



Queensland

# **Superannuation (State Public Sector) (Scheme Administration) Amendment Bill 2021**





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# Superannuation (State Public Sector) (Scheme Administration) Amendment Bill 2021

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# 2021

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## A Bill

for

**An Act to amend the *Public Officers Superannuation Benefits Recovery Act 1988*, the *Right to Information Act 2009*, the *Superannuation (State Public Sector) Act 1990* and the legislation mentioned in schedule 1 for particular purposes, and to repeal the *Superannuation (State Public Sector) Deed 1990***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Superannuation (State Public Sector) (Scheme Administration) Amendment Act 2021*. 4  
5

**Clause 2 Commencement** 6

This Act, other than part 2, divisions 1 and 2, commences on a 7  
day to be fixed by proclamation. 8

**Part 2 Amendment of Superannuation (State Public Sector) Act 1990** 9  
10

**Division 1 Preliminary** 11

**Clause 3 Act amended** 12

This part amends the *Superannuation (State Public Sector) Act 1990*. 13  
14

**Division 2 Amendments commencing on assent** 15  
16

**Clause 4 Amendment of s 15D (Employer contributions if another fund chosen)** 17  
18

Section 15D(2)— 19

- 
- omit, insert—* 1
- (2) The employer must pay the employer's 2  
contributions into the fund at the rate the 3  
employer would have paid contributions into the 4  
scheme under the deed if the employee were a 5  
member of the scheme, having regard to— 6
- (a) the category of membership in the scheme 7  
for which the employee is eligible under a 8  
declaration under section 14B; and 9
- (b) if applicable, the contributions the employee 10  
pays into the fund under section 15DA. 11

**Clause 5 Insertion of new s 15DA** 12

After section 15D— 13

*insert—* 14

**15DA Employee contributions if another fund 15  
chosen** 16

- (1) This section applies to a core government 17  
employee who, under section 15C, directs the 18  
employee's employer to pay contributions 19  
payable for the employee into a fund other than 20  
the scheme if— 21
- (a) the employee was a member of the scheme 22  
in the comprehensive accumulation category 23  
immediately before giving the direction; or 24
- (b) under a declaration under section 14B, the 25  
employee is eligible for membership in the 26  
scheme only in the comprehensive 27  
accumulation category. 28
- (2) The employee must pay contributions into the 29  
fund at the following rate of the employee's 30  
salary— 31
- (a) if the employee nominates a rate under this 32  
section—that rate; 33

[s 6]

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|                 |  |                                  |
|-----------------|--|----------------------------------|
|                 | (b) otherwise—the rate at which the employee would have paid contributions into the scheme under the deed if the employee were a member of the scheme in the comprehensive accumulation category.  | 1<br>2<br>3<br>4<br>5            |
|                 | (3) The employee may give the employee’s employer a written notice nominating a rate at which the employee wishes to pay contributions into the fund under subsection (2).   | 6<br>7<br>8<br>9                 |
|                 | (4) However, a nomination under subsection (3)—  | 10                               |
|                 | (a) can not be made by an employee who, if the employee were a member of the scheme in the comprehensive accumulation category, would be required under the deed to pay contributions into the scheme at a rate stated in a declaration under section 14B; and | 11<br>12<br>13<br>14<br>15<br>16 |
|                 | (b) may only nominate a rate that the employee would be permitted to nominate under the deed for the employee’s contributions into the scheme if the employee were a member of the scheme in the comprehensive accumulation category.                          | 17<br>18<br>19<br>20<br>21<br>22 |
|                 | (5) The employee is taken to pay the contributions required under subsection (2) into the fund if, under an arrangement with the employee’s employer, the contributions are paid into the fund by the employer.  | 23<br>24<br>25<br>26<br>27       |
| <b>Clause 6</b> | <b>Replacement of pt 6, hdg (Transitional and declaratory provisions for Revenue and Other Legislation Amendment Act 2016)</b>   | 28<br>29<br>30                   |
|                 | Part 6, heading—   | 31                               |
|                 | <i>omit, insert—</i>   | 32                               |
|                 | <b>Part 10</b>   | 33                               |
|                 | <b>Transitional and declaratory provisions</b>   | 34                               |

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|                 |  |   |                            |
|-----------------|--|---|----------------------------|
|                 | <b>Division 1</b>  | <b>Provisions for Revenue<br/>and Other Legislation<br/>Amendment Act 2016</b>  | 1<br>2<br>3                |
| <b>Clause 7</b> | <b>Renumbering of ss 33–35</b>   |   | 4                          |
|                 | Sections 33 to 35—   |   | 5                          |
|                 | <i>renumber</i> as sections 49 to 52.  |   | 6                          |
| <b>Clause 8</b> | <b>Insertion of new pt 10, div 2</b>   |   | 7                          |
|                 | Part 10, as renumbered by this Act—  |   | 8                          |
|                 | <i>insert</i> —  |   | 9                          |
|                 | <b>Division 2</b>  | <b>Provisions for<br/>Superannuation (State<br/>Public Sector) (Scheme<br/>Administration)<br/>Amendment Act 2021</b> | 10<br>11<br>12<br>13<br>14 |
|                 | <b>Subdivision 1</b>   | <b>Amendments commencing<br/>on assent</b>  | 15<br>16                   |
|                 | <b>53 Contributions for core government employees<br/>if another fund chosen</b>   |   | 17<br>18                   |
|                 | (1) The requirement for a core government employee<br>to make contributions into a fund, other than the<br>scheme, under section 15DA is taken to have been<br>in effect from the start of 30 June 2017.   |   | 19<br>20<br>21<br>22       |
|                 | (2) An employer to whom section 15D applied at any<br>time before the commencement is taken to have<br>complied with section 15D(2) if the employer<br>paid the employer’s contributions into the fund at<br>the rate taken to have been required by section |   | 23<br>24<br>25<br>26<br>27 |

