



Australian Capital Territory

# **Legislative Assembly (Members' Superannuation) Act 1991**

**A1991-93**

## **Republication No 6**

**Effective: 4 September 2008 – 1 February 2009**

Republication date: 4 September 2008

Last amendment made by A2008-40  
(republication for renaming and other  
amendments by A2008-40)

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Legislative Assembly (Members' Superannuation) Act 1991* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 4 September 2008. It also includes any amendment, repeal or expiry affecting the republished law to 4 September 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Legislative Assembly (Members' Superannuation) Act 1991

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Australian Capital Territory

# Legislative Assembly (Members' Superannuation) Act 1991

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An Act to provide superannuation benefits for members of the Legislative Assembly, and for related purposes

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## Chapter 1 Preliminary

### 1 Name of Act

This Act is the *Legislative Assembly (Members' Superannuation) Act 1991*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

### 3A Meaning of *discontinuance*

- (1) For this Act, a *discontinuance*, in relation to a member, happens when the member's term of office ends by—
- (a) death; or
  - (b) resignation; or
  - (c) retirement on the ground of invalidity; or
  - (d) disqualification or expulsion; or
  - (e) dissolution of the Legislative Assembly; or



- (f) the ending of the member's term of office under the Self-Government Act, section 10 (Term of office of member).
- (2) However, a *discontinuance* is taken not to have happened for this chapter if the member is re-elected to the Legislative Assembly at—
  - (a) if subsection (1) (e) applies—the 1st general election after the dissolution of the Assembly; or
  - (b) if subsection (1) (f) applies—the general election for which the polling day marks the end of the member's term of office.

## Chapter 2 Defined benefits scheme

### Part 2.1 Preliminary

#### 3B Application—ch 2

This chapter applies in relation to a member elected before the 2008 general election, in relation to a relevant period of service by the member, until the earlier of the following events:

- (a) the member's discontinuance;
- (b) if the member makes an election under section 18A (Members may transfer to choice of funds scheme)—the amount of the member's benefit under this chapter is paid under the section.

*Note* *Elected*—see the dictionary.

#### 3C Definitions—ch 2

In this chapter:

*board* means the Australian Capital Territory Legislative Assembly Members Superannuation Board established under section 4.

*invalidity*, in relation to a person, means a permanent disability to which at least 2 doctors certify, and that the board decides, is likely to result in an inability ever to work in an occupation for which the person is reasonably qualified by education, training or experience.

*relevant period of service* means the period during which a person served as a member in consecutive terms, but does not include a period of service in relation to which the person has received a superannuation benefit under this chapter.

## **Part 2.2**                      **Legislative Assembly Members Superannuation Board**

### **Division 2.2.1**            **Establishment of board**

#### **4**                      **Establishment**

There shall be an Australian Capital Territory Legislative Assembly Members Superannuation Board.

#### **5**                      **Functions**

- (1) The board shall be responsible for the administration of this chapter.
- (2) Without limiting subsection (1), the board shall be responsible for—
  - (a) determining entitlements in accordance with this chapter; and
  - (b) determining applications for retirement on the grounds of invalidity.

#### **6**                      **Powers**

The board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

### **Division 2.2.2**            **Constitution and operation**

#### **7**                      **Constitution**

- (1) The board is constituted by 4 persons, being—
  - (a) the Speaker of the Legislative Assembly or, in the absence of the Speaker, the Deputy Speaker; and
  - (b) a government member elected in accordance with the relevant procedures at a meeting, convened by the Speaker, of government members or an alternate government member

elected in accordance with the relevant procedures at a meeting, convened by the Speaker, of government members; and

- (c) an opposition member elected in accordance with the relevant procedures at a meeting, convened by the Speaker, of opposition members or an alternate opposition member elected in accordance with the relevant procedures at a meeting, convened by the Speaker, of opposition members; and
- (d) the chief executive of the administrative unit responsible for the *Financial Management Act 1996*.

- (2) In this section:

***government member*** means a member of the Executive or a member who belongs to a party, or is associated with a group of members, represented on the Executive.

