



New South Wales

# Statutory and Other Offices Remuneration Amendment Bill 2001

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Statutory and Other Offices Remuneration Act 1975*:

- (a) to authorise the Statutory and Other Offices Remuneration Tribunal (“the Tribunal”) to determine the travelling or subsistence allowances payable to Judges and certain other judicial officers for travel within Australia, and
- (b) to enable public office holders whose salary and allowances are determined by the Tribunal to be provided with motor vehicles for private use, and to have employee contributions to superannuation schemes made on their behalf, on a salary sacrifice basis (public sector executive officers and certain other public officers making an election under section 11A of the Act have a total remuneration package determined by the Tribunal that may be used for the provision of those and other employment benefits), and

- (c) to enable the Tribunal to make a determination of annual remuneration for office holders at any time each year instead of being required to do so between 1 July and 31 August in each year (but subject to each annual determination continuing to have effect on and from 1 October in the year in which it is made).

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Statutory and Other Offices Remuneration Act 1975* set out in Schedule 1.

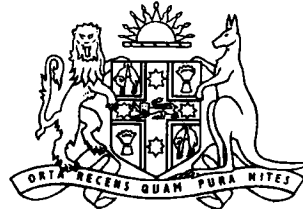
**Schedule 1 [1]** gives effect to the object set out in paragraph (a) above.

**Schedule 1 [2]** gives effect to the object set out in paragraph (b) above.

**Schedule 1 [3]–[6]** give effect to the object set out in paragraph (c) above.

**Schedule 1 [7]** makes provision of a savings and transitional nature.

First print



New South Wales

# Statutory and Other Offices Remuneration Amendment Bill 2001

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New South Wales

# Statutory and Other Offices Remuneration Amendment Bill 2001

No. , 2001

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## A Bill for

An Act to amend the *Statutory and Other Offices Remuneration Act 1975* to make further provision with respect to the remuneration and allowances payable to the holders of certain public offices.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Statutory and Other Offices Remuneration Amendment Act 2001</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6 7
<b>3 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)</b>	8 9
The <i>Statutory and Other Offices Remuneration Act 1975</i> is amended as set out in Schedule 1.	10 11

<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 10A Definitions</b>	3
	Insert the following after “subsistence allowance” in the definition of <i>allowance</i> :	4
		5
	, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:	6
		7
		8
	(a) a Judge or Acting Judge of a court, or	9
	(b) any other judicial officer (within the meaning of the <i>Judicial Officers Act 1986</i> ) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition	10
		11
		12
		13
<b>[2]</b>	<b>Section 11B</b>	14
	Insert after section 11A:	15
	<b>11B Salary sacrifice for motor vehicles and superannuation for office holders not subject to section 11A</b>	16
		17
	(1) This section applies to office holders other than office holders to whom section 11A applies.	18
		19
	(2) The employment benefits that an office holder may be provided with under this section are either or both of the following:	20
		21
		22
	(a) the provision of a motor vehicle for private use by the office holder,	23
		24
	(b) the payment, on behalf of the office holder, of employee contributions to a superannuation scheme (except in the case of an office holder to whom the <i>Judges’ Pensions Act 1953</i> applies).	25
		26
		27
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(3)	An office holder to whom this section applies is entitled to be provided with any such employment benefit if:	1 2
(a)	the office holder elects by notice in writing to the Minister to be provided with that employment benefit, and	3 4 5
(b)	the Minister approves of the provision of that employment benefit, and	6 7
(c)	the salary otherwise payable to the office holder under section 11 is reduced by the cost of that employment benefit (being the cost determined under Division 4 of Part 2A of the <i>Public Sector Management Act 1988</i> of a similar employment benefit under that Division).	8 9 10 11 12
(4)	An election referred to in subsection (3) (a) may, with the approval of the Minister, be revoked at any time.	13 14
(5)	This section has effect despite anything to the contrary in this Part.	15 16
<b>[3]</b>	<b>Section 13 Annual determinations</b>	17
	Omit “not earlier than 1 July and not later than 31 August in each year”.	18
	Insert instead “in each year”.	19
<b>[4]</b>	<b>Section 18 Tribunal’s reports</b>	20
	Omit “not earlier than 1 July and not later than 31 August in each year” from section 18 (2).	21 22
	Insert instead “in each year”.	23
<b>[5]</b>	<b>Section 24C Annual determinations</b>	24
	Omit “not earlier than 1 July and not later than 31 August in each year”.	25
	Insert instead “in each year”.	26
<b>[6]</b>	<b>Section 24H Tribunal’s reports</b>	27
	Omit “not earlier than 1 July and not later than 31 August in each year” from section 24H (2).	28 29
	Insert instead “in each year”.	30

<b>[7] Schedule 6</b>	1
Omit the Schedule. Insert instead:	2
<b>Schedule 6 Savings, transitional and other provisions</b>	3
	4
	(Section 30) 5
<b>1 Regulations</b>	6
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	7
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	9
<i>Statutory and Other Offices Remuneration Amendment Act 2001</i>	10
	11
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	12
	13
	14
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	15
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(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	18
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(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	21
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	23
<b>2 Travelling allowances for judicial officers before publication of first report</b>	24
	25
(1) In this clause:	26
<i>the 2001 amendment</i> means the amendment made by the	27
<i>Statutory and Other Offices Remuneration Amendment Act 2001</i> to the definition of <i>allowance</i> in section 10A.	28
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- (2) An office holder is, for the period: 1
- (a) commencing on and including the date of 2  
commencement of the 2001 amendment, and 3
  - (b) ending on and including the day preceding the date of 4  
operation of the first determination made under this Act 5  
of the travelling or subsistence allowance payable to the 6  
office holder for travel within Australia, 7
- entitled to be paid the travelling or subsistence allowance for 8  
travel within Australia that the office holder would have been 9  
entitled to be paid if the 2001 amendment had not been made, 10  
subject to any adjustment necessary because of the making of 11  
the determination. 12