



New South Wales

# Statutory and Other Offices Remuneration Amendment Act 2001 No 97

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New South Wales

# **Statutory and Other Offices Remuneration Amendment Act 2001 No 97**

Act No 97, 2001

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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. [Assented to 11 December 2001]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Statutory and Other Offices Remuneration Amendment Act 2001*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

The *Statutory and Other Offices Remuneration Act 1975* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Section 3)

### [1] Section 10A Definitions

Insert the following after “subsistence allowance” in the definition of *allowance*:

, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

- (a) a Judge or Acting Judge of a court, or
- (b) any other judicial officer (within the meaning of the *Judicial Officers Act 1986*) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition

### [2] Section 11B

Insert after section 11A:

#### **11B Salary sacrifice for motor vehicles and superannuation for office holders not subject to section 11A**

- (1) This section applies to office holders other than office holders to whom section 11A applies.
- (2) The employment benefits that an office holder may be provided with under this section are either or both of the following:
  - (a) the provision of a motor vehicle for private use by the office holder,
  - (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 *Judges’ Pensions Act 1953* applies).

- (3) An office holder to whom this section applies is entitled to be provided with any such employment benefit if:
- (a) the office holder elects by notice in writing to the Minister to be provided with that employment benefit, and
  - (b) the Minister approves of the provision of that employment benefit, and
  - (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 *Public Sector Management Act 1988* of a similar employment benefit under that Division).
- (4) An election referred to in subsection (3) (a) may, with the approval of the Minister, be revoked at any time.
- (5) This section has effect despite anything to the contrary in this Part.

**[3] Section 13 Annual determinations**

Omit “not earlier than 1 July and not later than 31 August in each year”.  
Insert instead “in each year”.

**[4] Section 18 Tribunal’s reports**

Omit “not earlier than 1 July and not later than 31 August in each year”  
from section 18 (2).  
Insert instead “in each year”.

**[5] Section 24C Annual determinations**

Omit “not earlier than 1 July and not later than 31 August in each year”.  
Insert instead “in each year”.

**[6] Section 24H Tribunal’s reports**

Omit “not earlier than 1 July and not later than 31 August in each year”  
from section 24H (2).  
Insert instead “in each year”.

**[7] Schedule 6**

Omit the Schedule. Insert instead:

**Schedule 6 Savings, transitional and other provisions**

(Section 30)

**1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Statutory and Other Offices Remuneration Amendment Act 2001*

- (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.
- (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:
- (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
  - (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.

**2 Travelling allowances for judicial officers before publication of first report**

- (1) In this clause:

*the 2001 amendment* means the amendment made by the *Statutory and Other Offices Remuneration Amendment Act 2001* to the definition of *allowance* in section 10A.

- (2) An office holder is, for the period:
- (a) commencing on and including the date of commencement of the 2001 amendment, and
  - (b) ending on and including the day preceding the date of operation of the first determination made under this Act of the travelling or subsistence allowance payable to the office holder for travel within Australia,
- entitled to be paid the travelling or subsistence allowance for travel within Australia that the office holder would have been entitled to be paid if the 2001 amendment had not been made, subject to any adjustment necessary because of the making of the determination.

[Minister's second reading speech made in—  
Legislative Assembly on 23 October 2001  
Legislative Council on 4 December 2001]