

Queensland



**LOCAL GOVERNMENT  
SUPERANNUATION  
AMENDMENT ACT 1992**

**Act No. 30 of 1992**

# Queensland



## LOCAL GOVERNMENT SUPERANNUATION AMENDMENT ACT 1992

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**Local Government Superannuation  
Amendment Act 1992**

**Act No. 30 of 1992**

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**An Act to amend the *Local Government Superannuation Act 1985***

*[Assented to 23 June 1992]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

### **Short title**

1. This Act may be cited as the *Local Government Superannuation Amendment Act 1992*.

### **Commencement**

2. This Act commences on a day to be fixed by proclamation.

### **Amended Act**

3. The *Local Government Superannuation Act 1985* is amended as set out in this Act.

### **Omission of s.3 (Arrangement)**

4. Section 3—

*omit.*

### **Omission of s.4 (Repeal)**

5. Section 4—

*omit.*

### **Amendment of s.5 (Meaning of terms)**

6.(1) Section 5 (definitions “**Local Authority**”, “**Minister**” and “**permanent employee**”)—

*omit.*

(2) Section 5—

*insert—*

“**local authority**” means—

(a) a local authority as defined by section 3(1) of the *Local Government Act 1936*; or

(b) a person or body of persons declared under section 6 to be a local authority for the purposes of this Act;

**“permanent employee”** means an employee of 1 or more local authorities who—

(a) if the employee is employed by at least 1 local authority that is not a local authority under a declaration under section 6 (a **“Local Government Act local authority”**)—

(i) has been continuously employed by 1 or more Local Government Act local authorities (either at the same time or in succession) for not less than 12 months; or

(ii) has been continuously employed by 1 or more Local Government Act local authorities (either at the same time or in succession) for less than 12 months, but has elected, by written notice given to the Board, to become a permanent employee for the purposes of this Act from a day specified in the notice (not earlier than the day on which, and not later than 12 months after, the employee started the continuous employment); or

(b) in any other case—has been declared to be a permanent employee for the purposes of this Act by written notice given to the Board by a local authority by whom the employee is employed;

but does not include an employee solely engaged for the purpose of carrying out or working on a particular job or project if the length of the person’s employment by local authorities is or is likely to be dependent on the length of the job or project;

**“repealed Act”** means the *Local Government Superannuation Act 1964*;

(3) At the end of section 5—

*insert—*

(2) For the purposes of the definition **“permanent employee”** in subsection (1), employment with 1 or more local authorities ceases to be continuous only when—

(a) it is broken by a period of not less than 60 successive days during which the employee is not employed by 1 or more local authorities and is not in the position of accepting an offer of employment by a local authority; or

(b) the Board is otherwise satisfied that the employee is no longer employed by any local authority and has no intention of taking up employment with a local authority.’.

### **Amendment of s.6 (Declaration as Local Authority)**

**7.(1)** Section 6(1)—

*omit* ‘Local Government to be a Local Authority for the purposes of this Act’,

*insert*—

‘local government—

(a) to have always been a local authority for the purposes of this Act; or

(b) to be a local authority for the purposes of this Act from the day the declaration is gazetted or from a later day specified in the declaration’.

**(2)** Section 6(2)—

*omit, insert*—

‘**(2)** If the declaration—

(a) was made before the commencement of this subsection; or

(b) is made after that commencement and subsection (1)(a) applies to the declaration;

the person or body is taken to have always been a local authority for the purposes of this Act.’.

**(3)** Section 6(3)—

*omit* ‘A declaration under subsection (1)’, *insert* ‘The declaration’.

**Insertion of new s.33A**

8. After section 33—

*insert—*

**‘Management of other schemes**

‘**33A.(1)** With the prior approval of the Governor in Council, the Board may manage any other superannuation scheme on behalf of its board of trustees.

‘**(2)** The Board may charge fees for the management of another superannuation scheme.

‘**(3)** The fees paid to the Board under this section must be paid into the Fund under section 27(2)(e).’.