[s 9]

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|                   |   |                                 |
|-------------------|---|---------------------------------|
|                   | 15D(2) by the operation of subsection (1) or a higher rate.   | 1<br>2                          |
|                   | (3) An employee to whom section 15DA is taken to have applied at any time before the commencement is taken to have complied with section 15DA(2) if the employee paid the employee's contributions into the fund at the rate taken to have been required by section 15DA(2) or a higher rate. | 3<br>4<br>5<br>6<br>7<br>8<br>9 |
|                   | (4) An employee is taken to have paid the employee's contributions for subsection (3) if, under an arrangement with the employee's employer, the contributions were paid into the fund by the employer.   | 10<br>11<br>12<br>13<br>14      |
| <b>Division 3</b> | <b>Amendments commencing by proclamation</b>  | 15<br>16                        |
| <b>Clause 9</b>   | <b>Replacement of s 2 (Interpretation)</b>  | 17                              |
|                   | Section 2—  | 18                              |
|                   | <i>omit, insert—</i>  | 19                              |
|                   | <b>2 Definitions</b>  | 20                              |
|                   | The dictionary in schedule 2 defines particular words used in this Act.   | 21<br>22                        |
| <b>Clause 10</b>  | <b>Insertion of new s 3</b>   | 23                              |
|                   | After section 2—  | 24                              |
|                   | <i>insert—</i>  | 25                              |
|                   | <b>3 Meaning of <i>unit of the State public sector</i></b>  | 26                              |
|                   | (1) Each of the following entities is a <i>unit of the State public sector—</i>   | 27<br>28                        |
|                   | (a) an entity mentioned in schedule 1;  | 29                              |

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|                  |  |                            |
|------------------|--|----------------------------|
|                  | (b) an entity declared under section 4 to be a unit of the State public sector.  | 1<br>2                     |
|                  | (2) However, the Executive Council is not a unit of the State public sector.   | 3<br>4                     |
| <b>Clause 11</b> | <b>Amendment and renumbering of s 2A (Units of the State public sector)</b>  | 5<br>6                     |
|                  | (1) Section 2A, heading, ‘Units’—<br><i>omit, insert—</i>  | 7<br>8                     |
|                  | <b>Minister may declare units</b>  | 9                          |
|                  | (2) Section 2A(3), ‘or (2)’—<br><i>omit, insert—</i>   | 10<br>11                   |
|                  | or (4)   | 12                         |
|                  | (3) Section 2A(2) and (3)—<br><i>renumber</i> as section 2A(4) and (5).  | 13<br>14                   |
|                  | (4) Section 2A—<br><i>insert—</i>  | 15<br>16                   |
|                  | (2) The power of the Minister under subsection (1) includes the power—   | 17<br>18                   |
|                  | (a) to declare a department or other agency of the Commonwealth or another State on which functions of this State have been conferred to be a unit of the State public sector; and | 19<br>20<br>21<br>22<br>23 |
|                  | (b) to declare an entity to be a unit of the State public sector only in relation to particular employees.   | 24<br>25<br>26             |
|                  | (3) However, the Minister may declare an entity to be a unit of the State public sector only if—   | 27<br>28                   |
|                  | (a) the entity performs functions for the State, employs public service employees or is otherwise connected to the State; or   | 29<br>30<br>31             |

[s 12]

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|                  |   |                  |
|------------------|---|------------------|
|                  | (b) for a declaration under subsection (2)(b), the entity employs persons whose membership in the scheme is continued under part 3, division 2. | 1<br>2<br>3<br>4 |
| (5)              | Section 2A—<br><i>renumber</i> as section 4.  | 5<br>6           |
| <b>Clause 12</b> | <b>Replacement of pt 2 (Board of trustees)</b>  | 7                |
|                  | Part 2—   | 8                |
|                  | <i>omit, insert</i> —   | 9                |
|                  | <b>Part 2</b>   | 10               |
|                  | <b>Public sector superannuation scheme</b>  | 11<br>12         |
|                  | <b>5 Continuation of scheme</b>   | 13               |
|                  | (1) The scheme established under this Act and the repealed <i>Superannuation (State Public Sector) Deed 1990</i> is continued in existence.     | 14<br>15<br>16   |
|                  | (2) The scheme continues under subsection (1) despite any change to the scheme's name from time to time.  | 17<br>18<br>19   |
|                  | <i>Note</i> —   | 20               |
|                  | See also section 65.  | 21               |
|                  | <b>6 Deed for scheme</b>  | 22               |
|                  | (1) The 1990 deed continues in existence as the trust deed for the scheme in the form of the instrument prepared under section 54.              | 23<br>24<br>25   |
|                  | (2) The continuation of the 1990 deed under subsection (1) does not—  | 26<br>27         |



