

NORTHERN TERRITORY OF AUSTRALIA  
SUPERANNUATION GUARANTEE (SAFETY NET)  
AMENDMENT ACT 2003

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Act No. 8 of 2003

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TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Definitions
5. New sections
7. Act to be administered so as to comply with Family Law Act provisions in relation to superannuation
8. Commissioner may charge fees for additional services





# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 8 of 2003

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## AN ACT

to amend the *Superannuation Guarantee (Safety Net) 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 *Superannuation Guarantee (Safety Net) 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. Principal Act**

The *Superannuation Guarantee (Safety Net) Act* is in this Act referred to as the Principal Act.

**4. Definitions**

Section 3 of the Principal Act is amended –

(a) by inserting after the definition of "employee" the following:

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

*Superannuation Guarantee (Safety Net) Amendment Act 2003*

'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;";  
and

(b) by inserting after the definition of "superannuation contributions surcharge" the following:

" 'superannuation interest' means an interest that an employee or former employee has under this Act;".

**5. New sections**

The Principal Act is amended by adding at the end the following:

**"7. 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 Commissioner 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:

*Superannuation Guarantee (Safety Net) Amendment Act 2003*

- (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.

"(6) Administrative instructions prepared under subsection (4) may amend, or modify the application of, administrative instructions made under section 6.

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

"(8) If a provision of this Act or the administrative instructions made under this Act 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.

**"8. Commissioner may charge fees for additional services**

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