

Queensland



Subordinate Legislation 1996 No. 11

*Superannuation (State Public Sector) Act 1990*

**SUPERANNUATION (STATE PUBLIC  
SECTOR) NOTICE 1996**

**TABLE OF PROVISIONS**

Section		Page
1	Short title .....	2
2	Commencement .....	2
3	Definitions .....	2
4	Compulsory membership .....	2
5	Discretionary membership—general .....	3
6	Discretionary membership—QR employees .....	4
7	Excepted persons .....	4
	<b>SCHEDULE 1</b> .....	7
	<b>COMPULSORY MEMBERSHIP</b>	
	<b>SCHEDULE 2</b> .....	11
	<b>DISCRETIONARY MEMBERSHIP</b>	
	<b>SCHEDULE 3</b> .....	18
	<b>EDUCATIONAL INSTITUTIONS</b>	

**Short title**

1. This notice may be cited as the *Superannuation (State Public Sector) Notice 1996*.

**Commencement**

2. This notice commences on 1 February 1996.

**Definitions**

3. In this notice—

“**1972 Act**” means the *State Service Superannuation Act 1972*.

“**existing QR employee**” means a person who was a QR employee on 31 January 1995.

“**fund**” means the State Service Superannuation Fund established under the 1972 Act.

“**new QR employee**” means a person who starts being a QR employee on or after 1 February 1995.

“**QR employee**” means a person employed or engaged by Queensland Rail.

**Compulsory membership**

4.(1) The following persons are eligible for membership of the scheme—

- (a) a person who—
  - (i) starts to be employed or engaged by a unit of the State public sector on or after 1 January 1991; and
  - (ii) would have been required to contribute to the fund if the person had started to be employed or engaged by a unit of the State public sector before 1 January 1991;
- (b) a person or member of a class of person specified in schedule 1, column 2 who is a permanent employee of, or permanently engaged by, the unit of the State public sector specified in

schedule 1, column 1 opposite the specified person or class of person.

(2) Membership of the scheme by a person mentioned in subsection (1) is compulsory.

(3) Membership of the scheme by a person mentioned in subsection (1)(b) is subject to the special conditions (if any) specified in schedule 1, column 3 opposite the specified person or class of person.

(4) This section does not apply to a QR employee who was not a member of the scheme on 31 January 1995.

### **Discretionary membership—general**

**5.(1)** The following persons are eligible for membership of the scheme—

- (a) a person who—
  - (i) starts to be employed or engaged by a unit of the State public sector on or after 1 January 1991; and
  - (ii) would have been or become eligible but not required to contribute to the fund if the person had started to be employed or engaged by a unit of the State public sector before 1 January 1991;
- (b) a person who—
  - (i) on 31 December 1990—
    - (A) was an employee of, or engaged by, a unit of the State public sector; and
    - (B) was not a contributor to the fund; and
  - (ii) was at any time eligible but not required to contribute to the fund;
- (c) a person or member of a class of person specified in schedule 2, column 2 who is a permanent employee of, or permanently engaged by, the unit of the State public sector specified in schedule 2, column 1 opposite the specified person or class of person.

(2) Membership of the scheme by a person mentioned in subsection (1) is discretionary.

(3) Membership of the scheme by a person mentioned in subsection (1)(c) is subject to the special conditions (if any) specified in schedule 2, column 3 opposite the specified person or class of person.

(4) This section has effect subject to section 6.

### **Discretionary membership—QR employees**

6.(1) An existing QR employee who was—

- (a) 24 or more on 31 January 1995 is eligible to become a member of the scheme before 1 February 1996; or
- (b) under 24 on 31 January 1995 is eligible to become a member of the scheme before the person turns 25.

(2) A new QR employee who is—

- (a) 24 or more when the person becomes a QR employee is eligible to become a member of the scheme within 1 year of becoming a QR employee; or
- (b) under 24 when the person becomes a QR employee is eligible to become a member of the scheme before the person turns 25.

(3) The employee's membership of the scheme is discretionary.

(4) The employee may elect to become a member of the scheme only while the person is eligible for membership.

