

Queensland



Subordinate Legislation 1999 No. 130

Superannuation (State Public Sector) Act 1990

**SUPERANNUATION (STATE PUBLIC
SECTOR) AMENDMENT OF DEED
REGULATION (No. 4) 1999**

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Short title

1. This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 4) 1999*.

Commencement

2. This regulation is taken to have commenced on 18 June 1999.

Approval of amendments of deed

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

SCHEDULE

AMENDMENTS OF SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990

section 3

Amendment of s 4 (Definitions)

1.(1) Section 4, definition “Tax Act”—

omit.

(2) Section 4—

insert—

‘**“eligible spouse contributions”** has the meaning given by the *Income Tax Assessment Act 1936* (Cwlth), section 159TC.’.

(3) Section 4, definition “tax”, ‘Tax Act’—

omit, insert—

‘*Income Tax Assessment Act 1936* (Cwlth)’.

Replacement of s 5 (Meaning of “member”)

2. Section 5—

omit, insert—

‘Meaning of “member”

‘5.(1) A person is a **“member”** if—

- (a) the person is an employed member; or
- (b) the person has ceased to be an employed member and—
 - (i) there is an amount in the person’s voluntary preservation account; or
 - (ii) an amount is to be credited to the person’s voluntary

SCHEDULE (continued)

preservation account on the happening of an event mentioned in section 52(2); or

(iii) there is an amount in an account kept for the person under section 77; or

(c) eligible spouse contributions have been made on the person's behalf under chapter 9 and there is an amount in the person's voluntary preservation account.

'(2) However, except so far as the context or subject matter otherwise indicates or requires, a reference in a chapter to a member is a reference only to a member in the category to which that chapter applies.'

Amendment of s 22 (Membership categories)

3. Section 22(2)(a), 'section 13(1)'—

omit, insert—

'section 13(1) or (6)'.

Amendment of s 32 (Definitions for ch 2)

4. Section 32, definition "preserved amount"—

insert—

'(e) eligible spouse contributions made on behalf of the member.'

Amendment of s 38 (Voluntary contributions)

5.(1) Section 38, heading—

omit, insert—

'**Voluntary contributions and eligible spouse contributions**'.

(2) Section 38(1), 'Voluntary contributions'—

omit, insert—

'Voluntary contributions or eligible spouse contributions'.

SCHEDULE (continued)

Amendment of s 41 (Acceptance of contributions—member under 65)

6. Section 41—

insert—

‘(2) Subsection (1) does not apply to eligible spouse contributions.’.

Amendment of s 68 (Definitions)

7.(1) Section 68, heading—

omit, insert—

‘Definitions for ch 3’.

(2) Section 68, definition “preserved amount”—

insert—

‘(d) eligible spouse contributions made on behalf of the member.’.

Amendment of s 69 (Acceptance of contributions—member under 65)

8. Section 69—

insert—

‘(2) Subsection (1) does not apply to eligible spouse contributions.’.

Replacement of ch 3, pt 3, div 3, hdg

9. Chapter 3, part 3, division 3, heading—

omit, insert—

‘Division 3—Personal and spouse contributions’.

Amendment of s 76 (Payment of personal contributions)

10.(1) Section 76, heading—

omit, insert—

SCHEDULE (continued)

‘Acceptance of personal and spouse contributions’.

(2) Section 76(1), ‘accept from any member personal contributions paid by the member’—

omit, insert—

‘accept personal contributions made by a member, or eligible spouse contributions made on behalf of a member.’.

Amendment of s 77 (Member’s account)

11. Section 77(2)(d)—

omit, insert—

‘(d) personal contributions and eligible spouse contributions received under section 76;’.

Amendment of s 90 (Preservation and portability on ceasing to be member)

12. Section 90(2), after ‘employer contributions’—

insert—

‘, his or her eligible spouse contributions’.

Amendment of s 332 (Application)

13. Section 332(2)—

omit, insert—

‘(2) A person is a preservation member if there is an amount in a voluntary preservation account established for the person.’.

Amendment of s 333 (Definitions for ch 9)

14. Section 333, definition “preservation cashing condition”—

SCHEDULE (continued)

omit, insert—

‘**“preservation cashing condition”**—

- (a) for a member who has never been employed for at least 10 hours per week—means the member—
 - (i) attaining the age of 65 years; or
 - (ii) dying; or
 - (iii) becoming totally and permanently disabled; or
- (b) for any other member—means the member—
 - (i) permanently retiring from the workforce at 55 years or more; or
 - (ii) attaining the age of 60 years; or
 - (iii) dying; or
 - (iv) becoming totally and permanently disabled.’

Insertion of new s 333A

15. Chapter 9, part 2, before section 334—

insert—

‘Eligible spouse contributions

‘**333A.(1)** The board may accept eligible spouse contributions made on behalf of a person who is the spouse of a member.

‘**(2)** In this section—

“member” means a member in any category of the scheme.

“spouse”, of a member—

- (a) includes a person who, although not married to the member, lives with the member on a genuine domestic basis as the member’s husband or wife; but

SCHEDULE (continued)

- (b) does not include a person who permanently lives separately and apart from the member.’.

Amendment of s 334 (Acceptance of contributions—member under 65)

16. Section 334—

insert—

‘(2) Subsection (1) does not apply to eligible spouse contributions.’.

Insertion of new s 335A

17. Chapter 9, part 3, before section 336—

insert—

‘Establishing a voluntary preservation account

‘335A.(1) This section applies to a person who does not have a voluntary preservation account if—

- (a) under this deed, an amount is required to be paid into the person’s voluntary preservation account; or
- (b) eligible spouse contributions are made on the person’s behalf under this chapter.

‘(2) The board must establish a voluntary preservation account for the person and pay the amount or contributions into the account.’.

Amendment of s 336 (Voluntary preservation account)

18. Section 336, heading—

omit, insert—

‘Payments into or out of account’.

SCHEDULE (continued)

Amendment of s 339 (Compulsory withdrawals by member)**19.(1)** Section 339(1)—*omit, insert—***‘339.(1)** This section applies if—

- (a) there is an amount in a member’s voluntary preservation account;
and
- (b) the member—
 - (i) is at least 65 years old and is not employed for at least 10 hours per week; or
 - (ii) is at least 70 years old and is not employed for at least 30 hours per week; and
- (c) the member does not, within the prescribed time, accept an offer made under section 341 for the member to buy a pension with the amount.’.

(2) Section 339—*insert—*

‘(3) The prescribed time for subsection (1)(c) is the time ending 28 days after subsection (1)(a) or (b) starts to apply to the member, whichever starts to apply last.’.

ENDNOTES

1. Made by the Governor in Council on 24 June 1999.
2. The amendments approved by this regulation were made by the Board of Trustees of the State Public Sector Superannuation Scheme on 17 June 1999.
3. Notified in the gazette on 25 June 1999.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Government Superannuation Office.