

NORTHERN TERRITORY OF AUSTRALIA  
SUPERANNUATION AMENDMENT ACT 1998

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**No. 69 of 1998**

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TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. Repeal and substitution:
  - "3A. SCHEME TO COMPLY WITH SUPERANNUATION SURCHARGE LAWS AND AGREEMENTS WITH COMMONWEALTH"
6. Information
7. New sections:
  - "28A. SURCHARGE DEBT ACCOUNTS"
  - "28B. ADVANCE PAYMENTS TO REDUCE SUPER-ANNUATION CONTRIBUTIONS SURCHARGE"
8. Fund accounts
9. Schedule
10. Amendments to remove gender-specific references

SCHEDULE





# NORTHERN TERRITORY OF AUSTRALIA

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No. 69 of 1998

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## AN ACT

to amend the *Superannuation Act*

[Assented to 23 September 1998]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### 1. SHORT TITLE

This Act may be cited as the *Superannuation Amendment Act 1998*.

### 2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

### 3. PRINCIPAL ACT

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

## *Superannuation Amendment*

### 4. INTERPRETATION

Section 3 of the Principal Act is amended —

- (a) by omitting the definition of "Acting Chairman" in subsection (1) and substituting the following:

"'Acting Chairperson', in relation to a Board, means the person appointed under section 16(5) to act as the relevant Chairperson;"

- (b) by omitting the definition of "Chairman" in subsection (1) and substituting the following:

"'Chairperson', in relation to a Board, means the relevant Chairperson appointed under section 16, and includes the Acting Chairperson while he or she is so acting;"

- (c) by inserting in the definition of "Commissioner" in subsection (1) "or she" after "he";

- (d) by inserting in the definition of "dependant" in subsection (1) "or her" after "his";

- (e) by inserting in paragraphs (b) and (c) of the definition of "permanent employee" in subsection (1) "or her" after "his"; and

- (f) by inserting after the definition of "spouse" in subsection (1) the following:

"'superannuation contributions surcharge' means the superannuation contributions surcharge imposed under the Surcharge Act;

'Surcharge Act' means the *Superannuation Contributions Tax Imposition Act 1997* of the Commonwealth and includes regulations under that Act;

'Surcharge Collection Act' means the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth and includes regulations under that Act;"

### 5. REPEAL AND SUBSTITUTION

Section 3A of the Principal Act is repealed and the following substituted:

## *Superannuation Amendment*

### "3A. SCHEME TO COMPLY WITH SUPERANNUATION SURCHARGE LAWS AND AGREEMENTS WITH COMMONWEALTH

"(1) The Scheme is to be administered in accordance with —

- (a) the Surcharge Act and the Surcharge Collection Act; and
- (b) a written agreement entered into by the Territory and the Commonwealth relating to exempt public sector superannuation schemes within the meaning of section 10 of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

"(2) If a provision of this Act or the Regulations is inconsistent with a provision of the Surcharge Act or the Surcharge Collection Act, the provision of this Act or the Regulations is to be taken to have been complied with if the provision of the Surcharge Act or the Surcharge Collection Act, as the case may be, has been complied with."

### 6. INFORMATION

Section 27 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) An eligible employee or former eligible employee may request the Commissioner to provide him or her with information about the state of —

- (a) his or her accumulation account in the Fund;
- (b) his or her surcharge debt account; or
- (c) the number of annual benefit points to which he or she is entitled under the Scheme.

"(1A) The Commissioner must, as soon as practicable after receiving a request under subsection (1), supply the information requested."

### 7. NEW SECTIONS

The Principal Act is amended by inserting after section 28 the following:

## *Superannuation Amendment*

### "28A. SURCHARGE DEBT ACCOUNTS

"(1) The Commissioner must establish and maintain for the purposes of section 16 of the Surcharge Collection Act a surcharge debt account within the accounts of the Fund for each eligible employee or former eligible employee in relation to whom superannuation contributions surcharge is paid or payable by the Commissioner.

"(2) The Commissioner must debit to the surcharge debt account of an eligible employee or former eligible employee —

- (a) superannuation contributions surcharge paid or payable by the Commissioner in respect of the employee; and
- (b) interest paid or payable under the Surcharge Collection Act on the amount by which the account is in debit.

"(3) The Commissioner must credit to the surcharge debt account of an eligible employee or former eligible employee an amount paid under section 28B by the employee.

### "28B. ADVANCE PAYMENTS TO REDUCE SUPERANNUATION CONTRIBUTIONS SURCHARGE

"(1) An eligible employee or former eligible employee may, on lodging an approved election form with the Commissioner, pay an amount to the Fund for the purpose of reducing the amount by which his or her surcharge debt account is in debit.

"(2) A payment under this section may be made on a periodic or single payment basis.

