

Queensland



**SUPERANNUATION AND
OTHER LEGISLATION
AMENDMENT ACT 2000**

Act No. 52 of 2000

Queensland



SUPERANNUATION AND OTHER LEGISLATION AMENDMENT ACT 2000

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Queensland



**Superannuation and Other Legislation
Amendment Act 2000**

Act No. 52 of 2000

**An Act to amend certain Acts relating to superannuation, and certain
other Acts**

[Assented to 17 November 2000]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Superannuation and Other Legislation Amendment Act 2000*.

Commencement

2.(1) Sections 4(2), 21, 23 and 25 are taken to have commenced on 1 July 1999.

(2) Section 6 is taken to have commenced on 1 July 2000.

(3) Sections 7(1), 9(3) and 10 commence on the polling day for the general election under the *Electoral Act 1992* next happening after the date of assent.

(4) The schedule, to the extent it amends the *Motor Accident Insurance Amendment Act 2000*, is taken to have commenced on the date of assent of that Act.¹

(5) The schedule, to the extent it amends the *Parliamentary Commissioner Act 1974* and the *Tourism Queensland Act 1979*, commences on a day to be fixed by proclamation.

¹ The *Motor Accident Insurance Amendment Act 2000* was assented to on 8 June 2000.

PART 2—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT 1970

Act amended in pt 2

3. This part amends the *Parliamentary Contributory Superannuation Act 1970*.

Amendment of s 5 (Definitions)

4.(1) Section 5, definition “widow”—

omit, insert—

‘ “**widow**” see section 5B.’.

(2) Section 5—

insert—

‘ “**index**” means the all groups consumer price index for Brisbane published by the Australian Statistician.

“**June index**”, for a financial year, means the index for the last quarter of the financial year.’.

Insertion of new s 5B

5. Part 1, after section 5A—

insert—

‘Meaning of “widow”

‘**5B.(1) “Widow**”, of a member or former member, includes—

- (a) a widower of the member or former member; and
- (b) a person who, on the day of the member or former member’s death, was living in a connubial relationship with the member or former member.

‘(2) However, a person is not the “**widow**” of a former member if the person was not married to the former member, or living in a connubial

relationship with the former member, on the day the former member ceased to be a member.’.

Amendment of s 15 (Deductions from salaries of members)

6. Section 15(2)—

omit, insert—

‘**(2)** Subsection (1) does not apply if the member or person is 70 years or more.’.

Amendment of s 17 (Members’ superannuation benefit)

7.(1) Section 17(2), after ‘subsection (4)’—

insert—

‘and section 18A’.

(2) Section 17(3)(a), after ‘20,’—

insert—

‘20AA,’.

(3) Section 17(3A)(b)—

renumber as section 17(3A)(e).

(4) Section 17(3A)(a)—

omit, insert—

- ‘(a) for a member, under 70 years, who died before completing 8 years of service as a member—the amount calculated using formula ‘A’ mentioned in section 20(1)(a); or
- (b) for a member, under 70 years, who died on or after completing 8 years of service as a member—the amount calculated using formula ‘A’ mentioned in section 20(1)(b); or
- (c) for a member who died at 70 years or more and had completed less than 8 years of service as a member before the member’s 70th birthday—the amount that would have been payable to a widow of the member, under section 20AA(3), if the member

was a new member; or

- (d) for a member who died at 70 years or more and had completed 8 years or more of service as a member before the member's 70th birthday—the amount that would have been payable to a widow of the member, under section 20AA(8), if the widow had made an election under section 20AA(7) on the day of the member's death; or'.

(5) Section 17—

insert—

'(4A) This section is subject to section 17A.'

Insertion of new s 17A

8. After section 17—

insert—

'Benefits payable to a person who ceases to be a member, and ceases to be entitled to a salary, on or after the person's 70th birthday

'17A.(1) This section applies to a person who ceases to be a member, and ceases to be entitled to payment of a salary, on a day (the "**cessation day**") that is on or after the person's 70th birthday.

'(2) Subsection (3) applies if the person—

- (a) is a person mentioned in section 17(1)(a) or (b); and
- (b) completed at least 8 years of service as a member before the person's 70th birthday.

