney             | \$452.50 |
| Other Centre Rates |          |
| Newcastle          | \$382.50 |
| Wollongong         | \$382.50 |
| Other Centres      | \$382.50 |



## Judges and Magistrates Group

### 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

| Meal      | Amount  |
|-----------|---------|
| Breakfast | \$36.10 |
| Lunch     | \$51.15 |
| Dinner    | \$71.55 |

#### Statutory and Other Offices Remuneration Tribunal

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

# Public Office Holders Group

Annual  
Determination

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

**27 August  
2019**

## Public Office Holders Group

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# Section 1

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## Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act), requires the Tribunal, each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year. Section 10A defines ‘remuneration’ as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices, listed in the schedules of the SOOR 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 any office holders who, pursuant to section 11A of the SOOR Act, have elected to receive, and for whom the Minister has approved access to, remuneration packaging arrangements that are provided to Public Service senior executives under the *Government Sector Employment Act 2013*.

## Government Wages Policy

3. The Tribunal is required, when making determinations under Part 3 of the SOOR Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations. 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* (the SOOR Regulation).
4. In accordance with the SOOR Regulation any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an

### **Public Office Holders Group**

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.

## Section 2

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### 2018 Determination

5. On 7 August 2018, the Tribunal determined that officers in the Public Office Holders Group would receive an increase in salary of 2.5 per cent.
6. As part of the 2018 annual determination the Tribunal determined that the remuneration for the Principal Claims Assessor under the *Motor Accidents Injuries Act 2017* and the Principal Claim Assessor under the *Motor Accidents Compensation Act 1999*, would receive the one salary while ever these offices are held concurrently by the same person.
7. The Tribunal also repeated concerns about the operation of the SOOR Regulation.

## Section 3

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### 2019 Annual Review

8. On 23 March 2019, the Tribunal wrote to office holders advising of the commencement of the 2019 annual review. The Tribunal did not hold meetings with office holders as part of the 2019 review.

### Office Holder Submissions

9. The Tribunal received one submission from office holders for consideration in the 2019 annual review. Those office holders are the Chairperson, Deputy Chairperson and Members of the NSW Aboriginal Land Council (the NSW ALC) - together, Members of the NSW ALC. The Members of the NSW ALC have requested an increase in salary of 10 per cent with effect from 1 July 2019.
10. One of the declared policies in the SOOR Regulation is that an increase in an officer's remuneration that increases officer-related costs by more than 2.5 per cent can only be paid if "officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs" (clause 6 of the SOOR Regulation).
11. The Members of the NSW ALC have identified officer-related cost savings resulting from changes in work practices as referred to in subclause 7(1)(b)(iii) of the SOOR Regulation. The changes in work practices relate to the governance of the Council, specifically the organisation of meetings and workshops. By reducing the number of meetings per annum and by holding workshops on the same day as Council meetings the Members of the NSW ALC have made significant savings attributed to reduced travel, accommodation and meal costs.
12. The Members of the NSW ALC have also identified further officer-related cost savings resulting from changes in personal appointment benefits as referred to in subclause 7(1)(b)(i) of the SOOR Regulation. These changes relate to Members of the NSW ALC

## **Public Office Holders Group**

moving from the receipt of travel allowances to being reimbursed for the actual costs incurred during official travel.

13. The changes in work practices and personal appointment benefits identified by Members of the NSW ALC are considered by the Tribunal to be officer-related savings within the meaning of the SOOR Regulation.
14. The Members of the NSW ALC have sought an increase of 10 per cent in the salary payable to the Chairperson, Deputy Chairperson and Members. The salary for the Members of the NSW ALC was last adjusted above the annual increase in 2007.
15. The increase is sought to recognise additional responsibilities associated with governance, the diversification of economic activities and new enterprises, advocacy with both State and Federal governments and the implementation of the 2018-2022 Strategic Plan.
16. The Tribunal acknowledges the significant work undertaken by the Members of the NSW ALC to achieve cultural protection, social wellbeing and economic development for Aboriginal people in NSW and finds that the additional increase is warranted.
17. In accordance with subclause 6(2)(a) of the SOOR Regulation the Tribunal is responsible for determining whether the identified savings have been achieved.
18. The officer-related cost savings notified to the Tribunal are not sufficient to offset the entire additional cost of a 10 per cent increase from 1 July 2019. However, the Members of the NSW ALC have identified sufficient officer-related savings to offset an increase of 6.5 per cent from 1 July 2019. The Tribunal is of the view that the changes in work practices and personal appointment benefits (associated with meeting governance and travel costs) are likely to deliver further savings during 2019/2020 which will be sufficient to offset the additional cost to fund the full increase of 10 per cent.
19. Subclause 6(2)(c) of the SOOR Regulation provides for increases to be awarded before the relevant officer-related cost savings have been achieved, but that they are not payable until they are achieved. On that basis, the determination will award an increase



