

SUPERANNUATION (MISCELLANEOUS ACTS) AMENDMENT ACT

No. 11 of 1991

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Queensland



ANNO QUADRAGESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 11 of 1991

**An Act to amend miscellaneous Acts relating to
superannuation**

[ASSENTED TO 15TH APRIL, 1991]

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:—

PART 1—PRELIMINARY

1.1 Short title. This Act may be cited as the *Superannuation (Miscellaneous Acts) Amendment Act 1991*.

1.2 Commencement. (1) Sections 1.1, 2.1, 3.1, 4.1, 5.1, 6.1, 7.1, 8.1, 9.1, 10.1 and this section commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Sections 4.2(a)(i) and 4.3 are taken to have commenced on 1 July 1990.

(3) The remaining provisions of this Act commence on a day or on days fixed by Proclamation.

PART 2—AMENDMENT OF PUBLIC SERVICE SUPERANNUATION ACT 1958-1990

2.1 Citation. (1) In this Part, the *Public Service Superannuation Act 1958-1990* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Public Service Superannuation Act 1958-1991*.

2.2 Amendment of s. 4. Interpretation. Section 4 (1) of the Principal Act is amended by omitting the definition “net earning rate of the Fund” and substituting the following definition:—

“ “net earning rate of the Fund” means the rate of interest as determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, reasonably reflects the after tax earnings of the Fund (on a long term basis) derived from the investment of contributors' contributions to the Fund, having regard to administrative costs of the Fund, the costs of death and incapacity benefits and the charges incurred in the investment of those contributions;”.

2.3 Amendment of s. 28. Amount of contribution by the Crown. Section 28 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section omitting “Amount of contribution” and substituting “Payment”;

(b) in subsection (1), omitting “, paid from the Fund,” and “so made” (where twice occurring);

(c) in subsection (2), omitting “contribution of” and substituting “payment by”.

2.4 Amendment of ss. 32A and 77B. The Principal Act is amended by omitting sections 32A(6) and 77B(6).

2.5 Amendment of s. 34C. Entitlement of widow of person on staff of Agent-General for Queensland. Section 34C of the Principal Act is amended by—

- (a) re-numbering the existing section as subsection (1);
- (b) inserting after subsection (1) as so re-numbered:—

“(2) This section shall not apply to a widow of a person who, at the date of commencement of section 2.5 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991*, was employed on the staff of the Agent-General for Queensland and was a contributor.”.

2.6 Amendment of s. 39B. Persons not entitled to commute. Section 39B(1) of the Principal Act is amended by omitting paragraph (d) and the expression “; or” that immediately precedes paragraph (d).

2.7 Amendment of s. 47. Postponement of payment of refunds. Section 47 of the Principal Act is amended by—

- (a) in subsection (1), omitting “from the Fund”;
- (b) in subsection (2), omitting “in the Fund”;
- (c) in subsection (3), omitting “in the Fund” (where twice occurring);
- (d) in subsection (4)—
 - (i) omitting “from the Fund”, “to the Fund”, “in the Fund” and “calculated at the rate of interest earned by the Fund over that period”;
 - (ii) adding at the end of the subsection the following paragraph:—

“For purposes of subparagraphs (a) and (b) of the preceding paragraph, interest shall be calculated at such rate as is determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, is to reasonably reflect the after tax earnings of the Fund (on a long term basis) derived from the investment of contributors’ contributions, having regard to costs incurred in investing and administering the Fund.”.

2.8 New s. 85B. The Principal Act is amended by, after section 85A, inserting:—

“85B. Mandatory commutation. Notwithstanding any provision of this Act to the contrary, where—

- (a) a person, whether a contributor or not, is in receipt of a benefit or pension under this Act;
and
- (b) the Board receives a notice under section 15S (or any section in substitution for it) of the Occupational Superannuation Standards Act 1987 of the Commonwealth (as amended and in force from time to time);

then, upon receipt of the notice, the Board is to—

- (c) treat the notice as a request from the person referred to in paragraph (a) to commute the amount by which the benefit or pension exceeds the reasonable benefit limit specified in the notice to a lump sum as determined by the Actuary;
- and
- (d) forthwith pay the lump sum to the person referred to in paragraph (a).”.

