



New South Wales

Statutory and Other Offices Remuneration Amendment Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide for a temporary freeze on increases in remuneration for office holders under the *Statutory and Other Offices Remuneration Act 1975*, Part 3 and executive office holders and senior executives under that Act, Parts 3A and 3B.

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.

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

Schedule 1[1] amends the *Statutory and Other Offices Remuneration Act 1975* (*the Act*) to provide that the Tribunal must, when making a determination to which section 6AA of the Act applies, give effect to any policy about the remuneration of executive office holders and senior executives that is prescribed by the regulations and is relevant to the matter.

Schedule 1[2] amends the Act to give effect to the regulation set out in the Bill, Schedule 2.

Schedule 2 Statutory and Other Offices Remuneration (Executive Office Holders and Senior Executives) Regulation 2023

Schedule 2 contains the proposed *Statutory and Other Offices Remuneration (Executive Office Holders and Senior Executives) Regulation 2023*. The regulation prescribes the policies to be applied by the Statutory and Other Offices Remuneration Tribunal in making determinations about remuneration for executive office holders and senior executives under the Act, including the policy that no increase in the remuneration of executive officer holders that takes effect before 1 July 2025 may be made.

Schedule 3 Amendment of Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013

Schedule 3 amends the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* to prescribe a policy that the Statutory and Other Offices Remuneration Tribunal may not make a determination that increases remuneration for judicial and other office holders to whom the regulation applies that takes effect before 1 July 2025.



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Statutory and Other Offices Remuneration Amendment Bill 2023

No. , 2023

A Bill for

An Act to amend the *Statutory and Other Offices Remuneration Act 1975* to provide for a temporary freeze on increases in remuneration for office holders under Part 3 of that Act and executive office holders and senior executives under Parts 3A and 3B of that Act; and for related purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

2

This Act is the *Statutory and Other Offices Remuneration Amendment Act 2023*.

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2 Commencement

4

This Act is taken to have commenced on the day on which the Bill for this Act was first introduced into Parliament.

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Schedule 1	Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	1
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[1]	Section 6AA Tribunal to give effect to declared government policy on remuneration for public sector staff	3
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	Omit section 6AA(2). Insert instead—	5
	(2) The Tribunal must, when making a determination to which this section applies, give effect to any policy about the remuneration of executive office holders and senior executives—	6
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	(a) that is declared by the regulations to be an aspect of government policy required to be given effect to by the Tribunal, and	9
		10
	(b) that applies to the matter to which the determination relates.	11
	(3) A regulation under subsection (2) may declare a policy by—	12
	(a) setting out the policy, or	13
	(b) adopting a policy set out in a document referred to in the regulation.	14
[2]	Schedule 6 Savings, transitional and other provisions	15
	Insert after clause 5—	16
Part 6	Provision consequent on enactment of Statutory and Other Offices Remuneration Amendment Act 2023	17
		18
		19
6	Regulation and Subordinate Legislation Act 1989	20
	(1) The <i>Statutory and Other Offices Remuneration Amendment Act 2023</i> , Schedule 2 is taken to be and has effect as a regulation made by the Governor under this Act.	21
		22
		23
	(2) The <i>Subordinate Legislation Act 1989</i> , Part 2 does not apply to the regulation but applies to an amendment or repeal of the regulation.	24
		25
	(3) For the <i>Subordinate Legislation Act 1989</i> , section 10, the regulation is taken to have been published on the day on which the <i>Statutory and Other Offices Remuneration Amendment Act 2023</i> , Schedule 2 commenced.	26
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		28
	(4) The <i>Interpretation Act 1987</i> , sections 39–41 do not apply to the regulation but apply to an amendment or repeal of the regulation.	29
		30
	(5) The <i>Statutory and Other Offices Remuneration (Executive Office Holders and Senior Executives) Act 2023</i> , Schedule 2 is repealed on the day after it commences.	31
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	Note— The continued effect of the regulation is unaffected by the repeal of the Schedule. See the <i>Interpretation Act 1987</i> , section 30.	34
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Schedule 2	Statutory and Other Offices Remuneration (Executive Office Holders and Senior Executives) Regulation 2023	1 2 3
1	Name of regulation	4
	This regulation is the <i>Statutory and Other Offices Remuneration (Executive Office Holders and Senior Executives) Regulation 2023</i> .	5 6
2	Commencement	7
	This regulation is taken to have commenced on the day on which the <i>Statutory and Other Office Remuneration Amendment Act 2023</i> , Schedule 2 commenced.	8 9
3	Definition	10
	In this regulation—	11
	<i>the Act</i> means the <i>Statutory and Other Offices Remuneration Act 1975</i> .	12
	Note — The Act and the <i>Interpretation Act 1987</i> contain definitions and other provisions that affect the interpretation and application of this regulation.	13 14
4	Temporary wages policy—Act, s 6AA(2)	15
	(1) A policy that the Tribunal is not to make a determination that has the effect of awarding an increase in remuneration that takes effect before 1 July 2025 is declared.	16 17
	(2) To avoid doubt, subclause (1) has effect despite section 5.	18
	(3) This section expires at the end of the day on 30 June 2025.	19
5	Other policy	20
	A policy that the Tribunal is to give effect to the same policies on increases in remuneration as the policies the Industrial Relations Commission is required to give effect to under the <i>Industrial Relations Act 1996</i> , section 146C when making or varying awards or orders relating to the conditions of employment of public sector employees is declared.	21 22 23 24 25

Schedule 3	Amendment of Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013	1 2 3
Clause 5A		4
	Omit the clause. Insert instead—	5
5A	Temporary wages policy—Act, s 6AB(3)	6
	(1) A policy that the Tribunal is not to make a determination that has the effect of awarding an increase in remuneration that takes effect before 1 July 2025 is declared.	7 8 9
	(2) To avoid doubt, subclause (1) has effect despite clause 6.	10
	(3) This clause expires at the end of the day on 30 June 2025.	11