## **Public Office Holders Group**

of 6.5 per cent to \$155,880 per annum payable from 1 July 2019. A further increase may be awarded to increase the salary to \$161,000 per annum (the full increase of 10 per cent) payable at a date to be determined by the Tribunal. That date will be determined after the Members of the NSW ALC provide the Tribunal with sufficient proof that the additional officer-related cost savings to offset the further increase have been achieved. If there is insufficient proof that these additional savings have been achieved the further increase to \$161,000 will not occur.

20. The conditions which attach to this determination for the Members of the NSW ALC are outlined in Section 5 of this determination.

### **Government Submission**

21. The Secretary NSW Treasury provided the Government submission to the Tribunal on 28 June 2019. The submission outlines the applicability of the NSW Government's wages policy and provides an overview of the economic conditions of the State. Having regard to that advice the Tribunal considers that the budget position for the State of NSW supports a general increase of 2.5 per cent. This increase is also consistent with wages growth for non-executive employees across the public sector.
22. The Tribunal again notes that the Government submission states that offices in the public office holders group are subject to section 6AA of the SOOR Act which requires the Tribunal to give effect to the same policies as those that the Industrial Relations Commission (IRC) is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees. Offices in the Public Office Holders Group are not subject to the provisions of section 6AA of the SOOR Act. Instead these office holders are subject to the provisions of section 6AB of the SOOR Act and the SOOR Regulation.

## Section 4

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### 2019 Determination

#### General Increase

23. The Members of the NSW ALC are the only office holders in this group to ask the Tribunal to consider an increase in excess of 2.5 per cent (as outlined in paragraphs 9 to 20). In respect to the other office holders in this group, a detailed assessment of whether or not officer-related costs savings have been achieved has not been required. It is open to the Tribunal to determine an increase of up to 2.5 per cent without the need for other office holders to offset any additional increase with officer-related cost savings.

#### List of Office Holders

24. The Tribunal has removed the office of Full Time Member and Chief Executive Officer (CEO), Independent Pricing and Regulatory Tribunal from the 2019 Public Office Holders Group determination. The Tribunal was advised that the role of CEO is now undertaken by a Public Service senior executive. There are currently no Full Time Members. As the former determination for the Full Time Member has regard to the arrangement whereby that office holder also undertook the role of CEO, it is considered appropriate to make a new determination for the Full time Member if this role is filled in the future having regard to the roles and functions at that time.

#### Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 (SOOR Regulation)

25. As outlined in the 2018 annual determination the Tribunal sought advice from the Secretary of the Department of Premier and Cabinet (DPC) on the status of the SOOR Regulation. On 6 August 2018 the Secretary of DPC advised that the automatic repeal of the SOOR Regulation had been postponed for a period of one year on the basis that it was appropriate for the Government to consider the remake of the SOOR Regulation at the same time that it considers the remake of the *Industrial Relations (Public Sector*

## **Public Office Holders Group**

*Conditions of Employment) Regulation 2014*, which is due to be repealed on 1 September 2019.

26. The Tribunal has now been advised that the Government will recommend to the Premier that the repeal of the SOOR Regulation be postponed for a further period of 12 months, subject to the Governor's approval.
27. As previously stated, this is a matter for the Government and the Tribunal will continue to operate within the legislative framework.
28. The Tribunal acknowledges that the NSW Public Sector Wages Policy, and the application of that policy via the SOOR Regulation, supports the Government in managing employee expenses growth which is key to maintaining the State's strong fiscal position.
29. The State's leaders, key independent officer holders and judiciary play a crucial role in supporting the functions of the Government and providing services to the citizens of NSW.
30. While there are factors other than remuneration which attract people to public office, it is important that these roles are appropriately remunerated to ensure people of caliber apply and can be retained in these roles.
31. The remuneration for a role should as much as practical reflect the work value of that role. Office Holders should receive competitive and equitable remuneration that reflects the responsibilities and experience required of the roles.
32. While the Members of the NSW ALC have been successful in demonstrating sufficient officer-related cost savings to provide for an increase of more than 2.5 per cent, other office holders and groups of office holders have found it difficult to identify the necessary officer-related savings required of the SOOR Regulation.
33. The Tribunal continues to be of the view that the SOOR Regulation, as presently constructed, makes the identification and assessment of officer-related cost savings prohibitively complex and difficult. The Tribunal continues to encourage the

## **Public Office Holders Group**

Government to review these provisions with the view to providing the Tribunal with greater flexibility in determining appropriate remuneration based on work value.