'(3) Despite section 17(1), the person is entitled to receive a pension that is the same amount as the pension the person would have been entitled to receive on the cessation day, under this Act, had the person ceased to be a member, and ceased to be entitled to payment of a salary, on the day before the person's 70th birthday.

'(4) Subsection (5) applies if the person—

- (a) is a person mentioned in section 17(1)(a) or (b); and
- (b) completed less than 8 years of service as a member before the

person's 70th birthday.

'(5) The person is not entitled to receive a pension under section 17(1).

'(6) Subsection (7) applies if the person is a person described in section 17(2)(a) and (b).

'(7) Despite section 17(2)(c) and (d), the person is entitled to receive an amount calculated using the following formula—

$$\mathbf{A + B}$$

where—

“**A**” means the amount the person would have been entitled to receive, under section 17(2)(c) or (d), had the person ceased to be a member on the day before the person's 70th birthday.

“**B**” means the interest that would have been earned on the investment of A during the period, had A been invested on a compounded basis during the period, calculated by reference to—

- (a) if there is 1 interest rate for the period—the interest rate; or
- (b) if there are different interest rates for different parts of the period—the interest rates.

'(8) In this section—

“**interest rate**”, for the period or part of the period, means the interest rate decided by the trustees as being indicative of the net interest earned on the fund during the period or part of the period.

“**net interest**”, earned on the fund, means the amount earned on the investment of the fund after deducting—

- (a) the costs of administering the fund; and
- (b) expenses incurred in effecting the investment; and
- (c) taxes payable on income earned on the investment.

“**period**” means the period—

- (a) starting on the person's 70th birthday; and
- (b) ending on the cessation day.'.

Amendment of s 18 (Right to convert entitlement to lump sum entitlement)

9.(1) Section 18, ‘section 17’—

omit, insert—

‘section 17, 17A(3) or 19(4D)’.

(2) Section 18(4), after ‘section 19’—

insert—

‘, other than section 19(4D)’.

(3) Section 18—

insert—

‘**(13)** This section is subject to section 18A.’.

Insertion of new s 18A

10. After section 18—

insert—

‘Preserved amount

‘18A.(1) If a preservation cashing condition for a former member has happened, none of a benefit payable to the former member under section 17(2), 18 or 19A is a preserved amount for the fund.

‘(2) Subsection (3) applies if a former member was a member before the commencement day.

‘(3) Subject to subsection (1), the part of the former member’s benefit payable under section 17(2), 18 or 19A that is a preserved amount for the fund is the part that does not include the cashable amount of the benefit.

‘(4) In this section—

“cashable amount”, of a former member’s benefit, means the amount of the benefit that—

- (a) would have been payable to the former member, under section 17(2), if the former member had ceased to be a member on the day before the commencement day; or

- (b) would have been payable to the former member, under section 18 or 19A, if the former member made an election under the section on the day before the commencement day.

“commencement day” means the day this section commences.

“preservation age” means—

- (a) for a former member born before 1 July 1960—55 years; or
- (b) for a former member born between 1 July 1960 and 30 June 1961 inclusive—56 years; or
- (c) for a former member born between 1 July 1961 and 30 June 1962 inclusive—57 years; or
- (d) for a former member born between 1 July 1962 and 30 June 1963 inclusive—58 years; or
- (e) for a former member born between 1 July 1963 and 30 June 1964 inclusive—59 years; or
- (f) for a former member born after 30 June 1964—60 years.

“preservation cashing condition”, for a person who is a former member, means—

- (a) the person having become a former member by—
 - (i) permanently retiring from the workforce after reaching preservation age; or
 - (ii) dying; or
 - (iii) becoming totally and permanently disabled; or
 - (iv) reaching preservation age if the person has, before reaching preservation age, permanently retired from the workforce for a reason not mentioned in subparagraph (iii); or
 - (v) ceasing to be a member on or after reaching 60 years; or
- (b) an event mentioned in paragraph (a)(i) to (iv) happening in relation to the person while the person was a former member.

“preserved amount”, for the fund, means a benefit payable to a former member under section 17(2), 18 or 19A that must be retained in the

fund until a preservation cashing condition for the former member has happened.

“total and permanent disablement”, in relation to a former member, means disablement to an extent that, in the opinion of the trustees after obtaining the advice of not less than 2 medical practitioners, makes the former member unlikely ever to be able to work again in an occupation for which the former member is reasonably qualified by education, training or experience.’.

