

Queensland



Subordinate Legislation 1993 No. 35

Electricity Act 1976

**ELECTRICITY (ARTICLES OF THE
QUEENSLAND ELECTRICITY SUPPLY
INDUSTRY EMPLOYEES’
SUPERANNUATION SCHEME) AMENDMENT
REGULATION (No. 1) 1993**

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Electricity (Articles of the Queensland Electricity Supply Industry Employees' Superannuation Scheme) Amendment (No. 1) No. 35, 1993

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Short title

1. This regulation may be cited as the *Electricity (Articles of the Queensland Electricity Supply Industry Employees' Superannuation Scheme) Amendment Regulation (No. 1) 1993*.

Amended Articles

2. The *Articles of the Queensland Electricity Supply Industry Employees' Superannuation Scheme* are amended as set out in this regulation.

Commencement

3. This regulation commences on 1 March 1993.

Amendment of s.3 (Definitions)

4.(1) Section 3 (definitions “**commencement date**”, “**employee**”, “**membership period**” and “**salary**”)—

omit.

(2) Section 3—

insert—

“**commencement date**” means 28 July 1980;

“**employee**” means a full-time or a part-time employee;

“**full-time hours**” for a period means the total number of hours that a full-time employee is employed to work during the period;

“**membership period**” has the meaning given by section 3B;

“**salary**” has the meaning given by section 3C;

“**workers compensation payment**” means a payment received by an employee under the *Workers Compensation Act 1990*, or a similar law of the Commonwealth or another State or a Territory, in respect of an injury suffered by the employee;

“**working hours**” for a period, for an employee, means the total number of

hours that the employee was scheduled to work during the period, other than on overtime, and whether on a full-time or part-time basis.’.

Insertion of new ss.3B–3D

5. After section 3A—

insert—

‘Meaning of “membership period”

‘3B.(1) In these Articles, subject to subsection (2)—

“membership period” of a person means—

- (a) the period during which the person contributed, or under these Articles is taken to have contributed, to the Scheme; and
- (b) any other period included in the person’s membership period under these Articles.

‘(2) If, during a period—

- (a) a person is employed part-time; and
- (b) the entire period would, but for this subsection, be included in the person’s membership period;

the following proportion of the period is included in the person’s membership period—

$$\frac{W}{F}$$

where—

“W” is the number of the member’s working hours for the period;

“F” is the number of full-time hours for the period.

‘Meaning of “salary”

‘3C.(1) In these Articles, subject to this section—

“salary” of a person means the amount (by whatever name) that is paid to

the person by the person's employer by way of fixed remuneration, including any allowance permanently included in the remuneration.

'(2) To remove any doubt, a person's salary does not include any payment to the person for acting in a higher classification, overtime, commission, bonuses, shift allowances, weekend or other penalty rates, fees or any other allowance, unless the payment is part of the person's fixed remuneration.

'(3) For the purposes of the Scheme, the amount of an employee's salary is—

- (a) if the employee is a shift worker—the amount that would otherwise be the employee's salary plus—
 - (i) for a 'continuous 3-shift worker'—30% of the amount; or
 - (ii) for any other shift worker—15% of the amount; or
- (b) if the employee's salary consists wholly or partly of commission—the amount notified to the Superannuation Board under section 3D.

'(4) For the purposes of the Scheme, if an employee is granted leave without pay for a reason other than illness or injury, the employee's salary during the period of the leave is taken to continue at the same rate as immediately before the leave.

'(5) For the purposes of calculating a benefit under Part 3, a person's salary during any period that the person is employed part-time is taken to be the amount that would be the person's salary if the person were employed full-time.

'Employer to notify the Board of the amount of commission paid

'3D.(1) This section applies to an employer who pays to an employee a salary that consists wholly or partly of commission.

'(2) As soon as is practicable after each financial year, the employer must notify the Superannuation Board of the amount of the employee's salary for the year.

'(3) If the Superannuation Board requests the employer to notify it of the

amount of the employee's salary for any other period, the employer must comply with the request.'

Amendment of s.11 (Benefits)

6.(1) Section 11 is renumbered as set out in Schedule 1.

(2) Section 11 is also amended as set out in Schedule 2.

(3) Section 11 (as renumbered by this regulation)—
omit 'this Article', *insert* 'this Part'.

