

REMUNERATION (SPECIAL PROVISIONS) ACT, 1982, No. 94

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 94, 1982.

An Act relating to certain determinations of remuneration under the Statutory and Other Offices Remuneration Act, 1975, and the Public Service Act, 1979, and the recovery of any amounts paid in consequence of any such determination and to make provision with respect to the making of further determinations by the Statutory and Other Offices Remuneration Tribunal, and for other purposes. [Assented to, 20th August, 1982.]

Remuneration (Special Provisions).

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 "Remuneration (Special Provisions) Act, 1982".

Determinations of the Statutory and Other Offices Remuneration Tribunal.

2. (1) Expressions used in this section shall, unless the contrary intention appears, have the same meanings respectively as they have in the Statutory and Other Offices Remuneration Act, 1975 (which is referred to in this section as "the Remuneration Act").

(2) The Tribunal's determination published in Gazette No. 97 of 16th July, 1982, is, to the extent (if any) that it has any force or effect, annulled and shall be deemed never to have had any force or effect, and any rights accrued or accruing (whether under an Act or otherwise) by virtue of or in relation to the determination are extinguished.

(3) It is hereby directed that the Tribunal, not later than 30th September, 1982, shall make a determination as to whether, and (if so) how, any determination already made should be altered as on and from 1st January, 1982, or, in relation to any persons in respect of whom the determination referred to in subsection (2) took effect as from an earlier date, as on and from that date.

(4) The direction given by subsection (3) shall be deemed to be a direction given as referred to in section 14 of the Remuneration Act, and a determination made pursuant to subsection (3) shall be deemed to have been made under that section.

(5) Nothing in this Act or the Remuneration Act shall be construed as entitling a person to remuneration, in consequence of the determination referred to in subsection (3), in respect of any period in which he was not an office holder.

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(6) Where—

- (a) the determination made under subsection (3) would, but for this subsection, not apply in relation to a person by reason of his having ceased to hold an office; and
- (b) the determination referred to in subsection (2) applied, before the date of assent to this Act, in relation to him,

the firstmentioned determination applies in relation to him as if section 22 (2) (d) of the Remuneration Act were omitted.

(7) Sections 13 and 18 of the Remuneration Act apply to and in respect of the determination to be made in 1982 by the Tribunal under section 13 of that Act as if the references in those sections to 31st August were references to 30th September.

Determination of the Public Service Board.

3. (1) Expressions used in this section shall, unless the contrary intention appears, have the same meanings respectively as they have in the Public Service Act, 1979.

(2) The Board's determination headed "Senior Officers Salaries" made in July, 1982, under section 82 of the Public Service Act, 1979, in relation to the salary, wages or other remuneration of staff, and rescinded or purporting to have been rescinded on 11th August, 1982, is, to the extent (if any) that it has any force or effect, annulled and shall be deemed never to have had any force or effect, and any rights accrued or accruing (whether under an Act or otherwise) by virtue of or in relation to the determination are extinguished.

Adjustments.

4. (1) A person's rights in relation to salary, wages or remuneration, or his rights and liabilities under a superannuation scheme, shall be adjusted, re-adjusted, determined or re-determined, as the case may require, so that they correspond as closely as possible to those which he would have had if the determinations referred to in sections 2 (2) and 3 (2) had never been made, and the Crown is empowered to the extent necessary to give effect to this subsection.

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(2) Any amounts paid to a person in accordance with or in consequence of a determination referred to in section 2 (2) or 3 (2) (being amounts that are in excess of amounts that would have been payable had the determination not been made or that would not have been payable had the determination not been made), including any amounts paid under a superannuation scheme, shall be repaid to the Crown on demand, and shall be recoverable, wholly or in part, in any court of competent jurisdiction as a debt due to the Crown, or out of any money payable to or in respect of that person by the Crown, or both.

(3) This section, as well as applying to and in relation to persons who were, or whose offices or positions were, the subject of any determination referred to in section 2 (2) or 3 (2), applies to and in relation to any other persons whose rights and liabilities are affected, directly or indirectly, by any such determination, and, without affecting the generality of the foregoing, applies to and in relation to any persons who have, have had or may have any rights or liabilities under any superannuation scheme.

(4) This section applies to and in relation to a person who was, or whose office or position was, the subject of any determination referred to in section 2 (2) or 3 (2), notwithstanding that the person has ceased to be the holder of any office or position to which the determination related.

(5) This Act has effect in relation to any act, matter or thing, and in relation to any person in respect of any act, matter or thing, whether that act, matter or thing was or is the subject of proceedings that were or are commenced before, on or after the date of assent to this Act.

(6) In this section—

- (a) a reference to a superannuation scheme is a reference to a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act; and
- (b) a reference to the Crown—
 - (i) in relation to any adjustment, re-adjustment, determination or re-determination referred to in subsection (1)—includes a reference to an authority of the State or an authority administering a superannuation scheme; and

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- (ii) in relation to the repayment or recovery of any amount referred to in subsection (2)—includes a reference to any person or authority (including an authority administering a superannuation scheme) by whom or by which the amount was paid in the first instance.
