

NORTHERN TERRITORY OF AUSTRALIA
NORTHERN TERRITORY GOVERNMENT AND PUBLIC AUTHORITIES'
SUPERANNUATION SCHEME AMENDMENT RULES 2006

Regulations No. 13 of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 13 of 2006*

Northern Territory Government and Public Authorities' Superannuation Scheme Amendment Rules 2006

I, SYDNEY JAMES STIRLING, the Treasurer, pursuant to section 37(2) of the *Superannuation Act*, make the following rules.

Dated 20 April 2006.

S. J. STIRLING
Treasurer

* Notified in the *Northern Territory Government Gazette* on 3 May 2006.

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Amendment Rules 2006*

1. Citation

These Rules may be cited as the *Northern Territory Government and Public Authorities' Superannuation Scheme Amendment Rules 2006*.

2. Commencement

(1) Rules 3 and 6 are taken to have come into operation on 21 January 2005.

(2) The remaining provisions of these Rules come into operation on the day on which these Rules are notified in the *Gazette*.

3. Rules amended

These Rules amend the *Northern Territory Government and Public Authorities' Superannuation Scheme Rules*.

4. Amendment of rule 1 (Definitions)

Rule 1

insert (in alphabetical order)

"former member" means:

- (a) a former eligible employee; or
- (b) a person in respect of whom an amount has been paid into the Fund under clause 6.3 of the NTSSS;

"Government contribution" means a Government contribution payable under the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* (Cth);

"NTSSS" means the Northern Territory Supplementary Superannuation Scheme;

"preserved benefit" means a benefit preserved under rule 13, 13A, 13B or 13C;

"superannuation guarantee shortfall" has the same meaning as in the *Superannuation Guarantee (Administration) Act 1992* (Cth);

"worker's compensation agreement" means an agreement (whenever entered into) under which:

- (a) an amount is payable instead of periodic payments under workers' compensation legislation; and

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- (b) there is no exclusion or limitation of the application of, or the rights or entitlements of a person under, that legislation; and
- (c) the amount is repayable if those rights or entitlements are pursued.

Example

An example of a worker's compensation agreement is a Hopkins agreement, so called after the decision in Hopkins v Collins-Angus & Robertson Pty Ltd (unreported, Angel J, Supreme Court, 21 May 1997).

5. Amendment of rule 5D (Co-contributions for low income earners)

Rule 5D(3)

omit

6. New rules 5E and 5F

After rule 5D in Part II

insert

5E. Contributions to spouse accounts

(1) This rule applies in relation to an account established under section 45A of the Act for the spouse of a member or former member.

(2) The member or former member, the spouse or both may make contributions to the account.

(3) The contributions must be paid from post-tax moneys and may be paid by way of:

- (a) rollovers; or
- (b) Government contributions; or
- (c) superannuation guarantee shortfalls.

(4) The contributions cannot be paid by way of salary sacrifice.

(5) The contributions must not be taken to be employer-financed benefits for the purposes of Part III.

(6) In this rule:

"spouse" has the same meaning as in section 6(1) of the *Income Tax Assessment Act 1936* (Cth).

5F. Contributions by former members with preserved benefits

- (1) This rule applies to a former member who has a preserved benefit.
- (2) The former member may make contributions to his or her accumulation account.
- (3) The contributions must be paid from post-tax moneys and may be paid by way of:
 - (a) rollovers; or
 - (b) Government contributions; or
 - (c) superannuation guarantee shortfalls.
- (4) The contributions cannot be paid by way of salary sacrifice.
- (5) The contributions must not be taken to be employer-financed benefits for the purposes of Part III.

7. Amendment of rule 9 (Death benefit)

Rule 9(2)

omit, substitute

- (2) An amount payable under subrule (1)(c) must be reduced by any of the following amounts payable to a dependent of a deceased member in respect of the member's death:
 - (a) a lump sum benefit payable under workers' compensation legislation;
 - (b) an amount payable under a worker's compensation agreement.

8. Amendment of rule 10 (Invalidity retirement benefit)

Rule 10(2)

omit

all the words after "its value"

substitute

exceeds:

- (a) the actual or notional redemption value of the periodic payments as determined by an approved actuary; or

- (b) an amount payable to the member under a worker's compensation agreement instead of the periodic payments.

9. New rules 13A, 13B, 13C and 13D

After rule 13 in Part III

insert

13A. Unclaimed benefits

If a member does not make an election under rule 13 within 12 months after ceasing to be an eligible employee or any shorter period required by the Commissioner:

- (a) the Commissioner may decide to treat the member as having elected to preserve a benefit in the Scheme; and
- (b) if the Commissioner makes that decision, rule 13(2) applies as if the election had been made under rule 13(1).

13B. Returned benefits

If the whole or part of a benefit paid to or on behalf of a former member is returned to the Commissioner, rule 13(2) applies in relation to the amount returned as if it were a benefit that had been preserved under the Scheme.

13C. Payments from NTSSS

(1) For the purposes of clause 6.3 of the NTSSS, the Fund is an approved deposit fund within the meaning of the *Superannuation Industry (Supervision) Act 1993* (Cth).

(2) If an amount is paid into the Fund under clause 6.3 of the NTSSS, rule 13(2) applies in relation to the amount as if it were a benefit that had been preserved under the Scheme.

13D. Deduction of surcharge from preserved benefits

- (1) This rule applies if:
 - (a) a former member has a preserved benefit; and
 - (b) on or after the commencement of the Surcharge Collection Act, the Commissioner received or receives an assessment of superannuation contributions surcharge payable by the member.

Note for subrule (1)(b)

The Surcharge Collection Act commenced on 5 June 1997.

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- (2) The Commissioner must, by notice in writing:
 - (a) inform the former member of the assessment; and
 - (b) advise the former member that the member may:
 - (i) pay the amount of the assessment to the Commissioner who will then pay it to the Commissioner of Taxation; or
 - (ii) authorise the Commissioner to deduct the amount of the assessment from the member's accumulation account and pay it to the Commissioner of Taxation; and
 - (c) advise the former member that, if the member does not take any action in accordance with paragraph (b) within the period specified in the notice, the Commissioner will deduct the amount of the assessment from the member's accumulation account and pay it to the Commissioner of Taxation.
- (3) If the former member does not take any action in accordance with subrule (2)(b) within the period specified in the notice, the Commissioner must deduct the amount of the assessment from the member's accumulation account and pay it to the Commissioner of Taxation.