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|          |   |                |
|----------|---|----------------|
| (a)      | affect, or purport to affect, the continuation of the scheme or the fund for the scheme; or   | 1<br>2         |
| (b)      | otherwise resettle or redeclare the scheme or the fund for the scheme.  | 3<br>4         |
| (3)      | Subsections (1) and (2) apply even though the 1990 deed stopped being subordinate legislation on the repeal of the 1990 regulation. | 5<br>6<br>7    |
| (4)      | The trust deed may be amended by the trustee in accordance with this Act and the deed.  | 8<br>9         |
|          | <i>Note—</i>  | 10             |
|          | See section 26 in relation to amendments of the trust deed relating to government defined benefit categories.                       | 11<br>12       |
| (5)      | The amendment of the trust deed by the trustee does not affect the operation of subsections (1) to (3).                             | 13<br>14<br>15 |
| <b>7</b> | <b>Fund for scheme</b>  | 16             |
|          | The State Public Sector Superannuation Fund (the <i>scheme fund</i> ) is continued in existence.                                    | 17<br>18       |
| <b>8</b> | <b>Administration of scheme</b>   | 19             |
| (1)      | The trustee's scheme operations must be based in Queensland.  | 20<br>21       |
| (2)      | For subsection (1), the trustee's scheme operations are based in Queensland only if—  | 22<br>23       |
| (a)      | the trustee's registered office, and principal place of business, under the Corporations Act is in Queensland; and                  | 24<br>25<br>26 |
| (b)      | each of the following persons ordinarily reside in Queensland—  | 27<br>28       |
| (i)      | the trustee's chief executive officer (however called);   | 29<br>30       |
| (ii)     | a majority of the trustee's directors;  | 31             |

[s 13]

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|                  |   |                      |
|------------------|---|----------------------|
|                  | (iii) a majority of the trustee's key management personnel who are not mentioned in subparagraph (i) or (ii); and   | 1<br>2<br>3<br>4     |
|                  | (c) the main office of the majority of the trustee's business areas for the scheme operations is in Queensland.   | 5<br>6<br>7          |
| (3)              | In this section—  | 8                    |
|                  | <i>director</i> , of the trustee, means a director of the trustee within the meaning of the Corporations Act, section 9.  | 9<br>10<br>11        |
|                  | <i>key management personnel</i> , of the trustee, means a member of the trustee's key management personnel within the meaning of the Corporations Act, section 9. | 12<br>13<br>14<br>15 |
|                  | <i>scheme operations</i> , of the trustee, means the trustee's operations relating to the administration of the scheme.   | 16<br>17<br>18       |
| <b>9</b>         | <b>Membership open to everyone</b>  | 19                   |
|                  | The scheme is open to membership by any person, subject to the requirements about membership in the deed.   | 20<br>21<br>22       |
| <b>Clause 13</b> | <b>Replacement of pt 3, hdg (Fund and deed)</b>   | 23                   |
|                  | Part 3, heading—  | 24                   |
|                  | <i>omit, insert—</i>  | 25                   |
|                  | <b>Part 3</b>   | 26                   |
|                  | <b>Membership of scheme by State public sector employees</b>  | 27<br>28             |

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|                  |  |    |
|------------------|--|----|
| <b>Clause 14</b> | <b>Omission of pt 3, divs 1 and 2</b>  | 1  |
|                  | Part 3, divisions 1 and 2—   | 2  |
|                  | <i>omit.</i>   | 3  |
| <b>Clause 15</b> | <b>Replacement of pt 3, div 3, hdg (General provisions about membership of scheme)</b>   | 4  |
|                  | Part 3, division 3, heading—   | 5  |
|                  | <i>omit, insert—</i>   | 6  |
|                  | <b>Division 1</b>  | 7  |
|                  | <b>General matters about</b>   | 8  |
|                  | <b>State public sector</b>   | 9  |
|                  | <b>employees</b>   | 10 |
| <b>Clause 16</b> | <b>Omission of s 14A (Membership open to everyone)</b>   | 11 |
|                  | Section 14A—   | 12 |
|                  | <i>omit.</i>   | 13 |
| <b>Clause 17</b> | <b>Amendment and renumbering of s 14B (Minister may declare matters about membership by particular employees)</b>                          | 14 |
|                  | (1) Section 14B, heading, ‘by particular employees’—   | 15 |
|                  | <i>omit.</i>   | 16 |
|                  | (2) Section 14B(1), ‘an employee of a unit of the State public sector’—  | 17 |
|                  | <i>omit, insert—</i>   | 18 |
|                  | a State public sector employee   | 19 |
|                  | (3) Section 14B—   | 20 |
|                  | <i>insert—</i>   | 21 |
|                  | (1A) The Minister may declare an employee’s membership in the scheme is compulsory under subsection (1)(c) only if the employee’s employer | 22 |
|                  |  | 23 |
|                  |  | 24 |
|                  |  | 25 |
|                  |  | 26 |
|                  |  | 27 |

[s 18]

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|------------------|---|--|
|                  | has given the Minister a written notice requesting the declaration.   | 1<br>2   |
|                  | (4) Section 14B(1A) and (2)—<br><i>renumber</i> as section 14B(2) and (3).  | 3<br>4   |
|                  | (5) Section 14B—<br><i>renumber</i> as section 10.  | 5<br>6   |
| <b>Clause 18</b> | <b>Renumbering of pt 3, div 4 (Continuation of membership after particular events)</b><br>Part 3, division 4—<br><i>renumber</i> as part 3, division 2.   | 7<br>8<br>9<br>10  |
| <b>Clause 19</b> | <b>Amendment and renumbering of s 14C (Application of division)</b><br>(1) Section 14C(c)(iii)(A)—<br><i>omit, insert</i> —<br>(A) the Minister includes the employer in a membership declaration; and<br>(2) Section 14C—<br><i>renumber</i> as section 11.  | 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18             |
| <b>Clause 20</b> | <b>Amendment and renumbering of s 14D (Continuation of membership)</b><br>(1) Section 14D(2)(b)—<br><i>omit, insert</i> —<br>(b) if subsection (1) applies to a person who is a member in the standard defined benefit category—the person’s membership or entitlement to membership of the standard defined benefit category is unaffected by the happening of the relevant event. | 19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28 |