**Amendment of heading to Division 3A of Part 3**

9. Division 3A of Part 3 (heading)—

*omit ‘of’, insert ‘in relation to’.*

**Amendment of s.36 (Local Authorities to make payments to Board in respect of permanent employees)**

10. Section 36(1)—

*omit ‘ this Division’, insert ‘Division 3, this Division and Division 3B’.*

**Amendment of s.38 (Employee liable for half Local Authority’s payment to Board)**

11.(1) Section 38 (heading)—

*omit, insert—*

**‘Employee liable to local authority for amount of employee’s contributions**

‘**(2)** Section 38(1)—

*omit, insert—*

**‘(1)** A permanent employee in relation to whom a local authority is required by section 36(1) to pay an annual contribution to the Board is liable to the local authority for—

- (a) if an employee to whom section 38B applies does not make an election—5% of the employee’s salary; or
- (b) in any other case—6% of the employee’s salary.’.

### **Replacement of s.39 (Amount of contribution to Fund)**

**12.** Section 39—

*omit, insert—*

#### **‘Contribution rates—general**

**‘38A.** Subject to section 39, the annual contribution payable to the Board by a local authority under section 36(1) in relation to a permanent employee is—

- (a) for the year starting on 1 July 1992—12.25% of the employee’s salary;
- (b) for the year starting on 1 July 1993—12.5% of the employee’s salary;
- (c) for the year starting on 1 July 1994—12.75% of the employee’s salary;
- (d) for the year starting on 1 July 1995—13% of the employee’s salary;
- (e) for the year starting on 1 July 1996—13.25% of the employee’s salary;
- (f) from 1 July 1997—13.5% of the employee’s salary.’.

#### **‘Certain permanent employees may elect to contribute at higher rate**

**‘38B.(1)** If, before the commencement of this section, a permanent employee elected that the annual contribution payable to the Board in relation to the employee by a local authority under section 36(1) be 10% of the employee’s salary, the employee may, by written notice given to the local authority within the prescribed time, elect that, from the year starting

on 1 July 1992, the amount for which the employee is liable to the local authority under section 38(1) is 6% of the employee's salary.

‘(2) Within 30 days after a local authority receives a notice of election, the local authority must give a copy of the notice to the Board.

**‘Contribution rates of permanent employees who have not elected under s. 38B**

‘39. The annual contribution payable to the Board by a local authority under section 36(1) in relation to a permanent employee to whom section 38B applies and who has not made an election under section 38B is—

- (a) for the year starting on 1 July 1992—10.25% of the employee's salary;
- (b) for the year starting on 1 July 1993—10.5% of the employee's salary;
- (c) for the year starting on 1 July 1994—10.75% of the employee's salary;
- (d) for the year starting on 1 July 1995—11% of the employee's salary;
- (e) for the year starting on 1 July 1996—11.25% of the employee's salary;
- (f) from 1 July 1997—11.5% of the employee's salary.’.

**Replacement of s.40 (Variation of amount of contribution to Fund)**

13. Section 40—

*omit, insert—*

**‘Variation of amount of contribution to Board**

‘40.(1) If, on 1 January or 1 July in any year, the salary of a permanent employee, in relation to whom an annual contribution is payable to the Board, is more than the employee's salary when—

- (a) the last adjustment of contribution to the Board was made in relation to the employee; or

(b) if there is no such adjustment—when contribution to the Board in relation to the employee was first payable;

the annual contribution to the Board payable in relation to the employee must be recalculated under section 38A or 39.

‘(2) If the salary of a permanent employee in relation to whom an annual contribution is payable to the Board decreases, the annual contribution to the Board payable in relation to the employee must, subject to subsection (3), be recalculated under section 38A or 39.

‘(3) A reduction under subsection (2) must not be made if the permanent employee—

(a) gives written notice to the Board within the prescribed time that the employee is willing and able to pay the amount for which the employee would be liable to the local authority under section 38(1) if the employee’s salary had not decreased; and

(b) continues payment of that amount.’.

### **Amendment of heading to Division 3B of Part 3**

**14.** Division 3B of Part 3 (Heading)—

*omit ‘of’, insert ‘in relation to’.*

### **Amendment of s.43A (Local Authorities to make payments to Board in respect of eligible employees)**

**15.** Section 43A—

*omit ‘all contributions’,*

*insert ‘, in addition to any other contributions payable under this Act, all contributions’.*

### **Amendment of s.44 (The Articles)**

**16.** Section 44(3)—

*omit, insert—*

‘(3) An order in council under this section is declared to be subordinate legislation.’

### **Amendment of s.45 (Amendment of Articles)**

**17.** Section 45(2)—

*omit, insert—*

‘(2) Orders in council under this section are declared to be subordinate legislation.’

### **Omission of Schedule**

**18.** Schedule—

*omit.*