

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT (JUDGES PENSIONS)
AMENDMENT ACT 1998

No. 68 of 1998

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. New sections:
 - "3A. ACT TO BE ADMINISTERED SO AS TO COMPLY WITH SUPERANNUATION SURCHARGE LAWS AND AGREEMENTS WITH COMMONWEALTH
 - "3B. SURCHARGE DEBT ACCOUNTS
 - "3C. ADVANCE PAYMENTS TO REDUCE SUPERANNUATION CONTRIBUTIONS SURCHARGE
 - "3D. REPAYMENT OF SURCHARGE"
6. Amendments to remove gender-specific references

SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 68 of 1998

AN ACT

to amend the *Supreme Court (Judges Pensions) Act*

[Assented to 23 September 1998]

BE 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 *Supreme Court (Judges Pensions) 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 *Supreme Court (Judges Pensions) Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 3 of the Principal Act is amended —

- (a) by inserting in the definition of "appropriate current judicial salary" in subsection (1) "or she" after "he";

Supreme Court (Judges Pensions) Amendment

(b) by omitting from the definition of "retires" in subsection (1) "death." and substituting "death;"

(c) by adding at the end of 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."; and

(d) by adding at the end the following:

"(4) In this Act, a reference to a widow is to be taken to include a reference to a widower.".

5. NEW SECTIONS

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

"3A. ACT TO BE ADMINISTERED SO AS TO COMPLY WITH SUPERANNUATION SURCHARGE LAWS AND AGREEMENTS WITH COMMONWEALTH

"(1) This Act 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 is inconsistent with a provision of the Surcharge Act or the Surcharge Collection Act, the provision of this Act 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.

Supreme Court (Judges Pensions) Amendment

"3B. SURCHARGE DEBT ACCOUNTS

"(1) The Treasurer must establish and maintain for the purposes of section 16 of the Surcharge Collection Act a surcharge debt account for each Judge in relation to whom superannuation contributions surcharge is paid or payable by the Treasurer.

"(2) The Treasurer must debit to the surcharge debt account of a Judge —

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

"(3) The Treasurer must credit to the surcharge debt account of a Judge an amount paid under section 3C by the Judge.

"3C. ADVANCE PAYMENTS TO REDUCE SUPERANNUATION CONTRIBUTIONS SURCHARGE

"(1) A Judge may, on lodging an approved election form with the Treasurer, pay an amount to the Territory 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 (1) is to specify the amount to be paid and the manner of payment.

"(4) A Judge may, on lodging with the Treasurer, in the approved election form —

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

"(5) In this section, 'approved election form' means a form approved by the Treasurer.

"3D. REPAYMENT OF SURCHARGE

"The Treasurer may commute part of a pension payable under this Act in relation to a Judge to a lump sum for the purposes of paying to the Territory an amount equal to the balance of the Judge's surcharge debt account."

Supreme Court (Judges Pensions) Amendment

6. AMENDMENTS TO REMOVE GENDER-SPECIFIC REFERENCES

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

SCHEDULE

Section 6

| Provision | Amendment | |
|----------------------------|----------------------------------|---------------|
| | omit | substitute |
| Section 4(1) | "he" | "he or she" |
| Section 4(2) | "his" (wherever occurring) | "his or her" |
| | "he" (wherever occurring) | "he or she" |
| Section 4(3)(a) | "his" (first occurring) | "the Judge's" |
| | "his" (second occurring) | "his or her": |
| Section 4(3)(a)(i) | "his" | "his or her" |
| Section 4(3)(a)(ii) | "he" (twice occurring) | "the Judge" |
| | "his" (twice occurring) | "his or her" |
| Section 5(1) | "his" | "the Judge's" |
| Section 6(1) | "he" | "the Judge" |
| Section 8(2)(a) | "his" | "his or her" |
| Section 8(2)(b) and (c) | "he" | "he or she" |

Supreme Court (Judges Pensions) Amendment

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|----------------------------|-------|--------------|
| Section 9(3)(a) | "his" | "his or her" |
| Section 9(3)(b) and (c) | "he" | "he or she" |
| Section 13(1)(a) | "he" | "he or she" |
| | "him" | "him or her" |
| Section 13(1)(b) | "he" | "he or she" |
