

CONCURRENCE COPY

STATUTORY AND OTHER OFFICES REMUNERATION (AMENDMENT) BILL, 1984

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Parliamentary Remuneration Tribunal (Amendment) Bill, 1984.

The object of this Bill is to amend the Statutory and Other Offices Remuneration Act, 1975 ("the Act"), so as—

- (a) to require the Statutory and Other Offices Remuneration Tribunal ("the Tribunal") to make special determinations of remuneration of office holders as soon as practicable after the Industrial Commission hands down decisions in State Wage Cases under section 57 of the Industrial Arbitration Act, 1940 (Schedule 1 (3)—proposed section 15A (2));
- (b) to suspend the power of the Tribunal to make annual determinations under section 13 of the Act and certain other determinations under section 15 of the Act (Schedule 1 (3)—proposed section 15A (1));
- (c) to require the Tribunal, in making a special determination referred to in paragraph (a) above, to have regard to the amount determined by the Industrial Commission by which rates of wages payable under awards are to be varied and to adopt the Principles of wage fixation for the time being adopted by that Commission as a general ruling or declaration of principle (Schedule 1 (7)—proposed section 23A);
- (d) to require the Tribunal in making special determinations by direction under section 14 of the Act, and the Minister in fixing remuneration under section 23 of the Act, to have regard to and adopt the matters mentioned in paragraph (c) above (Schedule 1 (7)—proposed section 23A);
- (e) to empower the Governor-in-Council to suspend the operation of the provisions mentioned in paragraphs (a)–(d) above (Schedule 1 (7)—proposed section 23B);
- (f) to provide that appointments as the Tribunal may be made for a period not exceeding 3 years, instead of for a fixed period of 3 years (Schedule 1 (2));

- (g) to make amendments by way of statute law revision, so as to repeal provisions from the Act relating to the determination that was made with effect as on and from 1st October, 1975 (Schedule 2); and
 - (h) to make other provisions of a minor, consequential or ancillary nature.
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**STATUTORY AND OTHER OFFICES REMUNERATION
(AMENDMENT) BILL, 1984**

No. , 1984.

A BILL FOR

An Act to amend the Statutory and Other Offices Remuneration Act, 1975, so as to provide for the remuneration of office holders under that Act to be determined in line with decisions of the Industrial Commission of New South Wales in State Wage Cases, and for other purposes.

[MR WRAN—9 *May*, 1984.]

Statutory and Other Offices Remuneration (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Statutory and Other Offices Remuneration (Amendment) Act, 1984".

Principal Act.

2. The Statutory and Other Offices Remuneration Act, 1975, is referred
10 to in this Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

15 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Amendment of Act No. 4, 1976.

4. The Principal Act is amended in the manner set forth in Schedules
1 and 2.

Saving.

20 5. The amendment made by this Act to section 6 of the Principal Act
applies to a term of office of the Statutory and Other Offices Remuneration
Tribunal commencing on or after, but not before, the date of assent to this
Act.

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 4 (1), definition of "determination"—

5 Omit "or 15", insert instead ", 15 or 15A".

(2) Section 6 (5)—

Omit "a period of 3 years", insert instead "such period, not exceeding 3 years, as is specified in the instrument of appointment of the Tribunal".

10 (3) Section 15A—

After section 15, insert:—

Special determinations: wages decisions (on or after 4th April, 1984).

15A. (1) While this section has effect, sections 13, 15, 16 (2), 18 (2) and 20 (2) do not have effect.

15 (2) The Tribunal shall, as soon as practicable after the making of a wages decision, make a determination of the remuneration to be paid to office holders as on and from a day to be specified in the determination.

20 (3) The reference in this section to a wages decision is a reference to a wages decision made on or after 4th April, 1984, but does not include a reference to a decision prescribed by the regulations as a decision to which this section does not apply.

(4) Section 18 (4)—

After "15", insert "or 15A".

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 19 (2) (a)—

Omit “12 or 13”, insert instead “13 or 15A”.

5 (6) (a) Section 20 (1) (c)—

Omit “or 15”, insert instead “, 15 or 15A”.

(b) Section 20 (2A)—(2C)—

After section 20 (2), insert:—

10 (2A) Subject to this Act, a determination made under section 15A shall continue in force until another determination made under section 13 or 15A comes into force.

(2B) A determination made under section 13 or 15A has effect subject to any subsequent alteration that was made under section 14 or 15 and that is in force.

15 (2C) A determination made under section 13 shall not come into force if, after it was made and before it would, but for this subsection, have come into force, a determination made under section 15A comes into force.

(c) Section 20 (4) (a)—

20 Omit “or”.

(d) Section 20 (4) (a1)—

After section 20 (4) (a), insert:—

(a1) a determination is made under section 15A in consequence of the making of a wages decision; or

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Sections 23A, 23B—

After section 23, insert:—

5 **Application of quantum and principles determined in State Wage Cases.**

23A. The Tribunal in making a determination under section 14 or 15A, and the Minister in fixing remuneration under section 23, shall—

10 (a) have regard to the most recent determination of the Industrial Commission of New South Wales under section 57 of the Industrial Arbitration Act, 1940, of—

(i) the amount; or

15 (ii) the method by which an amount may be determined, by which rates of wages in awards made under that Act shall be varied; and

20 (b) adopt, as far as practicable, the principles of wage fixation for the time being adopted as a general ruling or declaration of principle, by that Commission, in connection with awards made under that Act.

