



New South Wales

State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 1999

under the

State Authorities Non-contributory Superannuation Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Non-contributory Superannuation Act 1987*.

BOB CARR,
Premier

Explanatory note

The object of this Regulation is to make further provision with respect to the extent to which a shift allowance is counted as “salary” for the purposes of the *State Authorities Non-contributory Superannuation Act 1987*. (It is expressed, in the definition of salary given in section 4 of the Act, to be a salary “loading”.) For a number of employees the loading is currently calculated on a graduated scale according to the number of shifts worked by the employee during the calendar year preceding the date at which the loading is calculated. This Regulation changes the method of calculating the shift allowance loading, by requiring it to be reckoned according to a notional number of shifts worked during the relevant 12 months. The intention is to require the loading to be calculated in a manner that takes account of the number of hours per shift the employee is required to work as well as the number of shifts worked, so as to prevent erosion of the employee’s entitlement by increase in the number of hours per shift. Under the new method of calculation by reference to a notional number of shifts

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worked, the notional number of shifts bears to the actual number of shifts worked during the relevant period the same proportion that the number of hours per shift worked during the period bears to the smallest number of hours per shift that were required to be worked during any calendar year since 1987.

This Regulation is made under the *State Authorities Non-contributory Superannuation Act 1987* including section 4 (Salary) and section 34 (Regulations).

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1 Name of Regulation

This Regulation is the *State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 1999*

2 Commencement

This Regulation commences on 1 March 1999

3 Amendment of State Authorities Non-contributory Superannuation Regulation 1995

The *State Authorities Non-contributory Superannuation Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Determination of loading in respect of shift allowance

Omit “allowances is” from clause 4 (4).

Insert instead “allowances is to be determined by reference to the number of relevant shifts the employee is taken to have worked (as calculated in accordance with subclause (6)) during the relevant period. The loading is”.

[2] Clause 4 (4) (a)–(d)

Omit “has worked” wherever occurring.

Insert instead “is taken to have worked”.

[3] Clause 4 (6)

Insert after clause 4 (5):

- (6) For the purposes of subclause (4), the number of relevant shifts an employee is taken to have worked during a relevant period is the number calculated as follows:

$$N = \frac{H}{H_0} \times S$$

where

N is the number of relevant shifts the employee is taken to have worked during the relevant period.

H is the number of hours per shift regularly required to be worked in relevant shifts during the relevant period.

H₀ is the smallest number of hours per shift regularly required to be worked (whether by the employee or any comparable worker) in relevant shifts during any calendar year after 1987, including the relevant period.

S is the number of relevant shifts the employee actually worked during the relevant period.