



Queensland

# Superannuation (State Public Sector) Amendment of Deed Regulation (No. 4) 2013

## Subordinate Legislation 2013 No. 226

made under the

*Superannuation (State Public Sector) Act 1990*

## Contents

---

		Page
1	Short title . . . . .	3
2	Commencement . . . . .	3
3	Deed amended . . . . .	3
4	Amendment of s 4 (Definitions) . . . . .	3
5	Insertion of new s 16A . . . . .	3
	16A Investment objectives, strategies and policies . . . . .	3
6	Insertion of new ch 1, pt 4B . . . . .	4
	Part 4B Death or disablement insurance	
	23H Definitions for pt 4B . . . . .	4
	23I Provision of death or disablement insurance . . . . .	5
	23J Insurance terms . . . . .	5
	23K Premiums . . . . .	6
	23L Transitional—insured persons under previous s 65, 84 or 88 . . . . .	6
7	Insertion of new ch 1, pt 7F . . . . .	7
	Part 7F Deferred retirement benefit amounts	
	29T Deferred retirement benefit amount . . . . .	7
8	Amendment of s 32 (Definitions for ch 2) . . . . .	7

Contents

---

9	Amendment of s 46 (Benefit on total and permanent disablement)	7
10	Amendment of s 47 (Member's prospective membership benefit)	8
11	Amendment of s 48 (Benefit on death) . . . . .	8
12	Amendment of s 50 (Income protection benefit) . . . . .	9
13	Renumbering of ch 2, pt 7 (Miscellaneous) . . . . .	9
14	Omission of s 65 (Voluntary insurance) . . . . .	9
15	Insertion of new ch 2, pt 7, hdg . . . . .	9
	Part 7 Transitional provisions	
16	Relocation and renumbering of s 66C (Minimum benefit payable)	9
17	Insertion of new ss 66C and 66D . . . . .	9
	66C Transitional—prospective membership benefit for death or total and permanent disablement before 16 December 2013 . . . . .	10
	66D Transitional—income protection benefit for temporary disablement before 16 December 2013 . . . . .	10
18	Amendment of s 68 (Definitions for ch 3) . . . . .	11
19	Amendment of s 76 (Acceptance of personal and eligible spouse contributions) . . . . .	11
20	Omission of ch 3, pt 4, div 2 (Death and disablement insurance)	12
21	Renumbering of ch 3, pt 4, div 3 (Withdrawals from accumulation account) . . . . .	12
22	Replacement of s 89BA (Withdrawals on release authority) . . . .	12
	89BA Withdrawals on release authority . . . . .	12
23	Amendment of s 393 (Acceptance of personal and eligible spouse contributions) . . . . .	13
24	Omission of ch 10, pt 3, div 2 (Death and disablement insurance)	13
25	Renumbering of ch 10, pt 3, div 3 (Withdrawals from non-public sector accumulation account). . . . .	13

**1 Short title**

This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 4) 2013*.

**2 Commencement**

Sections 4, 6, 9 to 18, 20, 21, 24 and 25 commence on 16 December 2013.

**3 Deed amended**

This regulation amends the *Superannuation (State Public Sector) Deed 1990*.

**4 Amendment of s 4 (Definitions)**

Section 4—

*insert—*

*death or disablement insurance*, for chapter 1, part 4B, see section 23I(1).

*insured member*, for chapter 1, part 4B, see section 23H.

**5 Insertion of new s 16A**

After section 16—

*insert—*

**16A Investment objectives, strategies and policies**

- (1) The board may change the investment objective, strategy or policy under section 11 of the Act that applies to all or part of a member's beneficial interest in the fund.
- (2) Without limiting subsection (1), the board may decide that—

[s 6]

---

- (a) an investment objective, strategy or policy is no longer available, or may apply only to a particular beneficial interest; or
- (b) a new investment objective, strategy or policy will—
  - (i) replace an existing investment objective, strategy or policy; and
  - (ii) apply to all or part of a member's beneficial interest, unless the member chooses an alternative investment objective, strategy or policy.

*Note—*

For disclosure requirements that may apply in relation to the board's decision, see the *Corporations Act 2001* (Cwlth), section 1017B as modified by the *Corporations Regulation 2001* (Cwlth), schedule 10A, part 10, section 10.1.

## 6 Insertion of new ch 1, pt 4B

Chapter 1—

*insert—*

### **Part 4B                      Death or disablement insurance**

#### **23H Definitions for pt 4B**

In this part—

*death or disablement insurance* see section 23I(1).