2.9 Miscellaneous amendments. The Principal Act is amended by—

(a) in the following sections, omitting the words “from the Fund” wherever they occur:—

19 (1)	43E	65 (1)
27C(1)	45 (3) (twice occurring)	69 (1), (2) and (4)
27E(3)	45 (4)	73B(7)
32A(4)	52	77
37 (a) and (b)	57 (3) (twice occurring)	77A(1a), (1b) and (4)
38 (1)	57 (4)	77A(9) (twice occurring)
38 (2) (twice occurring)	58 (1)	77B(1)
38A	59 (1)	85 (1) (twice occurring)
39	60 (1) and (2)	85(2)
40 (2) and (3)	61 (1), (2) and (4) (a)	85A(1);

(b) in section 39C (6), omitting “which shall be paid from the Fund”;

(c) in sections 74 and 83 (2), omitting “out of the Fund”.

PART 3—AMENDMENT OF STATE SERVICE SUPERANNUATION ACT 1972-1990

3.1 Citation. (1) In this Part, the *State Service Superannuation Act 1972-1990* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *State Service Superannuation Act 1972-1991*.

3.2 Repeal of and new s. 3A. Act not to apply to certain officers. The Principal Act is amended by repealing section 3A and substituting:—

“**3A. Act not to apply to certain officers.** Notwithstanding section 3, on and after the date of commencement of section 3.2 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991*, no officer may become a contributor other than a person who on becoming an officer—

- (a) is permitted to contribute to the Fund in accordance with section 4 (9);

or

(b) makes an election under section 35 (2B).”.

3.3 New ss. 3B and 3C. The Principal Act is amended by, after section 3A, inserting:—

“**3B. Contributors may elect.** (1) The Governor in Council may, by Order in Council, declare that a contributor may elect to become a member of a scheme for the provision of superannuation, retirement, provident or other benefits comparable to the class of benefits available to the contributor under this Act.

(2) An Order in Council made under subsection (1) is to declare the conditions on which a contributor may elect to become a member of a scheme referred to in subsection (1).

(3) This Act and the 1958 Act cease to apply to a contributor who becomes a member of a scheme referred to in subsection (1) pursuant to an election made under this section.

(4) In respect of a contributor who makes an election under this section, the Actuary is to determine an amount that represents the contributor’s entitlement under this Act and the 1958 Act.

(5) The amount determined under subsection (4) is to be paid on behalf of the contributor in such manner as is specified in an Order in Council made under subsection (1).

3C. Transfer of functions or duties. (1) Where a contributor is transferred from the Crown to any other person or body as a result of the transfer from the Crown to that person or body of any function or duty, the Governor in Council may, by Order in Council, declare that the contributor may elect to continue to be an officer for the purposes of this Act.

(2) An Order in Council made under subsection (1) is to declare—

(a) the conditions on which a contributor may elect to continue to be an officer for the purposes of this Act; and

(b) the manner in which the entitlement under this Act and the 1958 Act of a contributor who does not elect to continue as an officer for the purposes of this Act may be dealt with.”.

3.4 Amendment of s. 4. Interpretation. Section 4 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the definition “net earning rate of the Fund” and substituting the following definition:—

““net earning rate of the Fund” means the rate of interest as determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, reasonably reflects the after tax earnings of the Fund (on a long term basis)

derived from the investment of contributors' contributions to the Fund, having regard to administrative costs of the Fund, the costs of death and incapacity benefits and the charges incurred in the investment of those contributions;";

(ii) in the definition "officer", inserting after paragraph (d):—

"(da) any contributor who elects to continue to be an officer for the purposes of this Act pursuant to an Order in Council made under section 3C(1);";

(b) adding at the end of subsection (9) the following paragraph:—

"An application under this subsection shall be made within three months after the person again becomes an officer."