Amendment of s 19 (Pension on retirement on ground of ill health)

11.(1) Section 19 heading, ‘**Pension**’—

omit, insert—

‘Benefits payable’.

(2) Section 19(2), from ‘or where’ to ‘this Act’—

omit.

(3) Section 19(2), ‘pension entitlement under section 17’—

omit, insert—

‘a benefit under section 17 or 17A’.

(4) Section 19—

insert—

(4A) Subsection (4B) applies if a person who has applied to the trustees for a pension under subsection (2) or (4)—

- (a) is 70 years or more; and
- (b) completed less than 8 years of service as a member before the person’s 70th birthday.

(4B) Despite subsection (2) or (4), the person is entitled to receive an amount calculated using the following formula—

$$\mathbf{A + B}$$

where—

“**A**” means the amount the person would have been entitled to receive,

under section 17(2)(c), had the person ceased to be a member on the day before the person's 70th birthday.

“B” means the interest that would have been earned on the investment of A during the period, had A been invested on a compounded basis during the period, calculated by reference to—

- (a) if there is 1 interest rate for the period—the interest rate; or
- (b) if there are different interest rates for different parts of the period—the interest rates.

‘(4C) Subsection (4D) applies if a person who has applied to the trustees for a pension under subsection (2) or (4)—

- (a) is 70 years or more; and
- (b) completed at least 8 years of service as a member before the person's 70th birthday.

‘(4D) Despite subsection (2) or (4), the person is entitled to receive a pension that is the same amount as the pension the person would have been entitled to receive under section 17A(3) had the person ceased to be a member, on the day before the person's 70th birthday, for a reason mentioned in section 17(1)(b).’.

(5) Section 19—

insert—

‘(6) Subsection (5) does not apply to a person mentioned in subsection (4C).

‘(7) In this section—

“interest rate”, for the period or part of the period, means the interest rate decided by the trustees as being indicative of the net interest earned on the fund during the period or part of the period.

“net interest”, earned on the fund, means the amount earned on the investment of the fund after deducting—

- (a) the costs of administering the fund; and
- (b) expenses incurred in effecting the investment; and
- (c) taxes payable on income earned on the investment.

“period” means the period—

- (a) starting on the person’s 70th birthday; and
- (b) ending on the day the person ceased to be a member under this section.’.

Amendment of s 19A (Right to convert s 19 entitlement to lump sum entitlement)

12. Section 19A—

insert—

‘**(4)** This section does not apply to a person who is entitled to receive a pension under section 19(4D).’.

Amendment of s 20 (Benefit of widows of members other than continuing members)

13.(1) Section 20(c), definition “B”, paragraph (b)—

omit, insert—

‘(b) 40% of the basic salary on—

- (i) if the former member ceased to be a member before the former member’s 70th birthday—the day the former member ceased to be a member; or
- (ii) if the former member ceased to be a member on or after the former member’s 70th birthday—the day before the former member’s 70th birthday;’.

(2) Section 20—

insert—

‘**(2)** This section is subject to section 20AA.’.

Insertion of new s 20AA

14. After section 20—

insert—

‘Benefits payable to a widow of a new member who died on or after the new member’s 70th birthday

‘20AA.(1) This section applies to a widow of a new member who died on or after the new member’s 70th birthday.

‘(2) Subsection (3) applies if the new member had completed less than 8 years of service as a member before the new member’s 70th birthday.

‘(3) Despite section 20(1)(a) or (b), the widow is entitled to receive an amount calculated using the following formula—

$$\mathbf{A + B}$$

where—

“A” means the amount the new member would have been entitled to receive, under section 17(2)(c), had the new member ceased to be a member on the day before the new member’s 70th birthday.

“B” means the interest that would have been earned on the investment of A during the period, had A been invested on a compounded basis during the period, calculated by reference to—

- (a) if there is 1 interest rate for the period—the interest rate; or
- (b) if there are different interest rates for different parts of the period—the interest rates.

‘(4) Subsection (5) applies if the new member completed at least 8 years of service as a member before the new member’s 70th birthday.

‘(5) Despite section 20(1)(b), the widow is entitled to receive a pension that is the same amount as the pension the new member would have been entitled to receive under section 17A(3) had the new member ceased to be a member, on the day of the new member’s death, for a reason mentioned in section 17(1)(b).

