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OPPOSITION DISALLOWS O'FARRELL GOVERNMENT'S CASH GRAB FOR SUPERANNUATION

The NSW Labor Opposition has successfully moved to protect the judiciary and other independent statutory office holders regarding their superannuation entitlements that the O'Farrell Government was determined to fund by cutting their salaries.

Today, the Legislative Council passed the NSW Opposition's disallowance of the O'Farrell Government's regulation regarding reducing the 2.5 % remuneration cap for judges, the DPP, Crown Prosecutors, Public Defenders and members of tribunals, allegedly to offset for federally-mandated superannuation increases. Unfortunately, another disallowance to set aside the remuneration cap altogether was not passed.

The O'Farrell Government recently introduced a regulation that saw the superannuation increases of the state's 300,000 public sector workers absorbed under the 2.5 per cent wages cap. This was despite the NSW Industrial Relations Commission (IRC) ruling that public sector workers were entitled to receive both a pay rise of 2.5 per cent as well as the Commonwealth mandated superannuation increase of 0.25 per cent. The Government then proposed legislation in May which achieved the same remuneration cap for judges and other public office holders.

The superannuation regulation for public sector employees was disallowed by the Legislative Council on 21 August. The disallowance of the regulation regarding judges and other statutory office holders was passed after a heated debate on 22 August 2013.

"This was a mean and tricky move from the O'Farrell Government," Shadow Minister for Industrial Relations Adam Searle said. "The decision would have effectively cut the wages of judges and other independent statutory officers in NSW, who would have been required to pay for their own superannuation increases. No one should ever be forced to pay for their own superannuation.

"In connection with the judiciary, it constituted a serious interference in judicial independence. It was very concerning that speakers from the Government parties failed to acknowledge, or even understand, that the judiciary are not employees but constitute the third arm of government which must remain – and be seen to remain – wholly free of government and political interference. Regarding the other independent office holders, particularly those intimately connected to the administration of criminal justice in this State, having the Executive determine the limit of remuneration is similarly disturbing. This should be left to an independent tribunal.

"We welcome the support of all cross-bench parties in supporting the disallowance of the superannuation regulation. It would have been a complete travesty if judges and other independent officers were more adversely affected than others under the remuneration cap.

"Only the Opposition Labor Party voted to disallow the remuneration cap altogether. We did so because we know that protecting the rights of all people under the law depends on the maintenance of robustly independent courts. Any measure which interferes with this, or which gives rise to the appearance that the judiciary may be dependent on the political government of the day for their financial well-being, erodes this. When a citizen loses a court action against an agency of the State, there should never be even the possibility of the suggestion that this was because a judge may have been inclined to prefer the interest of the State due to financial considerations of his or her own." Mr Searle concluded.