3.5 Repeal of ss. 6-11 and new s. 6. The Principal Act is amended by repealing sections 6, 7, 9, 10 and 11 and substituting:—

"6. State Service Superannuation Board. (1) There shall be constituted and maintained for the purposes of this Act and the 1958 Act a Board to be known as the "State Service Superannuation Board".

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal and shall be capable in law of—

- (a) suing and being sued in its corporate name;
- (b) acquiring, holding, leasing, letting and disposing of property, real and personal;
- and
- (c) doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(3) The members of the Board constituted for the purposes of the Superannuation (Government and Other Employees) Act 1988-1991 are also the members of the State Service Superannuation Board.

(4) The Board shall have the powers, authorities, duties and functions conferred or imposed upon it by this Act or the 1958 Act."

3.6 Amendment of s. 14. Proceedings of the Board. Section 14 (2) of the Principal Act is amended by omitting "four" and substituting "five".

3.7 Amendment of s. 18. The Fund. Section 18 of the Principal Act is amended by omitting subsection (3) and substituting:—

"(3) All benefits and other payments provided for in this Act and in the 1958 Act, to such extent as they are not paid under section 50 or 51 of this Act or section 28 of the 1958 Act, shall be paid from the Fund."

3.8 Amendment of s. 19. Triennial investigation by Actuary. Section 19 (3) of the Principal Act is amended by omitting paragraph (f) and substituting:—

“(f) whether any change should be made in the proportion of pension or other benefit under this Act required to be paid by the Crown;”.

3.9 Amendment of s. 20. Obligation of officers to contribute to the Fund. Section 20 of the Principal Act is amended by omitting subsection (12A).

3.10 Amendment of s. 22. Time and manner of paying contributions. Section 22 of the Principal Act is amended by—

(a) after subsection (4), inserting:—

“(4A) The Board may, where any amount of the contributions prescribed by this Act or the 1958 Act to be made by a contributor is not paid by deduction from the contributor’s salary as prescribed by subsections (1) and (2), reduce the benefits to which the contributor or the contributor’s dependants may become entitled under this Act by such amounts as are determined by the Actuary and approved by the Board.

(4B) Before reducing benefits in accordance with subsection (4A), the Board is to—

(a) supply in writing to the contributor a statement containing details of the amount of the contributions that is due and unpaid and the reduction in benefits that will result if the amount is not paid;

(b) give the contributor a reasonable time after receipt of the statement in which to pay, or arrange payment of, the amount due and unpaid.”;

(b) in subsection (6), after “(4)”, inserting “, (4A)”.

3.11 Amendment of ss. 30A and 47. The Principal Act is amended by omitting sections 30A(6) and 47 (13).

3.12 Amendment of s. 30C. Construction of pension benefit formula in certain cases and transfer of funds. Section 30C(3) of the Principal Act is amended by—

(a) omitting “sum” and substituting “amount”;

(b) after “on account of” inserting “such sums as are required to be paid under section 15 of that Act as at the date of commencement of section 3.12 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991* in respect of”.

3.13 Amendment of s. 31B. Entitlement of relict of person on staff of Agent-General for Queensland. Section 31B of the Principal Act is amended by—

(a) re-numbering the existing section as subsection (1);

(b) inserting after subsection (1) as so re-numbered:—

“(2) This section shall not apply to a relict of a person who, at the date of commencement of section 3.13 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991* was employed on the staff of the Agent-General for Queensland and was a contributor.”.

3.14 Amendment of s. 35. Refund of contributions. Section 35 of the Principal Act is amended by—

(a) in subsection (1), omitting “from the Fund”;

(b) in subsection (2), omitting “from the Fund”;

(c) in subsection (2A), omitting “in the Fund”;

(d) in subsection (2B), in the first paragraph—

(i) omitting “a contributor then, unless he furnishes to the Board within three months thereafter his application in writing to retain in the Fund the prescribed amount credited to the Fund on his account” and substituting “an officer and elects within three months to again become a contributor”;

(ii) in subparagraph (b), omitting “in the Fund”;

(e) after subsection (2B), inserting:—

“(2BA) Where a person who has duly made an election under subsection (2) becomes a member of the scheme established under the *Superannuation (State Public Sector) Act 1990-1991*, the person may elect, within three months of becoming a member, that the prescribed amount be applied to obtaining benefits for the person under the scheme.

