

NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION
AMENDMENT ACT 1998

No. 67 of 1998

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 67 of 1998

AN ACT

to amend the *Legislative Assembly
Members' Superannuation 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 *Legislative Assembly Members' 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 *Legislative Assembly Members' Superannuation Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 3 of the Principal Act is amended —

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- (a) by inserting "or her" after "his" in the definition of "additional salary";
- (b) by inserting "or her" after "his" in the definition of "full term of the Assembly"; and
- (c) by inserting after the definition of "member" 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Section 3A of the Principal Act is repealed and the following substituted:

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

"(1) The Scheme established by 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 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."

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6. THE FUND

Section 4 of the Principal Act is amended by inserting in subsection (2)(a) "payments and" before "contributions".

7. NEW SECTIONS

The Principal Act is amended by inserting after section 4B the following:

"4C. SURCHARGE DEBT ACCOUNTS

"(1) The Trustees 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 member in relation to whom superannuation contributions surcharge is paid or payable by the Trustees.

"(2) The Trustees must debit to the surcharge debt account of a member -

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

"(3) The Trustees must credit to the surcharge debt account of a member an amount paid under section 4D by the member.

"4D. ADVANCE PAYMENTS TO REDUCE SUPERANNUATION CONTRIBUTIONS SURCHARGE

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

"(4) A member may, on lodging an approved election form with the Trustees -

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- (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 Trustees.

"4E. REPAYMENT TO FUND OF SUPERANNUATION CONTRIBUTIONS SURCHARGE

"Notwithstanding any other provision of this Act, the Trustees may —

- (a) commute part of a pension payable under this Act in relation to a member to a lump sum for the purposes of paying to the Fund an amount equal to the balance of the member's surcharge debt account; or
- (b) deduct an amount equal to the balance of a member's surcharge debt account from a lump sum payment to be paid under this Act in relation to the member."

8. REPEAL

Section 28 of the Principal Act is repealed.

9. AMENDMENTS TO REMOVE GENDER-SPECIFIC REFERENCES

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

SCHEDULE

Section 9

Provision	Amendment	
	omit	substitute
Section 4A(2)	"his"	"his or her"
Section 4B(2)	"he"	"he or she"
Section 7(2)	"him"	"him or her"

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Section 8(3)	"he" (twice occurring)	"he or she"
	"his" (twice occurring)	"his or her"
Section 8(4)	"he"	"he or she"
	"his"	"his or her"
Section 12(3)	"he"	"he or she"
Section 14(2)(b)	"his"	"his or her"
Section 14(3)	"he"	"he or she"
Section 16(1A)	"him"	"him or her"
	"his"	"his or her"
Section 16(2)(a)	"his"	"his or her"
Section 16(2)(b)	"his"	"his or her"
Section 16(2)(c)	"he"	"he or she"
Section 17	"his" (twice occurring)	"his or her"
Section 18		
- paragraphs (a) and (b) of the definition of "spouse"	"him" (whenever occurring)	"him or her"

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— paragraph (f) of the definition of "spouse"	"his"	"his or her"
Section 19 (1)	"he"	"he or she"
Section 21 (1)	"his" (twice occurring)	"his or her"
Section 21 (2)	"him"	"him or her"
	"his" (twice occurring)	"his or her"
Section 22 (2)	"he" (wherever occurring)	"he or she"
Section 23	"him"	"him or her"
Section 24 (1) (a) and (b)	"his" (wherever occurring)	"his or her"
Section 24 (2) (a)	"his" (twice occurring)	"him or her"
	"he"	"he or she"
Section 24 (3)	"he"	"he or she"
	"his"	"his or her"
Section 24 (4)	"his"	"his or her"
Section 24 (6)	"him"	"him or her"

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Section 24(8)	"his"	"his or her"
	"he"	"he or she"
Section 25(1)	"his"	"his or her"
Section 25(2)	"his"	"his or her"
Section 25A(2)	"his"	"his or her"
Section 26	"his"	"his or her"
	"he"	"he or she"
Section 27(1) and (3)	"his" (wherever occurring)	"his or her"