- 
- (2) Section 14D(3), ‘section 14C(c)(ii)’— 1  
*omit, insert*— 2  
section 11(c)(ii) 3
- (3) Section 14D— 4  
*renumber* as section 12. 5

- Clause 21 Amendment and renumbering of s 14E (Employer may not revoke agreement)** 6  
7
- (1) Section 14E, ‘section 14(c)(iii)(B)’— 8  
*omit, insert*— 9  
section 11(c)(iii)(B) 10
- (2) Section 14E— 11  
*renumber* as section 13. 12

- Clause 22 Amendment and renumbering of s 14F (Minister’s power to declare particular matters unaffected)** 13  
14
- (1) Section 14F(1)(a), ‘section 2A’— 15  
*omit, insert*— 16  
section 4 17
- (2) Section 14F(1)(b) and (2), ‘section 14B’— 18  
*omit, insert*— 19  
section 10 20
- (3) Section 14F(2), ‘section 14D’— 21  
*omit, insert*— 22  
section 12 23
- (4) Section 14F— 24  
*renumber* as section 14. 25

[s 23]

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|                  |  |                                 |   |
|------------------|--|---------------------------------|---|
| <b>Clause 23</b> | <b>Insertion of new pt 3, div 3</b>                        | 1                               |   |
|                  | Part 3—  | 2                               |   |
|                  | <i>insert—</i>   | 3                               |   |
|                  | <b>Division 3</b>  | <b>Continued membership in</b>  | 4 |
|                  |  | <b>standard defined benefit</b> | 5 |
|                  |  | <b>category by State public</b> | 6 |
|                  |  | <b>sector employees</b>         | 7 |
|                  | <b>15 Application of division</b>                          | 8                               |   |
|                  | This division applies in relation to a member of           | 9                               |   |
|                  | the scheme in the standard defined benefit                 | 10                              |   |
|                  | category.  | 11                              |   |
|                  | <i>Note—</i>   | 12                              |   |
|                  | On 12 November 2008, the standard defined benefit          | 13                              |   |
|                  | category was closed to persons who were not already        | 14                              |   |
|                  | members of the scheme in that category immediately         | 15                              |   |
|                  | before that day. See—                                      | 16                              |   |
|                  | (a) part 5B of this Act, as in force before its repeal by  | 17                              |   |
|                  | the <i>Superannuation (State Public Sector) (Scheme</i>    | 18                              |   |
|                  | <i>Administration) Amendment Act 2021</i> , for the        | 19                              |   |
|                  | closure of the standard defined benefit category to        | 20                              |   |
|                  | new members; and   | 21                              |   |
|                  | (b) the <i>Revenue and Other Legislation Amendment Act</i> | 22                              |   |
|                  | <i>(No. 2) 2008</i> , sections 2(14) and 125 for the       | 23                              |   |
|                  | commencement of part 5B of this Act as in force            | 24                              |   |
|                  | before its repeal; and                                     | 25                              |   |
|                  | (c) section 67 for the continued effect of part 5B of this | 26                              |   |
|                  | Act as in force before its repeal.                         | 27                              |   |
| <b>Clause 24</b> | <b>Renumbering of pt 3AA (Choice of fund provisions)</b>   | 28                              |   |
|                  | Part 3AA—  | 29                              |   |
|                  | <i>renumber</i> as part 4.                                 | 30                              |   |

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|                  |  |    |
|------------------|--|----|
| <b>Clause 25</b> | <b>Omission of s 15 (Definition for division)</b>  | 1  |
|                  | Section 15—  | 2  |
|                  | <i>omit.</i>   | 3  |
| <b>Clause 26</b> | <b>Amendment and renumbering of s 15A (Core government employees)</b>                            | 4  |
|                  | (1) Section 15A(1), ‘employees of a unit of the State public sector’—                            | 5  |
|                  | <i>omit, insert—</i>   | 6  |
|                  | State public sector employees  | 7  |
|                  | (2) Section 15A—   | 8  |
|                  | <i>renumber</i> as section 17.   | 9  |
| <b>Clause 27</b> | <b>Amendment and renumbering of s 15B (Scheme is default fund for core government employees)</b> | 10 |
|                  | (1) Section 15B, ‘section 15C’—  | 11 |
|                  | <i>omit, insert—</i>   | 12 |
|                  | section 19   | 13 |
|                  | (2) Section 15B—   | 14 |
|                  | <i>renumber</i> as section 18.   | 15 |
| <b>Clause 28</b> | <b>Amendment and renumbering of s 15C (Core government employee may choose another fund)</b>     | 16 |
|                  | (1) Section 15C(2), ‘defined benefit category under the deed’—                                   | 17 |
|                  | <i>omit, insert—</i>   | 18 |
|                  | government defined benefit category  | 19 |
|                  | (2) Section 15C—   | 20 |
|                  | <i>renumber</i> as section 19.   | 21 |

[s 29]