Where a person makes an election under this subsection, the prescribed amount is to be paid on behalf of the person to obtain benefits for the person under the scheme.”;

(f) in subsection (2C)—

(i) omitting “and (2B)” and substituting “, (2B) and (2BA)”;

(ii) omitting “from the Fund” (where twice occurring), “to the Fund”, “in the Fund” and “calculated at the rate of interest earned by the Fund over that period”;

(iii) adding at the end of the subsection the following paragraph:—

“For the purposes of subparagraphs (a) and (b) of the preceding paragraph, interest shall be calculated at such rate as is determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, is to reasonably reflect the after tax earnings of the Fund (on a long term basis) derived from the investment of contributors’ contributions, having regard to costs incurred in investing and administering the Fund.”;

(g) in subsection (3), omitting “out of the Fund”.

3.15 New s. 47A. The Principal Act is amended by inserting after section 47:—

“47A. Mandatory commutation. Notwithstanding any provision of this Act to the contrary, where—

- (a) a person, whether a contributor or not, is in receipt of a pension under this Act;
and
- (b) the Board receives a notice under section 15S (or any section in substitution for it) of the Occupational Superannuation Standards Act 1987 of the Commonwealth (as amended and in force from time to time);

then, upon receipt of the notice, the Board is to—

- (c) treat the notice as a request from the person referred to in paragraph (a) to commute the amount by which the pension exceeds the reasonable benefit limit specified in the notice to a lump sum as determined by the Actuary;
and
- (d) forthwith pay the lump sum to the person referred to in paragraph (a).”.

3.16 Amendment of s. 51. Contributions to the Fund by the State and by State authorities. Section 51 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section, omitting “**Contributions to the Fund**” and substituting “**Payments**”;

(b) in subsection (1), omitting “to the Fund a contribution comprising” and “made out of the Fund”;

(c) in subsection (1A), omitting “to the Fund a contribution comprising”, “made out of the Fund” and “to be borne by the Fund”;

(d) in subsections (1B) and (1C), omitting “contribution” and substituting “amount” in each case;

(e) in subsection (1D), omitting “to the Fund a contribution being” and “made out of the Fund”;

(f) in subsection (1E), omitting “contribution of” and substituting “amount paid by”;

(g) in subsection (2)—

(i) omitting “A contribution” and substituting “An amount”;

(ii) omitting “to the Fund”.

3.17 Amendment of s. 59. Section 59 (4) of the Principal Act is amended by omitting all words from and including “All moneys” to and including “of the Fund, and” and substituting:—

“Where moneys are placed to the credit of the Unclaimed Moneys Account and a claim is not established within six years after having been so placed.”.

3.18 Miscellaneous amendments. The Principal Act is amended by—

(a) in the following sections, omitting the words “from the Fund” wherever they occur:—

22 (4)	46 (2)
30B	47 (5) (a), (6) (a), (7) (twice occurring), (8) (twice occurring), (8A) (twice occurring), (8B), (9) (twice occurring), (10), (12)
30D(2) (b)	
31 (2) (b)	
32 (2) (f), (g) and (h)	
41	55
43 (3) (twice occurring)	70A(1);
44 (2)	

(b) in sections 29 (2), 30 (2), 61 (2) and 69 omitting “out of the Fund”;

(c) in the following sections, omitting the expression “41 (1)” and substituting the expression “41” in each case:—

23 (2) (a)	29 (4) (c)
27 (1) (c) and (7)	30 (2) (a), (4) (c) and (4A)
28 (1) (c) and (6)	35 (2) (d).

