

**Queensland**



**Subordinate Legislation 2002 No. 178**

***Superannuation (State Public Sector) Act 1990***

**SUPERANNUATION (STATE PUBLIC SECTOR)  
AMENDMENT OF DEED REGULATION (No. 2)  
2002**

**TABLE OF PROVISIONS**

Section		Page
1	Short title . . . . .	2
2	Approval of amendments of deed . . . . .	2
	<b>SCHEDULE . . . . .</b>	<b>3</b>
	<b>AMENDMENTS OF SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990</b>	
1	Amendment of s 68 (Definitions for ch 3) . . . . .	3
2	Amendment of s 79 (Time for payment of benefits) . . . . .	3
3	Insertion of new s 81A . . . . .	4
	81A Application for benefit by particular members . . . . .	4

*Superannuation (State Public Sector) Amendment of No. 178, 2002  
Deed Regulation (No. 2) 2002*

---

**1 Short title**

This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 2) 2002*.

**2 Approval of amendments of deed**

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

## SCHEDULE

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

section 2

#### 1 Amendment of s 68 (Definitions for ch 3)

(1) Section 68—

*insert—*

‘ “**eligible temporary resident visa**” has the meaning given by the *Superannuation Industry (Supervision) Regulations 1994* (Cwlth), section 6.01(2).’.

(2) Section 68, definition “preservation cashing condition”, paragraph (a)—

*insert—*

‘(iv) having been the holder of an eligible temporary resident visa that has expired or been cancelled and having permanently departed from Australia; or’.

(3) Section 68, definition “preservation cashing condition”, paragraph (b)—

*insert—*

‘(vii) having been the holder of an eligible temporary resident visa that has expired or been cancelled and having permanently departed from Australia.’.

#### 2 Amendment of s 79 (Time for payment of benefits)

(1) Section 79, ‘to the member’—

*omit, insert—*

‘to a member’.

(2) Section 79, ‘for a member’—

*omit, insert—*

‘for the member’.

### **3 Insertion of new s 81A**

After section 81—

*insert—*

#### **‘81A Application for benefit by particular members**

‘(1) This section applies to an application under this division for payment of the amount in the accumulation account of a member who—

- (a) was the holder of an eligible temporary resident visa that has expired or been cancelled; and
- (b) has permanently departed from Australia.

‘(2) The application must be accompanied by—

- (a) if the amount in the member’s accumulation account is less than \$5 000—
  - (i) a copy of a visa, or other evidence of a visa, showing the member was the holder of an eligible temporary resident visa that has expired or been cancelled; and
  - (ii) a copy of the member’s passport showing the member has permanently departed from Australia; or
- (b) if the amount in the member’s accumulation account is at least \$5 000—a written statement, from the Commonwealth department in which the *Migration Act 1958* (Cwlth) is administered, stating the member—
  - (i) was the holder of an eligible temporary resident visa that has expired or been cancelled; and
  - (ii) has permanently departed from Australia.

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

‘(4) Subsection (5) applies to any additional amount payable to the member under this deed that—

*Superannuation (State Public Sector) Amendment of No. 178, 2002  
Deed Regulation (No. 2) 2002*

---

- (a) is received by the fund after payment of the amount in the member's accumulation account; and
- (b) relates to the member's employment before the application was made.

'(5) The additional amount must be paid to the member without the board requiring a further application from the member for the amount.'

---

ENDNOTES

1. Approved by the Governor in Council on 4 July 2002.
2. The amendments approved by this regulation were made by the Board of Trustees of the State Public Sector Superannuation Scheme on 19 June 2002.
3. Notified in the gazette on 5 July 2002.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Treasury Department.