

NORTHERN TERRITORY OF AUSTRALIA
SUPERANNUATION GUARANTEE (SAFETY NET) ACT 1993

No. 26 of 1993

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NORTHERN TERRITORY OF AUSTRALIA

No. 26 of 1993

AN ACT

to provide superannuation benefits for certain employees and office-holders in the public sector, and for related purposes

[Assented to 24 June 1993]

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 *Superannuation Guarantee (Safety Net) Act 1993*.

2. COMMENCEMENT

This Act shall be deemed to have come into operation on 1 July 1992.

3. DEFINITIONS

In this Act, unless the contrary intention appears -

"Commissioner" means the Commissioner of Superannuation appointed under the *Superannuation Act*;

"Commonwealth Act" means the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth;

"employee", in relation to the Territory, means -

(a) a person who is, by virtue of the Commonwealth Act, an employee of the Territory; and

(b) a person or a person of a class of persons declared to be an employee under section 4(1)(a),

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but does not include -

- (c) a person or a person of a class of persons declared under section 4(1)(b) not to be an employee;

"Territory" includes a statutory corporation.

4. DECLARATION

(1) The Commissioner may, for the purposes of this Act, declare that a person or a person of a class of persons -

- (a) is an employee; or
- (b) is not an employee,

of the Territory.

(2) A declaration under subsection (1) -

- (a) shall be in writing; and
- (b) subject to subsection (3), takes effect from the date specified in the declaration or, where no date is specified, from the date of the declaration.

(3) A declaration under subsection (1) may be expressed to take effect on and from a date before the date of the declaration, and the declaration shall have effect accordingly.

(4) A copy of a declaration under subsection (1), where it relates to an individual person, shall be given to the person or, where it relates to a person of a class of persons, shall be published in the *Gazette*.

5. BENEFIT PAYMENTS

(1) Where superannuation benefits, if any, to which an employee is entitled are less than the amount required to avoid payment of a superannuation guarantee charge under the Commonwealth Act in respect of the employee, the Territory shall pay, in respect of the employee, a superannuation benefit of an amount not less than that required to avoid payment of the charge.

(2) In addition to subsection (1), the Territory may pay a superannuation benefit under this Act in respect of an employee notwithstanding that there is not a liability to pay a superannuation guarantee charge under the Commonwealth Act in respect of the employee.

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(3) A superannuation benefit paid under this section shall be the amount calculated in accordance with the administrative instructions prepared under section 6.

(4) A superannuation benefit paid under this section shall be paid from moneys set aside for superannuation purposes and, to the extent that those moneys are inadequate, the benefit shall be paid from the Consolidated Fund, which is hereby appropriated accordingly.

6. ADMINISTRATIVE INSTRUCTIONS

(1) For the purposes of this Act, the Commissioner shall prepare administrative instructions setting out the employees or classes of employees entitled to superannuation benefits under this Act, the method of calculating and paying those benefits, the notification to be given to employees of those benefits and such other matters as are necessary or convenient to ensure the efficient processing of benefit payments under this Act.

(2) Administrative instructions prepared under subsection (1) -

- (a) shall be in writing;
- (b) are of no force or effect unless approved by the Minister; and
- (c) subject to subsection (3), take effect on and from the date on which approved.

(3) Administrative instructions prepared under subsection (1) may be expressed to take effect on and from a date before the instructions are approved under subsection (2), and such instructions shall have effect accordingly.