



Superannuation (State Public Sector) Act 1990

Superannuation (State Public Sector) Regulation 2017

Current as at 1 June 2018

Reprint note

This is the last reprint before repeal. Repealed on 28 February 2022 by 2022 SL No. 12 s 3.

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Queensland

Superannuation (State Public Sector) Regulation 2017

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Superannuation (State Public Sector) Regulation 2017

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Superannuation (State Public Sector) Regulation 2017*.

2 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

Part 2 Board of trustees

Division 1 Membership

3 Membership

- (1) The board is to consist of the following 8 trustees appointed by the Minister—
 - (a) 4 trustees as representing employers (each an *employer trustee*);
 - (b) 4 trustees as representing members (each a *member representative trustee*), of whom 1 is to be nominated by each of the following—
 - (i) the Queensland Police Union;
 - (ii) the Queensland Nurses and Midwives' Union;
 - (iii) the Queensland Teachers' Union;
 - (iv) Together Queensland.

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- (2) The Minister may, with the board's written consent, appoint 1 other trustee as an independent director of the board.
- (3) In this section—
independent director has the meaning given under the SIS Act, section 10(1) and (2).

4 Appointment

- (1) The Minister may appoint a person as a trustee only if—
 - (a) the person is an adult; and
 - (b) the person consents in writing to the appointment; and
 - (c) the person is appropriately qualified to perform the functions, and exercise the powers, of a trustee.
- (2) The Minister can not appoint a person who is a disqualified person.
- (3) If the Minister appoints a person as a trustee, written notice of the appointment must be given to the person.

5 Notice of disqualification

If a trustee becomes a disqualified person during the term of the trustee's appointment, the trustee must immediately give written notice to the board that the person is a disqualified person.

6 Term of appointment

- (1) A trustee holds office for a term of not more than 3 years stated in the notice of the appointment.
- (2) A person may be reappointed as a trustee.
- (3) However, a person must not be reappointed if the total of the person's terms of appointment would be more than 9 years.
- (4) Subsection (3) does not apply to the reappointment of a person as a trustee if—

- (a) the Minister is satisfied, on the advice of the board, that the reappointment is necessary for the effective management, operation, control and administration of the scheme, having regard to—
 - (i) the particular skills, experience and expertise of the trustee; and
 - (ii) the current or proposed process for the transfer of the particular skills, experience and expertise to other trustees; and
- (b) the total of the person's terms of appointment would not be more than 12 years.

7 Vacancy in the office

- (1) A trustee's office becomes vacant if—
 - (a) the trustee resigns from office by notice given to the Minister; or
 - (b) the trustee becomes a disqualified person; or
 - (c) the trustee is removed from office by the Minister.
- (2) The Minister may remove a member representative trustee from office only at the request of the board under section 8.

8 Removal of trustees

- (1) The board may ask the Minister to remove a trustee from office if the board is satisfied—
 - (a) the trustee has been absent from 3 board meetings in a financial year, of which proper notice of the meeting has been given to the trustee, without the board's leave and without reasonable excuse; or
 - (b) the trustee is unable to perform the functions of a trustee because of a physical or mental incapacity; or
 - (c) that, if the trustee remains in office, it is likely the board will not meet the prudential standards under the SIS Act, part 3A that apply to it.

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- (2) The board may also ask the Minister to remove a trustee from office in the circumstances prescribed under the SIS Act, section 107(2)(a)(ii)(G).
- (3) Before making a request under this section, the board must—
 - (a) give the trustee a written notice stating—
 - (i) that the board proposes to ask the Minister to remove the trustee; and
 - (ii) the reason for making the request; and
 - (iii) that the trustee may, within a stated reasonable time of not less than 14 days, give the board a written submission about why the board should not make the request; and
 - (b) if the board is making the request under subsection (1)(a) or (b) or (2) to remove a member representative trustee—obtain written approval from the entity that nominated the trustee for appointment to make the request.
- (4) If, after considering any properly made submissions given to the board, the board still decides to make the request, the Minister must comply with the request.

9 Filling a vacancy of office

- (1) This section applies if the office of a trustee becomes vacant during the trustee's term of appointment (the *original term*).
- (2) The Minister must—
 - (a) for an employer trustee—appoint another person to the office; or
 - (b) for a member representative trustee—appoint a person nominated by the entity that nominated the trustee whose office has become vacant.
- (3) Subject to subsection (4), the Minister must appoint a trustee under this section within 90 days of the office becoming vacant.

- (4) If the Minister does not receive a nomination under subsection (2)(b) in time to fill a vacancy within 90 days of the office becoming vacant, the Minister must appoint a trustee to fill the vacancy as soon as practicable after receiving the nomination.
- (5) The term of appointment for a trustee appointed under this section ends at the end of the original term.

10 Alternate trustees

- (1) The board may appoint alternate trustees to—
 - (a) act in the office of a trustee during a vacancy in the office; and
 - (b) attend board meetings in the place of trustees who are unable to attend the meetings; and
 - (c) exercise the absent trustees' powers at board meetings.
- (2) However, there must not be more than 2 alternate trustees at any one time.