### **Conclusion**

34. The Tribunal, after consulting with the Assessors, considers that an increase in excess of 2.5 per cent is appropriate for Members of the NSW ALC and an increase of 2.5 per cent is appropriate for other office holders in the Public Office Holders Group and so determines.
35. This determination is consistent with the Government's wages policy which the Tribunal is required to give effect to pursuant to the SOOR Regulation.
36. Pursuant to section 13 of the SOOR Act the Tribunal determines that the remuneration to be paid to office holders in the Public Office Holders Group on and from 1 July 2019 shall be as specified in Determination No. 1.

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

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

## Public Office Holders Group

# Section 5

## Determinations

### Determination No. 1-Public Office Holder Group

**Annual determination of the remuneration of the Public Office Holder Group effective on and from 1 July 2019**

| Public Office Holder   | Salary per annum |
|--|------------------|
| Public Service Commissioner  | \$541,365        |
| Chief Commissioner of the Law Enforcement Commission   | \$511,520        |
| Auditor General  | \$503,605        |
| Ombudsman  | \$502,300        |
| Commissioner, NSW Crime Commission   | \$498,410        |
| Assistant Commissioner, NSW Crime Commission   | \$472,180        |
| President, Mental Health Review Tribunal   | \$407,570        |
| Electoral Commissioner   | \$391,995        |
| Full-time Commissioner for Integrity of the Law Enforcement Conduct Commission   | \$383,640        |
| Full-time Commissioner for Oversight of the Law Enforcement Conduct Commission   | \$383,640        |
| Valuer General   | \$362,625        |
| Workers Compensation Independent Review Officer  | \$361,850        |
| Deputy President Mental Health Review Tribunal   | \$356,590        |
| Information Commissioner   | \$353,600        |
| Privacy Commissioner   | \$341,230        |
| Mental Health Commissioner   | \$328,075        |
| Parliamentary Budget Officer   | \$323,365        |
| Principal Claims Assessor ( <i>Motor Accidents Compensation Act 1999</i> ), and<br>Principal Claims Assessor ( <i>Motor Accidents Injuries Act 2017</i> )<br>(while ever these offices are held concurrently by the same person) | \$322,115        |
| Inspector of Custodial Services  | \$311,840        |
| Small Business Commissioner  | \$307,225        |
| Deputy Chairperson, Law Reform Commission  | \$304,165        |
| Commissioner, Law Reform Commission  | \$289,430        |
| Clerk of the Legislative Assembly  | \$283,990        |
| Clerk of the Parliaments   | \$283,990        |
| Executive Manager, Parliamentary Services  | \$283,990        |
| Registrar Workers Compensation Commission  | \$283,990        |
| Senior Arbitrator, Workers Compensation Commission (legally qualified)   | \$263,590        |
| Deputy Mental Health Commissioner  | \$262,685        |
| Deputy Clerk, Legislative Assembly   | \$243,785        |
| Deputy Clerk, Legislative Council  | \$243,785        |

## Public Office Holders Group

| Public Office Holder   | Salary per annum   |
|--|--------------------|
| Senior Arbitrator, Workers Compensation Commission (not legally qualified)   | \$242,760          |
| Arbitrator, Workers Compensation Commission (legally qualified)  | \$232,730          |
| Registrar, Aboriginal Land Rights Act 1983   | \$225,220          |
| Assessor ( <i>Local Court Act 2007</i> )   | \$215,495          |
| Arbitrator, Workers Compensation Commission (not legally qualified)  | \$209,225          |
| Chairperson, Board of the Aboriginal Housing Office  | \$168,155          |
| Part-time Chairperson of a Board of Governors of a Corporation constituted by the <i>Electricity Retained Interest Corporations Act 2015</i> | \$165,575          |
| Member of the New South Wales Aboriginal Land Council (Note 1)   | \$155,880 (Item a) |
| Member of the New South Wales Aboriginal Land Council (Note 2)   | \$161,000 (Item b) |
| Part-time Member of a Board of Governors of a Corporation constituted by the <i>Electricity Retained Interest Corporations Act 2015</i>      | \$88,305           |
| Chairperson, Infrastructure NSW  | \$86,545           |
| President Mental Health Review Tribunal (part time daily rate)   | \$1,690            |
| Deputy President Mental Health Review Tribunal (part time daily rate)  | \$1,480            |
| Assessor <i>Local Court Act 2007</i> (daily rate)  | \$895              |