3.19 Repeal of Schedule I. The Principal Act is amended by repealing Schedule I.

PART 4—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT 1970-1990

4.1 Citation. (1) In this Part, the *Parliamentary Contributory Superannuation Act 1970-1990* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Parliamentary Contributory Superannuation Act 1970-1991*.

4.2 Amendment of s. 11. Payments into and out of the Fund. Section 11 of the Principal Act is amended by—

(a) in subsection (1)—

(i) in paragraph (b), before “be paid”, inserting “subject to section 15 (2),”;

(ii) omitting paragraph (c);

(b) in subsection (2), after “in this Act”, inserting “to such extent as they are not paid by the Treasurer under section 16”.

4.3 Amendment of s. 15. Deductions from salaries of members. Section 15 of the Principal Act is amended by—

- (a) re-numbering the existing section as subsection (1);
- (b) after subsection (1) as so re-numbered, inserting:—

“(2) Where a member is over 65 years, the deduction from the salary of the member required to be made under subsection (1) shall be paid to the Treasurer unless—

- (a) the member was at least 60 years on 1 July 1990;
and
- (b) the deduction is made before the member reaches 70 years.”.

4.4 Amendment of s. 16. Section 16 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section, omitting “**Contribution**” and substituting “**Payment**”;

(b) in subsection (1), omitting “to the Fund a contribution of” and “made out of the Fund”;

(c) in subsection (2), omitting “into the Fund”.

4.5 Amendment of s. 17. Members’ superannuation benefit. Section 17 of the Principal Act is amended by—

(a) in subsection (1), omitting “out of the Fund”;

(b) in subsection (2), omitting “into the Fund”;

(c) in subsection (4), omitting “into the Fund or into the Fund constituted under a corresponding previous enactment”.

4.6 New s. 33B. The Principal Act is amended by, after section 33A, inserting:—

“**33B. Transfers in.** (1) The trustees may receive from some other superannuation, pension or like scheme or fund or from the trustees or administrators or other controlling body thereof any moneys in respect of a member’s interest in that other scheme or fund or from a life assurance office or from such other source as is approved by the trustees.

(2) The trustees shall after consultation with the Actuary, advise the member of the manner in which the trustees intend to deal with those moneys.”.

4.7 New s. 35B. The Principal Act is amended by, after section 35A, inserting:—

“**35B. Mandatory commutation.** Notwithstanding any provision of this Act to the contrary, where—

- (a) a person, whether a member or not, is in receipt of a pension under this Act;

and

- (b) the trustees receive a notice under section 15S (or any section in substitution for it) of the Occupational Superannuation Standards Act 1987 of the Commonwealth (as amended and in force from time to time),

then, upon receipt of the notice, the trustees are to—

- (c) treat the notice as a request from the person referred to in paragraph (a) to commute the amount by which the pension exceeds the reasonable benefit limit specified in the notice to a lump sum as determined by the Actuary;

and

- (d) forthwith pay the lump sum to the person referred to in paragraph (a).”.

4.8 Miscellaneous amendments. The Principal Act is amended by—

(a) in the following sections, omitting the words “from the Fund” wherever they occur—

21 (1), (2), (4) and (6)

26 (1)

27 (1) and (2)

28 (1) and (2)

33A(1)

35A(1);

(b) in section 31 omitting “out of the Fund” and “to the Fund” (where secondly occurring);

(c) in section 33A(3) omitting “in the Fund”.

PART 5—AMENDMENT OF POLICE SUPERANNUATION ACT 1968-1990

5.1 Citation. (1) In this Part, the *Police Superannuation Act 1968-1990* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Police Superannuation Act 1968-1991*.

5.2 Amendment of s. 4. Interpretation. Section 4 (1) of the Principal Act is amended by omitting the definition “net earning rate of the Fund” and substituting the following definition:—

““net earning rate of the Fund” means the rate of interest as determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, reasonably reflects the after tax earnings of the Fund (on a long term basis) derived from the investment of contributors’ contributions to the Fund, having regard to administrative costs of the Fund, the costs of death and incapacity benefits

and the charges incurred in the investment of those contributions;”.

