

1993—No. 355

FIRST STATE SUPERANNUATION ACT 1992—ORDER

NEW SOUTH WALES



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(L.S.) P. R. SINCLAIR, Governor.

I, Rear Admiral PETER RQSS SINCLAIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 8 of the First State Superannuation Act 1992, do, by this my Order, amend Schedule 2 to that Act (Employees who are not full members of Fund):

(a) by inserting after clause 1 (1) (c) the following paragraph:

(d) an employee who, while receiving salary or wages for work done outside Australia, is not a resident of Australia.

(b) by inserting after clause 1 (2) the following subclause:

(3) For the purposes of subclause (1) (d), an employee is not a resident of Australia unless he or she would be treated as a resident of Australia for the purposes of the Income Tax Assessment Act 1936 of the Commonwealth.

Signed at Sydney, this 28 day of July 1993.

By His Excellency's Command,

KERRY CHIKAROVSKI, M.P.,
Minister for Industrial Relations and Employment.

EXPLANATORY NOTE

Section 27 of the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth provides that salary or wages paid to employees who are not residents of Australia for work done outside Australia is not to be taken into account when calculating the superannuation guarantee charge for the purposes of that Act. Schedule 2 to the First State Superannuation Act 1992 specifies employees who are excluded from being full members of the First State Superannuation Fund. The object of this Order is to amend that Schedule to exclude from full membership of that Fund employees whose salaries or wages are paid by an employer (within the meaning of that Act) while not residents of Australia (and thus conform to the limitations of the Superannuation Guarantee (Administration) Act 1992).
