



First State Superannuation Regulation 2002

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 DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

The objects of this Regulation are:

- (a) to prescribe 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) to repeal the *First State Superannuation (Savings) Regulation 1998*.

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

This Regulation is made under the *First State Superannuation Act 1992* including sections 3A and 76 (the general regulation-making power).

First State Superannuation Regulation 2002

1 Name of Regulation

This Regulation is the *First State Superannuation Regulation 2002*.

2 Definition

In this Regulation:

the Act means the *First State Superannuation Act 1992*.

3 Allowances and payments included as wages

- (1) For the purposes of section 3A (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 3A (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 member, and
 - (b) the salary actually paid to that member while partially incapacitated,exceeds the salary that the member would probably have been earning but for the injury (assuming the member had continued to be employed in the same or some comparable employment).
- (3) For the purposes of section 3A (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 Repeal

The *First State Superannuation (Savings) Regulation 1998* is repealed.