

Superannuation (State Public Sector) Amendment Bill 2006

Amendments agreed to during Consideration

1 Amendment of clause 4 (Amendment of s 2 (Interpretation))

At page 7, after line 22—

insert—

‘Parliamentary Benefits Committee see section 32K(6).’.

2 Amendment of clause 15 (Replacement of ss 8 and 9)

At page 16, line 29, after ‘alternate trustee,’—

insert—

‘a member of the Parliamentary Benefits Committee.’.

3 Amendment of clause 18 (Amendment of s 13 (Membership of scheme))

At page 19, line 4—

omit, insert—

‘(1) Section 13(6)(c)(iii)—

omit.

‘(2) Section 13—’.

4 Amendment of clause 19 (Insertion of new pt 3A)

At page 20, lines 4 to 10—

omit, insert—

‘The officer’s functions are, as directed by the Minister, to give advice, prepare reports and carry on other activities

repealed Act means the *Parliamentary Contributory Superannuation Act 1970*.

transferring member means—

- (a) a person mentioned in the repealed Act, section 4(1)(a) or (b); or
- (b) a person mentioned in the repealed Act, section 4(1)(c) who, immediately before the commencement, had an entitlement under that Act.

trustees body corporate see section 32D(2).

‘32B Transferring members

- ‘(1) On the commencement, a transferring member becomes a member of the scheme in the membership category stated for the transferring member in the deed.
- ‘(2) A transferring member is eligible for membership of the scheme.

‘32C Entitlements

- ‘(1) On the commencement, each transferring member has the entitlements that applied to him or her immediately before the commencement.
- ‘(2) This section does not affect section 12.²

‘32D Trustees of the Parliamentary fund

- ‘(1) The Parliamentary trustees go out of office and the trustees body corporate is dissolved.
- ‘(2) In this section—
Parliamentary trustees means the trustees of the Parliamentary fund under the repealed Act, section 7(1).

² Section 12 (Deed to establish scheme)

trustees body corporate means the Trustees of the Parliamentary Contributory Superannuation Fund under the repealed Act, section 7(2).

‘32E Parliamentary fund

- ‘(1) The Parliamentary fund is discontinued.
- ‘(2) On the commencement, an amount that, immediately before the commencement, was contained in the Parliamentary fund becomes part of the State Public Sector Superannuation Fund.

‘32F Agreements and legal proceedings

- ‘(1) An agreement or arrangement in force immediately before the commencement, between the trustees body corporate and another entity is taken to be an agreement or arrangement between the board and the entity.
- ‘(2) A legal proceeding started but not finished, before the commencement, by or against the trustees body corporate may be continued and finished by or against the board.

‘32G Assets and liabilities

‘On the commencement, an asset or liability of the trustees body corporate immediately before the commencement becomes an asset or liability of the board.

‘32H Annual report

- ‘(1) The next annual report made after the commencement must include a report on the administration of the Parliamentary fund under the repealed Act during the period from 1 July 2006 until immediately before the commencement.
- ‘(2) In this section—
annual report means a report under section 20.

'32I Auditing

- '(1) The former trustees must give to the board the accounts under the repealed Act, section 14, relating to the period from 1 July 2006 until immediately before the commencement.
- '(2) A reference in section 20A(1)(b) or (2) to financial statements includes the accounts received by the board under subsection (1).
- '(3) In this section—
former trustees means the persons who were the Parliamentary trustees immediately before the commencement.

'32J Liability for tax

- '(1) State tax is not payable in relation to anything done (including, for example, a transaction entered into or an instrument made, executed, lodged or given) because of, or for a purpose connected with or arising out of, this part.
- '(2) In this section—
State tax means a tax imposed under an Act.
tax includes any fee, duty, levy or charge.

'32K Deed making power for transferring members

- '(1) This section provides for the amendment of the deed under section 12 to provide for transferring members.
- '(2) An amendment of the deed may be expressed as a relocation to the deed of a provision, with or without stated changes, of the repealed Act.
- '(3) To remove any doubt, it is declared the amendment does not amend the repealed Act.
- '(4) The amendment must not commence until the repeal of the repealed Act.
- '(5) The deed must be amended to provide for the membership category or categories of transferring members.

‘(6) The deed must be amended to include provision for a resignation matter to be decided by a committee (the ***Parliamentary Benefits Committee***) consisting of the following persons—

- (a) the Premier;
- (b) the speaker of the Legislative Assembly;
- (c) the member of the Legislative Assembly who is recognised as the leader of the opposition.

‘(7) This section does not limit section 12.

‘(8) In this section—

resignation matter means a matter about whether a transferring member has resigned, or not sought re-election, as a member of the Legislative Assembly for good and sufficient reasons.

‘32L Repeal

‘The Parliamentary Contributory Superannuation Act 1970 No. 1 is repealed.’.

7 Replacement of pt 3 (Amendment of Parliamentary Contributory Superannuation Act 1970)

At page 28, lines 7 to 23—

omit, insert—

‘Part 3 Consequential amendments

‘Division 1 Amendment of Parliament of Queensland Act 2001

‘28 Act amended in div 1

‘This division amends the *Parliament of Queensland Act 2001*.

‘29 Amendment of s 65 (Meaning of *paid public appointment* and related appointment)

‘Section 65(6), definition *reward*, paragraph (a)—

omit, insert—

‘(a) an amount decided under chapter 7;³ or

(aa) an amount decided under the deed under the *Superannuation (State Public Sector) Act 1990* in relation to a transferring member within the meaning of section 32A of that Act; or’.

‘30 Amendment of s 70 (Meaning of *transacts business*)

‘Section 70(5), definition *reward*, paragraph (a)—

omit, insert—

‘(a) an amount decided under chapter 7;⁴ or

(aa) an amount decided under the deed under the *Superannuation (State Public Sector) Act 1990* in relation to a transferring member within the meaning of section 32A of that Act; or’.

‘31 Omission of s 123A (Application of pt 4)

‘Section 123A—

omit.

**‘Division 2 Amendment of Public Officers
Superannuation Benefits Recovery
Act 1988**

3 Chapter 7 (Members’ salaries)

4 Chapter 7 (Members’ salaries)

‘32 Act amended in div 2

‘This division amends the *Public Officers Superannuation Benefits Recovery Act 1988*.

‘33 Amendment of s 8 (Factors relevant to assessment of liability)

‘Section 8(2)(c), ‘established by the *Parliamentary Contributory Superannuation Act 1970*’—

omit, insert—

‘under the *Superannuation (State Public Sector) Act 1990* in relation to a transferring member within the meaning of section 32A of that Act’.

‘Division 3 Amendment of Superannuation (Public Employees Portability) Act 1985

‘34 Act amended in div 3

‘This division amends the *Superannuation (Public Employees Portability) Act 1985*.

‘35 Amendment of s 4 (Meaning of terms)

‘(1) Section 4(1), definition *approved superannuation scheme*, paragraph (c)—

omit.

‘(2) Section 4(1), definition *approved superannuation scheme*, paragraph (d)—

renumber as paragraph (b).

'36 Amendment of s 9 (Payment by the Crown)

'Section 9, 'the State Service Superannuation Fund, the Parliamentary Contributory Superannuation Fund or'—

omit.

'37 Amendment of s 10 (Receipt and application of transfer values)

'Section 10(4), '*Parliamentary Contributory Superannuation Act 1970*'—

omit, insert—

'*Superannuation (State Public Sector) Act 1990* in relation to a transferring member within the meaning of section 32A of that Act'.'. .