



New South Wales

First State Superannuation Regulation 2008

under the

First State Superannuation Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *First State Superannuation Act 1992*.

JOHN WATKINS, M.P.,
Minister for Finance

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *First State Superannuation Regulation 2002* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to:

- (a) the prescription of paid maternity leave, paid parental leave, paid adoption leave, weekly workers compensation payments and certain non-cash benefits provided by an employer as part of salary in respect of which employers are required to make superannuation contributions for employees under the First State Superannuation Scheme, and
- (b) savings and formal matters.

This Regulation is made under the *First State Superannuation Act 1992*, including sections 4 and 15 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

2008 No 341

Clause 1 First State Superannuation Regulation 2008

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1 Name of Regulation

This Regulation is the *First State Superannuation Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *First State Superannuation Regulation 2002* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

- (1) In this Regulation:
the Act means the *First State Superannuation Act 1992*.
- (2) Notes included in this Regulation do not form part of this Regulation.

4 Allowances and payments included as wages

- (1) For the purposes of section 4 (1) (a) (iii) of the Act, the following payments are prescribed:
 - (a) payments for maternity leave,
 - (b) payments for parental leave,
 - (c) payments for adoption leave,
 - (d) weekly workers compensation payments.
- (2) The weekly workers compensation payments to be treated as salary for the purposes of section 4 (1) (a) (iii) of the Act do not include any amount by which the aggregate of:
 - (a) the weekly workers compensation paid to an injured employee,
and

- (b) the salary actually paid to that employee while partially incapacitated, exceeds the salary that the employee would probably have been earning but for the injury (assuming the employee had continued to be employed in the same or some comparable employment).
- (3) For the purposes of section 4 (1) (a) (iv) of the Act, all non-cash employment benefits provided by an employer to an employee that attract compulsory employer superannuation contributions under an industrial award applicable to the employee are prescribed employment benefits.
- (4) In this clause:
weekly workers compensation payments, in relation to an employee, means weekly payments of compensation under the *Workers' Compensation Act 1987* (or the provisions of the *Workers' Compensation Act 1926* as applied by that Act) payable to the employee because the employee is partially incapacitated for work through injury.

5 Saving

Any act, matter or thing that, immediately before the repeal of the *First State Superannuation Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.