‘(6) Subsections (7) and (8) apply if—

- (a) the new member died before the new member’s 75th birthday;
and
- (b) the widow is entitled to receive a pension under subsection (5).

‘(7) The widow may, by written notice given to the trustees within 3 months after the new member’s death, elect to convert the whole or part of the pension to a lump sum.

‘(8) The lump sum is the same amount the new member would have received, under section 18, had the new member—

- (a) become entitled to receive a pension under section 17A(3) on the day of the new member’s death; and
- (b) made an election under section 18 on the same day that the widow makes the election under subsection (7).

‘(9) In this section—

“**interest rate**”, for the period or part of the period, means the interest rate decided by the trustees as being indicative of the net interest earned on the fund during the period or part of the period.

“**net interest**”, earned on the fund, means the amount earned on the investment of the fund after deducting—

- (a) the costs of administering the fund; and
- (b) expenses incurred in effecting the investment; and
- (c) taxes payable on income earned on the investment.

“**period**” means the period—

- (a) starting on the new member’s 70th birthday; and
- (b) ending on the day the new member died.’.

Amendment of s 20A (Widow’s right to substitute pension for entitlement)

15.(1) Section 20A(1), ‘or remarriage’—

omit.

(2) Section 20A(4) and (5)—

omit, insert—

‘(4) To remove doubt, it is declared that this section does not apply to a person who is entitled to receive a benefit under section 20AA(3).’.

Amendment of s 20B (Pension for widow of continuing member)

16. Section 20B, ‘or remarriage’—
omit.

Omission of s 20C (Provisions applicable to widow’s pension)

17. Section 20C—
omit.

Amendment of s 21 (Payments to children)

18. Section 21(1)(a), ‘or 19’—
omit, insert—
‘, 17A(3) or 19’.

Amendment of s 22A (Endowment benefit to new members who were continuing members)

19. Section 22A, ‘or 18’—
omit, insert—
‘, 17A(3) or 18’.

Amendment of s 25 (Increase in rates of pensions etc.)

20. Section 25(1), ‘pension under section 17, 19 or 20’—
omit, insert—
‘a pension under section 17, 17A(3) or 19’.

Replacement of s 25A (Adjustment of pensions)

21. Section 25A—
omit, insert—

‘Indexation of pensions

‘25A.(1) This section applies to a pension payable to a person under section 17, 17A(3), 19, 20AA, 20A or 20B during a financial year if the pension was payable to the person immediately before the start of the financial year.

‘(2) As soon as practicable after the start of the financial year, the trustees must reassess the amount of the pension and either increase it or maintain it at the same level as in the previous financial year, as follows—

- (a) if the June index for the previous financial year is higher than the last adjustment index for the pension, the pension must be increased by the percentage increase between the 2 indexes;
- (b) otherwise, the pension remains the same.

‘(3) If the pension is increased under the reassessment, the pension is payable to the person at the increased level from the first pay period that falls entirely in the month of August in the financial year.

‘(4) A percentage increase between 2 indexes under subsection (2)(a) must be calculated to 1 decimal place.

‘(5) In this section—

“last adjustment index”, for a pension, means—

- (a) if the pension has ever been increased under this section—the June index for the financial year immediately before the financial year in which the pension was last increased under this section; or
- (b) otherwise—the June index for the financial year immediately before the financial year in which the pension started being payable.

“pay period”, for a pension, means the fortnightly period in relation to which each pension payment is payable under section 32.’.

Insertion of new pt 4, div 1 hdg and s 26AA

22. Part 4, before section 26—

insert—

*‘Division 1—Provisions for Act before commencement of
Superannuation and Other Legislation Amendment Act 2000*

‘Definition for pt 4

‘26AA. In this part—

“repealed Acts specified in schedule 1” means the Acts mentioned in schedule 1 immediately before the commencement of the *Superannuation Legislation Amendment Act 1992*.²

Replacement of s 30A (Adjustment of annuities)

23. Section 30A—

omit, insert—

‘Indexation of annuities

‘30A.(1) This section applies to an annuity payable to a person under this part during a financial year if the annuity was payable to the person immediately before the start of the financial year.