Amendment of s.11C (Definitions)

7. Section 11C (as renumbered by this regulation)—
omit 'In this section—', *insert* 'In this Part—'.

Amendment of s.11D

8.(1) Section 11D (as renumbered by this regulation)—
omit from ' "**Member's Benefit Multiple**" means' to 'by Article 17A—',
insert—

'Meaning of "member's benefit multiple"

'11D.(1) This section applies subject to any increase in a person's 'member's benefit multiple' under section 17A.

'(2) A person's "**member's benefit multiple**" is, subject to this section—'

(2) Section 11D (as renumbered by this regulation)—
omit from 'Provided that' to '(800%)',
insert—

'(3) Despite any other provision of this section, if—

(a) a member's membership period finished on 27 July 1980; and

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- (b) the relevant percentage for the 'member's benefit multiple' of the member is the same for—
 - (i) the membership period; and
 - (ii) the period starting on 28 July 1980;

those periods are taken to be 1 continuous period for the purposes of this section.

'(4) Despite any other provision of this section, for the purpose of calculating a benefit payable to a member under section 11I or 11K—

- (a) if the member was a full-time employee on the day the member ceased to be an employee—the member's membership period is taken to include the period from the day the member ceased to be an employee until the day the member reached, or would have reached, 60 years of age; or
- (b) if the member was a part-time employee on the day the member ceased to be an employee—the member's membership period is taken to include the following proportion of the period from the day the member ceased to be an employee until the day the member reached, or would have reached, 60 years of age—

$$\frac{W}{F}$$

where—

"W" is the member's working hours for the part of the member's membership period before the member ceased to be an employee;

"F" is the number of full-time hours for the same period.

'(5) Despite any other provision of this section, for the purpose of calculating a benefit payable to a member under section 11J—

- (a) if the member was a full-time employee on the day the member ceased to be an employee—the member's membership period is taken to include the period from the day the member first became entitled to a disablement pension until the day the member reached, or would have reached, 60 years of age; or

- (b) if the member was a part-time employee on the day the member ceased to be an employee—the member's membership period is taken to include the following proportion of the period from the day the member first became entitled to a disablement pension until the day the member reached, or would have reached, 60 years of age—

$$\frac{W}{F}$$

where—

“**W**” is the member's working hours for the part of the member's membership period before the member became eligible to receive a disablement pension;

“**F**” is the number of full-time hours for the same period.

‘(6) Despite any other provision of this section, if a ‘member's benefit multiple’ is calculated to be greater than 800%, it is taken to be 800%.’.

Amendment of s.11E

9.(1) Section 11E (as renumbered by this regulation)—

omit from ‘ “**Member's Reserve**” means’ to ‘obtained by the calculation—’,

insert—

‘Meaning of “member's reserve”

11E.(1) This section applies subject to any determination of the ‘member's reserve’ of a member under section 17A(7).

(2) Subject to this section, the “**member's reserve**” of a member is the greater of the following 2 amounts—

- (a) the amount that is 2.5 times the member's accumulated contributions;
- (b) the amount obtained by the following calculation—’.

(2) Section 11E (as renumbered by this regulation)—

omit from 'Provided that' to 'equal one (1).',

insert—

'(3) In a calculation under subsection(2)(b), if—

- (a) MBM is 800%; and
- (b) MP is greater than 41;

MP is taken to equal 1.

MTR

'(4) If, on the day a person ceases to be a member, the person—

- (a) is under 60 years of age; and
- (b) is a part-time employee;

any calculation under this section is to be made on the basis that, if the person had continued to be a member until reaching 60 years of age, the person would have continued as a part-time employee scheduled to work the same number of hours as on the day the person ceased to be a member.'.

Amendment of s.11J (Pension on total and temporary disablement)

10. Section 11J(1) (as renumbered by this regulation)—

omit from 'Provided that' to 'Average Salary.',

insert—

'Despite any other provision of these Articles, the maximum payment that a member is entitled to be paid under this section is the amount that, when added to any worker's compensation payment received by the member after becoming entitled to a disablement pension, does not exceed—

- (a) for a full-time employee—80% of the 'member's projected final average salary'; or
- (b) for a part-time employee—80% of the following proportion of the 'member's projected final average salary'—

$$\frac{P}{F}$$

where—

“P” is the number of the hours per week that the member was scheduled to work at the time the member became eligible to receive a disablement pension;

“F” is the number of full-time hours for the same week.’.

