

NORTHERN TERRITORY OF AUSTRALIA
ADMINISTRATORS PENSIONS AMENDMENT ACT 1999

No. 60 of 1999

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NORTHERN TERRITORY OF AUSTRALIA

No. 60 of 1999

AN ACT

to amend the *Administrators Pensions Act*

[Assented to 14 December 1999]
[Second reading 25 November 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Administrators Pensions Amendment Act 1999*.

2. Principal Act

The *Administrators Pensions Act* is in this Act referred to as the Principal Act.

3. New section

The Principal Act is amended by inserting after section 3D the following:

"3E. Commutation to pay deferred superannuation contributions surcharge

"(1) If—

- (a) a former Administrator, or the surviving spouse of an Administrator or former Administrator who has died, is paid a pension under this Act;

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- (b) he or she has received from the Commissioner of Taxation notice under section 15 of the Surcharge Collection Act that he or she is liable to pay an amount of superannuation contributions surcharge specified in the notice; and
- (c) the superannuation contributions surcharge relates to surchargeable contributions, within the meaning of the Surcharge Collection Act, in relation to the former Administrator, or to an Administrator, or former Administrator, who has died,

the former Administrator or the surviving spouse may, within a reasonable period after the notice was given, request the Treasurer in writing to commute as much of the pension payable to him or her as is necessary to provide a lump sum equivalent to the amount.

"(2) The Treasurer must, if satisfied that the commuted amount will be used to pay the superannuation contributions surcharge, comply with a request under subsection (1)."

4. Repeal and substitution

Section 4 of the Principal Act is repealed and the following substituted:

"4. Pension payable

"(1) Subject to sections 6 and 7, there is payable to a person who became the Administrator at any time after the commencement of the *Administrators Pensions Amendment Act 1999* and who –

- (a) held that office for a period of not less than 5 years – an annual pension for life equal to 60% of the annual basic salary payable to him or her immediately before he or she ceased to hold that office;
- (b) held that office for a period of less than 5 years –
 - (i) if the Commissioner within the meaning of the *Public Sector Employment and Management Act* is satisfied that his or her ceasing to hold the office arose from a mental or physical incapacity to perform the duties of that office; or
 - (ii) if he or she ceased to hold that office for reasons other than voluntary retirement or the expiration of the period of his or her appointment,

an annual pension for life equal to 60% of the annual basic salary payable to him or her immediately before he or she ceased to hold that office; or

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- (c) held that office for a period of less than 5 years due to voluntary retirement or the expiration of the period of his or her appointment – an annual pension for life equal to A% of the annual basic salary payable to him or her immediately before he or she ceased to hold that office, where –

$$A\% = 60\% \times \left(\frac{\text{(years served as Administrator)}}{5} \right),$$

and with a part year being taken into account as a fraction of a whole year calculated on the basis of days.

"(2) Despite subsection (1) but subject to sections 6 and 7, the Treasurer may, before the appointment of an Administrator, determine that the annual pension for life payable under this Act to that Administrator, if he or she becomes eligible for the pension under this Act, is to be, in the place of the amount of pension he or she would have been entitled to receive under subsection (1) if the direction were not made, an amount per annum specified in the direction.

"(3) If the Treasurer makes a determination under subsection (2), he or she must table a copy of the direction in the Legislative Assembly within 3 sitting days of the Legislative Assembly after the day on which the direction was given."

5. Reduction of amount where other pension payable

Section 7 of the Principal Act is amended by omitting from subsections (1) and (2) "out of moneys provided in whole or in part by the Crown in right of the Territory, the Commonwealth or a State or another Territory".