***opposition member*** means a member who is not a government member.

***relevant procedures*** means the procedures laid down in the Standing Orders of the Legislative Assembly for the election of the Speaker.

- (3) The performance of the functions or the exercise of the powers of the board is not affected by reason only of a vacancy in the membership of the board.

## **8 Chair of board**

The Speaker or, in the absence of the Speaker, the Deputy Speaker is the chair of the board.

## **9 Secretary of board**

The chief executive of the administrative unit responsible for the *Financial Management Act 1996* is the secretary of the board.

## **10 Meetings**

- (1) The chair shall convene a meeting of the board—
  - (a) whenever the chair considers necessary for the efficient performance of its functions; and
  - (b) upon the written request of any member.
- (2) Where the chair proposes to convene a meeting of the board, he or she shall, not later than 5 days before the date of the proposed meeting, give each member of the board a notice in writing specifying—
  - (a) the date, time and place of the meeting; and
  - (b) the matters to be considered at the meeting.

## **11 Procedure at meetings**

- (1) The chair shall preside at all meetings of the board at which he or she is present.
- (2) Where the chair is absent from a meeting a member of the board chosen by those present shall preside at the meeting.
- (3) The member of the board presiding at a meeting may give directions regarding the procedure to be followed at the meeting.
- (4) At a meeting, 3 members of the board constitute a quorum.
- (5) Questions arising at a meeting shall be decided by a majority of the votes of the members of the board present and voting.
- (6) The presiding member has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (7) The board shall keep minutes of its proceedings.

**11A Annual report by board**

The board must, after each 30 June, present to the Legislative Assembly a report of the board's operations during the financial year ending on that date.

## Part 2.3 Entitlements of members

### 12 Eligibility

A person who holds, or has held, office as a member is eligible on the person's discontinuance to receive benefits under this chapter in relation to the person's relevant period of service.

### 13 Members' contributions

A member must pay 5% of the member's salary into the territory banking account in respect of superannuation benefits.

### 15 Superannuation benefit

- (1) Superannuation benefit is payable to a person entitled to a benefit under section 12, in respect of the person's relevant period of service, by way of a lump sum calculated in accordance with the following formula:

$$BSD \times SPA$$

where:

***BSD*** means the basic salary payable, on the date of that person's discontinuance, to members who are not office-holders.

***SPA*** means the sum of the person's annual percentage accruals calculated in accordance with subsection (2).

- (2) Annual percentage accruals are calculated as at 30 June each year for the financial year ended on that date during the continuance of a member's relevant period of service and at 30 June in the financial year during which the member's discontinuance occurred, and are equal to 29% for each full year of service.

- (3) Where a member has been an office-holder during any part of a financial year the member's annual percentage accrual for that year is increased by multiplying the 29% referred to in subsection (2) by a number calculated in accordance with the following formula:

$$\frac{\text{TSR}}{\text{TSPM}}$$

where:

**TSR** means the total salary received by that member during that financial year.

**TSPM** means the total basic salary which would have been received by the member during that financial year had the member not been an office-holder at any time during that financial year.

- (4) Where a person was not a member during the whole of the financial year the person's annual percentage accrual for that year is reduced by multiplying that 29% referred to in subsection (2) by a number calculated in accordance with the following formula:

$$\frac{\text{NDM}}{365}$$

where:

**NDM** means the number of days in that financial year on which that person was a member.

- (5) In this section:

**office-holder** means a member who receives additional salary under the remuneration tribunal's determination in relation to the Legislative Assembly.



**16 Death or invalidity benefit**

- (1) Where—
- (a) a member's discontinuance is due to death or invalidity; and
  - (b) the member was under 60 years of age on the date of the member's discontinuance;
- a further benefit is payable in accordance with this section.
- (2) The further benefit under subsection (1) is calculated by dividing the superannuation benefit payable to the member under section 15 by the number of days in the member's relevant period of service and then multiplying the quotient by the number of days from the date of the member's discontinuance until the date on which the member would attain the age of 60 years.

**17 Payment to estate**

Where a person—

- (a) becomes eligible to receive a benefit under this chapter; and
- (b) dies before that benefit is paid;

the benefit is payable to the estate of that person.

