



New South Wales

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

under the

Statutory and Other Offices Remuneration Act 1975

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Statutory and Other Offices Remuneration Act 1975*.

BARRY O'FARRELL, MP
Premier

Explanatory note

The object of this Regulation is to amend the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* to re-declare the Government's policies that the Statutory and Other Offices Remuneration Tribunal is required to give effect to when determining the remuneration of office holders.

The re-declaration clarifies the application of those policies in relation to the impact of increases in superannuation employment benefits and follows a similar re-declaration in relation to public sector employee remuneration made by the *Industrial Relations (Public Sector Conditions of Employment) Amendment Regulation 2013*.

This Regulation is made under the *Statutory and Other Offices Remuneration Act 1975*, including sections 6AB and 25 (the general regulation-making power).

Note. This Regulation was tabled in the Legislative Council on 20 August 2013. The Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013 published on the NSW legislation website on 9 August 2013 was disallowed in the Legislative Council on 22 August 2013.

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Statutory and Other Offices Remuneration (Judicial and Other Office
Clause 1 Holders) Amendment Regulation 2013

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

under the

Statutory and Other Offices Remuneration Act 1975

1 Name of Regulation

This Regulation is the *Statutory and Other Offices Remuneration
(Judicial and Other Office Holders) Amendment Regulation 2013*.

2 Commencement

This Regulation commences on the day on which it is published on the
NSW legislation website.

Schedule 1 **Amendment of Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013**

[1] **Clause 3 Definitions**

Insert “(including any such payments as a consequence of the enactment of or amendments to the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth or the *State Authorities Non-contributory Superannuation Act 1987*)” after “funds” in paragraph (b) of the definition of ***employment entitlements***.

[2] **Clauses 4, 5 and 6**

Omit the clauses. Insert instead:

4 Declarations under section 6AB

The matters set out in this Regulation are declared, for the purposes of section 6AB of the Act, to be aspects of government policy that are to be given effect to by the Tribunal when making a determination under Part 3 of the Act of any alteration in the remuneration to be paid to office holders.

5 Paramount policy

It is declared that equal remuneration for men and women doing work of equal or comparable value is a paramount policy.

6 Other policies

- (1) The following policies are also declared, but are subject to compliance with the declared paramount policy:
 - (a) an office holder may be awarded increases in remuneration, but only if officer-related costs for the office holder are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment entitlements provided (or to be provided) to the office holder since his or her remuneration was last determined,
 - (b) increases in remuneration can be awarded even if officer-related costs are increased by more than 2.5% per annum, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs beyond 2.5% per annum.

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Schedule 1

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

- (2) For the purposes of subclause (1) (b):
 - (a) whether relevant officer-related cost savings have been achieved is to be determined by the Tribunal, and
 - (b) the office, organisation or other agency for which the office holder is to be treated as belonging in connection with the relevant officer-related cost savings (the **relevant agency** for an office holder) is also to be determined by the Tribunal, and
 - (c) increases may be awarded before the relevant officer-related cost savings have been achieved, but are not payable until they are achieved, and
 - (d) the full officer-related cost savings are not required to be awarded as increases in remuneration.
- (3) For the avoidance of doubt, the Tribunal may take into account any additional functions conferred or imposed on the office held by an office holder in determining the remuneration of the office holder. However, any such additional functions cannot be used as a basis for awarding an office holder an increase in remuneration that increases the officer-related costs for the office holder by more than 2.5% per annum without offsetting relevant officer-related cost savings.