

SUPERANNUATION (STATE PUBLIC SECTOR) (SCHEME ADMINISTRATION) AMENDMENT BILL 2021

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by The Honourable Cameron Dick MP, Treasurer and Minister for Trade and Investment.

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Cameron Dick MP, Treasurer and Minister for Trade and Investment make this statement of compatibility with respect to amendments to be moved during consideration in detail (the amendments) of the Superannuation (State Public Sector) (Scheme Administration) Amendment Bill 2021 (the Bill).

In my opinion, the amendments for the Bill are compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The amendments will insert new Part 2A into the Bill to amend the *Governors (Salary and Pensions) Act 2003* (the Act).

Under section 7 of the Act, former Governors, who held office for at least 5 years are entitled to a lifetime pension of 35% of their Governor's salary. Further, if a former Governor leaves office with less than 5 years' service because they are incapable of performing the duties, the Minister may under section 11 of the Act declare that they are entitled to a pension under section 7 of the Act. Section 7 also provides that a surviving partner of a deceased Governor is entitled to 62.5% of the Governor's pension for their lifetime.

The amendments will enable a person, appointed Governor after commencement of the amendments, to either:

- elect to be a member of the superannuation fund they have in place prior to their appointment or the State public sector scheme under the *Superannuation (State Public Sector) Act 1990*; or

- receive a pension under part 3 of the Act.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Compatibility with human rights protected by the *Human Rights Act 2019* has been considered during the policy and legislative process.

The nature of the amendments is to provide a Governor with a choice in relation to their superannuation / pension arrangements. As such, the amendments are not considered to engage human rights and no further analysis of these amendments under the *Human Rights Act 2019* is required.

Conclusion

In my opinion, the amendments to be moved during consideration in detail for the Bill are compatible with human rights protected by the *Human Rights Act 2019* as the amendments to not infringe or otherwise engage a human right protected by the Act.

THE HON CAMERON DICK MP
Treasurer and Minister for Trade and Investment

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