

Queensland



Subordinate Legislation 2003 No. 291

Superannuation (State Public Sector) Act 1990

**SUPERANNUATION (STATE PUBLIC SECTOR)
AMENDMENT OF DEED REGULATION (No. 2)
2003**

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*Superannuation (State Public Sector) Amendment of No. 291, 2003
Deed Regulation (No. 2) 2003*

1 Short title

This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 2) 2003*.

2 Commencement

The following provisions commence on 1 January 2004—

- (a) schedule 1, section 2;
- (b) schedule 1, section 3;
- (c) schedule 1, section 4.

3 Approval of amendments of deed

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

SCHEDULE 1

AMENDMENTS OF SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990 CONCERNING PENSIONS AFFECTED BY CERTAIN AGREEMENTS OR COURT ORDERS, AND OTHER MATTERS

section 3

1 Insertion of new s 29DA

After section 29D—

insert—

‘29DA Agreement or court order for pension being paid to a member

‘(1) This section applies if the board receives an agreement or court order for a benefit that, at the operative time for the agreement or order, is a pension being paid to a member under chapters 4, 5, 6 or 7, other than an incapacity benefit or incapacity pension.

‘(2) The board must—

- (a) pay the entitled former spouse for the agreement or court order the proportion of the pension to which the entitled former spouse is entitled under the agreement or order (the **“spouse’s entitlement”**); and
- (b) reduce the pension that, other than for the agreement or court order, would be payable to the member, by the spouse’s entitlement.

‘(3) Subject to subsection (4), the board must pay the spouse’s entitlement as a pension for the period—

- (a) starting at the operative time for the agreement or order; and
- (b) ending on the day the pension being paid to the member is no longer payable to the member.

‘(4) The board must pay the entitled former spouse a pension for his or her lifetime (a **“lifetime pension”**) if the entitled former spouse elects to be paid a lifetime pension.

SCHEDULE 1 (continued)

‘(5) An election for subsection (4) must be—

- (a) in writing; and
- (b) given to the board within 3 months after the board receives the agreement or order.

‘(6) If the entitled former spouse elects to be paid a lifetime pension, it must be worked out in the way decided by the board on the advice of the actuary.’.

2 Amendment of s 34 (Continuity of membership when changing employers)

Section 34—

insert—

‘(2) The membership of the member in the standard defined benefit category continues under subsection (1) only if—

- (a) the member has not made a withdrawal from the member’s accumulation account in relation to a benefit credited to the account under part 4;¹ and
- (b) within 3 months of starting employment with the other employer, the member gives written notice to the board that the member wishes to continue his or her membership in the standard defined benefit category.’.

3 Amendment of s 54 (Contributory membership of persons who again become employed members)

Section 54(1), from ‘shall include’—

omit, insert—

‘includes membership relevant to the benefit only if the member—

- (a) has not made a withdrawal from the account in relation to the benefit; and

¹ Part 4 (Benefits)

SCHEDULE 1 (continued)

- (b) within 3 months after again becoming an employed member, asks the board in writing to include membership relevant to the benefit as a part of the member's contributory membership.².

4 Insertion of new s 66B

Chapter 2, part 7, after section 66A—

insert—

'66B Transitional—contributory membership of persons who again become employed members

'(1) This section applies to a member, if—

- (a) before the commencement of this section, the member—
- (i) had a benefit determined under part 4 credited to the member's accumulation account; and
 - (ii) again became an employed member; and
- (b) the member has not made a withdrawal from the account in relation to the benefit; and
- (c) membership relevant to the benefit has not been included as a part of the member's contributory membership.

'(2) Despite section 54(1)(b), and subject to section 54(3),³ the member's contributory membership includes membership relevant to the benefit, if the member, within 3 months after the commencement of this section, asks the board in writing to include membership relevant to the benefit as a part of the member's contributory membership.'

2 See also section 66B (Transitional—contributory membership of persons who again become employed members).

3 Section 54 (Contributory membership of persons who again become employed members)

SCHEDULE 1 (continued)

5 Amendment of s 81A (Application for benefit by particular members)

(1) Section 81A(2)—

omit, insert—

‘(2) The application must be accompanied by—

(a) 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; and

(b) 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.’.