*insured member* means a member insured under section 23I.

---

### **23I Provision of death or disablement insurance**

- (1) The board may provide insurance to a member against death or disablement of the member (*death or disablement insurance*).
- (2) The board may enter into a group life assurance policy to provide some or all of the insurance.
- (3) In this section—  
*disablement* means disablement that is—
  - (a) temporary disablement; or
  - (b) permanent and partial disablement; or
  - (c) total and permanent disablement.

### **23J Insurance terms**

- (1) The board must decide the terms on which death or disablement insurance is provided.
- (2) The terms of the insurance may, for example, include terms about the following matters—
  - (a) the process for applying for the insurance;
  - (b) the requirements, including any medical requirements, for eligibility to—
    - (i) become an insured member; or
    - (ii) increase the level of insurance cover provided to an insured member;
  - (c) benefits;
  - (d) the disclosure of relevant information to the board for the board to decide—
    - (i) an issue about the payment of a benefit; or
    - (ii) whether the requirements mentioned in paragraph (b) are satisfied; or

[s 6]

---

- (iii) another issue relating to the proper conduct of the insurance scheme;
- (e) ending a member's insurance cover.

### **23K Premiums**

Subject to its agreeing otherwise with an insured member, the board may deduct premiums for the member's death or disablement insurance from the member's accumulation account or non-public sector accumulation account.

### **23L Transitional—insured persons under previous s 65, 84 or 88**

- (1) This section applies to a person (the *insured person*) who, immediately before the commencement, is provided with insurance under previous section 65, 84 or 88.
- (2) The board must continue to provide the insurance to the insured person on the same terms.
- (3) However, the terms may be amended at any time after the commencement.
- (4) The board may cancel the insured person's insurance only if—
  - (a) under the terms, the person ceases to be insured; or
  - (b) the person has requested the cancellation.
- (5) In this section—

*commencement* means the commencement of this section.

*previous section 65, 84 or 88* means section 65, 84 or 88 as in force before the commencement.

**7 Insertion of new ch 1, pt 7F**

Chapter 1—

*insert—*

**Part 7F                      Deferred retirement  
benefit amounts**

**29T Deferred retirement benefit amount**

- (1) The purpose of this section is to declare what is a deferred retirement benefit amount.

*Note—*

Under the SIS regulation, regulation 1.04(3A)(d)(ii), a member who has a deferred retirement benefit amount is taken to be a defined benefit member for the SIS Act, section 20B or part 2C.

- (2) A deferred retirement benefit amount is—
- (a) an amount mentioned in section 52(2) until it is credited under that subsection; or
- (b) an amount credited to the fund under section 141(2), 191(4), 262(2) or 299(4) until it is paid under that subsection.

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

Section 32, definition *permanent and partial disablement*—

*relocate* to section 4.

**9 Amendment of s 46 (Benefit on total and permanent disablement)**

Section 46(1)(b), ‘if payable’—

*omit.*

[s 10]

---

**10 Amendment of s 47 (Member's prospective membership benefit)**

(1) Section 47(1) and (2)—

*omit, insert—*

(1) An employed member's prospective membership benefit is the amount calculated using the following formula—

**AP x PM**

where—

**AP** means the applicable percentage stated in schedule 1 for the benefit.

**PM** means the member's prospective membership.

(2) Section 47(3)—

*renumber* as section 47(2).

(3) Section 47(4)—

*omit.*

**11 Amendment of s 48 (Benefit on death)**

(1) Section 48(1), 'Where'—

*omit, insert—*

If

(2) Section 48(1), 'the board shall'—

*omit, insert—*

, the board must

(3) Section 48(2), from 'If' to 'member'—

*omit, insert—*

If an employed member dies, the board must pay for each child of the member



---

(4) Section 48(4)(e)—  
*omit.*

**12 Amendment of s 50 (Income protection benefit)**

Section 50(1)(c), '7'—

*omit, insert—*

5

**13 Renumbering of ch 2, pt 7 (Miscellaneous)**

Chapter 2, part 7—

*renumber* as chapter 2, part 6.

**14 Omission of s 65 (Voluntary insurance)**

Section 65—

*omit.*

**15 Insertion of new ch 2, pt 7, hdg**

After section 66—

*insert—*

**Part 7 Transitional provisions**

**16 Relocation and renumbering of s 66C (Minimum benefit payable)**

Section 66C—

*relocate* to chapter 2, part 4 and *renumber* as section 55B.