"(3) An election form lodged under subsection (2) is to specify the amount to be paid and the manner of payment.

"(4) An eligible employee or former eligible employee may, on lodging an approved election form with the Commissioner —

- (a) vary in accordance with the form the amount or manner of payment of periodic payments; or
- (b) revoke an election under this section."

*Superannuation Amendment*

8. FUND ACCOUNTS

Section 39 of the Principal Act is amended —

- (a) by inserting in subsection (2)(a)(i) "payments or" before "contributions"; and
- (b) by inserting after subsection (2)(b)(i) the following:
  - "(ia) amounts of superannuation contributions surcharge that are payable in relation to each eligible employee or former eligible employee;"

9. SCHEDULE

The Schedule to the Principal Act is amended —

- (a) by omitting from rule 6 subrule (1) and substituting the following:

"(1) A member who retires after attaining the age of 55 years must receive a benefit comprising —

- (a) a refund of the amount credited to his or her accumulation account, if any; and
- (b) the accrued employer component,

less the amount of the balance of the member's surcharge debt account.";

- (b) by omitting from rule 7 subrule (1) and substituting the following:

"(1) A member who resigns, or who ceases to be an eligible employee and is not entitled to another benefit under the Scheme, must receive a benefit comprising —

- (a) a refund of the amount credited to his or her accumulation account; and
- (b) where his or her exit date occurs after the first 5 years of his or her membership (excluding periods where the member was not eligible to contribute) — the accrued employer component multiplied by  $\frac{X}{60}$ , where X equals the number of

complete months of his or her membership during which he or she was eligible to contribute after that first 5 years of his or her membership but in any case is not greater than 60,

*Superannuation Amendment*

less the amount of the balance of the member's surcharge debt account, if any.";

- (c) by omitting rule 8 and substituting the following:

"8. RETRENCHMENT BENEFIT

"A member who is retrenched must receive a benefit comprising —

- (a) a refund of the amount credited to his or her accumulation account; and
- (b) the accrued employer component,

less the amount of the balance of the member's surcharge debt account, if any.";

- (d) by omitting from rule 9 subrule (1) and substituting the following:

"(1) Subject to the Act, where a member dies leaving a dependant or dependants, there is payable to his or her estate a benefit comprising —

- (a) a refund of the amount credited to his or her accumulation account;
- (b) the accrued employer component; and
- (c) subject to subrule (2), the prospective employer component subject to a reduced benefit classification if applicable,

less the amount of the balance of the member's surcharge debt account, if any.";

- (e) by omitting from rule 9 subrule (3) and substituting the following:

"(3) Where a member dies leaving no dependant or dependants there is payable to the member's estate —

- (a) the amount credited to his or her accumulation account; and
- (b) the accrued employer component,

less the amount of the balance of the member's surcharge debt account, if any."; and

- (f) by omitting from rule 10 subrule (1) and substituting the following:



## Superannuation Amendment

"(1) A member who is retired from employment on the grounds of invalidity in accordance with section 50 of the Act or who is assessed by the Commissioner as being subject to invalidity must receive a benefit comprising —

- (a) a refund of the amount credited to his or her accumulation account;
- (b) the accrued employer component; and
- (c) subject to subrule (2), the prospective employer component subject to a reduced benefit classification if applicable,

less the amount of the balance of the member's surcharge debt account, if any."

### 10. AMENDMENTS TO REMOVE GENDER-SPECIFIC REFERENCES

The Principal Act is amended as set out in the Schedule.

#### SCHEDULE

#### Section 10

Provision	Amendment	
	omit	substitute
Section 6(1)(c)	"him"	"him or her"
Section 6(2)	"him" (twice occurring)	"him or her"
	"his" (twice occurring)	"his or her"
Section 7(1)	"his"	"his or her"
Section 8(1)(a)	"him"	"him or her"
	"his"	"his or her"
Section 8(1)(b) and (2)	"him"	"him or her"

*Superannuation Amendment*

Section 9(2)(a) and (3)(b) and 11(2)(a)	"Chairman"	"Chairperson"
Section 12(3)(a)	"his"	"the Commissioner's"
Section 14(1)	"him"	"him or her"
Section 14(1A)	"he"	"he or she"
Section 15(1)	"he"	"he or she"
Section 15(3)	"he"	"he or she"
	"his"	"his or her"
Section 16(1), (2), (3), (4) and (5)	"Chairman" (wherever occurring)	"Chairperson"
Section 17(1)	"Chairman" (wherever occurring)	"Chairperson"
Section 19	"his"	"his or her"
	"him"	"him or her"
Section 20(2)(d)	"his" (twice occurring)	"his or her"
Section 21(1)	"his" (wherever occurring)	"his or her"
	"he"	"he or she"
Section 21(2)(a)	"he"	"he or she"
Section 22(1)	"Chairman"	