**18 Preservation of benefit**

- (1) This section applies to a person who becomes entitled to a superannuation benefit under this chapter if the person—
- (a) is less than 55 years old; or
  - (b) is at least 55 years old but remains a member of the workforce.
- (2) The benefit is payable—
- (a) if the person is leaving Australia permanently or the entitlement is because of a discontinuance caused by the person's death or invalidity—immediately to the person; or

- (b) in any other case—
  - (i) to an eligible choice fund chosen by the person; or
  - (ii) if the person does not choose an eligible choice fund within 3 months after the day the person becomes entitled to the benefit—the default fund.
- (3) For subsection (2) (b) (i), the choice must be in writing given to the board.

**18A Members may transfer to choice of funds scheme**

- (1) A member may elect to transfer the amount of the member's benefits under this chapter to a fund chosen by the member under section 23 (Choice of fund by members).
- (2) An election must be in writing given to the board.
- (3) The board must—
  - (a) determine the amount of the member's benefit under section 15 (Superannuation benefit) as if the member were entitled to receive a benefit under section 12 (Eligibility); and
  - (b) pay the amount to the fund.

## **U** Part 2.4                      **Review of board's decisions**

### **U** 19                      **Board to reconsider**

- (1) A person affected by a decision of the board who is dissatisfied with the decision may, by notice in writing given to the secretary of the board within 30 days after the day on which the decision comes to the notice of the person, or within such further period as the board allows, request the board to reconsider the decision.
- (2) The notice shall set out the reasons for making the request.
- (3) Upon receipt of the request, the board shall reconsider the decision within a period not exceeding 30 days and may confirm or revoke the decision or vary the decision in such manner as it thinks fit.

### **U** 20                      **Notice of reconsideration**

- (1) Where the board confirms, revokes or varies a decision, the board shall, by notice in writing served either personally or by post on the person who made the request, inform the person of the result of the board's reconsideration of the decision confirming, revoking or varying the decision, as the case may be.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**U 21 Applications to administrative appeals tribunal**

Applications may be made to the administrative appeals tribunal for review—

- (a) of a decision of the board under section 19 (1) to refuse to permit an extension of the period; and
- (b) of reviewable decisions that have been confirmed or varied under section 19 (3).

**U 21A Reconsideration**

**U 21B Reviewable decision notices**

**U 21C Applications to ACAT**

## Chapter 3 Choice of funds scheme

### 22 Application—ch 3

This chapter applies to a person who is elected as a member at or after the 2008 general election, other than someone to whom chapter 2 (Defined benefits scheme) applies.

*Note* *Elected*—see the dictionary.

### 23 Choice of fund by members

- (1) A member may choose an eligible choice fund to which contributions under section 24 are to be paid for the member's benefit.
- (2) The member may change the member's choice.
- (3) The choice, or change of choice, must be in writing given to the Speaker.

### 24 Territory contributions

- (1) The Territory must pay the prescribed amount for a member to the relevant fund for the member.
- (2) In this section:

*designated percentage* means—

- (a) 14%; or
- (b) if another percentage is prescribed by regulation—the prescribed percentage.

***prescribed amount***, in relation to a member, means—

- (a) if the member has made an election under section 18A (Members may transfer to choice of funds scheme) and a discontinuance is taken not to apply to the member after the election was made—an amount equal to 24% of the member's salary for each year, or part of a year, that the member is a member of the Legislative Assembly; or
- (b) in any other case—
  - (i) an amount equal to the designated percentage of the member's salary for each year, or part of a year, that the member is a member of the Legislative Assembly; and
  - (ii) if, for a period, the member contributes to the member's relevant fund at the rate of 3% or more of the member's salary for the period—an additional amount equal to 1% of the member's salary for the period.

***relevant fund***, in relation to a member, means—

- (a) if a choice under section 18A (Members may transfer to choice of funds scheme) or section 23 (Choice of fund by members) has been made by the member—the chosen fund; or
- (b) in any other case—the default fund.

## Chapter 4            Miscellaneous

### 25            Regulation-making power

The Executive may make regulations for this Act.