**17 Insertion of new ss 66C and 66D**

Chapter 2, part 7—

*insert—*

**66C Transitional—prospective membership benefit for death or total and permanent disablement before 16 December 2013**

- (1) This section applies if—
  - (a) before the commencement, an employed member died or became totally and permanently disabled before turning 55; and
  - (b) benefits payable to the member under previous sections 46 to 48 have not been fully paid out at the commencement.
- (2) Previous sections 46 to 48 continue to apply in relation to the member as if the amendment regulation had not been made.

- (3) In this section—

*amendment regulation* means the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 4) 2013*.

*commencement* means the commencement of this section.

*previous sections 46 to 48* mean sections 46, 47 and 48 as in force before the commencement.

**66D Transitional—income protection benefit for temporary disablement before 16 December 2013**

- (1) Subsection (2) applies to an employed member who—
  - (a) became temporarily disabled before the commencement; and
  - (b) at the commencement, has been absent from duty on sick leave without salary for a continuous period of 14 days, whether or not working days.
- (2) Section 50 applies in relation to the member's disablement and absence as if the reference in

section 50(1)(c) to 5 years were a reference to 7 years.

- (3) Subsection (4) applies to an employed member who—
  - (a) became temporarily disabled before the commencement; and
  - (b) has not, at the commencement, been absent from duty on sick leave without salary for a continuous period of 14 days, whether or not working days.
- (4) Section 50 as in force after the commencement applies in relation to the member's disablement and absence.
- (5) In this section—

**commencement** means the commencement of this section.

## **18 Amendment of s 68 (Definitions for ch 3)**

Section 68, definition *income protection insurance*—  
*omit.*

## **19 Amendment of s 76 (Acceptance of personal and eligible spouse contributions)**

- (1) Section 76(1), 'on behalf of'—  
*omit, insert—*  
for
- (2) Section 76(3), 'from a member'—  
*omit, insert—*  
made for a member, or a member's spouse,

[s 20]

---

**20 Omission of ch 3, pt 4, div 2 (Death and disablement insurance)**

Chapter 3, part 4, division 2—

*omit.*

**21 Renumbering of ch 3, pt 4, div 3 (Withdrawals from accumulation account)**

Chapter 3, part 4, division 3—

*renumber* as chapter 3, part 4, division 2.

**22 Replacement of s 89BA (Withdrawals on release authority)**

Section 89BA—

*omit, insert—*

**89BA Withdrawals on release authority**

- (1) This section applies if the board—
  - (a) is given a release authority under taxation legislation for an amount held in a member's account; and
  - (b) is, because of receiving the release authority, required, under the taxation legislation, to pay an amount (the *release amount*) to the commissioner or the member (the *proper recipient*).
- (2) The board must withdraw the release amount from the member's account and pay the amount to the proper recipient.

*Note—*

For examples of provisions of taxation legislation providing for payment of amounts under a release authority, see—

- the *Income Tax Assessment Act 1997* (Cwlth), subdivision 292-G

- the *Taxation Administration Act 1953* (Cwlth), schedule 1, divisions 96 and 135.

(3) In this section—

***account*** means accumulation account or non-public sector accumulation account.

***commissioner*** means the commissioner of taxation under the *Income Tax Assessment Act 1997* (Cwlth).

***taxation legislation*** means the *Income Tax Assessment Act 1997* (Cwlth) or the *Taxation Administration Act 1953* (Cwlth).

**23 Amendment of s 393 (Acceptance of personal and eligible spouse contributions)**

(1) Section 393(1), ‘on behalf of’—

*omit, insert—*

for

(2) Section 393(3), ‘from a member’—

*omit, insert—*

made for a member, or a member’s spouse,

**24 Omission of ch 10, pt 3, div 2 (Death and disablement insurance)**

Chapter 10, part 3, division 2—

*omit.*

**25 Renumbering of ch 10, pt 3, div 3 (Withdrawals from non-public sector accumulation account)**

Chapter 10, part 3, division 3—

*renumber* as chapter 10, part 3, division 2.

ENDNOTES

- 1 Consented to by the Board of Trustees of the State Public Sector Superannuation Scheme on 24 October 2013.
- 2 Made by the Governor in Council on 21 November 2013.
- 3 Notified on the Queensland legislation website on 22 November 2013.
- 4 The administering agency is Queensland Treasury and Trade.

© State of Queensland 2013  
Authorised by the Parliamentary Counsel