

Serial 115  
Supreme Court (Judges Pensions) Amendment Bill 2002  
Mr Stirling

**A BILL  
for  
AN ACT**

to amend the *Supreme Court (Judges Pensions) Act*



NORTHERN TERRITORY OF AUSTRALIA  
SUPREME COURT (JUDGES PENSIONS) AMENDMENT ACT 2002

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No. of 2002

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# NORTHERN TERRITORY OF AUSTRALIA

No. of 2002

## AN ACT

to amend the *Supreme Court (Judges Pensions) Act*

[Assented to 2002]

[Second reading 2002]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Supreme Court (Judges Pensions) Amendment Act 2002*.

**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 *Supreme Court (Judges Pensions) Act* is in this Act referred to as the Principal Act.

**4. Interpretation**

Section 3 of the Principal Act is amended –

- (a) by inserting after the definition of "eligible child" in subsection (1) the following:

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

(b) by inserting after the definition of "Judge" in subsection (1) the following:

" '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;"

(c) by inserting after the definition of "retires" in subsection (1) the following:

'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

(d) by inserting after the definition of "superannuation contributions surcharge" in subsection (1) the following:

" 'superannuation interest' means an interest that a Judge or former Judge has under this Act;"

**5. New sections**

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

**"16. 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 Treasurer 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

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- (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.

"(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.

**"17. Treasurer may charge fees for additional services**

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

