

Queensland



**STATUTORY AUTHORITIES  
SUPERANNUATION  
LEGISLATION  
AMENDMENT ACT 1995**

**Act No. 36 of 1995**

Queensland



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SUPERANNUATION LEGISLATION  
AMENDMENT ACT 1995**

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Queensland



**Statutory Authorities Superannuation  
Legislation Amendment Act 1995**

**Act No. 36 of 1995**

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**An Act to amend provisions about the superannuation provided by  
statutory authorities**

*[Assented to 16 June 1995]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Statutory Authorities Superannuation Legislation Amendment Act 1995*.

### **Commencement**

2. Part 2, section 8 and schedule 1 are taken to have commenced on 1 December 1994.

## **PART 2—AMENDMENT OF ELECTRICITY ACT 1994**

### **Amended Act**

3. This part amends the *Electricity Act 1994*.

### **Amendment of s 279 (Continuation of QESI ESS until approval of industry superannuation scheme)**

4.(1) Section 279, heading, ‘QESI ESS’—

*omit, insert—*

‘provisions of Electricity Act 1976’.

(2) Section 279 (3), ‘transfer day’—

*omit, insert—*

‘approval day’.

**Amendment of s 280 (First declaration of approved superannuation scheme)**

**5.(1)** Section 280 (1), ‘**“transfer day”**’—

*omit, insert—*

‘**“approval day”**’.

**(2)** Section 280(2), after ‘replace’—

*insert—*

‘the conditions of’.

**(3)** Section 280—

*insert—*

‘**(3)** The approved industry superannuation scheme is a continuation of QESI ESS.’.

**Replacement of s 281 (Effect of approval of industry superannuation scheme)**

**6.** Section 281—

*omit, insert—*

**‘Effect of approval of industry superannuation scheme on QESI ESS**

**‘281.(1)** The continuation of QESI ESS under section 280 does not affect a person’s entitlements accrued under QESI ESS.

**‘(2)** The assets and liabilities of QESI ESS immediately before the approval day continue to be the assets and liabilities of the approved industry superannuation scheme.

**‘(3)** To remove doubt, stamp duty is not payable because of the operation of subsection (2) or section 280.

**‘(4)** On the approval day, all rights, entitlements and obligations of the Queensland Electricity Supply Industry Superannuation Board (the **“Board”**) under contracts and arrangements between it and other persons become the rights, entitlements and obligations of the trustee of the approved industry superannuation scheme.

‘(5) On the approval day, the Board ceases to exist and its members and the trustees of the Queensland Electricity Supply Industry Employer-funded Accumulations Superannuation Fund go out of office.

‘(6) Subsection (5) does not prevent a member or trustee from being appointed as a trustee of the approved industry superannuation scheme.

‘(7) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

‘(8) This section expires on the approval day.’.

### **‘Effect of approval of industry superannuation scheme on entitlement under Restoration Act**

‘**281A.(1)** This section applies if, immediately before the approval day, a person has an amount of an entitlement in a fund created within QESIESS under the *Electricity Superannuation Restoration Act 1990* (the “**Restoration Act**”), section 6(1)(b) .

‘(2) On the approval day—

- (a) the amount in the fund for the person’s entitlement, with interest earned on the amount under the Restoration Act, section 6(1)(b)(ii) becomes part of the funds of the approved industry superannuation scheme and is to be held in an account for the person; and
- (b) the person ceases to have the entitlement, the entitlement to the interest earned on the amount under the Restoration Act, section 6(1)(b)(ii) or any other entitlement under that Act; and
- (c) the person has an entitlement in the approved industry superannuation scheme to accrual of interest and payment of the amount as if the amount had, immediately before the approval day, been preserved under the Articles of the Queensland Electricity Supply Industry Employees’ Superannuation Scheme, section 39(1)(b).

‘(3) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

‘(4) This section expires on the approval day.’.

### **Amendment of sch 5 (Dictionary)**

7.(1) Schedule 5, definition “transfer day”—  
*omit.*

(2) Schedule 5—  
*insert—*

‘**“approval day”** see section 280(1).’.

## **PART 3—AMENDMENT OF OTHER ACTS**

### **Consequential amendments**

8. Schedule 1 amends the Acts it mentions.

### **Other amendments**

9. Schedule 2 amends the Acts it mentions.



## **SCHEDULE 1**

### **CONSEQUENTIAL AMENDMENTS**

section 8

#### **ELECTRICITY SUPERANNUATION RESTORATION ACT 1990**

**1. Sections 2A and 11A, ‘transfer day’—**

*omit, insert—*  
‘approval day’.