*Superannuation Amendment*

Section 22(2)	"his"	"his or her"
Section 22(3)	"Chairman"	
	"he"	
Section 22(4)	"Chairman" (wherever occurring)	"Chairperson"
Section 24	"him"	"him or her"
	"his"	"his or her"
Section 26(2)	"he"	"he or she"
Section 33(1)	"he"	"he or she"
Section 33(2)	"he"	"he or she"
Section 33(2) (c)	"him"	"him or her"
Section 33(2A)	"he" (wherever occurring)	"the Commissioner"
Section 33(2B)	"him"	"him or her"
Section 34(1)	"his"	"the member's"
Section 36(2) and (5)	"his"	"his or her"
Section 37(3) (a)	"he"	"he or she"

*Superannuation Amendment*

Section 37(3) (b)	"him"	"him or her"
Section 37(5)	"him"	"him or her"
	"he"	"he or she"
Section 41(2)	"he"	"he or she"
Section 42(1) (b)	"his"	"his or her"
Sections 45(2) and (3) and 46(1)	"him"	"him or her"
Section 46(4) and (5)	"his" (wherever occurring)	"his or her"
Section 47(1)	"his"	"his or her"
Section 47(3)	"he"	"he or she"
Section 50	"his" (twice occurring)	"his or her"
Section 52(2)	"his"	"his or her"
Section 52(5)	"he" (twice occurring)	"he or she"
	"his" (twice occurring)	"his or her"
Section 53(2)	"his"	"his or her"
Schedule		
Rule 1		

*Superannuation Amendment*

— paragraph (a) of the definition of "approved annuity"	"his"	"his or her"
— paragraph (a) of the definition of "benefit salary"	"him" (twice occurring)	"him or her"
	"his"	"his or her"
— paragraph (b) of the definition of "benefit salary"	"he"	"he or she"
— paragraphs (a) and (c) of the definition of "contribution salary"	"his"	"his or her"
— definition of "elected contribution rate"	"his"	"his or her"
— definition of "invalidity"	"he"	"he or she"
— paragraph (a) of the definition of "prospective membership"	"his" (wherever occurring)	"his or her"
	"he"	"he or she"
— paragraphs (b), (c) and (d) of the definition of "prospective membership"	"his" (wherever occurring)	"his or her"

*Superannuation Amendment*

— definition of "reduced benefit classification"	"he"	"he or she"
	"his"	"his or her"
— paragraph (a) of the definition of "resign"	"his"	"his or her"
— paragraph (b) of the definition of "resign"	"he"	"he or she"
— definition of "retrenchment"	"his" (wherever occurring)	"his or her"
	"he"	"he or she"
Rule 2(1)	"his"	"his or her"
Rule 2(2) and (3)	"he"	"he or she"
Rule 3(1)	"he"	"he or she"
	"his"	"his or her"
Rule 3(2)	"he"	"he or she"
Rule 3(4)	"he"	"he or she"
	"his"	"his or her"
Rule 3(6)	"his"	"his or her"
Rule 3(7) (a)	"his"	"his or her"
Rule 3(7) (c)	"his"	"his or her"

*Superannuation Amendment*

Rule 4(1) and (2)	"his" (wherever occurring)	"his or her"
Rule 4(3)	"he"	"he or she"
	"his" (twice occurring)	"his or her"
Rule 4(4)	"he"	"he or she"
Rule 4(5)	"his" (twice occurring)	"his or her"
Rule 5(1)	the whole subrule	"(1) On or within an approved period after a member's entry date the member must, in an approved form, elect 2, 3, 4, 5 or 6% as the percentage of his or her contribution salary to be credited to the member's accumulation account.  (1A) Subject to this rule, on payment of a member's salary for each pay period while he or she remains a member and is eligible to make contributions, the amount determined in accordance with subrule (1) is to be deducted from the member's salary and credited to the member's accumu- lation account."
Rule 5(2)	"his" (wherever occurring)	"his or her"

*Superannuation Amendment*

Rule 5(3)	"his" (wherever occurring)	"his or her"
	"he"	"he or she"
Rule 5(4)	"his"	"his or her"
	"he" (twice occurring)	"he or she"
Rule 5(5)	"his"	"his or her"
Rule 5(6)	"his"	"his or her"
	"he"	"he or she"
Rule 5(7)	"his" (wherever occurring)	"his or her"
	"he"	"he or she"
Rule 5(8)	"his" (wherever occurring)	"his or her"
	"he" (twice occurring)	"he or she"
Rule 6(3)	"he"	"he or she"
Rule 9(2)	"his"	"his or her"
Rule 10(3)	"he"	"he or she"
Rule 12(2)	"he"	"he or she"
Rule 12(7)	"his"	"his or her"

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