

Queensland



**Subordinate Legislation 1996 No. 55**

*Superannuation (State Public Sector) Act 1990*

**SUPERANNUATION (STATE PUBLIC  
SECTOR) AMENDMENT OF DEED  
REGULATION (No. 1) 1996**

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**AMENDMENTS OF THE DEED OF THE STATE PUBLIC  
SECTOR SUPERANNUATION SCHEME**

### **Short title**

1. This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 1) 1996*.

### **Deed amended**

2. This regulation approves the amendments of the Deed of the State Public Sector Superannuation Scheme set out in the schedule.<sup>1</sup>

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<sup>1</sup> The deed has been reprinted as at 28 July 1994.

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## SCHEDULE

### AMENDMENTS OF THE DEED OF THE STATE PUBLIC SECTOR SUPERANNUATION SCHEME

section 2

#### 1. Section 1.4, definition “OSS Act”—

*omit.*

#### 2. Section 1.4—

*insert—*

“**authorised leave**”, of a member, means leave from the member’s duties of employment that is—

- (a) approved by the member’s employer; or
- (b) authorised by—
  - (i) a law of the State; or
  - (ii) an agreement certified, or an award made, by the Industrial Relations Commission.

“**non-preserved amount**”, of a member, means an amount received by the board under section 10.1 that is not a preserved amount.

“**preservation cashing condition**”, for a member, means the member—

- (a) permanently retiring from the workforce at 55 years or more; or
- (b) turning 60 years; or
- (c) dying; or
- (d) becoming totally and permanently disabled.

“**preserved amount**”, of a member, means—

- (a) an amount received by the board under section 10.1 that the board

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SCHEDULE (continued)

has undertaken to pay to the member only if a preservation cashing condition has been complied with; or

- (b) the amount of the member's benefit, decided by the actuary, that is enough to avoid payment of the superannuation guarantee charge from 1 July 1994; or
- (c) a contribution received by the board for the member under part 5 that is paid by the employer.

**“superannuation guarantee charge”** means the charge imposed by the *Superannuation Guarantee Charge Act 1992* (Cwlth).

**“superannuation system”** has the meaning given to it by the *Superannuation Industry (Supervision) Regulations 1994* (Cwlth), regulation 5.01.<sup>2</sup>.

**3. Section 1.6—**

*omit.*

**4. Section 2.2(b), ‘by’ to ‘Regulations’—**

*omit.*

**5. Section 4.1, ‘order in council under section 3.4(1)’—**

*omit, insert—*

‘notice under section 13(1)’.

**6. Section 4.2, ‘an order in council made under section 3.4(1)’—**

*omit, insert—*

‘a notice under section 13(1)’.

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<sup>2</sup> *Superannuation Industry (Supervision) Regulations 1994* (Cwlth), reg 5.01 (Interpretation)

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SCHEDULE (continued)

**7. Section 5.1—***insert—*

‘(1A) Subsection (1) applies subject to part 5A.’

**8. Section 5.4—***insert—*

‘(1A) Subsection (1) applies subject to part 5A.’

**9. After section 5.6—***insert—*

**‘PART 5A—ACCEPTANCE OF CONTRIBUTIONS**

**‘Acceptance of contributions—member under 65**

**‘5.6A** The board may accept contributions for a member who is under 65 years only in the following circumstances—

- (a) while the member is employed for at least 10 hours a week;
- (b) for up to 2 years after the member ceases to be employed for at least 10 hours a week;
- (c) for up to 7 consecutive years while the member—
  - (i) is on authorised leave to raise children, of whom the member is a parent, or for whom the member has assumed the responsibility of a parent; and
  - (ii) has a statutory or contractual right to resume employment at the end of the authorised leave.

**‘Acceptance of contributions—member 65 or over**

**‘5.6B(1)** The board may accept contributions for a member who is 65 years or over only if the member—

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**SCHEDULE (continued)**

- (a) was at least 60 years on 1 July 1990; and
- (b) is under 70 years when the contribution is made.

‘(2) This section expires on 30 June 2000.’.

**10. Section 6.3(1)—**

*omit, insert—*

‘(1) While a person is employed by the employer, the person may only withdraw all or part of the non-preserved amount in the person’s voluntary contribution and preservation account.

‘(1A) After a person ceases employment with the employer, the person, or the person’s legal personal representative, may withdraw all or part of the person’s voluntary contribution and preservation account.

‘(1B) However, if an amount withdrawn under subsection (1A) is a preserved amount and a preservation cashing condition has not been complied with, the amount must be transferred within the superannuation system immediately on withdrawal.

‘(1C) The board may impose reasonable constraints on minimum amounts, times and frequencies of withdrawals.’.

**11. Section 6.3(2), after ‘withdrawals’—**

*insert—*

‘under subsection (1A)’.

**12. Section 7.6(2)—**

*omit, insert—*

‘(2) If a condition stated in section 7.5(a), (b) or (c) is complied with, the board must pay for each child of a deceased member a pension of \$76.15 a fortnight indexed under section 7.12.

‘(2A) Subsection (2) applies regardless of the member’s age at the time of death.’.

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SCHEDULE (continued)

**13. Section 7.8(5), ‘, exceeds’ to ‘determine’—**

*omit, insert—*

‘is more than 2 years’.

**14. Section 7.8—**

*insert—*

‘(5A) This section applies to a member regardless of the member’s age.’.

**15. Section 7.12(1A)—**

*omit.*

**16. After section 7.13—**

*insert—*

**‘Benefit on member turning 70**

‘7.14 The board must credit a member’s benefit under the scheme to the member’s voluntary contribution and preservation account as soon as practicable after the member—

- (a) turns 70 years; and
- (b) is not employed for at least 30 hours a week.’.

**17. Section 11.6—**

*omit.*

ENDNOTES

1. Made by the Governor in Council on 28 March 1996.
2. The amendments approved in this regulation were made by the board on 21 February 1996.
3. Notified in the gazette on 29 March 1996.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Government Superannuation Office.