

NORTHERN TERRITORY OF AUSTRALIA

71-86

Regulations 1986, No. 36*

Regulations under the *Superannuation Act*

I, KEVIN FREDRICK O'LEARY, the Acting Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Superannuation Act*.

Dated this twenty-fifth day of September, 1986.

K.F. O'LEARY
Acting Administrator

SUPERANNUATION REGULATIONS

1. CITATION

These Regulations may be cited as the Superannuation Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Superannuation Act 1986*.

3. INTERPRETATION

Words used in these Regulations which are defined in the Rules have the same meaning as they have in the Rules.

4. PUBLIC AUTHORITIES

(1) The following are prescribed authorities and bodies for the purposes of the definition of "public authority" in section 3(1) of the Act:

- (a) the University College of the Northern Territory established by the *University College of the Northern Territory Act*;

* Notified in the *Northern Territory Government Gazette* on 1 October, 1986.

Superannuation Regulations

- (b) the Darwin Institute of Technology continued in existence by the *Advanced Education and Darwin Institute of Technology Act*;
- (c) the Menzies School of Health Research established by the *Menzies School of Health Research Act*;
- (d) the Northern Territory Tourist Commission established by the *Northern Territory Tourist Commission Act*;
- (e) the Northern Territory Housing Commission established by the *Housing Act*;
- (f) the Museums and Art Galleries Board established by the *Museums and Art Galleries Act*;
- (g) the Darwin Port Authority established by the *Darwin Port Authority Act*;
- (h) the Northern Territory Electricity Commission established by the *Electricity Commission Act*;
- (j) the Aboriginal Sacred Sites Protection Authority established by the *Aboriginal Sacred Sites Act*;
- (k) the Racing, Gaming and Liquor Commission established by the *Racing, Gaming and Liquor Commission Act*;
- (m) the Northern Territory Totalizator Administration Board established by the *Totalizator Administration and Betting Act*;
- (n) the Trade Development Zone Authority established by the *Trade Development Zone Act*;
- (p) the Conservation Commission of the Northern Territory established by the *Conservation Commission Act*;
- (q) the Agricultural Development and Marketing Authority established by the *Agricultural Development and Marketing Act*; and
- (r) the Fire Service of the Northern Territory established by the *Fire Service Act*.

(2) In addition to the authorities and bodies listed in subregulation (1), the Work Health Authority to be established by an Act repealing the *Workers' Compensation Act* shall, on the commencement of the part of any such Act establishing an authority by that name, be a prescribed authority.

Superannuation Regulations

5. APPROVED ALLOWANCES

(1) For the purpose of the definition of "approved allowance" in rule 1 of the Rules, the following are to be regarded as part of a member's contribution salary at his entry date or annual review date:

- (a) an allowance which is automatically included in contribution salary if payable to a member at that date which is -
 - (i) paid in recognition of a particular skill, qualification or level of proficiency;
 - (ii) payable as compensation for a loss of salary or wages incurred by him while he is undergoing a course of training for the purpose of promotion to another office;
 - (iii) a Northern Territory allowance (at the rate received);
 - (iv) where the member has not attained the age of 21 years - payable by reason of his -
 - (A) being married; or
 - (B) being required to perform duties or work of a kind normally performed by a person who has attained the age of 21 years; or
 - (v) payable in respect of housing or quarters while he holds a particular office or performs particular duties or work (or an amount equal to the value of the rent free use of premises or quarters made available to him by reason of his holding a particular office or performing particular duties or work);
- (b) subject to subregulation (2), an allowance which is conditionally included in his contribution salary if payable that date, which is -
 - (i) payable for his being in charge of staff, equipment or premises, or for particular administrative responsibilities, or by reason that he is required to perform a special function as part of his duties or work;
 - (ii) payable as compensation for the physical hardship or discomfort associated with the duties or work he is required to perform;
 - (iii) payable by reason that he is liable to be called upon at any time during which he is off duty;

Superannuation Regulations

- (iv) payable in lieu of payments for overtime or other extra duty work;
- (v) payable for shift work, being an allowance equal to so much of his salary or wages as is payable under the terms and conditions of his employment, solely by reason of his performing work or duties during specified hours that are, under those terms and conditions of employment, normal hours of duty for the eligible employee;
- (vi) payable by reason that he temporarily performs the whole or part of the duties of an office of higher classification than the classification of the office occupied by him;
- (vii) an industry allowance payable to him.

(2) For the purposes of subregulation (1)(b), and of the definition of "approved allowance" in rule 1 of the Rules, an allowance shall not be regarded as having been or likely to be received in regular payments unless it is paid or is payable for not fewer than 75% of the pay periods in the 12 months immediately before or after the entry date or the relevant annual review date, as the case may be.

(3) For the purposes of subregulation (1)(b), and of the definition "approved allowance" in rule 1 of the Rules, where the amount of the allowance paid or payable to a member -

- (a) does not vary from pay period to pay period (except because of general increases in salary or arbitration decisions) - his contribution salary, as determined at his entry date or annual review date, shall be taken to include the amount of the allowance paid or payable at that date, expressed as an annual rate or amount; and
- (b) may vary from pay period to pay period (for example, in the case of a shift allowance) - his contribution salary, as determined at his entry date or annual review date, shall be taken to include the amount paid or due to him in the 12 months preceding that date.

(4) For the purposes of subregulation (3)(b), a payment in lieu of a shift allowance otherwise likely to have been received by a member during a period of leave shall be regarded as a shift allowance.