*Note*        A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

## **Chapter 10 Transitional—Superannuation (Legislative Assembly Members) Amendment Act 2008**

### **100 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Superannuation (Legislative Assembly Members) Amendment Act 2008*.
- (2) A regulation may modify this chapter (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this chapter.
- (3) A regulation under subsection (2) has effect despite anything in this or another territory law.

### **101 Expiry—ch 10**

This chapter expires 1 year after the day it commences.



## **U** Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- administrative appeals tribunal
- Deputy Speaker
- exercise
- function
- Legislative Assembly
- remuneration tribunal
- Self-Government Act
- Speaker.

***board***, for chapter 2 (Defined benefits scheme)—see section 3C.

***default fund*** means—

- (a) First State Super; or
- (b) if another eligible choice fund is prescribed by regulation—the prescribed fund.

***discontinuance***—see section 3A.

***elected***, in relation to a member, includes a person declared elected under either of the following provisions of the *Electoral Act 1992*:

- (a) section 194 (1) (Determination of candidate to fill vacancy);
- (b) section 195 (1) (Assembly nominees).

***eligible choice fund*** means an eligible choice fund under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth), section 32D.

***general election*** means a general election of members.

***invalidity***, for chapter 2 (Defined benefits scheme)—see section 3C.

***member*** means a member of the Legislative Assembly.

***relevant period of service***, for chapter 2 (Defined benefits scheme)—see section 3C.

***salary***, of a member, means the member's salary including any additional salary but not including allowances.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

The *Legislative Assembly (Members' Superannuation) Act 1991* was originally the *Superannuation (Legislative Assembly Members) Act 1991*. It was renamed

## Endnotes

3 Legislation history

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by the *Superannuation (Legislative Assembly Members) Amendment Act 2008* A2008-40 (see s 5).

**Legislative Assembly (Members' Superannuation) Act 1991 No 93**

notified 24 December 1991 (Gaz 1991 No S155)

s 1, s 2 commenced 24 December 1991 (s 2 (1))

remainder commenced 6 January 1992 (s 2 (2) and Gaz 1992 No S1)

as amended by

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)

s 1, s 2 commenced 11 October 1994 (s 2 (1))

sch 1 commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

**Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 33**

notified 1 July 1996 (Gaz 1996 No S130)

sch pt 33 commenced 1 July 1996 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 372**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 372 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.63**

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 3 pt 3.63 commenced 2 June 2005 (s 2 (1))

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.95**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.95 commenced 12 April 2007 (s 2 (1))

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.54**

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.54 commenced 26 August 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.67**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.67 commences on the commencement of ACT Civil and Administrative Tribunal Act 2008 A2008-35 s 6 (s 2 (1))

*Note* default commencement under A2008-35: 4 September 2010

**Superannuation (Legislative Assembly Members) Amendment Act 2008 A2008-40**

notified LR 3 September 2008

s 1, s 2 commenced 3 September 2008 (LA s 75 (1))

remainder commenced 4 September 2008 (s 2)

**4 Amendment history**

**Preliminary**

ch 1 hdg ins A2008-40 s 4

**Preliminary**

pt 1 hdg om A2008-40 s 4

**Name of Act**

s 1 sub A2007-3 amdt 3.477; A2008-40 s 5

**Dictionary**

s 2 om 2001 No 44 amdt 1.3946  
ins A2007-3 amdt 3.480

**Notes**

s 3 defs reloc to dict A2007-3 amdt 3.479  
sub A2007-3 amdt 3.480  
def **approved deposit fund** om A2007-3 amdt 3.478  
def **approved purposes** om A2007-3 amdt 3.478  
def **approved rules** om A2007-3 amdt 3.478  
def **superannuation fund** om A2007-3 amdt 3.478

