

State Revenue Legislation Further Amendment Act 2005 No 111

[2005-111]



New South Wales

Status Information

Currency of version

Repealed version for 20 June 2006 to 3 December 2006 (accessed 18 December 2024 at 22:00)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2006 No 120](#) with effect from 4.12.2006.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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State Revenue Legislation Further Amendment Act 2005 No 111



New South Wales

An Act to make miscellaneous amendments to certain State revenue legislation; and for other purposes.

1 Name of Act

This Act is the *State Revenue Legislation Further Amendment Act 2005*.

2 Commencement

- (1) This Act commences on the date of assent, except as provided by subsection (2).
- (2) The following provisions commence, or are taken to have commenced, on the dates specified:

Schedule 1 [10]–[14]—the date on which the Bill for this Act was introduced into the Legislative Assembly

Schedule 1 [15]—1 August 2005

Schedule 1 [16]—31 January 2005

Schedule 5 [1], [2] and [4]—1 July 2006

Schedule 5 [3]—1 July 2005

3 Amendment of Acts

The Acts specified in Schedules 1–8 are amended as set out in those Schedules.

Schedules 1–4 (Repealed)

Schedule 5 Amendment of **Pay-roll Tax Act 1971 No 22**

(Section 3)

[1] Section 3AA Wages

Omit section 3AA (3). Insert instead:

- (3) Wages includes fringe benefits, but does not include an exempt benefit for the purposes of the *Fringe Benefits Tax Assessment Act 1986* of the Commonwealth unless that exempt benefit constitutes wages under section 3AG (Inclusion of redundancy and long service contributions as wages).

[2] Section 3AA (6)

Insert after section 3AA (5):

- (6) Wages includes any contribution to a redundancy benefit scheme or to a portable long service leave fund that constitutes wages under section 3AG.

[3] (Repealed)

[4] Section 3AG

Insert after section 3AF:

3AG Inclusion of redundancy and long service contributions as wages

- (1) A contribution to a redundancy benefit scheme, or to a portable long service leave fund, constitutes **wages** for the purposes of section 3AA.
- (2) The amount paid or payable as wages is taken, for the purposes of this Act, to be the amount of the contribution.
- (3) However, the wages liable to pay-roll tax under this Act do not include the amount (if any) that the employer is entitled to recover from the scheme or fund.
- (4) A contribution to a redundancy benefit scheme, or to a portable long service leave fund, does not constitute wages under this section if it is a superannuation benefit.
- (5) A contribution to a redundancy benefit scheme, or to a portable long service leave fund, constitutes wages under this section even if it is an exempt benefit for the purposes of the *Fringe Benefits Tax Assessment Act 1986* of the Commonwealth.
- (6) In this section:

portable long service leave fund means a fund established to provide paid long service leave to employees in a particular industry who are employed from time to time by different employers in the industry.

redundancy benefit scheme means a scheme or fund that provides benefits for persons working within an industry who are made redundant, leave the industry or retire.

[5] (Repealed)

Schedules 6-8 (Repealed)