

NORTHERN TERRITORY OF AUSTRALIA  
LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION  
AMENDMENT ACT 1996

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No. 44 of 1996

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# NORTHERN TERRITORY OF AUSTRALIA

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No. 44 of 1996

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## AN ACT

to amend the *Legislative Assembly Members' Superannuation Act*

[Assented to 4 October 1996]

**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 *Legislative Assembly Members' Superannuation Amendment Act 1996*.

2. COMMENCEMENT

This Act shall be deemed to have come into operation on 22 August 1996, the date the Bill for this Act was presented to the Legislative Assembly.

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 -

- (a) by omitting from the definition of "additional salary" the words "*Legislative Assembly (Remuneration, Allowances and Entitlements) Act*" and substituting "*Remuneration Tribunal Act*";

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- (b) by omitting from the definition of "basic salary" the words "and does not include any sitting, electorate, travelling or other allowance payable" and substituting "under the *Remuneration Tribunal Act*";
- (c) by omitting from the definition of "Trustee" the words "section 12." and substituting "section 12;" and
- (d) by adding at the end the following:

"'Under Treasurer' means the Chief Executive Officer, within the meaning of the *Public Sector Employment and Management Act*, of the Agency responsible under the Treasurer for the administration of the *Financial Management Act*."

5. REPEAL AND SUBSTITUTION

Section 3A of the Principal Act is repealed and the following substituted:

"3A. REGULATION OF SCHEME

"(1) The Contributory Superannuation Scheme established by this Act is to be operated in a manner consistent with its status as an 'exempt public sector superannuation scheme', within the meaning of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth, and any written agreement entered into by the Territory and the Commonwealth relating to exempt public sector superannuation schemes.

"(2) For the purposes of subsection (1), the Trust shall determine the amount of any lump sum benefits required to be preserved."

6. CONSTITUTION OF TRUST

Section 12(1) of the Principal Act is amended by omitting paragraph (c) and substituting the following:

"(c) the Under Treasurer."

7. REPEAL AND SUBSTITUTION

Section 19 of the Principal Act is repealed and the following substituted:

"19. PENSIONS

"(1) Subject to this Act, where a member who has been elected on not less than 3 occasions and has served as a member for an aggregate period of not less than 8 years ceases to be a member, he is entitled to be paid out of the Fund an annual pension at a rate equal to  $A + B$ , where -

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- A is an amount equal to 6.25% of final basic salary for each of the first 8 years of service plus 2.5% of final basic salary for each year of service in excess of 8 years (with a part year being taken into account as a fraction of a whole year calculated on the basis of days), subject to a maximum of 75% of final basic salary; and
- B is the amount obtained by aggregating, for each office or function for which additional salary was payable to the member, an amount equal to 6.25% of the final additional salary payable in respect of the office or function for each year the member held the office or performed the function (with a part year being taken into account as a fraction of a whole year calculated on the basis of days), subject to a maximum of 75% of the final additional salary payable for the office or function attracting the highest additional salary held or performed by the member.

"(2) The annual rate of pension payable under subsection (1) shall be increased in proportion to increases in the basic salary payable to members from time to time.

"(3) In this section -

'final additional salary', in respect of an office or function attracting additional salary, means the additional salary payable at the time a person ceases to be a member or, where an office or function has ceased to exist, an amount of additional salary determined by the Speaker after considering actuarial advice;

'final basic salary' means the basic salary payable at the time a person ceases to be a member;

'service' includes a period of service recognised under section 26 or 27."

8. BENEFITS TO CERTAIN FORMER MEMBERS AND TO ESTATE WHERE NO DEPENDANTS

Section 21 of the Principal Act is amended -

- (a) by omitting from subsection (1) "have refunded to him his contributions and interest on those contributions credited to his accumulation account" and substituting "a lump sum payment equal to 2.5 times the amount standing to the credit of his accumulation account at the time the lump sum is paid"; and

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- (b) by omitting from subsection (2) "twice the amount standing to the credit of his accumulation account at the date of his death" and substituting "2.5 times the amount standing to the credit of his accumulation account at the time the lump sum is paid".

9. RETIREMENT THROUGH ILL HEALTH

Section 22 of the Principal Act is amended -

- (a) by omitting from subsection (1) "10 years" and substituting "8 years";
- (b) by omitting from subsection (2) "10 years and, for the purposes of that calculation, he shall be deemed to have served 10 years" and substituting "8 years and before having been elected on 3 occasions"; and
- (c) by inserting after subsection (2) the following:

"(2A) Where a member has served less than 8 years and subsection (2) applies, the member's pension calculated under section 19(1) shall be multiplied by 8 and divided by the member's period of service in years (with a part year being taken into account as a fraction of a whole year calculated on the basis of days).".

10. SPOUSES' AND DEPENDENT CHILDREN'S BENEFITS

Section 24 of the Principal Act is amended -

- (a) by omitting from subsections (1)(a) and (b) and (2)(a) "five-eighths" and substituting "five-sixths";
- (b) by omitting from subsection (2) "has served for an aggregate period of 10 years or 3 full terms of the Assembly (whichever is the lesser)" and substituting "has been elected on 3 occasions and has served for an aggregate period of 8 years";
- (c) by omitting subsection (3) and substituting the following:

"(3) On the death of a member before he has been elected on 3 occasions and has served for an aggregate period of 8 years, a pension shall be paid to his spouse, at the same rate as that applying under subsection (2) and, for that purpose, the member's pension calculated under section 19(1) shall be multiplied by 8 and divided by the member's period of service in years (with a part year being taken into account as a fraction of a whole year calculated on the basis of days).";

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- (d) by omitting from subsection (4) all words after "an allowance" and substituting "in respect of such child or children of an amount equal to the following percentage of the pension that was payable to the deceased spouse of the deceased member or former member, or that would have been payable to him or her had he or she, as the case may be, survived the deceased member or former member:

one child	-	45%
2 children	-	80%
3 children	-	90%
4 or more children	-	100%"; and

- (e) by omitting from subsection (6) "equal to twice the amount" and substituting "equal to 2.5 times the amount".

11. COMMUTATION OF PENSION - FORMER MEMBER

Section 25(1) of the Principal Act is amended by omitting "3 months" and substituting "6 months".

12. COMMUTATION OF PENSION - SPOUSE

Section 25A of the Principal Act is amended -

- (a) by omitting from subsection (2)(b) "2" and substituting "2.5"; and
- (b) by omitting from subsection (3) "the making of an election under that subsection to commute the entitlement" and substituting "the date of payment of the lump sum arising from the commutation elected for under that subsection".

13. TRANSITIONAL

(1) The amendments to the Principal Act effected by this Act do not apply to or in relation to a former member who ceased to be a member before the commencement of this Act other than where a pension or benefit becomes payable to the spouse or a dependent child of the former member after the commencement or where the former member is re-elected as a member.

(2) Where a person who is a member at the commencement of this Act would, on ceasing to be a member, be entitled to a higher annual rate of pension under the Principal Act as in force before that commencement, the annual rate of pension payable to the former member will be that payable under the Principal Act as then in force.