

NORTHERN TERRITORY OF AUSTRALIA

SUPERANNUATION REGULATIONS

As in force at 27 October 2004

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 27 October 2004

SUPERANNUATION REGULATIONS

Regulations under the *Superannuation Act*

1 Citation

These Regulations may be cited as the *Superannuation Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Superannuation Act 1986*.

3 Interpretation

Words used in these Regulations which are defined in the Rules have the same meaning as they have in the Rules.

4 Public authorities

The following are prescribed authorities and bodies for the purposes of the definition of **public authority** in section 3(1) of the Act:

- (a) the Charles Darwin University continued in existence by the *Charles Darwin University Act*;
- (b) the Menzies School of Health Research established by the *Menzies School of Health Research Act*;
- (c) the Northern Territory Tourist Commission established by the *Northern Territory Tourist Commission Act*;
- (d) the Chief Executive Officer (Housing) established by the *Housing Act*;
- (e) the Museums and Art Galleries Board established by the *Museums and Art Galleries Act*;
- (f) the Darwin Port Corporation established by the *Darwin Port Corporation Act*;

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- (g) the Power and Water Authority established by the *Power and Water Authority Act*;
 - (h) the Aboriginal Areas Protection Authority established by the *Northern Territory Sacred Sites Protection Authority Act*;
 - (j) the Racing and Gaming Authority established by the *Racing and Gaming Authority Act*;
 - (k) the Racing Commission established by the *Racing and Betting Act*;
 - (m) the Trade Development Zone Authority established by the *Trade Development Zone Act*;
 - (n) the Parks and Wildlife Commission of the Northern Territory established by the *Parks and Wildlife Commission Act*;
 - (p) the Northern Territory Fire and Rescue Service established by the *Fire and Emergency Act*;
 - (q) the Work Health Authority established by the *Work Health Act*;
 - (r) the Centralian College;
 - (s) Batchelor College established under section 41 of the *Education Act*;
 - (t) the Northern Territory Rural College;
 - (u) the Legal Aid Commission established by the *Legal Aid Act*.

5 Approved allowances

- (1) For the purpose of the definition of **approved allowance** in rule 1 of the Rules, the following are to be regarded as part of a member's contribution salary at his entry date or annual review date:
 - (a) an allowance which is automatically included in contribution salary if payable to a member at that date which is:
 - (i) paid in recognition of a particular skill, qualification or level of proficiency;
 - (ii) payable as compensation for a loss of salary or wages incurred by him while he is undergoing a course of training for the purpose of promotion to another office;
 - (iii) a Northern Territory allowance (at the rate received);

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- (iv) where the member has not attained the age of 21 years – payable by reason of his:
 - (A) being married; or
 - (B) being required to perform duties or work of a kind normally performed by a person who has attained the age of 21 years; or
 - (v) payable in respect of housing or quarters while he holds a particular office or performs particular duties or work (or an amount equal to the value of the rent free use of premises or quarters made available to him by reason of his holding a particular office or performing particular duties or work);
 - (b) subject to subregulation (2), an allowance which is conditionally included in his contribution salary if payable that date, which is:
 - (i) payable for his being in charge of staff, equipment or premises, or for particular administrative responsibilities, or by reason that he is required to perform a special function as part of his duties or work;
 - (ii) payable as compensation for the physical hardship or discomfort associated with the duties or work he is required to perform;
 - (iii) payable by reason that he is liable to be called upon at any time during which he is off duty;
 - (iv) payable in lieu of payments for overtime or other extra duty work;
 - (v) payable for shift work, being an allowance equal to so much of his salary or wages as is payable under the terms and conditions of his employment, solely by reason of his performing work or duties during specified hours that are, under those terms and conditions of employment, normal hours of duty for the eligible employee;
 - (vi) payable by reason that he temporarily performs the whole or part of the duties of an office of higher classification than the classification of the office occupied by him;
 - (vii) an industry allowance payable to him.

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- (2) For the purposes of subregulation (1)(b), and of the definition of **approved allowance** in rule 1 of the Rules, an allowance shall not be regarded as having been or likely to be received in regular payments unless it is paid or is payable for not fewer than 75% of the pay periods in the 12 months immediately before or after the entry date or the relevant annual review date, as the case may be.
 - (3) For the purposes of subregulation (1)(b), and of the definition **approved allowance** in rule 1 of the Rules, where the amount of the allowance paid or payable to a member:
 - (a) does not vary from pay period to pay period (except because of general increases in salary or arbitration decisions) – his contribution salary, as determined at his entry date or annual review date, shall be taken to include the amount of the allowance paid or payable at that date, expressed as an annual rate or amount; and
 - (b) may vary from pay period to pay period (for example, in the case of a shift allowance) – his contribution salary, as determined at his entry date or annual review date, shall be taken to include the amount paid or due to him in the 12 months preceding that date.
 - (4) For the purposes of subregulation (3)(b), a payment in lieu of a shift allowance otherwise likely to have been received by a member during a period of leave shall be regarded as a shift allowance.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Superannuation Regulations (SL No. 36, 1986)***

Notified	1 October 1986
Commenced	1 October 1986 (r 2, s 2 <i>Superannuation Act 1986</i> (Act No. 38, 1986) and <i>Gaz S70</i> , 1 October 1986, p 2)

Statute Law Revision Act 1987 (Act No. 9, 1987)

Assent date	27 May 1987
Commenced	27 May 1987

Statute Law Revision Act 1988 (Act No. 66, 1988)

Assent date	22 December 1988
Commenced	22 December 1988

Amendment of the Superannuation Regulations (SL No. 13, 1989)

Notified	12 July 1989
Commenced	12 July 1989

Amendment of Superannuation Regulations (SL No. 26, 1998)

Notified	1 July 1998
Commenced	1 July 1998 (r 1, s 2 <i>Housing Amendment Act 1998</i> (Act No. 44, 1998) and <i>Gaz S28</i> , 1 July 1998, p 1)

Amendment of Superannuation Regulations (SL No. 55, 1998)

Notified	23 December 1998
Commenced	23 December 1998 (r 1, s 2 <i>Darwin Port Authority Amendment Act 1998</i> (Act No. 80, 1998) and <i>Gaz S37</i> , 1 September 1999)

Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)

Assent date	15 September 2004
Commenced	27 October 2004 (<i>Gaz G43</i> , 27 October 2004, p 3)

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LIST OF AMENDMENTS

r 4 amd Act No. 9, 1987, s 3; Act No. 66, 1988, s 8; No. 13, 1989; No. 26, 1998,
 r 2
 sub No. 55, 1998, r 2
 amd Act No. 54, 2004, s 8