

Superannuation (State Public Sector) Repeal Regulation 2022

Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Cameron Dick MP, Treasurer and Minister for Trade and Investment provide this human rights certificate with respect to the *Superannuation (State Public Sector) Repeal Regulation 2022* made under the *Superannuation (State Public Sector) Act 1990* (SSPS Act).

In my opinion, the *Superannuation (State Public Sector) Repeal Regulation 2022*, as tabled in the Legislative Assembly, is 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 Subordinate Legislation

The *Superannuation (State Public Sector) Repeal Regulation 2022* (Repeal Regulation) repeals the *Superannuation (State Public Sector) Regulation 2017* (SSPS Regulation). The SSPS Regulation provides for the:

- appointment, qualifications and removal of trustees on the QSuper Board
- procedures for meetings of the QSuper Board, and
- declaration of expressions that are protected under section 21 of the *Superannuation (State Public Sector) Act 1990* (Superannuation Act).

Human Rights Issues

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

The Repeal Regulation is a consequence of the retirement of the QSuper Board and the appointment of Australian Retirement Trust Pty Ltd as trustee of the Australian Retirement Trust, formed by the merger of QSuper and Sunsuper.¹

On 1 March 2022, the QSuper Board becomes QSuper Board Pty Ltd, whose board membership and procedures will be governed by its constitution. The provisions dealing with the protection of declared expressions are repealed from the SSPS Act, given these expressions are protected under Commonwealth law. Therefore, the SSPS Regulation is no longer required, and the Repeal Regulation removes these redundant governance procedures from the statute book. As such it does not engage any rights protected under the *Human Rights Act 2019*.

¹ The retirement of the QSuper Board and appointment of a new trustee, and other governance changes, are a consequence of amendments to the SSPS Act made by the *Superannuation (State Public Sector)(Scheme Administration) Amendment Act 2021*. The amending legislation's statement of compatibility addresses human rights issues arising from the amendments.

Conclusion

I consider that the *Superannuation (State Public Sector) Repeal Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

CAMERON DICK MP
TREASURER
MINISTER FOR TRADE AND INVESTMENT

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