**Meaning of *discontinuance***

s 3A ins A2008-40 s 6

**Defined benefits scheme**

ch 2 hdg ins A2008-40 s 7

**Legislative Assembly Members Superannuation Board**

pt 2 hdg om A2008-40 s 7

**Preliminary**

pt 2.1 hdg ins A2008-40 s 7

## Endnotes

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### **Establishment, functions and powers of board**

div 2.1 hdg (prev pt 2 div 1 hdg) renum R2 LA  
om A2008-40 s 7

### **Application—ch 2**

s 3B ins A2008-40 s 7

### **Definitions—ch 2**

s 3C ins A2008-40 s 7  
def **board** ins A2008-40 s 7  
def **invalidity** ins A2008-40 s 7  
def **relevant period of service** ins A2008-40 s 7

### **Legislative Assembly Members Superannuation Board**

pt 2.2 hdg ins A2008-40 s 7

### **Establishment of board**

div 2.2.1 hdg ins A2008-40 s 7

### **Functions**

s 5 am A2008-40 s 8

### **Constitution and meetings**

div 2.2 hdg (prev pt 2 div 2 hdg) renum R2 LA  
om A2008-40 s 9

### **Constitution and operation**

div 2.2.2 hdg ins A2008-40 s 9

### **Constitution**

s 7 am A2005-20 amdt 3.403

### **Chair of board**

s 8 sub A2008-28 amdt 3.163

### **Secretary of board**

s 9 sub A2008-28 amdt 3.163

### **Meetings**

s 10 am A2008-28 amdt 3.164

### **Procedure at meetings**

s 11 am A2008-28 amdt 3.164

### **Annual report by board**

s 11A ins A2008-40 s 10

### **Entitlements of members**

pt 2.3 hdg ins A2008-40 s 11

### **Eligibility**

s 12 sub A2008-40 s 12

**Members' contributions**

s 13 am 1996 No 26 sch pt 33  
sub A2008-40 s 12

**Entitlements of former members**

s 14 am 1996 No 26 sch pt 33  
om A2008-40 s 12

**Superannuation benefit**

s 15 am A2008-40 s 13, amdts 1.1-1.4

**Death or invalidity benefit**

s 16 am A2008-40 s 14, amdt 1.5

**Payment to estate**

s 17 am A2008-40 s 15

**Preservation of benefit**

s 18 am A2007-3 amdt 3.481  
sub A2008-40 s 16

**Members may transfer to choice of funds scheme**

s 18A ins A2008-40 s 16

**Notification and review of decisions**

pt 2.4 hdg ins A2008-40 s 17  
sub A2008-37 amdt 1.298

**Definitions—pt 2.4**

s 19 sub A2008-37 amdt 1.298  
def ***internally reviewable decision*** ins A2008-37 amdt 1.298  
def ***internal review notice*** ins A2008-37 amdt 1.298  
def ***reviewable decision*** ins A2008-37 amdt 1.298

**Internal review notices**

s 20 am 1994 No 60 sch 1  
sub A2008-37 amdt 1.298

**Applications for reconsideration**

s 21 am 1994 No 60 sch 1  
sub A2008-37 amdt 1.298

**Reconsideration**

s 21A ins A2008-37 amdt 1.298

**Reviewable decision notices**

s 21B ins A2008-37 amdt 1.298

**Applications to ACAT**

s 21C ins A2008-37 amdt 1.298

**Choice of funds scheme**

ch 3 hdg ins A2008-40 s 18

## Endnotes

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### Entitlements of members

pt 3 hdg om A2008-40 s 11

### Application—ch 3

s 22 sub A2008-40 s 18

### Choice of fund by members

s 23 sub 2001 No 44 amdt 1.3947; A2008-40 s 18

### Territory contributions

s 24 ins A2008-40 s 18

### Miscellaneous

ch 4 hdg ins A2008-40 s 18

### Review of decisions

pt 4 hdg om A2008-40 s 17

### Regulation-making power

s 25 ins A2008-40 s 18

### Miscellaneous

pt 5 hdg om A2008-40 s 18

### Transitional—Superannuation (Legislative Assembly Members) Amendment Act 2008

ch 10 hdg ins A2008-40 s 18  
exp 4 September 2009 (s 101)

### Transitional regulations

s 100 ins A2008-40 s 18  
exp 4 September 2009 (s 101)