Insertion of new s.12A

11. After section 12—

insert—

‘Interest payable on unpaid benefits

‘12A.(1) The Superannuation Board must pay interest on the amount of a benefit payable to a member, calculated from the day that the member’s employment is terminated until the day that the amount is paid.

‘(2) The rate of interest is to be determined by the Board after considering the earning rate of the Scheme.’.

Insertion of heading to Part 4

12. Before section 13—

insert—

‘PART 4—MISCELLANEOUS’.

Amendment of s.16 (Local superannuation committees—appointment of employee’s representatives)

13. Section 16(2)—

omit—

‘(b) is a member’,

insert—

‘(c) is a member’.

SCHEDULE 1

RENUMBERING OF SECTION 11

section 6

Provision	Renumbered Provision	Provision	Renumbered Provision
11(1)	11	11(6)(a) ..	11J(1)
11(1A)	11A	11(6)(b) ..	11J(2)
11(1B)	11B	11(6)(c) ..	11J(3)
11(2)	11C	11(6)(d) ..	11J(4)
11C (definition “member’s benefit multiple”)	11D	11(7)	11K
11C (definition “member’s reserve”)	11E	11(8)	11L
11(2A)	11F	11(9)	11M
11(3)	11G	11(10) ...	11N
11(4)	11H	11(10)(a) .	11N(1)
11(5)	11I	11(10)(b) .	11N(2)
11(6)	11J	11(10)(c) .	11N(3)
		11(10)(d) .	11N(4)

SCHEDULE 2

AMENDMENTS CONSEQUENTIAL TO THE RENUMBERING OF SECTION 11

section 6

Provision— (as renumbered under Schedule 1)	<i>omit</i>	<i>insert</i>
s.3 (definition “ additional contributions ”)	‘Article 6(4) or 11(9)’	‘section 6(4) or 11M’
s.3 (definition “ extra contributions ”)	‘Article 6(4) or 11(9)’	‘section 6(4) or 11M’
s.3 (definition “ member’s accumulated contributions ”)	‘Article 11(2)’	‘section 11C’
s.3 (definition “ member’s benefit multiple ”)	‘Article 11(2)’	‘section 11C’
s.4(2)(a)	‘Article 11’	‘Part 3’
s.4(2)(b)	‘Article 11’	‘Part 3’
s.4(2)(d)	‘Article 11’	‘Part 3’
s.5(4)(c)	‘Article 11’	‘Part 3’

SCHEDULE 2 (continued)

s.5(4)(e)	'Article 11' (wherever occurring)	'Part 3'
s.5(4)(f)	'Article 11'	'Part 3'
s.6(6)	'Article 11(6)'	'section 11J'
s.11A	'section 11(2A), (3), (4), (5), (6)(c) or (d), (7) or (8)'	'section 11F, 11G, 11H, 11I, 11J(3) or (4), 11K or 11L'
s.11C (definition " former member ")	'Article 11(9) hereof.'	'section 11M;'
s.11I	'Article 11(3) or 11(4)'	'section 11G or 11H'
11J(3)	'Article 11(6)(a)'	'section 11J(1)'
11N(1)(ii)	'this Article 11(10)'	'this section'
11N(1)(iv)	'Articles 11(2A) to 11(8)'	'sections 11F to 11L'
11N(2)(i)	'Article 11(2A), 11(3), 11(4), 11(5), 11(7) or 11(8)'	'section 11F, 11G, 11H, 11I, 11K or 11L'
11N(2)(ii)	'Article 11(3), 11(4), 11(5), 11(7) or 11(8)'	'section 11G, 11H, 11I, 11K or 11L'
11N(2)(iv)	'Article 11(6)'	'section 11J'
11N(3)	'Article 11(10)'	'this section'

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SCHEDULE 2 (continued)

11N(4)	‘Article 11(2A), 11(3), 11(4), 11(5), 11(7) or 11(8)’ (wherever occurring)	‘section 11F, 11G, 11H, 11I, 11K or 11L’
11N(4)	‘Article 11(10)(c)’	‘section 11N(3)’

ENDNOTES

1. Made by the Governor in Council on 18 February 1993.
2. Notified in the Gazette on 19 February 1993.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Queensland Electricity Commission.