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|                  |   |    |
|------------------|---|----|
| <b>Clause 29</b> | <b>Omission of ss 15D and 15DA</b>  | 1  |
|                  | Sections 15D and 15DA—  | 2  |
|                  | <i>omit.</i>  | 3  |
| <b>Clause 30</b> | <b>Amendment and renumbering of s 15E (Scheme is default fund for particular employees)</b> | 4  |
|                  | (1) Section 15E(1), ‘an employee of a unit of the State public sector’—                     | 5  |
|                  | <i>omit, insert—</i>  | 6  |
|                  | a State public sector employee  | 7  |
|                  | (2) Section 15E(1)(a)(i) and (b), ‘declaration under section 14B’—                          | 8  |
|                  | <i>omit, insert—</i>  | 9  |
|                  | membership declaration  | 10 |
|                  | (3) Section 15E(1)(a)(ii), ‘section 14B(1)(c)’—   | 11 |
|                  | <i>omit, insert—</i>  | 12 |
|                  | section 10(1)(c)  | 13 |
|                  | (4) Section 15E(3), definition <i>default fund</i> —  | 14 |
|                  | <i>relocate</i> to schedule 2 as inserted by this Act.                                      | 15 |
|                  | (5) Section 15E(3)—   | 16 |
|                  | <i>omit.</i>  | 17 |
|                  | (6) Section 15E—  | 18 |
|                  | <i>renumber</i> as section 20.  | 19 |
| <b>Clause 31</b> | <b>Insertion of new pts 5 and 6</b>   | 20 |
|                  | After section 20, as renumbered by this Act—  | 21 |
|                  | <i>insert—</i>  | 22 |
|                  |   | 23 |
|                  |   | 24 |
|                  |   | 25 |



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|---------------|---|--|
| <b>Part 5</b> | <b>Compulsory contributions for State public sector employees</b>   | 1<br>2<br>3<br>4                             |
| <b>21</b>     | <b>Application of part</b>  | 5  |
|               | This part applies in relation to a State public sector employee mentioned in a membership declaration, other than an employee who is a government defined benefit member.   | 6<br>7<br>8<br>9                             |
| <b>22</b>     | <b>Meaning of <i>chosen fund</i></b>  | 10   |
|               | A State public sector employee's <i>chosen fund</i> is—   | 11<br>12                                     |
|               | (a) for a core government employee—   | 13   |
|               | (i) if the employee has given a notice under section 19—the fund the subject of the notice; or  | 14<br>15<br>16                               |
|               | (ii) otherwise—the scheme; or   | 17   |
|               | (b) for a State public sector employee for whom membership in the scheme is compulsory under a declaration under section 10(1)(c)—the scheme; or  | 18<br>19<br>20<br>21                         |
|               | (c) for another State public sector employee—   | 22   |
|               | (i) if the employee has given the employer a written notice stating the employee wants a fund other than the employee's default fund to be the person's chosen fund under the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cwlth)—the person's chosen fund under that Act; or | 23<br>24<br>25<br>26<br>27<br>28<br>29<br>30 |

[s 31]

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|   |                            |
|---|----------------------------|
| (ii) otherwise—the default fund for the employee.   | 1<br>2                     |
| <i>Note—</i>  | 3                          |
| For particular State public sector employees to whom paragraph (c) applies, the employee’s default fund is the scheme—see section 20.   | 4<br>5<br>6                |
| <b>23 Compulsory contributions by employers and employees</b>   | 7<br>8                     |
| (1) A unit of the State public sector must pay contributions for each of its employees into the employee’s chosen fund at the rate and frequency prescribed by regulation.                              | 9<br>10<br>11<br>12        |
| (2) A State public sector employee must pay contributions into the employee’s chosen fund at the rate and frequency prescribed by regulation.   | 13<br>14<br>15             |
| <b>24 Deduction of compulsory employee contributions by employer</b>  | 16<br>17                   |
| (1) The employer of a State public sector employee may—   | 18<br>19                   |
| (a) deduct from the employee’s salary the contributions required under section 23(2); and   | 20<br>21<br>22             |
| (b) pay the amount deducted under paragraph (a) into the employee’s chosen fund on behalf of the employee.  | 23<br>24<br>25             |
| (2) The employee is taken to have paid the contributions required under section 23(2) into the employee’s chosen fund if the contributions are paid into the fund by the employer under subsection (1). | 26<br>27<br>28<br>29<br>30 |

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|---------------|---|----------------------|
| <b>Part 6</b> | <b>Government defined benefit categories</b>  | 1<br>2               |
| <b>25</b>     | <b>Application of part</b>  | 3                    |
|               | This part applies in relation to members of the scheme in a government defined benefit category and their rights to superannuation or other benefits attributable to that category. | 4<br>5<br>6<br>7     |
| <b>26</b>     | <b>Preservation of existing entitlements</b>  | 8                    |
| (1)           | The trustee may amend the deed in a way that affects the rights to superannuation or other benefits of members only if—   | 9<br>10<br>11        |
| (a)           | all of the following apply—   | 12                   |
| (i)           | the trustee, acting on the advice of an actuary, believes the amendment will not affect the Treasurer’s contributions under section 31;   | 13<br>14<br>15<br>16 |
| (ii)          | the amendment does not affect entitlements to defined benefits, or defined benefit contributions, of the members;   | 17<br>18<br>19<br>20 |
| (iii)         | the Minister has been given written notice of the amendment; or   | 21<br>22             |
| (b)           | the Minister has consented to the amendment.  | 23<br>24             |
| (2)           | In this section—  | 25                   |
|               | <i>defined benefit contributions</i> means contributions to the scheme required under the deed by members in relation to their membership in a government defined benefit category. | 26<br>27<br>28<br>29 |

[s 31]