### Expiry—ch 10

s 101 ins A2008-40 s 18  
exp 4 September 2009 (s 101)

### Dictionary

dict ins A2007-3 amdt 3.482  
sub A2008-40 s 19  
am A2008-37 amdt 1.299, amdt 1.300  
def **board** reloc from s 3 A2007-3 amdt 3.479  
sub A2008-40 s 19  
def **contributing member** am 1996 No 26 sch pt 33  
reloc from s 3 A2007-3 amdt 3.479  
om A2008-40 s 19  
def **default fund** ins A2008-40 s 19  
def **discontinuance** reloc from s 3 A2007-3 amdt 3.479  
sub A2008-40 s 19  
def **elected** ins A2008-40 s 19  
def **eligible choice fund** ins A2008-40 s 19  
def **general election** reloc from s 3 A2007-3 amdt 3.479



sub A2008-40 s 19  
 def ***internally reviewable decision*** ins A2008-37 amdt 1.301  
 def ***internal review notice*** ins A2008-37 amdt 1.301  
 def ***invalidity*** reloc from s 3 A2007-3 amdt 3.479  
 sub A2008-40 s 19  
 def ***member*** reloc from s 3 A2007-3 amdt 3.479  
 sub A2008-40 s 19  
 def ***office-holder*** reloc from s 3 A2007-3 amdt 3.479  
 om A2008-40 s 19  
 def ***relevant period of service*** reloc from s 3 A2007-3  
 amdt 3.479  
 sub A2008-40 s 19  
 def ***reviewable decision*** ins A2008-37 amdt 1.301  
 def ***salary*** ins A2008-40 s 19

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	1994 No 60	28 February 1995
2	A2001-44	20 December 2001
3	A2005-20	2 June 2005
4	A2007-3	12 April 2007
5	A2008-28	26 August 2008

## Endnotes

6 Uncommenced amendments

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### 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<p><b>ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.67</b></p>
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## Part 1.67 Legislative Assembly (Members' Superannuation) Act 1991

### [1.298] Part 2.4

*substitute*

## Part 2.4 Notification and review of decisions

### 19 Definitions—pt 2.4

In this part:

*internally reviewable decision* means a decision of the board under this Act.

*internal review notice*—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

*reviewable decision* means a decision of the board—

- (a) in relation to an internally reviewable decision; or
- (b) to refuse to extend the period for applying for reconsideration of a decision under section 21 (3).

**20 Internal review notices**

If the board makes an internally reviewable decision, the board must give an internal review notice to each entity that has interests affected by the decision.

*Note* The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

**21 Applications for reconsideration**

- (1) An entity that has interests affected by a reviewable decision may apply to the board for reconsideration of the decision.
- (2) The application must—
  - (a) be in writing; and
  - (b) state the applicant's name and address; and
  - (c) set out the applicant's reasons for making the application.
- (3) The application must be given to the secretary of the board within—
  - (a) 30 days after the day the applicant is given the internal review statement; or
  - (b) a longer period allowed by the board before or after the end of the 30-day period.

**21A Reconsideration**

The board must, within 30 days after the board receives the application for reconsideration—

- (a) confirm the decision; or
- (b) vary the decision; or
- (c) set aside the decision and substitute its own decision.

## Endnotes

6 Uncommenced amendments

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### 21B Reviewable decision notices

If the board makes a reviewable decision, the board must give a reviewable decision notice to each entity that must be given an internal review notice.

*Note 1* The board must also take reasonable steps to give a reviewable decision notice to anyone whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 21C Applications to ACAT

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity that is given a reviewable decision notice;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

#### [1.299] Dictionary, note 2, dot points

*omit*

- administrative appeals tribunal

*substitute*

- ACAT

#### [1.300] Dictionary, note 2, new dot point

*insert*

- reviewable decision notice

**[1.301] Dictionary, new definitions**

*insert*

*internally reviewable decision*, for part 2.4 (Notification and review of decisions)—see section 19.

*internal review notice*, for part 2.4 (Notification and review of decisions)—see section 19.

*reviewable decision*, for part 2.4 (Notification and review of decisions)—see section 19.

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