#### **ELECTRICITY SUPPLY INDUSTRY EMPLOYEES’ SUPERANNUATION RESTORATION ACT 1985**

**1. Section 15, ‘transfer day’—**

*omit, insert—*  
‘approval day’.

## SCHEDULE 2

### OTHER AMENDMENTS

section 9

#### AMBULANCE SERVICE ACT 1991

**1. Section 8.5(1)—**

*omit, insert—*

‘**8.5(1)** The Queensland Ambulance Service Superannuation Scheme is continued in existence.’.

**2. Section 8.5(4) to (12)—**

*omit, insert—*

‘**(4)** The trustees may amend the scheme.

‘**(5)** However, an amendment prejudicing a right accrued or accruing to a person under the scheme may be made only if the person has given written consent to the amendment.’.

#### CENTRAL QUEENSLAND UNIVERSITY ACT 1989

**1. Section 66—**

*omit, insert—*

‘**Superannuation schemes**

‘**66.(1)** The council may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or

SCHEDULE 2 (continued)

(c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>1</sup>’.

**CITY OF BRISBANE MARKET ACT 1960**

**1. Section 12A—**

*omit, insert—*

**‘Superannuation schemes**

‘12A.(1) The trust may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>1</sup>’.

**CRIMINAL JUSTICE ACT 1989**

**1. Section 68—**

*omit, insert—*

**‘Superannuation schemes**

‘68.(1) The commission may—

- (a) establish or amend superannuation schemes; or

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<sup>1</sup> Part 6 (Audit of public accounts and public sector entities)

SCHEDULE 2 (continued)

- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) Subsection (1) does not apply to officers of the commission whose services are being used under section 65.

‘(3) The Auditor-General must audit the schemes.

‘(4) Subsection (3) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>2</sup>’.

## DAIRY INDUSTRY ACT 1993

### 1. Section 27—

*omit, insert—*

#### ‘Superannuation schemes

‘27.(1) The authority may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>2</sup>’.

## EGG INDUSTRY (RESTRUCTURING) ACT 1993

### 1. Section 67—

*omit, insert—*

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<sup>2</sup> Part 6 (Audit of public accounts and public sector entities)

SCHEDULE 2 (continued)

**‘Superannuation schemes**

**‘67.(1)** The authority may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General may audit the schemes.

**‘(3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>3</sup>’.

**FISHERIES ACT 1994**

**1. Section 210(1) to (4)—**

*omit, insert—*

**‘Superannuation schemes**

**‘210.(1)** The authority may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General may audit the schemes.

**‘(3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>3</sup>’.

**2. Section 210(5) and (6)—**

*renumber* as section 210(4) and (5).

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<sup>3</sup> Part 6 (Audit of public accounts and public sector entities).

SCHEDULE 2 (continued)

**3. Section 210(5), as amended, from ‘maintains’ to ‘subsection (5)’—**  
*omit, insert—*

‘joins in establishing or takes part in a scheme mentioned in subsection (1), (the “**authority’s scheme**”), a person to whom subsection (4)’.

## FRUIT MARKETING ORGANISATION ACT 1923

**1. Section 14C—**

*omit, insert—*

**‘Superannuation schemes**

**‘14C.(1)** The committee of direction may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General may audit the schemes.

**‘(3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>4</sup>.

## GLADSTONE AREA WATER BOARD ACT 1984

**1. Section 115—**

*omit, insert—*

**‘Superannuation schemes**

**‘115.(1)** The board may—

- (a) establish or amend superannuation schemes; or

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<sup>4</sup> Part 6 (Audit of public accounts and public sector entities)

SCHEDULE 2 (continued)

- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) An employee of the board who continues to be a contributor to a superannuation or provident scheme mentioned in section 113<sup>5</sup> is not required to become a contributor to a scheme mentioned in subsection (1).’.

## GOVERNMENT OWNED CORPORATIONS ACT 1993

### 1. Section 172—

*omit, insert—*

#### ‘Superannuation schemes

‘172. A GOC may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

### 2. Section 173(2), from ‘maintain’ to ‘employees’—

*omit, insert—*

‘take part in a superannuation scheme’.

### 3. Section 173(3)(a), from ‘maintains’ to ‘employees’—

*omit, insert—*

‘establishes, joins in establishing or takes part in establishing a superannuation scheme’.

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<sup>5</sup> Section 113 (Retention of superannuation rights by Board’s employees)

SCHEDULE 2 (continued)

**4. Section 173(3), ‘maintained or participated in’—**

*omit, insert—*

‘established or taken part in’.