5.3 Amendment of s. 55. Postponement of payment of refunds. Section 55 (4) of the Principal Act is amended by—

(a) omitting “to the Fund” and “calculated at the rate of interest earned by the Fund over that period”;

(b) adding at the end of the subsection the following paragraph:—

“For the purposes of subparagraphs (a) and (b) of the preceding paragraph, interest shall be calculated at such rate as is determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, is to reasonably reflect the after tax earnings of the Fund (on a long term basis) derived from the investment of contributors’ contributions, having regard to costs incurred in investing and administering the Fund.”.

5.4 New s. 80B. The Principal Act is amended by inserting after section 80A:—

“80B.Mandatory commutation. Notwithstanding any provision of this Act to the contrary, where—

(a) a person, whether a contributor or not, is in receipt of a benefit or pension under this Act;

and

(b) the Board receives a notice under section 15S (or any section in substitution for it) of the Occupational Superannuation Standards Act 1987 of the Commonwealth (as amended and in force from time to time);

then, upon receipt of the notice, the Board is to—

(c) treat the notice as a request from the person referred to in paragraph (a) to commute the amount by which the benefit or pension exceeds the reasonable benefit limit specified in the notice to a lump sum as determined by the Actuary;

and

(d) forthwith pay the lump sum to the person referred to in paragraph (a).”.

PART 6—AMENDMENT OF POLICE SUPERANNUATION ACT 1974-1990

6.1 Citation. (1) In this Part, the *Police Superannuation Act 1974-1990* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Police Superannuation Act 1974-1991*.

6.2 Amendment of s. 4. Interpretation. Section 4 (1) of the Principal Act is amended by omitting the definition “net earning rate of the Fund” and substituting the following definition:—

““net earning rate of the Fund” means the rate of interest as determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, reasonably reflects the after tax earnings of the Fund (on a long term basis) derived from the investment of contributors’ contributions to the Fund, having regard to administrative costs of the Fund, the costs of death and incapacity benefits and the charges incurred in the investment of those contributions;”.

6.3 Amendment of s. 13. Manager of the Fund. Section 13 (1) of the Principal Act is amended by omitting “Secretary, Office of the Commissioner of Police,” and substituting “manager of the State Service Superannuation Fund”.

6.4 Amendment of s. 28A. Construction of pension benefit formula in certain cases and transfer of funds. Section 28A(3) of the Principal Act is amended by—

(a) omitting “sum” and substituting “amount”;

(b) after “on account of” inserting “such sums as are required to be paid under section 15 of that Act as at the date of commencement of section 6.4 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991* in respect of”.

6.5 Amendment of s. 33. Refund of contributions. Section 33 (2C) of the Principal Act is amended by—

(a) omitting “to the Fund” and “calculated at the rate of interest earned by the Fund over that period”;

(b) adding at the end of the subsection the following paragraph:—

“For the purposes of subparagraphs (a) and (b) of the preceding paragraph, interest shall be calculated at such rate as is determined by the Board, from time to time, on the advice of the Actuary which rate, at the time it is determined, is to reasonably reflect the after tax earnings of the Fund (on a long term basis) derived from the investment of contributors’ contributions, having regard to costs incurred in investing and administering the Fund.”.

6.6 New s. 66B. The Principal Act is amended by inserting after section 66A:—

“**66B. Mandatory commutation.** Notwithstanding any provision of this Act to the contrary, where—

(a) a person, whether a contributor or not, is in receipt of a pension under this Act;

and

(b) the Board receives a notice under section 15S (or any section in substitution for it) of the Occupational

Superannuation Standards Act 1987 of the Commonwealth (as amended and in force from time to time);

then, upon receipt of the notice, the Board is to—

(c) treat the notice as a request from the person referred to in paragraph (a) to commute the amount by which the pension exceeds the reasonable benefit limit specified in the notice to a lump sum as determined by the Actuary;

and

(d) forthwith pay the lump sum to the person referred to in paragraph (a).”.

