

Queensland



Subordinate Legislation 1998 No. 231

Superannuation (State Public Sector) Act 1990

**SUPERANNUATION (STATE PUBLIC
SECTOR) AMENDMENT OF DEED
REGULATION (No. 3) 1998**

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**AMENDMENT OF SUPERANNUATION (STATE PUBLIC
SECTOR) DEED 1990**

Short title

1. This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 3) 1998*.

Commencement

2. Amendment 1 in the schedule commences on 1 September 1998.

Approval of amendment of deed

3. This regulation approves the amendment of the *Superannuation (State Public Sector) Deed 1990* in the schedule.

SCHEDULE

AMENDMENT OF SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990

section 3

1. Chapter 3, part 4, division 1, after section 82—

insert—

‘Access to preserved amount on a compassionate ground

‘82A.(1) A member who ceases to be an employed member may apply to the board to be paid the whole, or a part, of the member’s preserved amount on 1 of the following grounds (the “**compassionate grounds**”)—

- (a) to pay for medical treatment of the member or a dependant of the member;
- (b) to pay for medical transport of the member or a dependant of the member;
- (c) to enable the member to make a payment on a loan, so as to prevent—
 - (i) foreclosure of a mortgage on the member’s principal place of residence; or
 - (ii) exercise by the mortgagee of an express or statutory power of sale over the member’s principal place of residence;
- (d) to modify the member’s principal place of residence or vehicle to accommodate the special needs of the member, or a dependant of the member, because of severe disability;
- (e) to pay for expenses associated with the palliative care of the member, or a dependant of the member, that is needed because of the impending death of the member or dependant;
- (f) to pay for expenses associated with the death, funeral or burial of a dependant of the member.

SCHEDULE (continued)

‘(2) The board may pay the whole, or a part, of the amount only if it is satisfied—

- (a) the payment is needed to satisfy a compassionate ground; and
- (b) the member does not have the financial capacity to meet an expense arising from the ground.

‘(3) The payment may only be made as a single lump sum.

‘(4) The compassionate ground stated in subsection (1)(a) is satisfied only if 2 doctors (at least 1 of whom is a specialist) certify—

- (a) the medical treatment is needed—
 - (i) to treat a life-threatening illness or injury; or
 - (ii) to alleviate acute or chronic pain; or
 - (iii) to alleviate an acute or chronic mental condition; and
- (b) the treatment is not readily available to the member, or the dependant, under the public health system.

‘(5) The compassionate ground stated in subsection (1)(b) is satisfied only if 2 doctors (at least 1 of whom is a specialist) certify the medical treatment, for which the medical transport is needed, is for a reason stated in subsection (4)(a).

‘(6) The compassionate ground stated in subsection (1)(c) is satisfied only if the member gives the board a written statement from the mortgagee that—

- (a) payment of an amount under the mortgage is overdue; and
- (b) if the member does not pay the amount, the mortgagee will—
 - (i) foreclose the mortgage on the member’s principal place of residence; or
 - (ii) exercise an express or statutory power of sale over the member’s principal place of residence.

‘(7) The statement mentioned in subsection (6) must include the following information—

SCHEDULE (continued)

- (a) the amount equal to 3 months' repayments under the mortgage;
- (b) the amount equal to 12 months' interest on the outstanding balance of the loan at the time of the statement.

‘(8) In this section—

“**medical transport**”, of a member or a dependant of a member, means transport, by land, water or air, of the person to receive medical treatment.

“**specialist**” has the meaning given by the *Medical Act 1939*, section 4.

‘Limitations on access to preserved amount—s 82A(1)(c)

‘**82B.(1)** This section applies to a payment to a member on the compassionate ground stated in section 82A(1)(c).

‘(2) The maximum amount the board may pay the member is the total of the amounts mentioned in section 82A(7).

‘(3) The board may not make a further payment to the member on the ground within 12 months after the payment.

‘Access to preserved amount on severe financial hardship ground

‘**82C.(1)** A member who ceases to be an employed member may apply to the board to be paid the whole, or a part, of the member’s preserved amount on the ground of severe financial hardship (the “**severe financial hardship ground**”).

‘(2) The board may pay the whole, or a part, of the amount if the board is satisfied the payment is needed to satisfy the severe financial hardship ground.

‘(3) The severe financial hardship ground is satisfied only if—

- (a) for any member—
 - (i) the member gives the board a written statement from a Commonwealth income support agency stating—

SCHEDULE (continued)

- (A) the member has received Commonwealth income support payments for a continuous period of 26 weeks; and
- (B) the member was in receipt of income support payments at the date of the statement; and
- (ii) the board is satisfied the member is unable to meet reasonable and immediate family living expenses; or
- (b) for a member who is 55 years and 39 weeks or more—
 - (i) the member gives the board a written statement from a Commonwealth income support agency stating the member received Commonwealth income support payments for a cumulative period of 39 weeks after the member turned 55 years; and
 - (ii) the board is satisfied the member was not employed for at least 10 hours a week on the date of the member's application to the board.

'(4) The date of the statement mentioned in subsection (3)(a)(i) must not be more than 21 days before the date of the member's application to the board.

'(5) In this section—

"Commonwealth income support agency" means a Commonwealth department or agency responsible for administering a class of Commonwealth income support payments.

"Commonwealth income support payment" has the meaning given by the *Superannuation Industry (Supervision) Regulations 1994* (Cwlth), regulation 6.01(2).

'Limitations on access to preserved amount—s 82C(3)(a)

'82D.(1) This section applies to a payment to a member on the severe financial hardship ground stated in section 82C(3)(a).

'(2) The payment may only be made as a single lump sum.

SCHEDULE (continued)

‘(3) The board may pay the member—

(a) a minimum amount of—

(i) if the member’s preserved amount is \$1 000 or more—\$1 000; or

(ii) if the member’s preserved amount is less than \$1 000—that amount; and

(b) a maximum amount of \$10 000.

‘(4) The board may not make a further payment to the member on the ground within 12 months after the payment.’.

ENDNOTES

1. Made by the Governor in Council on 13 August 1998.
2. The amendment approved by this regulation was made by the Board of Trustees of the State Public Sector Superannuation Scheme on 15 July 1998.
3. Notified in the gazette on 14 August 1998.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Government Superannuation Office.