

**INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE
TRIBUNALS IN NSW**

Organisation: Public Service Commission

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Public Service Commission

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The Hon David Clarke MLC
Committee Chair
Standing Committee on Law and Justice
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Clarke

I write in respect of your correspondence of 27 October 2011 concerning the inquiry into opportunities to consolidate tribunals in NSW. The Public Service Commission provides support for the Statutory and Other Offices Remuneration Tribunal (SOORT), the Parliamentary Remuneration Tribunal (PRT) and the Local Government Remuneration Tribunal (LGRT), collectively referred to as the Remuneration Tribunals.

The Remuneration Tribunals make determinations on remuneration and allowances for senior public sector employees, statutory office holders, Members of Parliament and local government councillors and mayors. While the Tribunals have decision making powers, as conferred by the relevant legislation, unlike the Administrative Decisions Tribunal (ADT), the Industrial Relations Commission (IRC) and the Consumer Trader and Tenancy Tribunal (CTTT), they do not exercise arbitral functions or deal with dispute related matters. The PRT is however a judicial member of the Industrial Relations Commission.

It is also important to note that SOORT currently determines the remuneration for statutory office holders within the ADT, IRC and CTTT. Should the responsibility for SOORT be merged with any of these bodies there would exist a conflict of interest in terms of determining the remuneration for those office holders.

On the basis of the incompatibility of functions and potential conflict of interest, any decision to merge the functions of the Remuneration Tribunals with the aforementioned bodies is not supported. However, there may be scope for a new Remuneration Tribunal to be established in place of, and to perform the functions of, the three existing Tribunals. Given the similarities in the functions of and expertise required by the three Tribunals, and the common support services, amalgamation of the functions into one Remuneration Tribunal would concentrate and make best use of the special expertise in setting executive remuneration in NSW.

With this in mind, the Public Service Commission will advise the Government on the feasibility of merging the functions and operations of the Remuneration Tribunals.

Yours sincerely

1/12/2011

Graeme Head
Commissioner