

## Statement of compatibility with human rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

### Superannuation Legislation Amendment Bill 2018

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) – namely:

- the International Convention on the Elimination of all Forms of Racial Discrimination done at New York on 21 December 1965
- the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966
- the International Covenant on Civil and Political Rights done at New York on 16 December 1966
- the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 10 December 1984
- the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4)
- the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006.

### Overview of the bill

The Superannuation Legislation Amendment Bill 2018 (the Bill) amends the *Legislative Assembly Members' Superannuation Fund Act* (LAMS Act), the *Superannuation Act*, the Superannuation Regulations and the Northern Territory Government and Public Authorities' Superannuation Scheme (NTGPASS) Rules as follows.

#### Amendments to the *Legislative Assembly Members' Superannuation Fund Act*

1. Transfer the assets and investments of the Legislative Assembly Members' Superannuation Fund to the Central Holding Authority established under the *Financial Management Act*, then discontinue that fund.
2. Provide that future contributions of contributing members of the Legislative Assembly Members' Superannuation Scheme are to be made to the Central Holding Authority rather than the Legislative Assembly Members' Superannuation Fund.
3. Provide that pensions and benefits paid under the LAMS Act will be paid from the Central Holding Authority rather than the Legislative Assembly Members' Superannuation Fund.
4. Replace an existing offence provision relating to confidential information with a new provision that uses updated drafting language.
5. Transfer the functions and powers held by the Superannuation Trustee Board under the LAMS Act to the Commissioner of Superannuation.

#### Amendments to the *Superannuation Act*

6. Provide a mechanism to transfer the accumulation accounts of NTGPASS members, which together comprise the Northern Territory Government and Public Authorities Employees'

## CABINET-IN-CONFIDENCE

Superannuation (NTGPAES) Fund, to a new trustee to manage and invest, using a successor fund transfer.

7. Provide that, after the transfer of the NTGPAES Fund to a new trustee, NTGPASS members must continue to make contributions under the NTGPASS Rules into an accumulation account in a complying superannuation fund (which may be with the new trustee for the NTGPAES Fund).
8. After the transfer of the NTGPAES Fund to a new trustee, transfer the Superannuation Trustee Board's remaining functions and powers in relation to NTGPASS to the Commissioner of Superannuation.
9. Terminate the Superannuation Trustee Board after the NTGPAES Fund has been transferred to a new trustee and the Legislative Assembly Members' Superannuation Fund has been transferred to the Central Holding Authority.
10. Expand the Commissioner of Superannuation's reporting obligations so that the Commissioner is required to report on all the superannuation schemes administered by that position, not only NTGPASS.
11. Replace an existing offence provision relating to confidential information with a new provision that uses updated drafting language.

### Amendments to the Superannuation Regulations

12. Make consequential amendments following the termination of the Superannuation Trustee Board by repealing references to the Superannuation Trustee Board's seal being affixed on documents.

### Amendments to the Northern Territory Government and Public Authorities' Superannuation Scheme Rules

13. Make consequential amendments following the transfer of the NTGPAES Fund to a new trustee to manage and invest, including removing references to NTGPASS benefits including a member's account in the NTGPAES Fund.

## **Human rights implications**

This Bill does not engage any of the applicable rights or freedoms.

The provisions dealing with penalties for offences are a restatement of existing penalty provisions that use updated drafting language.

## **Conclusion**

This Bill is compatible with human rights.