‘(2) As soon as practicable after the start of the financial year, the trustees must reassess the amount of the annuity and either increase it or maintain it at the same level as in the previous financial year, as follows—

- (a) if the June index for the previous financial year is higher than the last adjustment index for the annuity, the annuity must be increased by the percentage increase between the 2 indexes;
- (b) otherwise, the annuity remains the same.

‘(3) If the annuity is increased under the reassessment, the annuity is payable to the person at the increased level from the first pay period that falls entirely in the month of August in the financial year.

‘(4) A percentage increase between 2 indexes under subsection (2)(a) must be calculated to 1 decimal place.

‘(5) In this section—

² *Superannuation Legislation Amendment Act 1992* commenced 23 June 1992.

“last adjustment index”, for an annuity, means—

- (a) if the annuity has ever been increased under this section—the June index for the financial year immediately before the financial year in which the annuity was last increased under this section; or
- (b) otherwise—the June index for the financial year immediately before the financial year in which the annuity started being payable.

“pay period”, for an annuity, means the period in relation to which each annuity payment is payable under this part.’.

Insertion of new pt 4, div 2

24. Part 4, after section 30A—

insert—

*‘Division 2—Provisions for Superannuation and Other Legislation
Amendment Act 2000*

‘Remarriage of a widow of a member or former member

‘30B.(1) This section applies if—

- (a) the widow of a member or former member stopped receiving a pension under section 20A because the widow remarried; and
- (b) the remarriage happened before the commencement of the section 20A amendment.

‘(2) The commencement of the section 20A amendment does not revive the widow’s entitlement to the pension.

‘(3) In this section—

“section 20A amendment” means the amendment of section 20A effected by the *Superannuation and Other Legislation Amendment Act 2000*, section 15(1).

‘Remarriage of a widow of a former continuing member

‘30C.(1) This section applies if—

- (a) the widow of a former continuing member stopped receiving a pension under section 20B because the widow remarried; and
- (b) the remarriage happened before the commencement of the section 20B amendment.

‘(2) The commencement of the section 20B amendment does not revive the widow’s entitlement to the pension.

‘(3) In this section—

“section 20B amendment” means the amendment of section 20B effected by the *Superannuation and Other Legislation Amendment Act 2000*, section 16.

‘Continued receipt of widow’s pension

‘30D.(1) This section applies to a person who was in receipt of a pension under section 20C immediately before its repeal by the *Superannuation and Other Legislation Amendment Act 2000*, section 17.

‘(2) The person is to continue to receive the pension as if section 20C had not been repealed.’.

Insertion of new ss 30E and 30F

25. Part 4, at the end—

insert—

‘Reassessment of pensions for financial year starting 1 July 1999

‘30E.(1) This section applies to the reassessment of a pension under section 25A at the start of the financial year starting 1 July 1999.

‘(2) The last adjustment index for the pension is the June index for the financial year ending 30 June 1998.

‘Reassessment of annuities for financial year starting 1 July 1999

‘30F.(1) This section applies to the reassessment of an annuity under section 30A at the start of the financial year starting 1 July 1999.

‘(2) The last adjustment index for the annuity is the June index for the financial year ending 30 June 1998.’.

Amendment of s 33A (Preservation of lump sum)

26.(1) Section 33A(1), after ‘a person’—

insert—

‘who is under 70 years’.

(2) Section 33A(2)(b)—

omit, insert—

‘(b) to be made at the same time as the person makes an election, in relation to the lump sum, under section 18(1).’.

(3) Section 33A(3), from ‘until’ to ‘dies;’—

omit, insert—

‘until the earliest of the following—

- (a) the person reaches 70 years;
- (b) the person gives the trustees written notice of revocation of the election;
- (c) the person dies;’.

**PART 3—AMENDMENT OF PUBLIC OFFICERS
SUPERANNUATION BENEFITS RECOVERY ACT
1988**

Act amended in pt 3

27. This part amends the *Public Officers Superannuation Benefits Recovery Act 1988*.

Amendment of s 4 (Interpretation)

28. Section 4(5)(a) and (b), after ‘retirement’—

insert—

‘or cessation of employment’.

Amendment of s 6 (Pecuniary liability upon conviction)

29.(1) Section 6(1), from ‘Crown’ to ‘section 8’—

omit, insert—

‘State—

- (a) if the Minister and superannuant agree on the amount of the liability—the agreed amount; or
- (b) otherwise—an amount the superannuant is ordered to pay under section 7(2).’.