|        |   |
|--------|---|
| Note 1 | The Chairperson shall receive an allowance of 10% (i.e. a total of \$171,470 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$163,675 per annum).  |
| Note 2 | The Chairperson shall receive an allowance of 10% (i.e. a total of \$177,100 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$169,050 per annum), subject to Item b.   |
| Item a | From 1 July 2019 salary is increased by 6.5 %; and  |
| Item b | If the Tribunal determines that sufficient officer-related cost savings have been achieved for the Members of the NSW Aboriginal Land Council, a remuneration increase of an additional 3.3% (in addition to the 6.5% increase specified in Item (a)) is payable from the date of the Tribunal's determination that those savings have been achieved. |

### 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.

### Statutory and Other Offices Remuneration Tribunal

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019

Public  
Service  
Senior  
Executives

Annual  
Determination

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*Report and determination  
under section 240 of the  
Statutory and Other Offices  
Remuneration Act 1975*

**27 August  
2019**

## Public Service Senior Executives

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# Section 1

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## Background

### Legislative Framework

1. Senior executives employed under the *Government Sector Employment Act 2013* (GSE Act) are referred to as Public Service senior executives (PSSEs).
2. Section 35 of the GSE Act provides that the Minister may determine bands in which senior executives are to be employed. The following four bands were determined by the former Premier on 14 February 2014:

|        |                          |
|--------|--------------------------|
| Band 4 | Secretary level          |
| Band 3 | Deputy Secretary level   |
| Band 2 | Executive Director level |
| Band 1 | Director Level           |

3. Section 40 of the GSE Act provides for the remuneration package of a PSSE to be within the range determined under the *Statutory and Other Offices Remuneration Act 1975* (SOOR Act) for the band in which the executive is employed. Remuneration packages are expressed as a total cost of employment, whether the amount is monetary remuneration for the executive, or partly as that remuneration and partly as the cost to the employer of the executive's employment benefits.
4. Section 240 of the SOOR Act provides for the Tribunal to make an annual determination of remuneration packages for senior executives on and from 1 July in that year.
5. The Tribunal's determination provides for remuneration ranges for Bands 1 to 4 and specific remuneration packages for individual office holders identified in the determination.
6. This determination, made under Part 3B of the SOOR Act, also applies to any senior executive employed in the following aligned services:

## Public Service Senior Executives

- NSW Police Force senior executive to whom Part 5 of the *Police Act 1990* applies, also the Commissioner of Police
  - NSW Health Service senior executive to whom Part 3 of Chapter 9 of the *Health Services Act 1997* applies
  - Transport Service senior executive to whom Part 7A of the *Transport Administration Act 1988* applies.
7. Executive employment arrangements for Health Service senior executives, Transport Service senior executives and NSW Police Force senior executives align with those of PSSEs to the extent provided for in the legislation governing their employment.
  8. A small number of 'transitional former senior executives' and NSW Police Force senior executives continue to be eligible for remuneration packages as determined under Part 3A of the SOOR Act. The remuneration ranges in the Chief and Senior Executive Service determination apply to these executives.

## Government Wages Policy

9. In determining remuneration for 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 Industrial Relations Commission (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.
10. The current policy on wages pursuant to section 146(1)(a) of the IR Act is specified in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (the IR Regulation). The effect of the IR Regulation 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.

## Public Service Senior Executives

### 2018 Annual Determination

11. The Tribunal's 2018 annual determination for PSSEs dated 7 August 2018 provided for a 2.5 per cent increase in the minimum and maximum remuneration ranges for each band. The increase also applied to the remuneration packages for those senior executives named in the determination.
12. As part of the 2018 annual determination, the Tribunal determined to alter the range of remuneration packages for Band 3 PSSEs to provide Mr Jim Betts in the role of Chief Executive Officer and Co-ordinator General of Instructure NSW with a remuneration package of \$605,500 per annum from the commencement of his then term appointment on 28 November 2018.