(2) Section 81A(4), ‘subsection (5)’—

omit, insert—

‘subsection (6)’.

(3) Section 81A(3) to (5)—

renumber as section 81A(4) to (6).

(4) Section 81A—

insert—

‘(3) For subsection (2)(a), the statement may be in electronic form.’.

SCHEDULE 1 (continued)

6 Amendment of s 89C (Definitions for pt 4A)

Section 89C, definition “specialist”—

omit, insert—

‘**“specialist”** means a person registered as a specialist registrant under the *Medical Practitioners Registration Act 2001*.’

SCHEDULE 2

MINOR AMENDMENTS OF SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990

section 3

- 1 Section 15, after paragraphs (a) to (d)—**
insert—
'and'.
- 2 Section 22A(5)(a), after subparagraph (ii)—**
insert—
'or'.
- 3 Section 22A(5)(a)(ii) and (iii)—**
renumber as section 22A(5)(a)(i) and (ii).
- 4 Section 52(2), 'earlier of the following events'—**
omit, insert—
'earliest of'.
- 5 Section 52(7)(a), 'occurred; and'—**
omit, insert—
'occurred;'.
- 6 Section 73(1), 'WorkCover Queensland Act 1996'—**
omit, insert—
'Workers' Compensation and Rehabilitation Act 2003'.

SCHEDULE 2 (continued)

- 7 Section 103(3), ‘—(a)’ and ‘;’—**
omit.
- 8 Section 116, after paragraphs (a) to (c)—**
insert—
‘or’.
- 9 Section 139(2), after paragraph (a)—**
insert—
‘or’.
- 10 Section 151(1), after paragraphs (a) and (b)—**
insert—
‘or’.
- 11 Section 160(1), after paragraph (a)—**
insert—
‘or’.
- 12 Section 161(1), after paragraph (a)—**
insert—
‘or’.
- 13 Section 165(1), definition “final average salary”, after paragraph (a)—**
insert—
‘or’.

SCHEDULE 2 (continued)

14 Section 169(10) and (14), after paragraph (a)—

insert—

‘and’.

15 Section 171(3), after paragraph (c)—

insert—

‘or’.

16 Section 186(2), after paragraphs (a) and (b)—

insert—

‘and’.

17 Section 186(3), after paragraph (a)—

insert—

‘or’.

18 Section 186(7), ‘section 189’—

omit, insert—

‘section 115’.

19 Section 191(1), after paragraphs (a), (c) and (d)—

insert—

‘or’.

20 Section 191(4), (5) and (6), second occurring—

renumber as section 191(13), (14) and (15).

SCHEDULE 2 (continued)

21 Section 205(7)(a) and (8)(a), after subparagraph (i)—

insert—

‘or’.

22 Section 220(7), after paragraph (a)—

insert—

‘or’.

23 Section 225(4), after ‘section 60’—

insert—

‘of the repealed *Police Superannuation Act 1968*’.

24 Section 231(1), (2) and (4), after paragraph (a)—

insert—

‘or’.

25 Section 240(1), after paragraphs (a) to (c)—

insert—

‘or’.

**26 Section 280(1), definition “continuing contributor”,
paragraph (a), after ‘section 24(3)’—**

insert—

‘of the 1968 Act’.

SCHEDULE 2 (continued)

27 Section 280(1), definition “final average increase in salary”, after ‘section 24(3)’—

insert—

‘of the 1974 Act’.

28 Section 284(12), after paragraph (a)—

insert—

‘and’.

29 Section 289, after paragraphs (a) to (c)—

insert—

‘and’.

30 Section 295(4), after paragraph (a)—

insert—

‘or’.

31 Schedule 1, section 1, ‘sections 2 to 6’—

omit, insert—

‘sections 5 and 6’.

ENDNOTES

1. Approved by the Governor in Council on 27 November 2003.
2. The amendments approved by this regulation were made by Board of Trustees of the State Public Sector Superannuation Scheme on 15 October 2003.
3. Notified in the gazette on 28 November 2003.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Treasury Department.

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