(2) Section 6—

insert—

‘(3) An amount agreed on under subsection (1)(a) must not be more than the amount calculated under section 8(1)(a).

‘(4) Before agreeing on an amount under subsection (1)(a), the Minister must have regard to the matters mentioned in section 8(1)(b).

‘(5) Subsection (4) does not limit the matters to which the Minister may have regard.’.

Amendment of s 8 (Factors relevant to assessment of liability)

30.(1) Section 8(1)(a)(i) and (2)(a), after ‘person’s retirement’—
insert—

‘or cessation of employment’.

(2) Section 8(4), definition “prescribed period”, after ‘retirement’—
insert—

‘or cessation of employment’.

Amendment of s 11 (Effect of order on pension benefits)

31. Section 11(4), after ‘retirement’—
insert—

‘or cessation of employment’.

Amendment of s 35 (Effect of certain dismissals on superannuation or retirement benefits)

32. Section 35(1), after ‘upon retirement’—
insert—

‘or cessation of employment’.

**PART 4—AMENDMENT OF STATUTORY
INSTRUMENTS ACT 1992****Act amended in pt 4**

33. This part amends the *Statutory Instruments Act 1992*.

Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)

34. Schedule 2A—

insert—

‘Superannuation (State Public Sector) Deed 1990’.

**PART 5—AMENDMENT OF SUPERANNUATION
(STATE PUBLIC SECTOR) ACT 1990**

Act amended in pt 5

35. This part amends the *Superannuation (State Public Sector) Act 1990*.

Amendment of s 2 (Interpretation)

36.(1) Section 2(1), definition “government superannuation provision fund”—

omit.

(2) Section 2(1)—

insert—

‘**“eligible scheme”** means a scheme declared under a regulation under section 2A to be an eligible scheme.

“employee”, of a unit of the State public sector, means a person who is a member or employee of, or engaged by, the unit.’.

Insertion of new s 2A

37. Part 1, after section 2—

insert—

‘Eligible schemes

‘2A. The Governor in Council may, by regulation, declare a stated superannuation scheme to be an eligible scheme for this Act if—

- (a) the scheme is established or approved under an Act; or
- (b) at the time of the declaration, most of the members of the scheme are current or previous members of the scheme established under this Act.’.

Replacement of s 8 (Trustee indemnified)

38. Section 8—

omit, insert—

‘Protection from liability

‘8.(1) An official does not incur civil liability for an act done, or omission made, honestly and without gross negligence under this Act.

‘(2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.

‘(3) In this section—

“official” means a trustee, the board’s executive officer or a member of the board’s staff.’.

Amendment of s 10 (Establishment of fund)

39.(1) Section 10(2) and (3)—

omit.

(2) Section 10(1A) and (1B)—

renumber as section 10(2) and (3).

Amendment of s 13 (Membership of scheme)

40.(1) Section 13(1), (3) and (4), ‘a member or employee of, or engaged by,’—

omit, insert—

‘an employee of’.

(2) Section 13(3), ‘a member or employee of, or engaged by’—

omit, insert—

‘an employee of’.

(3) Section 13(8) and (9)—

renumber as section 13(10) and (11).

(4) Section 13(7)—

omit, insert—

‘(7) The Minister may, by written notice, declare that a person who is a member of a stated eligible scheme is eligible for membership of the scheme established under this Act on ceasing to be a member of the eligible scheme.

‘(8) A notice under subsection (6) or (7) must declare—

- (a) that membership of the scheme is discretionary; and
- (b) any conditions applying to membership; and
- (c) the membership category or categories for which the person is eligible; and
- (d) for a notice under subsection (7)—any time limit for becoming a member of the scheme after ceasing to be a member of the eligible scheme.

‘(9) Contributions may not be made for a member of the scheme by the member’s employer if the employer is not a unit of the State public sector.’.

(5) Section 13(10), as renumbered, ‘(4) or (6)’—

omit, insert—

‘(4), (6) or (7)’.