11 Appointment of alternate trustees

- (1) The board may appoint a person as alternate trustee only if—
 - (a) the person could be appointed as a trustee under section 4; and
 - (b) the person consents in writing to the appointment.
- (2) An alternate trustee holds office for a term of not more than 3 years.
- (3) The office of an alternate trustee becomes vacant if the trustee—
 - (a) resigns by signed notice given to the chairperson; or
 - (b) becomes a disqualified person.

12 Chairperson

- (1) The Minister must appoint a trustee as chairperson of the board.
- (2) The Minister may appoint a trustee as chairperson only if—
 - (a) the Minister, before making the appointment, consults the board; and
 - (b) the trustee consents in writing to the appointment.
- (3) The appointment of the chairperson must be for a stated term of not more than 3 years.
- (4) The office of chairperson becomes vacant if—
 - (a) the chairperson stops being a trustee; or
 - (b) the chairperson's term of appointment as trustee ends, whether or not the chairperson is reappointed as trustee; or
 - (c) the chairperson resigns the office by signed notice given to the Minister; or
 - (d) the Minister, in consultation with the board, removes the chairperson from office.

13 Deputy chairperson

- (1) The board may appoint a trustee, other than the chairperson, as deputy chairperson of the board.
- (2) The board may appoint a trustee as deputy chairperson only with the trustee's consent.
- (3) The trustee appointed as deputy chairperson must be—
 - (a) if the chairperson is an employer trustee—a member representative trustee; or
 - (b) if the chairperson is a member representative trustee—an employer trustee.
- (4) The appointment of the deputy chairperson must be for a stated term of not more than 3 years.

- (5) A trustee is appointed deputy chairperson if at least a quorum of trustees agree to appoint the trustee to be deputy chairperson.
- (6) The office of deputy chairperson becomes vacant if—
 - (a) the deputy chairperson stops being a trustee; or
 - (b) the deputy chairperson's term of appointment as trustee ends, whether or not the deputy chairperson is reappointed as trustee; or
 - (c) the deputy chairperson resigns the office by signed notice given to the board; or
 - (d) the deputy chairperson stops being a person who may be appointed under subsection (3).

Division 2 Board meetings

14 Conduct of business

Subject to the Act and this division, the board may conduct its business, including its meetings, in the way it considers appropriate.

15 Time and place of meetings

- (1) Board meetings are to be held at the times and places the board decides.
- (2) The chairperson of the board may call a meeting of the board at anytime and must call a meeting of the board if asked, in writing, to do so by at least a quorum of trustees.

16 Presiding at board meetings

- (1) The chairperson presides at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent from a board meeting, the deputy chairperson presides.

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- (3) If both the chairperson and deputy chairperson are absent from a board meeting, another trustee, chosen by the trustees present at the board meeting, is to preside at the meeting.

17 Conduct of meetings

- (1) A resolution at a board meeting is passed only if at least a quorum of trustees vote in favour of it.
- (2) Each trustee present at a meeting has a vote on each resolution to be decided.
- (3) A trustee present at a meeting who abstains from voting on a resolution is taken to have not supported the resolution.
- (4) The board may hold meetings, or permit trustees to take part in meetings, using telephone, video link, or another form of communication that allows reasonably contemporaneous and continuous communication between the trustees taking part in the meeting.
- (5) A trustee who takes part in a meeting under subsection (4) is taken to be present at the meeting.

18 Resolutions other than at meetings

- (1) A resolution may be made by the board other than at a board meeting if—
 - (a) at least a quorum of trustees give written notice to support the resolution; and
 - (b) notice of the resolution is given under procedures approved by the board.
- (2) The resolution is taken to have been made when the quorum of trustees give written notice to support the resolution.

Part 3 Miscellaneous

19 Declared expressions—Act, s 21(2)

The following expressions, associated with the scheme, are declared to be expressions to which the Act, section 21, applies—

- (a) QSuper;
- (b) RailSuper.

Part 4 Repeal and transitional provision

20 Repeal

The Superannuation (State Public Sector) Regulation 2006, SL No. 215 is repealed.

21 Existing appointments

- (1) The repeal of the *Superannuation (State Public Sector) Regulation 2006* does not affect an existing appointment.
- (2) In this section—

existing appointment means an appointment of a person as trustee, alternate trustee, chairperson or deputy chairperson that is in effect immediately before the commencement.

Schedule 1 Dictionary

section 2

chairperson means the trustee appointed as chairperson under section 12.

deputy chairperson means the trustee appointed as deputy chairperson under section 13.

disqualified person has the meaning given under the SIS Act, section 120.

employer trustee see section 3(1)(a).

member representative trustee see section 3(1)(b).

quorum, of trustees for a matter, means two-thirds of the total number of trustees holding office at the time when the matter is decided.