**GRAMMAR SCHOOLS ACT 1975**

**1. Section 19—**

*omit, insert—*

**‘Superannuation schemes**

**‘19.(1)** A board may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General may audit the schemes.

**‘(3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>6</sup>.

**GRIFFITH UNIVERSITY ACT 1971**

**1. Section 17A—**

*omit, insert—*

**‘Superannuation schemes**

**‘17A.(1)** The council may—

- (a) establish or amend superannuation schemes; or

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<sup>6</sup> Part 6 (Audit of public accounts and public sector entities)



SCHEDULE 2 (continued)

- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.’.

**JAMES COOK UNIVERSITY OF NORTH  
QUEENSLAND ACT 1970**

**1. Section 16A—**

*omit, insert—*

**‘Superannuation schemes**

‘**16A.(1)** The council may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.’.

**MEAT INDUSTRY ACT 1993**

**1. Section 43(1) to (4)—**

*omit, insert—*

‘**43.(1)** The authority may—

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<sup>7</sup> Part 6 (Audit of public accounts and public sector entities)

SCHEDULE 2 (continued)

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>8</sup>’.

**2. Section 43(5) and (6)—**

*renumber* as section 43(4) and (5).

**3. Section 43(5), as amended, from ‘maintains’ to ‘subsection (5)’—**

*omit, insert—*

‘joins in establishing or takes part in a scheme mentioned in subsection (1), (the “**authority’s scheme**”), a person to whom subsection (4)’.

**4. Section 157(1) to (4)—**

‘**157.(1)** The abattoir corporation may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>8</sup>’.

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<sup>8</sup> Part 6 (Audit of public accounts and public sector entities)

## SCHEDULE 2 (continued)

**5. Section 157(5) and (6)—**

*renumber* as section 157(4) and (5).

**6. Section 157(5), as amended, from ‘maintains’ to ‘subsection (5)’—**

*omit, insert—*

‘joins in establishing or takes part in a scheme mentioned in subsection (1), (the “**authority’s scheme**”), a person to whom subsection (4)’.

**NATIONAL TRUST OF QUEENSLAND ACT 1963****1. Section 18A—**

*omit, insert—*

**‘Superannuation schemes**

**‘18A.** The national trust may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

**NURSING ACT 1992****1. Section 41—**

*omit, insert—*

**‘Superannuation schemes**

**‘41.** The council may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or

## SCHEDULE 2 (continued)

(c) take part in superannuation schemes.’.

**2. Section 42(2), from ‘maintain’ to ‘employees’—**

*omit, insert—*

‘take part in a superannuation scheme’.

**3. Section 42(3)(a), from ‘maintains’ to ‘employees’—**

*omit, insert—*

‘establishes, joins in establishing or takes part in establishing a superannuation scheme’.

**4. Section 42(3), ‘maintained or participated in’—**

*omit, insert—*

‘established or taken part in’.

**PRIMARY PRODUCERS’ ORGANISATION AND  
MARKETING ACT 1926****1. Section 29B, heading—**

*omit, insert—*

‘**Superannuation schemes**’.

**2. Section 29B(1) to (3)—**

*omit, insert—*

‘**29B.(1)** A board may—

(a) establish or amend superannuation schemes; or

SCHEDULE 2 (continued)

- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.’.

**3. Section 29B(4), ‘participating in a scheme or arrangement referred to in this section’—**

*omit, insert—*

‘, joining in establishing or taking part in a scheme’.

**QUEENSLAND INSTITUTE OF MEDICAL  
RESEARCH ACT 1945**

**1. Section 11B—**

*omit, insert—*

**‘Superannuation schemes**

‘**11B.** The council may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

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<sup>9</sup> Part 6 (Audit of public accounts and public sector entities)

## SCHEDULE 2 (continued)

**QUEENSLAND OFFICE OF FINANCIAL  
SUPERVISION ACT 1992**

**1. Section 50—**

*omit, insert—*

**‘Superannuation schemes**

**‘50. QOFS may—**

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

**2. Section 51(2), from ‘maintain’ to ‘employees’—**

*omit, insert—*

**‘take part in a superannuation scheme’.**

**3. Section 51(3), from ‘maintains’ to ‘employees’—**

*omit, insert—*

**‘establishes, joins in establishing or takes part in a superannuation scheme’.**

**4. Section 51(3), ‘maintained or participated in’—**

*omit, insert—*

**‘established or taken part in’.**

## SCHEDULE 2 (continued)

**QUEENSLAND PERFORMING ARTS TRUST ACT  
1977****1. Section 38A—**

*omit, insert—*

**‘Superannuation schemes**

**‘38A.(1)** The trust may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** Subsection (1) does not apply to employees who are required by another Act to contribute to similar schemes.

