

Superannuation (State Public Sector) Amendment Notice (No. 1) 2019

Explanatory notes for SL 2019 No. 193

made under the

Superannuation (State Public Sector) Act 1990

General Outline

Short title

Superannuation (State Public Sector) Amendment Notice (No. 1) 2019

Authorising law

Sections 2A and 14B of the *Superannuation (State Public Sector) Act 1990*

Policy objectives and the reasons for them

QSuper was established by the Queensland Government to provide superannuation benefits for Queensland's State public sector employees. Under section 14B of the *Superannuation (State Public Sector) Act 1990* (Superannuation Act), the Treasurer declares, by written notice, the QSuper membership categories and other conditions of membership for employees of units of the State public sector. The categories of membership for State public sector employees include a defined benefit arrangement for employees with continuous government employment since before November 2008; a generous accumulation arrangement and a basic accumulation arrangement (i.e. Superannuation Guarantee only).

Units of the State public sector

The meaning of a unit of the State public sector is defined under section 2 of the Superannuation Act and includes government entities such as departments, entities established under a Queensland act and body corporates wholly owned by the State.

Section 2A of the Superannuation Act provides that the Minister may, by written notice, declare an entity to be a unit of the State public sector, which is mainly intended to be used for those entities that do not fit within the definition under section 2 but have a link to the Queensland Government. In addition, some entities are declared units of the State public sector but only for guaranteeing the continuation of superannuation arrangements for employees transferring to the entity from an existing unit of the State public sector. Schedule 1 of the *Superannuation (State Public Sector) Notice 2010* (Superannuation Notice) is amended to clarify this distinction.

Continued QSuper membership for transferring employees

Linfox Australia Pty Ltd bought part of Aurizon Operations Limited's Queensland intermodal business on 1 February 2019 and the Treasurer has approved the continuation of existing QSuper membership arrangements of employees who transferred as part of the sale. Linfox Australia Pty Ltd is declared a unit of the State public sector for this purpose.

New employer sponsors

The **Australian Children's Education and Care Quality Authority (ACECQA)** is established under the *Education and Care Service National Law 2010 (Vic)* and the Education and Care Services National Law is adopted under the *Education and Care Services National Law (Queensland) Act 2011*. ACECQA employees who transferred employment from the Queensland Government can continue their existing superannuation arrangements if approved by the employer.

Cleanco Queensland Limited (Cleanco) has been declared a Government owned corporation under section 5 of the Government Owned Corporations Act 1993. Staff transferring to Cleanco Queensland Limited from CS Energy Ltd and Stanwell Corporation Ltd can continue their existing superannuation arrangements whilst other employees can continue their existing superannuation arrangements subject to Cleanco's approval. The basic accumulation arrangement is offered to all other employees.

Existing employer sponsors

City Parklands Services Pty Ltd (City Parklands) has resumed the promotion of Brisbane's South Bank Parkland's Visitor Information Centre from 1 July 2019, a role it undertook before it was transferred to Brisbane Marketing Pty Ltd on 4 August 2014. In addition to City Parkland's existing arrangements, employees who have had continued employment that originated with South Bank Corporation will be able to continue their existing QSuper arrangements. In addition, City Parkland's official name has changed which is reflected in this amendment.

The arrangements for the **National Disability Insurance Agency (NDIA)** are amended to clarify that any Queensland public sector employee transferring to this entity as part of the implementation of the National Disability Insurance Scheme (NDIS) can continue their existing QSuper arrangements, in line with original policy intent.

Removal of employer sponsors

Brisbane Marketing Pty Ltd and Port of Brisbane Corporation Pty Ltd are removed from the Notice as they no longer have staff with entitlements under this instrument.

Achievement of policy objectives

The Superannuation Notice sets out the QSuper membership arrangements approved by the Treasurer for employees of a Queensland public sector employer, including employers that have been declared to be a unit of the State public sector.

The Superannuation (State Public Sector) Amendment Notice (No. 1) 2019 (Amendment Notice) achieves the policy objectives by amending the Superannuation Notice to include the arrangements outlined above.

Consistency with policy objectives of authorising law

The Amendment Notice is consistent with the policy of the authorising law in that the Minister may, by written notice, declare QSuper membership arrangements for an employee of a unit of the State public sector.

Inconsistency with policy objectives of other legislation

The Amendment Notice is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

It is not expected that the implementation of the Amendment Notice will result in significant costs.

Consistency with fundamental legislative principles

The Amendment Notice is consistent with fundamental legislative principles.

Consultation

Consultation has occurred with the relevant employers, the Government Superannuation Officer and the Office of the Queensland Parliamentary Counsel. All parties agree with the amendments to the Superannuation Notice.