

NORTHERN TERRITORY OF AUSTRALIA

SUPERANNUATION REGULATIONS

As in force at 27 April 2012

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 27 April 2012. Any amendments that commence after that date are not included.

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## 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

For paragraph (b) of the definition *public authority* in section 3(1) of the Act, the authorities and bodies listed in the Schedule are classified as public authorities.

#### 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.

## **6 Trustee Board common seal**

- (1) The Commissioner must keep the common seal in safe custody.
- (2) The common seal must not be affixed to a document unless the Trustee Board has resolved that the common seal be affixed to the document.
- (3) A resolution for subregulation (2) may relate to a specific document or a class of documents.
- (4) The common seal must be affixed to a document:
  - (a) by a member of the Trustee Board; and
  - (b) in the presence of the Commissioner.
- (5) The Trustee Board member and Commissioner must both sign the document under or near the affixed seal.

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(6) In this regulation:

*common seal* means the common seal of the Trustee Board mentioned in section 8A(2)(b) of the Act.

**Schedule Public authorities**

regulation 4

- 1 Aboriginal Areas Protection Authority  
*Northern Territory Aboriginal Sacred Sites Act*
- 2 Australian Health Practitioner Regulation Authority  
*Health Practitioner Regulation National Law (NT)*
- 3 Batchelor Institute of Indigenous Tertiary Education  
*Batchelor Institute of Indigenous Tertiary Education Act*
- 4 Charles Darwin University  
*Charles Darwin University Act*
- 5 Chief Executive Officer (Housing)  
*Housing Act*
- 6 Darwin Port Corporation  
*Darwin Port Corporation Act*
- 7 Land Development Corporation  
*Land Development Corporation Act*
- 8 Menzies School of Health Research  
*Menzies School of Health Research Act*
- 9 Museums and Art Galleries Board of the Northern Territory  
*Museums and Art Galleries Act*
- 10 Northern Territory Fire and Rescue Service  
*Fire and Emergency Act*
- 11 Northern Territory Legal Aid Commission  
*Legal Aid Act*
- 12 Parks and Wildlife Commission of the Northern Territory  
*Parks and Wildlife Commission Act*
- 13 Power and Water Corporation  
*Power and Water Corporation Act*
- 14 Racing Commission  
*Racing and Betting Act*
- 15 Tourism NT  
*Tourism NT Act*

- 16 Work Health Authority  
*Work Health Administration Act*

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**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
<i>Gaz</i> = <i>Gazette</i>	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</i> S70, 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</i> S28, 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</i> S37, 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</i> G43, 27 October 2004, p 3)



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***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date 14 December 2005  
 Commenced 14 December 2005

***Northern Territory Tourist Commission Amendment Act 2006 (Act No. 4, 2006)***

Assent date 8 March 2006  
 Commenced 12 April 2006 (*Gaz* G15, 12 April 2006, p 2)

***Law Reform (Work Health) Amendment Act 2007 (Act No. 30, 2007)***

Assent date 12 December 2007  
 Commenced 1 July 2008 (*Gaz* S29, 25 June 2008)

***Superannuation Amendment Regulations 2010 (SL No. 6, 2010)***

Notified 26 May 2010  
 Commenced 26 May 2010

***Superannuation Amendment Regulations 2011 (SL No. 9, 2011)***

Notified 13 April 2011  
 Commenced 13 April 2011 (r 2, s 2 *Superannuation Legislation Amendment Act 2010* (Act No. 42, 2010) and *Gaz* S13, 14 March 2011) (These Regulations were expressed to commence on 15 March 2011. However, they were not notified in the *Gazette* until 13 April 2011.)

***Work Health and Safety (National Uniform Legislation) Implementation Act 2011 (Act No. 38, 2011)***

Assent date 14 December 2011  
 Commenced 1 January 2012 (*Gaz* S78, 30 December 2011)

***Superannuation Amendment Act 2012 (Act No. 15, 2012)***

Assent date 27 April 2012  
 Commenced 27 April 2012

**3 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; Act No. 44, 2005, s 35; Act No. 4, 2006, s 23; Act No. 30, 2007, s 59  
 sub No. 6, 2010, r 3
- r 6 ins No. 9, 2011, r 4  
 amd Act No. 15, 2012, s 10
- sch ins No. 6, 2010 r 4  
 amd Act No. 38, 2011, s 31