Suspension of sections 15A and 23A.

25 23B. (1) The Governor may, by order published in the Gazette, declare that sections 15A and 23A are suspended either until a specified date or until further notice is given by order published in the Gazette.

(2) While a declaration under this section is in force, sections 15A and 23A do not have effect.

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) Section 4 (1), definition of "determination"—
5 Omit "12,".

(2) Section 12—
Omit the section.

(3) Section 13—
Omit "after 1975".

10 (4) (a) Section 18 (1)—
Omit the subsection.

(b) Section 18 (2)—
Omit "after 1975".

(5) Section 20 (1) (a)—
15 Omit the paragraph.

**STATUTORY AND OTHER OFFICES REMUNERATION
(AMENDMENT) ACT, 1984, No. 62**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 62, 1984.

An Act to amend the Statutory and Other Offices Remuneration Act, 1975, so as to provide for the remuneration of office holders under that Act to be determined in line with decisions of the Industrial Commission of New South Wales in State Wage Cases, and for other purposes. [Assented to, 19th June, 1984.]

Statutory and Other Offices Remuneration (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Statutory and Other Offices Remuneration (Amendment) Act, 1984".

Principal Act.

2. The Statutory and Other Offices Remuneration Act, 1975, is referred to in this Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 4, 1976.

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Saving.

5. The amendment made by this Act to section 6 of the Principal Act applies to a term of office of the Statutory and Other Offices Remuneration Tribunal commencing on or after, but not before, the date of assent to this Act.

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) Section 4 (1), definition of "determination"—

Omit "or 15", insert instead ", 15 or 15A".

- (2) Section 6 (5)—

Omit "a period of 3 years", insert instead "such period, not exceeding 3 years, as is specified in the instrument of appointment of the Tribunal".

- (3) Section 15A—

After section 15, insert:—

Special determinations: wages decisions (on or after 4th April, 1984).

15A. (1) While this section has effect, sections 13, 15, 16 (2), 18 (2) and 20 (2) do not have effect.

(2) The Tribunal shall, as soon as practicable after the making of a wages decision, make a determination of the remuneration to be paid to office holders as on and from a day to be specified in the determination.

(3) The reference in this section to a wages decision is a reference to a wages decision made on or after 4th April, 1984, but does not include a reference to a decision prescribed by the regulations as a decision to which this section does not apply.

- (4) Section 18 (4)—

After "15", insert "or 15A".

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 19 (2) (a)—

Omit “12 or 13”, insert instead “13 or 15A”.

(6) (a) Section 20 (1) (c)—

Omit “or 15”, insert instead “, 15 or 15A”.

(b) Section 20 (2A)–(2C)—

After section 20 (2), insert:—

(2A) Subject to this Act, a determination made under section 15A shall continue in force until another determination made under section 13 or 15A comes into force.

(2B) A determination made under section 13 or 15A has effect subject to any subsequent alteration that was made under section 14 or 15 and that is in force.

(2C) A determination made under section 13 shall not come into force if, after it was made and before it would, but for this subsection, have come into force, a determination made under section 15A comes into force.

(c) Section 20 (4) (a)—

Omit “or”.

(d) Section 20 (4) (a1)—

After section 20 (4) (a), insert:—

(a1) a determination is made under section 15A in consequence of the making of a wages decision; or

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Sections 23A, 23B—

After section 23, insert:—

Application of quantum and principles determined in State Wage Cases.

23A. The Tribunal in making a determination under section 14 or 15A, and the Minister in fixing remuneration under section 23, shall—

- (a) have regard to the most recent determination of the Industrial Commission of New South Wales under section 57 of the Industrial Arbitration Act, 1940, of—
 - (i) the amount; or
 - (ii) the method by which an amount may be determined, by which rates of wages in awards made under that Act shall be varied; and
- (b) adopt, as far as practicable, the principles of wage fixation for the time being adopted as a general ruling or declaration of principle, by that Commission, in connection with awards made under that Act.

Suspension of sections 15A and 23A.

23B. (1) The Governor may, by order published in the Gazette, declare that sections 15A and 23A are suspended either until a specified date or until further notice is given by order published in the Gazette.

(2) While a declaration under this section is in force, sections 15A and 23A do not have effect.

Statutory and Other Offices Remuneration (Amendment).

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) Section 4 (1), definition of "determination"—

Omit "12,".

(2) Section 12—

Omit the section.

(3) Section 13—

Omit "after 1975".

(4) (a) Section 18 (1)—

Omit the subsection.

(b) Section 18 (2)—

Omit "after 1975".

(5) Section 20 (1) (a)—

Omit the paragraph.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 19th June, 1984.*

