

Queensland



Subordinate Legislation 1999 No. 131

*Superannuation (State Public Sector) Act 1990*

**SUPERANNUATION (STATE PUBLIC  
SECTOR) AMENDMENT OF DEED  
REGULATION (No. 5) 1999**

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*Superannuation (State Public Sector)  
Amendment of Deed (No. 5)*

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**Short title**

1. This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 5) 1999*.

**Commencement**

2. This regulation commences on 1 July 1999.

**Approval of amendments of deed**

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

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## SCHEDULE

### AMENDMENTS OF SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990

section 3

#### Amendment of s 4 (Definitions)

1.(1) Section 4, definition “tax”, ‘bank and building society accounts’—  
*omit.*

(2) Section 4—

*insert—*

‘ **“non-preserved transfer amount”**, for a member, means an amount, received by the board under section 26(1), that the board has undertaken, on receipt of the amount, to pay to the member on the member’s request.

**“preservation age”** means—

- (a) for a member born before 1 July 1960—55 years; or
- (b) for a member born between 1 July 1960 and 30 June 1961 inclusive—56 years; or
- (c) for a member born between 1 July 1961 and 30 June 1962 inclusive—57 years; or
- (d) for a member born between 1 July 1962 and 30 June 1963 inclusive—58 years; or
- (e) for a member born between 1 July 1963 and 30 June 1964 inclusive—59 years; or
- (f) for a member born after 30 June 1964—60 years.’.

SCHEDULE (continued)

**Insertion of new ch 1, pt 6B**

2. After section 27G—

*insert—*

**‘PART 6B—CONTRIBUTIONS PAID BY THE  
TREASURER**

**‘Contributions paid by the Treasurer—Act, s 29**

‘**27H.** In addition to any other contribution the Treasurer pays to the fund under this deed, the Treasurer may, at any time, pay to the fund a contribution the Treasurer considers necessary or desirable for the efficient and effective operation of the fund.’

**Amendment of s 32 (Definitions for ch 2)**

**3.(1)** Section 32, definitions “non-preserved amount”, “preservation cashing condition” and “preserved amount”—

*omit.*

**(2)** Section 32—

*insert—*

‘**“1999 cashable amount”** means—

- (a) the amount of a member’s benefit that would have been payable to the member at 30 June 1999 under section 49, 51 or 52(1) if the member, on 30 June 1999, ceased to be an employed member; and
- (b) the amount of a member’s benefit that would have been payable to the member at 30 June 1999 under section 52(2) to (7), if an event mentioned in section 52(2)(a) happened on 30 June 1999.

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

- (a) permanently retiring from the workforce after reaching preservation age; or

## SCHEDULE (continued)

- (b) dying; or
- (c) becoming totally and permanently disabled; or
- (d) reaching preservation age if the member has, before reaching preservation age, permanently retired from the workforce for a reason not mentioned in paragraph (c).'

**Insertion of new s 55A**

4. Chapter 2, part 4, after section 55—

*insert—*

**‘Preserved amount**

**‘55A.(1)** If a preservation cashing condition for a member has happened, none of a benefit payable to the member is a preserved amount for the scheme.

**‘(2)** Subject to subsection (1), the amount in a member’s benefit that is a preserved amount for the scheme is as follows—

- (a) for a member’s benefit under section 49, 51 or 52(1)—the amount of the benefit that is in excess of the total of—
  - (i) the member’s non-preserved transfer amount received by the board after 30 June 1999; and
  - (ii) the member’s 1999 cashable amount;
- (b) for a member’s benefit under section 52(2) to (7)—
  - (i) if the member has not reached 55 years—the whole amount of the benefit; or
  - (ii) otherwise—the amount of the benefit that is in excess of the member’s 1999 cashable amount;
- (c) for a member’s benefit under section 52(9)(a)—the whole amount of the benefit.’

## SCHEDULE (continued)

**Amendment of s 61 (Voluntary withdrawals from the voluntary contribution account)**

5. Section 61(1), after 'non-preserved'—

*insert—*

'transfer'.

**Amendment of s 68 (Definitions)**

6.(1) Section 68, definition "preserved amount"—

*omit.*

(2) Section 68—

*insert—*

'**1999 cashable amount**' means—

(a) for a member who was an employed member at 30 June 1999—the amount in the member's account that would have been payable to the member at 30 June 1999 if the member ceased to be an employed member on 30 June 1999 other than for a reason mentioned in section 79(c) or (d); or

(b) for a member who ceased to be an employed member before 30 June 1999—the amount in the member's account that would have been payable to the member at 30 June 1999 at the member's request.'

(3) Section 68, definition "preservation cashing condition", '(e)—

*omit, insert—*

'(f)'.

**Amendment of s 79 (Time for payment of benefits)**

7.(1) Section 79(a) to (c)—

*omit, insert—*

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SCHEDULE (continued)

- ‘(a) permanent retirement from the workforce after reaching preservation age;
- (b) reaching preservation age if the member has, before reaching preservation age, permanently retired from the workforce for a reason not mentioned in paragraph (c);
- (c) retirement on the grounds of total and permanent disablement before reaching preservation age;’.

(2) Section 79—

*insert—*

- ‘(f) ceasing to be an employed member on or after reaching 60 years.’.

