

Passed by both Houses



New South Wales

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

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2013*



New South Wales

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

Act No , 2013

An Act to amend the *Statutory and Other Offices Remuneration Act 1975* to require the Statutory and Other Offices Remuneration Tribunal to give effect to certain government policies in making determinations under Part 3 of that Act concerning the remuneration of judicial and other office holders.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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

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

[1] Section 6AA Tribunal to give effect to declared government policy on remuneration of chief executive and senior executive office holders

Omit section 6AA (1). Insert instead:

- (1) This section applies to the determination under Part 3A (Remuneration packages for chief executive and senior executive office holders) of any alteration in the remuneration packages for executive office holders within the meaning of that Part.

[2] Section 6AB

Insert after section 6AA:

6AB Tribunal to give effect to declared government policy on remuneration of office holders under Part 3

- (1) This section applies to the determination under Part 3 (Remuneration of office holders (other than chief executive or senior executive office holders)) of any alteration in the remuneration to be paid to office holders within the meaning of that Part.
- (2) The Tribunal must, when making a determination to which this section applies, give effect to any policy concerning the remuneration of office holders:
 - (a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and
 - (b) that applies to the matter to which the determination relates.
- (3) Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.
- (4) This section extends to any inquiries that are pending in the Tribunal on the commencement of this section. A regulation made under this section extends to any inquiries that are pending in the Tribunal on the commencement of the regulation, unless the regulation otherwise provides.

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

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

- (5) This section has effect despite any other provision of this Act (other than sections 16 (6) and 21) or any other Act.

Note. Section 16 (6) provides that a determination under Part 3 may be made so as to apply differently as between two or more persons holding the same office, being an office specified in Schedule 2 or 3 but not Schedule 1.

Section 21 prevents a determination under Part 3 from operating to reduce the rate at which remuneration is paid to the holder of an office specified in Schedule 1.

The offices specified by Schedule 1 include certain judicial offices.

[3] Schedule 6 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

any other Act that amends this Act

[4] Schedule 6

Insert at the end of the Schedule with appropriate Part and clause numbers:

**Part Provision consequent on enactment of
Statutory and Other Offices Remuneration
Amendment (Judicial and Other Office
Holders) Act 2013**

Making of first principal regulation after amendments

Section 5 of the *Subordinate Legislation Act 1989* is taken not to apply to the first regulation made under this Act after the commencement of the *Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Act 2013*.