Insertion of new ss 13A and 13B

41. After section 13—

insert—

‘Continuation of eligibility for membership after transfer of employment

‘13A.(1) This section applies if—

- (a) a person ceases to be an employee of a unit of the State public sector and becomes an employee of another entity (the **“new employer”**) that is not a unit of the State public sector; and
- (b) immediately before becoming an employee of the new employer, the person is a member of the scheme; and
- (c) either—
 - (i) the transfer happens under an Act that provides that, on becoming an employee of the new employer, the person keeps all the person’s existing and accruing rights relating to superannuation; or
 - (ii) the person and the new employer each gives written notice to the board that he, she or it agrees to the person’s continued membership of the scheme.

‘(2) The new employer is taken to be a unit of the State public sector in relation to the employment of the person.

‘(3) While a notice declaring that the person is eligible for membership of the scheme is in force under section 13, the person or the new employer may not revoke a notice given under subsection (1)(c)(ii).

‘Continuation of eligibility for membership after ceasing to be an employee or spouse

‘13B.(1) To remove doubt, it is declared that, if a person’s contributory membership has ended, the person continues to be eligible for membership of the scheme while the person is entitled to a benefit, under the scheme, relating to the person’s contributory membership.

‘(2) In this section—

“contributory membership” means a person’s membership of the scheme, while the person is an employee of a unit of the State public

sector or the spouse of a member, on the basis of the person's eligibility under a notice under section 13.

“entitled”, to a benefit, includes conditionally entitled to the benefit.

Example for definition “entitled”—

Under the deed, a benefit is payable to a person when the person reaches a particular age or when a particular event happens. The person is conditionally entitled to the benefit.’.

Amendment of s 15 (Definitions for div 3)

42. Section 15, definitions “award” and “employee”—

omit, insert—

‘ **“award”** see the *Industrial Relations Act 1999*, schedule 5, definition “award”, paragraph (a).³

“employee” means an employee or former employee of a unit of the State public sector.’.

Amendment of s 15H (Deduction from benefits paid as pension)

43. Section 15H(1)(a), ‘a member or employee of, or engaged by,’—

omit, insert—

‘an employee of’.

Amendment of s 17 (Returns)

44.(1) Section 17(1), ‘or otherwise engages’—

omit.

³ *Industrial Relations Act 1999*, schedule 5—

“award”—

(a) generally, means—

- (i) an award made under chapter 5 or continued in force under this Act;
or
- (ii) an award as amended under chapter 5;

(2) Section 17(2)(a) and (b), ‘or engaged by’—
omit.

Amendment of s 28 (Contributions by units)

45. Section 28(1), ‘or engaged’—
omit.

Amendment of s 30 (Assignment of benefit)

46.(1) Section 30, ‘moneys’—
omit, insert—
‘amount’.

(2) Section 30, ‘assets’—
omit, insert—
‘an asset’.

Insertion of new s 30D

47. After section 30C—
insert—

‘Commencement of *Superannuation (State Public Sector) Notice 2000*

‘30D. The *Superannuation (State Public Sector) Notice 2000* is taken to have commenced on 1 May 2000.’.

PART 6—AMENDMENTS OF OTHER ACTS

Amendment of Acts

48. The schedule amends the Acts mentioned in it.

SCHEDULE**AMENDMENTS OF OTHER ACTS**

section 48

DIRECTOR OF PUBLIC PROSECUTIONS ACT 1984**1. Section 31(3)—***omit.***EDUCATION (TEACHER REGISTRATION) ACT 1988****1. Section 84(2)—***omit.***FINANCIAL ADMINISTRATION AND AUDIT ACT
1977****1. Schedule 2, entry for Government Superannuation Provision
Fund—***omit.***2. Schedule 3, definition “other moneys”, example—***omit.*

SCHEDULE (continued)

GOVERNMENT OWNED CORPORATIONS ACT 1993**1. Section 173(1), from ‘a contributor’ to ‘or’—**

omit.

2. Section 173(2), from ‘contributor’ to ‘1972 or’—

omit, insert—

‘member of the State Public Sector Superannuation Scheme and, for that purpose, is taken to be’.

3. Section 173(3)—

omit, insert—

‘(3) Subsection (4) applies if—

- (a) the GOC establishes, joins in establishing or takes part in establishing a superannuation scheme (the “**GOC scheme**”); and
- (b) a person continued to be a member of the State Public Sector Superannuation Scheme under subsection (2).