(5) The election must be given by written notice to the chief executive of Queensland Rail.

### **Excepted persons**

7. The following persons are excepted from the Act—

- (a) a person who, under the *Ambulance Service Act 1991*, section 2.14(2), elects to continue to contribute to the scheme mentioned in section 2.14(1) of that Act;
- (b) a person who—

- (i) is an employee of, or engaged by a unit of the State public sector while on leave from other employment; and
  - (ii) continues as a member of a superannuation scheme operated for the other employment and to which the State has agreed to contribute as the person's employer;
- (c) a person who—
- (i) is employed, or engaged by, an educational institution mentioned in schedule 3; and
  - (ii) became a member of the scheme between 1 January 1991 and 30 June 1991; and
  - (iii) elected to become a member of the Superannuation Scheme for Australian Universities between 1 July 1991 and 31 December 1991;
- (d) a person who, on or after 1 July 1991, starts to be employed or engaged by an educational institution mentioned in schedule 3, other than a person who elected to remain a member of the scheme on—
- (i) transferring employment from the Queensland College of Arts to Griffith University as a result of the transfer from the College to the University of the function of providing higher education courses in art and design and is not a person mentioned in paragraph (e); or
  - (ii) becoming an employee of Griffith University under the *Griffith University and Queensland Conservatorium of Music Amalgamation and Miscellaneous Amendments Act 1991*, section 7; or
  - (iii) transferring employment from the Townsville College of Technical and Further Education to James Cook University of North Queensland as a result of the transfer from the College to the University of the function of providing courses in art, craft and design at the diploma level; and
- (e) a person who—
- (i) on 1 January 1992, was employed or engaged by Griffith University because of the transfer to the University of the

Queensland College of Arts' functions of providing higher education courses in art and design; and

- (ii) became a member of the scheme between 1 January 1991 and 31 December 1991; and
- (iii) between 1 January 1992 and 30 April 1992, elected to become a member of the Superannuation Scheme for Australian Universities.

**SCHEDULE 1****COMPULSORY MEMBERSHIP**

section 4

<b>Item No.</b>	<b>Column 1 Unit of the State public sector</b>	<b>Column 2 Person or class of person</b>	<b>Column 3 Special conditions</b>
1.	Queensland Mines Rescue Brigade	A person who is not a member of the Queensland Coal and Oil Shale Industry Superannuation Fund	—
2.	Any unit of the State public sector	A person who, on 3 November 1990, was a member of the Queensland Government Selected Employees Superannuation Plan	—
3.	Townsville Port Authority	A person who, on 31 December 1990, was a contributor to the Townsville Port Authority Staff Superannuation Fund	—
4.	Cairns Port Authority	Any person	—
5.	Queensland Small Business Corporation	A person who, on 30 June 1991, was a contributor to the Small Business Development Corporation Staff Superannuation Plan	—

## SCHEDULE 1 (continued)

6.	A regional health authority established under the <i>Health Services Act 1991</i>	A resident medical officer who— (a) starts employment on or after 1 July 1991; and (b) completes 52 weeks employment as a resident medical officer	—
7.	Queensland Investment Corporation	Any person, other than a person who is a contributor to the fund	—
8.	Rockhampton Port Authority	A person who, on 8 December 1991, was a member of the Rockhampton Port Authority Superannuation Scheme	—
9.	South East Queensland Water Board	A person who— (a) starts permanent employment after 30 June 1992; or (b) was a member of the South East Queensland Water Board Suncorp Superplan Scheme on 30 June 1992	The standard compulsory rate is 4.33%
10.	Gladstone Port Authority	A person who— (a) starts permanent employment after 30 June 1992; or (b) was a member of the Gladstone Port Authority Staff	—