**Insertion of new s 82A**

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

*insert—*

**‘Preserved amount**

**‘82A.(1)** If a preservation cashing condition for a member has happened, none of a benefit payable to the member is a preserved amount for the scheme.

**‘(2)** Subject to subsection (1), the amount in a member’s benefit that is a preserved amount for the scheme is the amount of the benefit that is in excess of the total of—

- (a) the member’s 1999 cashable amount; and
- (b) the member’s non-preserved transfer amount received by the board after 30 June 1999.’.

**Amendment of s 165 (Interpretation)**

**9.** Section 165—

*insert—*



SCHEDULE (continued)

‘**1999 cashable amount**’ means—

- (a) the amount of a contributor’s benefit that would have been payable to the contributor at 30 June 1999 under section 181, 182 or 191(1) if the contributor had, on 30 June 1999, ceased to be employed or engaged by a unit of the State public sector; and
- (b) the amount of a contributor’s benefit that would have been payable to the contributor at 30 June 1999 under section 191(4) if an event mentioned in section 191(4)(a) happened on 30 June 1999.

‘**preservation cashing condition**’, for a contributor, means the contributor—

- (a) permanently retiring from the workforce after reaching preservation age; or
- (b) dying; or
- (c) becoming permanently incapacitated; or
- (d) reaching preservation age if the contributor has, before reaching preservation age, permanently retired from the workforce for a reason not mentioned in paragraph (c).’

**Insertion of new s 165A**

**10.** After section 165—

*insert—*

**‘Preserved amount**

**165A.(1)** If a preservation cashing condition for a contributor has happened, none of a benefit payable to the contributor is a preserved amount for the scheme.

**(2)** Subject to subsection (1), the amount in a contributor’s benefit that is a preserved amount for the scheme is as follows—

- (a) for a contributor’s benefit under section 181, 182 or 191(1)—the amount of the benefit that may be taken as a lump sum that is in

SCHEDULE (continued)

- excess of the contributor's 1999 cashable amount;
- (b) for a contributor's benefit under section 191(4)—
- (i) if the contributor has not reached 55 years—the whole amount of the benefit; or
- (ii) otherwise—the amount of the benefit that is in excess of the contributor's 1999 cashable amount.'.

**Amendment of s 280 (Interpretation)**

**11.** Section 280(1)—

*insert—*

' **“1999 cashable amount”** means—

- (a) the amount of a contributor's benefit that would have been payable to the contributor at 30 June 1999 under section 299(1) if the contributor had, on 30 June 1999, ceased to be an employed member; and
- (b) the amount of a contributor's benefit that would have been payable to the contributor at 30 June 1999 under section 299(4) if an event mentioned in section 299(4)(a) happened on 30 June 1999.

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

- (a) permanently retiring from the workforce after reaching preservation age; or
- (b) dying; or
- (c) becoming permanently incapacitated; or
- (d) reaching preservation age if the contributor has, before reaching preservation age, permanently retired from the workforce for a reason not mentioned in paragraph (c).'

SCHEDULE (continued)

**Insertion of new s 280A**

**12.** After section 280—

*insert—*

**‘Preserved amount**

**‘280A.(1)** If a preservation cashing condition for a contributor has happened, none of a benefit payable to the contributor is a preserved amount for the scheme.

**‘(2)** Subject to subsection (1), the amount in a contributor’s benefit that is a preserved amount for the scheme is as follows—

- (a) for a contributor’s benefit under section 299(1)—the amount of the benefit that may be taken as a lump sum that is in excess of the contributor’s 1999 cashable amount;
- (b) for a contributor’s benefit under section 299(4)—
  - (i) if the contributor has not reached 55 years—the whole amount of the benefit; or
  - (ii) otherwise—the amount of the benefit that is in excess of the contributor’s 1999 cashable amount.’.

**Amendment of s 333 (Definitions for ch 9)**

**13.(1)** Section 333, definition “preserved amount”—

*omit.*

**(2)** Section 333—

*insert—*

**‘ “1999 cashable amount”** means the amount in a member’s voluntary preservation account that the member could have withdrawn at 30 June 1999 under section 338.’.

**(3)** Section 333, definition “preservation cashing condition”, paragraph (b)—

*omit, insert—*

## SCHEDULE (continued)

- ‘(b) for any other member—means the member—
- (i) permanently retiring from the workforce after reaching preservation age; or
  - (ii) ceasing an arrangement of employment on or after reaching 60 years; or
  - (iii) dying; or
  - (iv) becoming totally and permanently disabled; or
  - (v) reaching preservation age if the member has, before reaching preservation age, permanently retired from the workforce for a reason not mentioned in subparagraph (iv).’.

**Insertion of new s 333AA**

**14.** Chapter 9, part 1, after section 333—

*insert—*

**‘Preserved amount**

‘**333AA.(1)** If a preservation cashing condition for a member has happened, none of the member’s voluntary preservation account is a preserved amount for the scheme.

**(2)** Subject to subsection (1), the amount in a member’s voluntary preservation account that is a preserved amount for the scheme is the amount in excess of the total of—

- (a) the member’s 1999 cashable amount; and
- (b) the member’s non-preserved transfer amount received by the board after 30 June 1999; and
- (c) an amount transferred to the member’s voluntary preservation account after 30 June 1999, under another chapter of this deed, that is not a preserved amount.’.

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 16 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.