‘(4) The person may, under arrangements prescribed under a regulation, stop being a member of the State Public Sector Superannuation Scheme and become a member of the GOC scheme.’.

MOTOR ACCIDENT INSURANCE ACT 1994**1. Section 62, penalty at the end of the section, after ‘penalty’—**

insert—

‘for subsection (6)’.

SCHEDULE (continued)

2. **Section 82, penalty at the end of the section, after ‘penalty’—**
insert—
‘for subsection (2)’.

3. **Section 87X, subsection (2) second occurring and subsection (3)—**
renumber as subsections (3) and (4).

**MOTOR ACCIDENT INSURANCE AMENDMENT
ACT 2000**

1. **Section 5(1), after ‘definitions’—**
insert—
‘ “assessment period”, ’.

2. **Section 5(1), after ‘ “public place”, ’—**
insert—
‘ “re-assessed period”, ’.

NURSING ACT 1992

1. **Section 31(1)(a)(ii), from ‘contributor’ to ‘or a’—**
omit.

SCHEDULE (continued)

2. Section 31(1), from ‘be a contributor’ to ‘1972 or’—

omit, insert—

‘be a member of the State Public Sector Superannuation Scheme and, for that purpose, is taken to be’.

3. Section 31(2)—

omit, insert—

‘(2) Subsection (3) applies if—

- (a) the council maintains or participates in a superannuation scheme (the “**council scheme**”), other than the State Public Sector Superannuation Scheme, for the benefit of the executive officer; and
- (b) the executive officer continued to be a member of the State Public Sector Superannuation Scheme under subsection (1).

‘(3) The executive officer may, under arrangements prescribed under a regulation, stop being a member of the State Public Sector Superannuation Scheme and become a member of the council scheme.’.

4. Section 42(1)(b), from ‘a contributor’ to ‘or’—

omit.

5. Section 42(2), from ‘contributor’ to ‘1972 or’—

omit, insert—

‘member of the State Public Sector Superannuation Scheme and, for that purpose, is taken to be’.

6. Section 42(3)—

omit, insert—

SCHEDULE (continued)

‘(3) Subsection (4) applies if—

- (a) the council establishes, joins in establishing or takes part in establishing a superannuation scheme (the “**council scheme**”); and
- (b) a person continued to be a member of the State Public Sector Superannuation Scheme under subsection (2).

‘(4) The person may, under arrangements prescribed under a regulation, stop being a member of the State Public Sector Superannuation Scheme and become a member of the council scheme.’.

PARLIAMENTARY COMMISSIONER ACT 1974

1. Section 10(5)—

omit.

PARLIAMENTARY SERVICE ACT 1988

1. Section 30(1)—

omit.

2. Section 31(1) and (1A)—

omit, insert—

‘**31.(1)** The speaker must pay the amounts that, under the *Superannuation (State Public Sector) Act 1990*, are payable by a unit of the State public sector for the officers and employees in the parliamentary service.’.

SCHEDULE (continued)

**QUEENSLAND INVESTMENT CORPORATION ACT
1991****1. Section 32(4)(a), from ‘any of’ to ‘Fund,’—**

omit.

2. Section 36(a), ‘of directors’—

omit, insert—

‘by directors’.

**SUPERANNUATION (PUBLIC EMPLOYEES
PORTABILITY) ACT 1985****1. Section 4(1), definition “approved superannuation scheme”, after
‘means’—**

insert—

‘any of the following superannuation schemes’.

**2. Section 4(1), definition “approved superannuation scheme”,
paragraphs (a) and (b)—**

omit, insert—

‘(a) the State Public Sector Superannuation Scheme established under
the *Superannuation (State Public Sector) Act 1990*;’.

SCHEDULE (continued)

3. Section 6(1)(b), from ‘an approved’ to ‘56,’—*omit, insert—*

‘the State Public Sector Superannuation Scheme under the *Superannuation (State Public Sector) Deed 1990*, section 174,⁴’.

4. Section 6, ‘the approved superannuation’—*omit, insert—*

‘the’.

TOURISM QUEENSLAND ACT 1979**1. Section 16(6)—***omit.***2. Section 18—***omit.*

⁴ *Superannuation (State Public Sector) Deed 1990*, section 174 (When officer may continue to contribute after resignation)