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- 27 No compensation payable for lawful changes** 1
- No member is entitled to any compensation for 2  
any change of a superannuation or other benefit 3  
payable to the member, under the scheme, to the 4  
extent the change is— 5
- (a) made under section 26; or 6
- (b) otherwise lawfully made because of an 7  
actuarial investigation. 8
- 28 Investment manager for defined benefit assets** 9
- (1) The Minister may give the trustee a written notice 10  
(an *approval notice*) stating each person who is an 11  
approved investment manager for the investment 12  
of defined benefit assets. 13
- (2) The Minister may include a person in an approval 14  
notice— 15
- (a) only if the person is appropriately qualified; 16  
and 17
- (b) only after consulting the person and the 18  
trustee. 19
- (3) An approval notice takes effect in relation to a 20  
person included in the notice on the day stated in 21  
the notice. 22
- (4) If the Minister has given an approval notice, the 23  
trustee— 24
- (a) must appoint a defined benefits investment 25  
manager; and 26
- (b) may appoint only an approved investment 27  
manager to be a defined benefits investment 28  
manager. 29
- (5) The defined benefits investment manager must 30  
invest defined benefit assets in a way that is 31  
consistent with— 32

- 
- (a) the deed; and 1
- (b) the investment objectives, strategies or 2  
policies set by the trustee for the investment 3  
of the assets; and 4
- (c) this Act, the *Superannuation Industry 5  
(Supervision) Act 1993* (Cwlth) and any 6  
other law. 7
- (6) In this section— 8
- defined benefit assets* means the assets of the 9  
scheme fund attributable to a government defined 10  
benefit category. 11
- defined benefits investment manager* means the 12  
investment manager, within the meaning of the 13  
*Superannuation Industry (Supervision) Act 1993* 14  
(Cwlth), who invests defined benefit assets under 15  
the deed. 16
- 31 State's contribution from consolidated fund** 17
- (1) The Treasurer must make, on behalf of the State, 18  
the following contributions to the scheme fund— 19
- (a) contributions to satisfy defined benefits that 20  
become payable to government defined 21  
benefit members under the deed; 22
- (b) any other contributions the Treasurer 23  
considers necessary for the efficient and 24  
effective operation of the scheme in relation 25  
to government defined benefit members. 26
- (2) The amounts of the contributions payable under 27  
subsection (1)(a) are the amounts decided by the 28  
trustee on the advice of an actuary. 29
- (3) The amounts of the contributions payable under 30  
subsection (1)(b) are the amounts decided by the 31  
Treasurer in consultation with the trustee. 32
- (4) The contributions under subsection (1) in a 33

[s 32]

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|                  |  |    |
|------------------|--|----|
|                  | financial year must be at least the amount required      | 1  |
|                  | to meet defined benefits under the deed that             | 2  |
|                  | become payable in the financial year less—               | 3  |
|                  | (a) any share of the defined benefits satisfied by       | 4  |
|                  | contributions already made to the scheme                 | 5  |
|                  | fund by the Treasurer under this section or              | 6  |
|                  | former section 29; and                                   | 7  |
|                  | (b) any share of the defined benefits satisfied          | 8  |
|                  | by—  | 9  |
|                  | (i) contributions already made by the                    | 10 |
|                  | government defined benefit members                       | 11 |
|                  | to whom the defined benefits are                         | 12 |
|                  | payable; and   | 13 |
|                  | (ii) accumulated interest on the                         | 14 |
|                  | contributions mentioned in                               | 15 |
|                  | subparagraph (i).  | 16 |
| (5)              | A contribution under subsection (1) must be paid         | 17 |
|                  | out of the consolidated fund, which is                   | 18 |
|                  | appropriated accordingly.                                | 19 |
| (6)              | In this section—   | 20 |
|                  | <i>accumulated interest</i> , on contributions made by a | 21 |
|                  | government defined benefit member, means                 | 22 |
|                  | interest credited to the member's account under          | 23 |
|                  | the deed that is attributable to the amount of the       | 24 |
|                  | contributions.   | 25 |
|                  | <i>former section 29</i> means section 29 of this Act as | 26 |
|                  | in force before the commencement.                        | 27 |
| <b>Clause 32</b> | <b>Renumbering of pt 3A (Government superannuation</b>   | 28 |
|                  | <b>officer)</b>  | 29 |
|                  | Part 3A—   | 30 |
|                  | <i>renumber</i> as part 7.                               | 31 |

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|                  |  |    |
|------------------|--|----|
| <b>Clause 33</b> | <b>Renumbering of s 15I (Appointment)</b>  | 1  |
|                  | Section 15I—   | 2  |
|                  | <i>renumber</i> as section 33.   | 3  |
| <b>Clause 34</b> | <b>Amendment and renumbering of s 15J (Functions)</b>                                | 4  |
| (1)              | Section 15J(2)(a)—   | 5  |
|                  | <i>omit, insert—</i>   | 6  |
|                  | (a) arranging an independent review of the   | 7  |
|                  | scheme default fund arrangements and   | 8  |
|                  | LGIAsuper default fund arrangements at   | 9  |
|                  | least 10 years after the commencement of   | 10 |
|                  | part 10, division 2, subdivision 3; and  | 11 |
| (2)              | Section 15J(3), definition <i>QSuper default fund</i>                                | 12 |
|                  | <i>arrangements—</i>   | 13 |
|                  | <i>omit.</i>   | 14 |
| (3)              | Section 15J(3)—  | 15 |
|                  | <i>insert—</i>   | 16 |
|                  | <i>scheme default fund arrangements</i> means the                                    | 17 |
|                  | arrangements applying under part 4.  | 18 |
| (4)              | Section 15J—   | 19 |
|                  | <i>renumber</i> as section 34.   | 20 |
| <b>Clause 35</b> | <b>Amendment and renumbering of s 15K (Staff services from department and board)</b> | 21 |
| (1)              | Section 15K, heading, ‘board’—   | 22 |
|                  | <i>omit, insert—</i>   | 23 |
|                  | <b>trustee</b>   | 24 |
| (2)              | Section 15K(1)(b)—   | 25 |
|                  | <i>omit, insert—</i>   | 26 |
|                  |  | 27 |