## SCHEDULE 1 (continued)

		Superannuation Fund on 30 June 1992	
<b>11.</b>	Queensland Livestock and Meat Authority	A person who— (a) started employment on 8 August 1992; and (b) on 7 August 1992— (i) was employed by the Department of Primary Industries in the Veterinary Public Health Branch; and (ii) was a member of the scheme	—
<b>12.</b>	Plane Creek Cane Protection and Productivity Board	Any person	The standard compulsory rate is 4%
<b>13.</b>	Queensland Police Service	A person who starts employment on or after 1 January 1993 and who, if the person had started on 31 December 1992, would have been required to contribute to the Police Superannuation Fund	The standard compulsory rate is 6%
<b>14.</b>	South Bank Corporation	A person employed under an individual contract of employment entered into on or after 2 July 1993	—
<b>15.</b>	The State (so far as it relates to the engagement of Magistrates)	Magistrates	—

## SCHEDULE 1 (continued)

- |            |  |   |   |
|------------|--|---|---|
| <b>16.</b> | Mackay Port Authority  | A person who was a contributor to the Mackay Port Authority Superannuation Fund on 30 June 1994 | — |
| <b>17.</b> | Building and Construction Industry (Portable Long Service Leave) Authority | Any employee (other than an employee under a contract)  | — |
| <b>18.</b> | Queensland Rural Adjustment Authority                                      | Any employee  | — |

## SCHEDULE 2

### DISCRETIONARY MEMBERSHIP

section 5

Item No.	Column 1	Column 2	Column 3
	Unit of the State public sector	Person or class of person	Special conditions
1.	Criminal Justice Commission	An employee within the meaning of the <i>Criminal Justice Act 1989</i> , section 68(2)	—
2.	Any unit of the State public sector	<p>A person employed under an individual contract of employment—</p> <p>(a) who, immediately before the start of the employment, was not—</p> <p>(i) an officer within the meaning of the 1972 Act; or</p> <p>(ii) a member within the meaning of the <i>Police Superannuation Act 1974</i>; and</p> <p>(b) whose membership of the scheme has been approved by the relevant unit of the State public sector</p>	—

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 SCHEDULE 2 (continued)

3.	Council of the Queensland Institute of Medical Research	A person whose membership of the scheme is approved by the council	—
4.	Townsville Port Authority	A person who is not a person mentioned in schedule 1, item 3	—
5.	Department of Education	A teacher aide or cleaner	—
6.	A regional health authority established under the <i>Health Services Act 1991</i>	A part time employee	—
7.	Queensland Sugar Corporation	Any person	—
8.	A regional health authority established under the <i>Health Services Act 1991</i>	A resident medical officer appointed before 1 July 1991	—
9.	Industrial Relations Commission	An Industrial Commissioner who elects under the <i>Industrial Relations Act 1990</i> , section 28(5), to become a member of the scheme <sup>1</sup>	—

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<sup>1</sup> Under the *Industrial Relations Act 1990*, section 28(5), an Industrial Commissioner is entitled to elect to become a member of the scheme.

## SCHEDULE 2 (continued)

<b>10.</b>	Any unit of the State public sector	A person who elected under section 3B of the 1972 Act to become a member of the scheme <sup>2</sup>	—
<b>11.</b>	Board of Trustees of Newstead House	Any person	—
<b>12.</b>	Queensland Small Business Corporation	A person who— (a) is not a person mentioned in schedule 1, item 5; and (b) completes 3 months employment	—
<b>13.</b>	Department of Health	A person who— (a) on 11 March 1990, was employed by the John Oxley Memorial Hospitals Board; and (b) is not a contributor to the fund	—
<b>14.</b>	Queensland Building Services Authority	Any person	—
<b>15.</b>	Rockhampton Port Authority	A person who is not a person mentioned in schedule 1, item 8	—

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<sup>2</sup> Under an order in council dated 16 May 1991 and published in the gazette on 18 May 1991 at page 239, section 1, contributors to the fund were entitled to elect between 1 July 1991 and 1 January 1992 to become members of the scheme.