### 2018 - 2019 Special Determinations

13. The Tribunal has made three special determinations, pursuant to section 24P of the SOOR Act, since the making of the 2018 annual determination which amend that determination.
14. On 18 November 2018, the Tribunal determined to alter the range of remuneration packages for Band 3 PSSEs to provide Mr Samuel Sangster in the role of Chief Executive Officer, Western City and Aerotropolis Authority with a remuneration package of \$570,000 per annum, from the commencement of his appointment on 9 November 2018.
15. The two other special determination were made on 27 August 2019 to address arrangements which occurred from 3 April 2019, following machinery of government changes as outlined in the *Administrative Arrangements (Administrative Changes-Public Service Agencies) Order 2019*. Those changes included the realignment of government functions and the reduction in the number of Departments from ten to eight. While those changes commenced on 1 July 2019, it was necessary to address arrangements which occurred from 3 April 2019.
16. In correspondence received on 27 August 2019 the Premier, the Hon Gladys Berejiklian MP, requested the Tribunal, pursuant to section 24P of the SOOR Act, to

## **Public Service Senior Executives**

make special determinations for the remuneration packages payable to Mr Jim Betts as Secretary of the Department of Industry and Mr Simon Draper as Chief Executive Officer and Co-ordinator General of Infrastructure NSW (INSW).

17. On 27 August 2019, the Tribunal determined to alter the range of remuneration packages for Band 3 and Band 4 PSEs in the 2018 determination to provide the following remuneration arrangements from 3 April 2019:
  1. Mr Jim Betts, Secretary, Department of Industry: \$605,500 per annum
  2. Mr Simon Draper, Chief Executive Office and Co-ordinator General, Infrastructure NSW: \$599,000 per annum.
18. In accordance with the Premier's request these determinations provide for no further general increase to be payable to these office holders as determined by the Tribunal in the 2019 annual determination.

## Section 2

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### Government Submission

19. The Secretary NSW Treasury provided the Government submission to the Tribunal on 28 June 2019. Extracts appear below.

- The NSW Public Sector Wages Policy 2011 provides that remuneration or other conditions of employment cannot increase by more than 2.5 per cent per annum unless sufficient employee related cost savings have been achieved, therefore applies.
- More recently, the 2019-2020 Budget was delivered in accordance with the Government's economic and fiscal strategy that continues to support the maintenance of the State's triple-A credit rating, and ensures that State finances and services are sustainable over the long term.
- Total Expenses in 2019-2020 are estimated to be \$83.3 billion. Over the forward estimates, expenses are expected to grow at an average of 2.7 per cent per annum, reflecting the Government's commitment to sustainable expense growth.
- Employee related expenses (excluding superannuation) are estimated to increase on average by 4.7 per cent per annum over the budget and forward estimates. This increase is primarily driven by additional investment in education as part of the Government's commitment to needs-based funding for public schools, higher employee numbers to deliver critical health and police services, and wages growth.
- Keeping expense growth below long-term average revenue growth is key to strengthening the State's fiscal position. The Government is committed to keeping annual expense growth below long-term average revenue growth of 5.6 per cent, consistent with the requirements of the *Fiscal Responsibility Act 2012*.
- As part of the savings and budget reform measures announced in the 2019-20 NSW State Budget, the Government committed to the abolition of public service senior executive discretionary pay.

## **Public Service Senior Executives**

20. Having regard to the above factors the Tribunal considers that the budget position for the State of NSW supports an increase of 2.5 per cent. This increase is also consistent with wages growth for non-executive employees across the public sector.

## Section 3

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### 2019 Annual Determination

#### General Increase

21. The Tribunal, after consulting with the Assessors and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 2.5 per cent for the remuneration package ranges for PSSE bands, effective on and from 1 July 2019. The 2.5 per cent increase also applies to those determinations for senior executives named in the determination except for the Secretaries of Departments and the CEO and Co-ordinator General of INSW as outlined elsewhere in this report. The new rates are as set out in Determination No. 1.