PART 7—AMENDMENT OF SUPERANNUATION (STATE PUBLIC SECTOR) ACT 1990

7.1 Citation. (1) In this Part, the *Superannuation (State Public Sector) Act 1990* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Superannuation (State Public Sector) Act 1990-1991*.

7.2 Amendment of s. 1.3. Interpretation. Section 1.3 of the Principal Act is amended by, after subsection (2), adding:—

“(3) Where the functions or duties of the Crown are transferred to any department or other instrumentality of the government of the Commonwealth, another State or a Territory of the Commonwealth, the power conferred by subsection (1) (r) includes power to declare the department or other instrumentality to be a unit of the State Public Sector for the purposes of this Act.”.

7.3 Amendment of s. 2.7. Remuneration of Board members. Section 2.7 of the Principal Act is amended by omitting “by Order in Council”.

7.4 Amendment of s. 3.3. Deed to establish scheme. Section 3.3 (1) of the Principal Act is amended by omitting “payable from the fund”.

7.5 Repeal of and new s. 3.4. Membership of scheme. The Principal Act is amended by repealing section 3.4 and substituting:—

“**3.4 Membership of scheme.** (1) The Governor in Council may, by Order in Council, declare that any person or member of a class of person who is an employee of or engaged by a unit of the State Public Sector is eligible for membership of the scheme.

(2) Where any doubt arises as to whether any person is an employee of or engaged by a unit of the State Public Sector, the Governor in Council may, by Order in Council, declare whether the person, for the purposes of this Act, is or is not an employee of or engaged by the unit of the State Public Sector.

(3) An Order in Council made under subsection (1) is to declare whether membership of the scheme is compulsory or discretionary and the conditions (if any) that apply to the membership.

(4) The Governor in Council may, by Order in Council, declare that any person or member of a class of person who is an employee of or engaged by a unit of the State Public Sector is excepted from this Act.

(5) Before the Minister recommends to the Governor in Council that an Order in Council be made under subsection (3) the Minister is to consult with the Board.”.

7.6 Amendment of s. 3.5. Contents of Deed. Section 3.5 of the Principal Act is amended by omitting “in the fund” (where once occurring) and “from the fund” (where twice occurring).

7.7 Amendment of s. 4.2. Returns. Section 4.2 of the Principal Act is amended by omitting “from the fund” where four times occurring.

7.8 Amendment of s. 4.3. Recovery of overpayments. Section 4.3 of the Principal Act is amended by omitting “from the fund” where three times occurring.

7.9 Amendment of s. 4.6 Name of Scheme. Section 4.6 of the Principal Act is amended by—

(a) omitting the note that appears in and at the beginning of the section and substituting “**Protection of scheme’s name.**”;

(b) omitting subsection (1) and substituting:—

“(1) A person is not to use the expression “Q Super” in connexion with selling the right to participate in any superannuation, insurance or provident scheme unless—

(a) the scheme is that to which this Act relates;
and

(b) that person does so on behalf of the Board.”;

(c) in subsection (2)—

(i) omitting paragraph (a) and substituting:—

“(a) use any variation of the expression “Q Super”.”;

(ii) in paragraph (b), omitting “any expression used pursuant to subsection (1)” and substituting “the expression “Q Super””.

7.10 Amendment of s. 4.9. Unclaimed benefits. Section 4.9 of the Principal Act is amended by—

(a) in subsection (1), omitting “to be kept in the fund”;

(b) in subsection (3), omitting “the value of that benefit is then to form part of the fund and”;

(c) in subsection (4), omitting “the fund” and substituting “the Unclaimed Benefit Account”.

7.11 New s. 4.13.1. The Principal Act is amended by, after section 4.13, inserting—

“4.13.1 Contributions by units. (1) Every unit of the State Public Sector must pay, in respect of each person who is an employee of or engaged by the unit and a member of the scheme, to the Treasurer such amounts as the Treasurer may from time to time require in order to provide for the payment of benefits under the scheme.