## SCHEDULE 2 (continued)

16.	South East Queensland Water Board	A person who is not a person mentioned in schedule 1, item 9	The standard compulsory rate is 4.33%
17.	Gladstone Port Authority	A person who is not a person mentioned in schedule 1, item 10	—
18.	Queensland Police Service	A person who elected under the <i>Police Superannuation Act 1974</i> , section 3A, to become a member of the scheme <sup>3</sup>	The standard compulsory rate is 6%
19.	South Bank Corporation	A person who is not a person mentioned in schedule 1, item 14	—
20.	Princess Alexandra Hospital Research and Development Foundation	A person whose membership has been approved by the foundation	—
21.	Ports Corporation of Queensland	A person whose membership has been approved by the corporation	—
22.	Queensland Livestock and Meat Authority	A person who— (a) starts employment on or after 1 July 1994; or	—

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<sup>3</sup> Under the *Police Superannuation (Scheme Election) Regulation 1992*, section 2, members of the police superannuation scheme were entitled to elect between 1 January 1993 and 25 June 1993 to become members of the scheme.

## SCHEDULE 2 (continued)

		(b) was a member of the Livestock and Meat Authority of Queensland Staff Superannuation Scheme on 31 December 1993 and was employed by the Queensland Livestock and Meat Authority on 1 January 1994	
23.	Queensland University of Technology	A person who— (a) on 2 January 1994, transferred from the State to the university because of a transfer from the State to the university of the TAFE Kelvin Grove Halls of Residence's function of providing accommodation for students; and (b) elected to continue to be a member of the scheme <sup>4</sup>	—
24.	Mackay Port Authority	A person who starts employment on or after 1 July 1994	—

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<sup>4</sup> Under the *Superannuation (State Public Sector) Regulation 1991*, section 3B, as inserted by the *Superannuation (State Public Sector) Amendment Regulation (No. 2) 1993*, the members were entitled to elect between 2 January 1994 and 30 April 1994 to continue to be members of the scheme.

## SCHEDULE 2 (continued)

<b>25.</b>	Supreme Court Library	A person whose membership has been approved by the Supreme Court Library Committee	—
<b>26.</b>	Prince Charles Hospital Foundation	A person whose membership has been approved by the foundation	—
<b>27.</b>	Mt Gravatt Community Options Association Incorporated	A person whose membership has been approved by the Community Management Committee	—
<b>28.</b>	Queensland Fisheries Management Authority	A person whose membership has been approved by the authority	—
<b>29.</b>	Building and Construction Industry (Portable Long Service Leave) Authority	A person who— (a) completes 1 year's employment under a contract; and (b) whose membership has been approved by the authority	—
<b>30.</b>	Q Invest Limited	A person whose membership has been approved by the Board of Q Invest Limited	—

## SCHEDULE 2 (continued)

- |            |   |   |   |
|------------|---|---|---|
| <b>31.</b> | Australian<br>Quarantine and<br>Inspection Service            | A person who—   | — |
|            |   | (a) on 7 August 1995,<br>transferred from the<br>Department of<br>Primary Industries to<br>the Service; and   |   |
|            |   | (b) elected to continue to<br>be a member of the<br>scheme <sup>5</sup>                                       |   |
| <b>32.</b> | Electricity Supply<br>Industry<br>Superannuation<br>(Qld) Ltd | A person—   |   |
|            |   | (a) who, on 30<br>November 1995—  |   |
|            |   | (i) was employed by<br>Queensland<br>Transmission and<br>Supply<br>Corporation; and                           |   |
|            |   | (ii) was a member of<br>the scheme; and   |   |
|            |   | (b) who elects to continue<br>to be a member of the<br>scheme; and  |   |
|            |   | (c) whose membership<br>has been approved<br>by Electricity Supply<br>Industry<br>Superannuation (Qld)<br>Ltd |   |

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<sup>5</sup> Under the *Superannuation (State Public Sector) Regulation 1991*, section 7, as inserted by the *Superannuation (State Public Sector) Amendment Regulation (No. 4) 1995*, the members were entitled to elect on or before 7 November 1995 to continue to be members of the scheme.

**SCHEDULE 3****EDUCATIONAL INSTITUTIONS**

section 7(c) and (d)

- University of Queensland
- Queensland University of Technology
- Griffith University
- James Cook University of North Queensland
- University of Central Queensland
- University of Southern Queensland

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**ENDNOTES**

1. Made by the Minister on 24 January 1996.
2. Notified in the gazette on 25 January 1996.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Government Superannuation Office.

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