



New South Wales

Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013

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* to require the Statutory and Other Offices Remuneration Tribunal to give effect to certain government policies declared by the regulations when making determinations under Part 3 of that Act concerning the remuneration of judicial and other office holders.

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 to be appointed by proclamation.

Schedule 1 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Schedule 1 [1] confines the operation of section 6AA of the Act to the determination of the remuneration packages for chief executive and senior executive office holders.

Schedule 1 [2] inserts proposed section 6AB into the Act. The proposed section requires the Statutory and Other Offices Remuneration Tribunal, when making determinations under Part 3 of the Act, to give effect to any policy concerning the remuneration of office holders:

- (a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and
- (b) that applies to the matter to which the determination relates.

The office holders to which Part 3 of the Act applies include judicial officers.

Schedule 1 [3] enables the Governor to make regulations of a savings or transitional nature consequent on the enactment of an amending Act (including the proposed Act).

Schedule 1 [4] provides that section 5 of the *Subordinate Legislation Act 1989* is taken not to apply to the first principal regulation made under the *Statutory and Other Offices Remuneration Act 1975* after the commencement of the proposed Act.



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No , 2013

A Bill for

An Act to amend the *Statutory and Other Offices Remuneration Act 1975* to require the Statutory and Other Offices Remuneration Tribunal to give effect to certain government policies in making determinations under Part 3 of that Act concerning the remuneration of judicial and other office holders.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Act 2013</i> .	3
	4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	6

Schedule 1	Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	1 2 3
[1]	Section 6AA Tribunal to give effect to declared government policy on remuneration of chief executive and senior executive office holders	4 5
	Omit section 6AA (1). Insert instead:	6
	(1) This section applies to the determination under Part 3A (Remuneration packages for chief executive and senior executive office holders) of any alteration in the remuneration packages for executive office holders within the meaning of that Part.	7 8 9 10
[2]	Section 6AB	11
	Insert after section 6AA:	12
6AB	Tribunal to give effect to declared government policy on remuneration of office holders under Part 3	13 14
	(1) This section applies to the determination under Part 3 (Remuneration of office holders (other than chief executive or senior executive office holders)) of any alteration in the remuneration to be paid to office holders within the meaning of that Part.	15 16 17 18 19
	(2) The Tribunal must, when making a determination to which this section applies, give effect to any policy concerning the remuneration of office holders:	20 21 22
	(a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and	23 24 25
	(b) that applies to the matter to which the determination relates.	26 27
	(3) Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.	28 29 30
	(4) This section extends to any inquiries that are pending in the Tribunal on the commencement of this section. A regulation made under this section extends to any inquiries that are pending in the Tribunal on the commencement of the regulation, unless the regulation otherwise provides.	31 32 33 34 35

Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013

Schedule 1 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

- (5) This section has effect despite any other provision of this Act (other than sections 16 (6) and 21) or any other Act. 1
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Note. Section 16 (6) provides that a determination under Part 3 may be made so as to apply differently as between two or more persons holding the same office, being an office specified in Schedule 2 or 3 but not Schedule 1. 3
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Section 21 prevents a determination under Part 3 from operating to reduce the rate at which remuneration is paid to the holder of an office specified in Schedule 1. 7
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The offices specified by Schedule 1 include certain judicial offices. 10

- [3] **Schedule 6 Savings, transitional and other provisions** 11
Insert at the end of clause 1 (1): 12
any other Act that amends this Act 13

- [4] **Schedule 6** 14
Insert at the end of the Schedule with appropriate Part and clause numbers: 15

Part Provision consequent on enactment of 16
Statutory and Other Offices Remuneration 17
Amendment (Judicial and Other Office 18
Holders) Act 2013 19

Making of first principal regulation after amendments 20

Section 5 of the *Subordinate Legislation Act 1989* is taken not to apply to the first regulation made under this Act after the commencement of the *Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Act 2013*. 21
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