#### Above Band Determinations

22. The Premier's letter to the Tribunal of 27 August 2019, also requested that the Tribunal make special determinations as to whether, and (if so) how, the ranges of the remuneration for Band 4 PSSEs will need to be altered to provide specific determinations for Secretaries of Departments from 1 July 2019. In making this request the Premier advised that the NSW Government has abolished the discretionary remuneration range for Secretaries and other senior roles commencing 1 July 2019. The Tribunal notes that the abolition of the PSSE discretionary pay is included in the Government submission and was also announced as a savings and reform measure in the 2019-20 budget statement. To effect the change the Premier has recommended above band remuneration packages for each executive in the role of Secretary of a Department which excludes the discretionary remuneration range. The Tribunal notes that the remuneration package for some of the executives in a Secretary role is increased to reflect the new governance arrangements.
23. In accordance with the Premier's recommendations, the Tribunal has determined the following remuneration package for each executive named in the role of Secretary of a Department to take effect from 1 July 2019:

## Public Service Senior Executives

- Mr Tim Reardon, Secretary, Department of Premier and Cabinet: \$629,100 per annum
- Mr Mike Pratt, Secretary, NSW Treasury: \$599,000 per annum
- Mr Mark Scott, Secretary, Department of Education: \$599,000 per annum
- Ms Elizabeth Koff, Secretary, Ministry of Health: \$599,000 per annum
- Mr Rodd Staples, Secretary, NSW Transport: \$599,000 per annum
- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice: \$599,000 per annum
- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment: \$605,500 per annum
- Mr Glenn King, Secretary, Department of Customer Service: \$599,000 per annum.

24. These determinations are personal to each executive named and are not determinations that apply to the offices of Secretaries of Departments.

25. In accordance with the Premier's request these determinations provide for no further general increase to be payable to these office holders as determined by the Tribunal in the 2019 annual determination.

26. Several previous special determinations made by the Tribunal no longer apply as the executives named in the special determinations ceased to occupy those roles since the making of 2018 determination.

27. Annual and Special determinations are published on the [NSW Remuneration Tribunals](#) website.

### Statutory and Other Offices Remuneration Tribunal

Signed

**Richard Grellman AM**

**Dated:** 27 August 2019



## Public Service Senior Executives

# Section 4

### Determination No.1-Remuneration Package Ranges for the PSSEs

The Tribunal determines that the remuneration package ranges for Public Sector Senior Executive Bands and different remuneration packages that apply to senior executives named effective on and from 1 July 2019 shall be:

| Public Sector Senior Executive Bands |                 |    |           |
|--------------------------------------|-----------------|----|-----------|
| Band                                 | Per annum range |    |           |
| Band 4 - Secretary level             | \$487,051       | to | \$562,650 |
| Band 3 - Deputy Secretary level      | \$345,551       | to | \$487,050 |
| Band 2 - Executive Director level    | \$274,701       | to | \$345,550 |
| Band 1 - Director level              | \$192,600       | to | \$274,700 |

| Different remuneration packages that apply to the senior executives named                                  |
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| <b>Band 4 – Secretary level</b>  |
| Mr Tim Reardon, Secretary, Department of Premier and Cabinet: \$629,100 per annum                          |
| Mr Jim Betts, Secretary, Department of Planning, Industry and Environment: \$605,500 per annum             |
| Ms Elizabeth Koff, Secretary, Ministry of Health: \$599,000 per annum                                      |
| Mr Michael Pratt, Secretary, NSW Treasury: \$599,000 per annum   |
| Mr Mark Scott, Secretary, Department of Education: \$599,000 per annum                                     |
| Mr Rodd Staples, Secretary, Transport for NSW: \$599,000 per annum   |
| Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice: \$599,000 per annum           |
| Mr Glenn King, Secretary, Department of Customer Service: \$599,000 per annum                              |
| <b>Band 3 – Deputy Secretary level</b>   |
| Mr Simon Draper, Chief Executive Officer and Co-ordinator General, Infrastructure NSW: \$599,000 per annum |
| Mr Samuel Sangster, Chief Executive Officer, Western City and Aerotropolis Authority: \$584,250 per annum  |
| Ms Sandra Chipchase, Chief Executive Officer, Destination NSW: \$533,350 per annum                         |
| Dr Nigel Lyons, Deputy Secretary, Strategy and Resources, Ministry of Health: \$533,050 per annum          |
| <b>Band 2 – Executive Director level</b>   |
| Mr Tim O’Connor, Executive Director, Criminal Investigations, NSW Crime Commission: \$409,500 per annum    |
| Mr Jon Spark, Executive Director, Financial Investigations, NSW Crime Commission: \$379,500 per annum      |
| Mr Stephen Loquet, Chief Information Officer, Department of Education: \$378,850 per annum                 |

### Statutory and Other Offices Remuneration Tribunal

*Signed*

**Richard Grellman AM**

**Dated:** 27 August 2019