



New South Wales

Police Superannuation Amendment Regulation 1998

under the

Police Regulation (Superannuation) Act 1906

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Regulation (Superannuation) Act 1906*.

BOB CARR,
Premier

Explanatory note

The *Superannuation Legislation Further Amendment Act 1997* amended the *Police Regulation (Superannuation) Act 1906* to allow certain benefits to be reduced to offset the amount of any Commonwealth superannuation contributions surcharge in respect of employer contributions paid or payable by the Police Superannuation Fund.

The object of this Regulation is to prescribe the types of benefits that may be reduced to offset the surcharge, and to make certain amendments of a consequential nature.

This Regulation is made under the *Police Regulation (Superannuation) Act 1906*, including sections 14AA and 24 (the general regulation making power).

Police Superannuation Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Police Superannuation Amendment Regulation 1998*.

2 Amendment of Police Superannuation Regulation 1995

The *Police Superannuation Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause2)

[1] Part 3, Division 1, heading

Insert after the heading to Part 3:

Division 1 Benefit reductions relating to Commonwealth income tax

[2] Clause 7 Benefits to which this Division applies

Omit "Part". Insert instead "Division".

[3] Clause 8 Formula for calculation of reduction in benefits

Insert "(but limited to the matters referred to in subsection (2) of that section)" after "For the purposes of section 14AA of the Act" in clause 8 (1).

[4] Clause 8 (1)

Omit "Part". Insert instead "Division".

[5] Clause 8 (1)

Insert "(1)" after "section 14AA" where secondly occurring.

[6] Part 3, Division 2

Insert after clause 10:

Division 2 Benefit reductions relating to Commonwealth superannuation contributions surcharge

11 Reduction of certain benefits: section 14AA (3)

For the purposes of section 14AA of the Act (but limited to the matters referred to in subsection (3) of that section), the following provisions of the Act are prescribed:

- (a) section 5B (Contributor eligible for membership or a member of PSESS),

- (b) section 7 (Superannuation allowance except where member hurt on duty),
- (c) section 7AA (Superannuation allowance on early retirement),
- (d) section 8A (Disengagement benefit for members aged between 50-55),
- (e) section 9B (Preserved benefit),
- (f) section 10 (Superannuation allowance where member hurt on duty),
- (g) section 12 (Superannuation allowance where a member or former member dies as a result of being hurt on duty) but limited to benefits payable under section 12 (1AA) (a) and section 12 (1AA) (b) (i), or where as a result of an election under subsection (1A) (to take a gratuity prescribed by section 13) a benefit is payable under that section,
- (h) section 13 (Gratuity where deceased member not hurt on duty),
- (i) section 13A (Gratuity where deceased member hurt on duty but left no dependents),
- (j) section 14 (Gratuity for discharged members not hurt on duty),
- (k) section 14J (Commutation on normal or early retirement of member).