**‘(3)** The Auditor-General may audit schemes mentioned in subsection (1).

**‘(4)** Subsection (3) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>10</sup>’.

**QUEENSLAND SMALL BUSINESS CORPORATION  
ACT 1990****1. Section 4.3—**

*omit, insert—*

**‘Superannuation schemes**

**‘4.3(1)** The corporation may—

- (a) establish or amend superannuation schemes; or

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<sup>10</sup> Part 6 (Audit of public accounts and public sector entities)

SCHEDULE 2 (continued)

- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General must audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>11</sup>’.

**QUEENSLAND UNIVERSITY OF TECHNOLOGY  
ACT 1988**

**1. Section 67—**

*omit, insert—*

**‘Superannuation schemes**

‘**67.(1)** The council may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>11</sup>’

**RACING AND BETTING ACT 1980**

**1. Section 254A—**

*omit, insert—*

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<sup>11</sup> Part 6 (Audit of public accounts and public sector entities)



SCHEDULE 2 (continued)

**‘Superannuation schemes**

**‘254A.** The Harness Racing Board, Greyhound Authority, Totalisator Board or Queensland Principal Club may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

**RACING VENUES DEVELOPMENT ACT 1982**

**1. Section 15—**

*omit, insert—*

**‘Superannuation schemes**

**‘15.** The trustees may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

**ROYAL QUEENSLAND THEATRE COMPANY ACT  
1970**

**1. Section 29A—**

*omit, insert—*

**‘Superannuation schemes**

**‘29A.(1)** The board may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or

SCHEDULE 2 (continued)

(c) take part in superannuation schemes.

‘(2) The Auditor-General may audit the schemes.

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>12</sup>’.

**SOUTH EAST QUEENSLAND WATER BOARD ACT  
1979**

**1. Section 129, heading—**

*omit, insert—*

‘**Superannuation schemes**’.

**2. Section 129(1)—**

*omit, insert—*

‘**129.(1)** The Board may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

**SUGAR INDUSTRY ACT 1991**

**1. Section 231—**

*omit, insert—*

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<sup>12</sup> Part 6 (Audit of public accounts and public sector entities)

## SCHEDULE 2 (continued)

**‘Superannuation schemes**

**‘231.(1)** A body constituted under this Act may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General may audit the schemes.

**‘(3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>13</sup>’

**SUNCORP INSURANCE AND FINANCE ACT 1985****1. Section 19—**

*omit, insert—*

**‘19.** The corporation may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.’.

**TOWNSVILLE/THURINGOWA WATER BOARD ACT  
1987****1. Section 94—**

*omit, insert—*

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<sup>13</sup> Part 6 (Audit of public accounts and public sector entities)

## SCHEDULE 2 (continued)

**‘Superannuation schemes****‘94.(1)** The board may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** An employee of the board who continues to be a contributor to a superannuation or provident scheme mentioned in section 92<sup>14</sup> is not required to become a contributor to a scheme mentioned in subsection (1).’.

**UNIVERSITY OF QUEENSLAND ACT 1965****1. Section 11B—***omit, insert—***‘Superannuation schemes****‘11B.(1)** The senate may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General may audit the schemes.

**‘(3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>15</sup>’.

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<sup>14</sup> Section 92 (Retention of superannuation rights by Board’s employees)

<sup>15</sup> Part 6 (Audit of public accounts and public sector entities)

## SCHEDULE 2 (continued)

**UNIVERSITY OF SOUTHERN QUEENSLAND ACT  
1989****1. Section 66—**

*omit, insert—*

**‘Superannuation schemes**

**‘66.(1)** The council may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General may audit the schemes.

**‘(3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>16</sup>’.

**WATER RESOURCES ACT 1989****1. Section 144—**

*omit, insert—*

**‘Superannuation schemes**

**‘144(1)**. A board may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**‘(2)** The Auditor-General must audit the schemes.

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<sup>16</sup> Part 6 (Audit of public accounts and public sector entities)

SCHEDULE 2 (continued)

‘(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>17</sup>’.

**2. Section 169(1), from ‘including’ to ‘by it’—**

*omit.*

<sup>17</sup> Part 6 (Audit of public accounts and public sector entities)