[s 36]

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|                  |  |                                 |
|------------------|--|---------------------------------|
|                  | (b) the trustee may assign an officer or employee of the trustee to perform work for the officer.  | 1<br>2<br>3                     |
| (3)              | Section 15K(2), ‘board’—<br><i>omit, insert</i> —<br>trustee   | 4<br>5<br>6                     |
| (4)              | Section 15K(3), definition <i>board</i> —<br><i>omit</i> .   | 7<br>8                          |
| (5)              | Section 15K(3)—<br><i>insert</i> —<br><i>trustee</i> means—<br>(a) the trustee of the scheme under the deed; or<br>(b) an entity ultimately owned or controlled by the trustee of the scheme under the deed. | 9<br>10<br>11<br>12<br>13<br>14 |
| (6)              | Section 15K—<br><i>renumber</i> as section 35.   | 15<br>16                        |
| <b>Clause 36</b> | <b>Amendment and renumbering of s 15L (Delegation)</b>   | 17                              |
| (1)              | Section 15L(1), ‘section 15K’—<br><i>omit, insert</i> —<br>section 35  | 18<br>19<br>20                  |
| (2)              | Section 15L—<br><i>renumber</i> as section 36.   | 21<br>22                        |
| <b>Clause 37</b> | <b>Amendment and renumbering of s 15M (CEO to act as officer while no appointee)</b>   | 23<br>24                        |
| (1)              | Section 15M, heading, ‘CEO’—<br><i>omit, insert</i> —<br><b>Chief executive</b>  | 25<br>26<br>27                  |



- 
- (2) Section 15M(a) and (b), ‘CEO’— 1  
*omit, insert*— 2  
    chief executive 3
- (3) Section 15M(b), ‘sections 15J to 15L’— 4  
*omit, insert*— 5  
    sections 34 to 36 6
- (4) Section 15M— 7  
*renumber* as section 37. 8

- Clause 38 Replacement of pt 4, hdg (Administration)** 9  
    Part 4, heading— 10  
    *omit, insert*— 11

**Part 8 Miscellaneous provisions** 12  
13

- Clause 39 Insertion of new s 38** 14  
    Part 8, as inserted by this Act— 15  
    *insert*— 16

**38 Nature of benefit payable** 17

- (1) A benefit payable under the scheme in relation to 18  
    a member of the scheme can not, by operation of 19  
    law or otherwise, be— 20
- (a) assigned, charged, taken in execution, 21  
    attached or passed to a person other than the 22  
    member or the member’s estate; or 23
- (b) used to set off a claim by payment to a 24  
    person other than the member or the 25  
    member’s estate. 26
- (2) A benefit payable under the scheme in relation to 27  
    a member of the scheme on the death of the 28

[s 40]

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|                  |  |    |
|------------------|--|----|
|                  | member is not an asset for the payment of the          | 1  |
|                  | member's debts or liabilities from the member's        | 2  |
|                  | estate.  | 3  |
|                  | (3) Any agreement or arrangement relating to, or       | 4  |
|                  | transfer or other dealing with, a benefit payable      | 5  |
|                  | under the scheme that is inconsistent with             | 6  |
|                  | subsection (1) or (2) is void to the extent of the     | 7  |
|                  | inconsistency.   | 8  |
| <b>Clause 40</b> | <b>Omission of ss 17–19</b>                            | 9  |
|                  | Sections 17 to 19—                                     | 10 |
|                  | <i>omit.</i>   | 11 |
| <b>Clause 41</b> | <b>Replacement of s 20 (Reports)</b>                   | 12 |
|                  | Section 20—  | 13 |
|                  | <i>omit, insert—</i>                                   | 14 |
|                  | <b>39 Reports to be given to Minister on request</b>   | 15 |
|                  | (1) The Minister may, at any time, ask the trustee to  | 16 |
|                  | give the Minister a report about the administration    | 17 |
|                  | of the scheme to the extent that it applies to         | 18 |
|                  | government defined benefit members.                    | 19 |
|                  | (2) The trustee must comply with a request under       | 20 |
|                  | subsection (1).  | 21 |
|                  | (3) A request or report under this section must not be | 22 |
|                  | about, or include information that identifies, an      | 23 |
|                  | individual government defined benefit member or        | 24 |
|                  | the member's entitlement.                              | 25 |
| <b>Clause 42</b> | <b>Omission of ss 20A–26</b>                           | 26 |
|                  | Sections 20A to 26—                                    | 27 |
|                  | <i>omit.</i>   | 28 |