(2) Amounts payable under subsection (1) must be in the hands of the Treasurer within 7 days after the end of the pay period in respect of which the person’s salary or wage is paid.

(3) If any amount is not in the hands of the Treasurer within the time limited by subsection (2) the Treasurer may determine that interest accrues on the amount at a rate determined by the Treasurer while the amount remains outstanding.

If the Treasurer does so determine, interest accrues and becomes payable to the Treasurer.”.

7.12 Amendment of s. 4.14. Appropriation of contribution. Section 4.14 of the Principal Act is amended by omitting “to the fund”.

7.13 Amendment of s. 4.15. Assignment of benefit. Section 4.15 of the Principal Act is amended by omitting “moneys payable out of the fund” and substituting “benefit payable”.

PART 8—AMENDMENT OF SUPERANNUATION (GOVERNMENT AND OTHER EMPLOYEES) ACT 1988

8.1 Citation. (1) In this Act, the *Superannuation (Government and Other Employees) Act 1988* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the *Superannuation (Government and Other Employees) Act 1988-1991*.

8.2 Amendment of s. 5. Constitution of Board. Section 5 (1) of the Principal Act is amended by—

(a) in paragraph (b), omitting “of whom two at least are persons who upon retirement after 1 July 1988 might become entitled to benefits from the scheme”;

(b) in paragraph (c), omitting “and of whom three at least are persons who upon retirement after 1 July 1988 might become entitled to benefits from the scheme”.

PART 9—AMENDMENT OF SUPERANNUATION (PUBLIC
EMPLOYEES PORTABILITY AND ACTS AMENDMENT) ACT
1985

9.1 Citation. (1) In this Part, the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985-1991*.

9.2 Repeal of and new s. 9. Recoupment of Fund of certain payments
The Principal Act is amended by repealing section 9 and substituting:—

“9. **Payment by the Crown.** Where a transfer value is paid in respect of an eligible officer who was contributing to the State Service Superannuation Fund, the Parliamentary Contributory Superannuation Fund or the State Public Sector Superannuation Fund, the Treasurer of Queensland shall pay such portion of that transfer value as is determined by the Actuary to be the subsidy component of that transfer value and to be the liability of the Crown.”.

PART 10—AMENDMENT OF INDUSTRIAL RELATIONS ACT
1990

10.1 Citation. (1) In this Part, the *Industrial Relations Act 1990* is referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the *Industrial Relations Act 1990-1991*.

10.2 Amendment of s. 4.11 Pension benefits of Commissioners.
Section 4.11 of the Principal Act is amended by—

(a) in subsection (1), inserting after the definition “Fund” the following definition:—

“ “scheme” means the scheme within the meaning of the *Superannuation (State Public Sector) Act 1990-1991*;”;

(b) in the first paragraph of subsection (3)—

(i) omitting “or” that appears between subparagraphs (a) and (b);

(ii) omitting subparagraph (b) and substituting:—

“(b) being a Commissioner appointed after the commencement of this Act, the Commissioner is a contributor to the Fund or a member of the scheme at the date of appointment and duly elects under this subsection to continue to contribute to the Fund or continue as a member of the scheme, as the case may be;

or

(c) being a Commissioner who is not a contributor to the Fund or a member of the scheme and who duly elects under this subsection to be a member of the scheme.”;

(c) omitting the second paragraph of subsection (3) and substituting:—

“Every election under this subsection must be made within 3 months after—

(a) the first appointment as a Commissioner of the person whose election it is;

or

(b) in respect of a person who at the date of commencement of section 10.2 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991* is a Commissioner, the date of commencement of that Act,

and must be in writing in duplicate, of which one copy is to be given to the Board referred to in the 1972 Act or, as the case may be, the *Superannuation (State Public Sector) Act 1990-1991* and the other copy is to be given to the chief executive of the department.”.

Minister's Second Reading Speech made on 19 February 1991.