

NORTHERN TERRITORY OF AUSTRALIA  
LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION  
AMENDMENT ACT 2003

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Act No. 10 of 2003

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 10 of 2003

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## AN ACT

to amend the *Legislative Assembly Members' Superannuation Act*

[Assented to 18 March 2003]

[Second reading 27 November 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Legislative Assembly Members' Superannuation Amendment Act 2003*.

**2. Commencement**

This Act comes into operation, or is taken to have come into operation, on the date fixed by the Administrator by notice in the *Gazette*.

**3. New Part**

The *Legislative Assembly Members' Superannuation Act* is amended by inserting after Part IV the following:

**"PART IVA – REQUIREMENTS OF FAMILY LAW ACT**

**"25B. Definitions**

"In this Part, unless the contrary intention appears –

'Family Law Act' means the *Family Law Act 1975* of the Commonwealth and includes regulations made under that Act;

'member spouse', in relation to a superannuation interest, means the person who is the member spouse in relation to that interest under Part VIIIIB of the Family Law Act;

'non-member spouse', in relation to a superannuation interest, means the person who is the non-member spouse in relation to that interest under Part VIIIIB of the Family Law Act;

'splitting instrument' means a superannuation agreement, a flag lifting agreement that provides for a payment split, or a splitting order, each within the meaning of Part VIIIIB of the Family Law Act;

'superannuation interest' means an interest that a person has under this Act.

**"25C. Act to be administered so as to comply with Family Law Act provisions in relation to superannuation**

"(1) This section applies despite any other provision of this Act.

"(2) This Act is to be administered in accordance with the provisions of the Family Law Act relating to superannuation.

"(3) Subject to the provisions of the Family Law Act relating to superannuation, this Act is to be administered in relation to a person in accordance with the provisions of a splitting instrument, if any, that applies in relation to the person.

"(4) The Trustees may prepare written administrative instructions that are necessary or convenient to give effect to –

- (a) the provisions of the Family Law Act relating to superannuation;
- (b) splitting instruments; and
- (c) Acts of the Commonwealth relating to superannuation and regulations under those Acts.

"(5) Without limiting the generality of subsection (4), administrative instructions for the purposes of that subsection may include, but are not limited to, the following:

- (a) the methods of calculating and paying a superannuation interest to member spouses and non-member spouses, including calculations that may reduce the superannuation interest of a member spouse;
- (b) the establishing of interests and accounts, including accounts under the *Superannuation Act*, for non-member spouses.

*Legislative Assembly Members' Superannuation Amendment Act 2003*

"(6) An administrative instruction prepared under subsection (4) takes effect on the date specified in the instruction.

"(7) If a provision of this Act or the administrative instructions made under this section is inconsistent with –

- (a) a provision of the Family Law Act relating to superannuation; or
- (b) a splitting instrument,

the provision of this Act or the administrative instructions is taken to have been complied with if the provision of the Family Law Act or a splitting instrument, as the case may be, has been complied with.

**"25D. Commutation of non-member spouse pension payable in accordance with Family Law Act**

"(1) If a non-member spouse is entitled to an amount under this Act in accordance with the Family Law Act and the amount is to be paid as a pension, he or she may within 6 months after first becoming entitled to that pension, by notice in writing to the Treasurer, choose to convert all or part of the pension entitlement to a lump sum payment.

"(2) Subject to the provisions of the Family Law Act relating to superannuation, the amount of a lump sum payment under subsection (1) is to be determined in accordance with a method and formula determined by the actuary appointed for the purposes of the Trust by the Trustees."

**4. New section**

The Principal Act is amended by inserting after section 27 the following:

**"28. Trustees may charge fees for additional services**

"The Trustees may charge a person the reasonable cost of performing on behalf of the person a service in relation to this Act that the Trustees undertake at the request of the person."