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|                  |  |                            |
|------------------|--|----------------------------|
| <b>Clause 43</b> | <b>Amendment, relocation and renumbering of s 28<br/>(Contributions by units)</b>  | 1<br>2                     |
|                  | (1) Section 28(1A)—  | 3                          |
|                  | <i>omit.</i>   | 4                          |
|                  | (2) Section 28(3) and (5)(a), ‘under a regulation’—  | 5                          |
|                  | <i>omit, insert—</i>   | 6                          |
|                  | by regulation  | 7                          |
|                  | (3) Section 28(4)(b)—  | 8                          |
|                  | <i>omit, insert—</i>   | 9                          |
|                  | (b) the trustee can not pay the amount or a part<br>of the amount into the member’s appropriate<br>account because information received for<br>the member, from the unit of the State<br>public sector, is not accurate or complete. | 10<br>11<br>12<br>13<br>14 |
|                  | (4) Section 28(6)(a), ‘board’—   | 15                         |
|                  | <i>omit, insert—</i>   | 16                         |
|                  | trustee  | 17                         |
|                  | (5) Section 28(7), definition <i>member’s appropriate account</i> , ‘this<br>Act’—   | 18<br>19                   |
|                  | <i>omit, insert—</i>   | 20                         |
|                  | the deed   | 21                         |
|                  | (6) Section 28—  | 22                         |
|                  | <i>relocate</i> to part 6, as inserted by this Act, and <i>renumber</i> as<br>section 29.  | 23<br>24                   |
| <b>Clause 44</b> | <b>Amendment, relocation and renumbering of s 28A<br/>(Adjustment of multiples for particular standard defined<br/>benefit members)</b>  | 25<br>26<br>27             |
|                  | (1) Section 28A(1)(b), ‘section 15I’—  | 28                         |
|                  | <i>omit, insert—</i>   | 29                         |
|                  | section 33   | 30                         |

[s 45]

---

- (2) Section 28A(3), ‘board’— 1  
*omit, insert*— 2  
trustee 3
- (3) Section 28A(3A), after ‘despite’— 4  
*insert*— 5  
any other provision of this Act and 6
- (4) Section 28A(4), fourth dot point— 7  
*omit.* 8
- (5) Section 28A(4)— 9  
*insert*— 10  
• employed member 11
- (6) Section 28A(4A), ‘part 3A’— 12  
*omit, insert*— 13  
part 7 14
- (7) Section 28A(3A) to (5)— 15  
*renumber* as section 28A(4) to (7). 16
- (8) Section 28A— 17  
*relocate* to part 6, as inserted by this Act, and *renumber* as 18  
section 30. 19

**Clause 45 Omission of s 29 (Appropriation of contribution)** 20  
Section 29— 21  
*omit.* 22

**Clause 46 Amendment, relocation and renumbering of s 29A (State to hold assets in relation to defined benefit liabilities)** 23  
24  
(1) Section 29A(2) and (3), before ‘defined benefit members’— 25  
*insert*— 26

---

|                  |  |                |
|------------------|--|----------------|
|                  | government   | 1              |
| (2)              | Section 29A(2) and (3), before ‘fund’—   | 2              |
|                  | <i>insert</i> —  | 3              |
|                  | scheme   | 4              |
| (3)              | Section 29A(4)—  | 5              |
|                  | <i>omit</i> .  | 6              |
| (4)              | Section 29A—   | 7              |
|                  | <i>relocate</i> to part 6, as inserted by this Act, and <i>renumber</i> as section 32.                           | 8<br>9         |
| <b>Clause 47</b> | <b>Omission of ss 30–30B</b>   | 10             |
|                  | Sections 30 to 30B—  | 11             |
|                  | <i>omit</i> .  | 12             |
| <b>Clause 48</b> | <b>Renumbering of s 30C (No appeal to industrial commission)</b>   | 13<br>14       |
|                  | Section 30C—   | 15             |
|                  | <i>renumber</i> as section 40.   | 16             |
| <b>Clause 49</b> | <b>Amendment and renumbering of s 31 (Regulation-making power)</b>   | 17<br>18       |
| (1)              | Section 31(2)—   | 19             |
|                  | <i>omit</i> .  | 20             |
| (2)              | Section 31—  | 21             |
|                  | <i>renumber</i> as section 41.   | 22             |
| <b>Clause 50</b> | <b>Amendment, relocation and renumbering of s 32P (Membership taken to continue in particular circumstances)</b> | 23<br>24<br>25 |
| (1)              | Section 32P(1)(a), ‘on or after the commencement day,’—  | 26             |

[s 51]

---

*omit.* 1

(2) Section 32P(1)— 2

*insert*— 3

(d) the person has not made a withdrawal from 4  
the member's accumulation account in 5  
relation to a defined benefit credited to the 6  
account under the terms of the deed 7  
governing the standard defined benefit 8  
category. 9

(3) Section 32P— 10

*relocate* to part 3, division 3, as inserted by this Act, and 11

*renumber* as section 16. 12

**Clause 51 Omission of pt 5B (Closure of standard defined benefit category)** 13  
14

Part 5B— 15

*omit.* 16

**Clause 52 Insertion of new pt 9** 17

Before part 10, as renumbered by this Act— 18

*insert*— 19

**Part 9 QSuper Board** 20

**Division 1 QSuper Board continues** 21

**42 Continuation of QSuper Board** 22

(1) QSuper Board is continued in existence. 23

(2) The former board provisions continue to apply in 24  
relation to QSuper Board until the board becomes 25  
a proprietary company under division 2. 26

- 
- (3) For subsection (2), the former board provisions apply as if they had not been repealed by the *Superannuation (State Public Sector) (Scheme Administration) Amendment Act 2021*. 1  
2  
3  
4
- (4) However, former section 4 applies in relation to QSuper Board only while the board is the trustee of the scheme. 5  
6  
7
- (5) In this section— 8  
*former*, for a provision of this Act, means the provision as in force immediately before the commencement. 9  
10  
11  
*former board provisions* means former part 2 and former section 31(2). 12  
13
- Division 2            QSuper Board as** 14  
**proprietary company** 15
- 43    Definitions for division** 16  
In this division— 17  
*QSuper Board Pty Ltd* means QSuper Board after its registration as a proprietary company limited by shares under the Corporations Act. 18  
19  
20  
*registration day* see section 44(2)(a). 21
- 44    QSuper Board to be registered as proprietary company** 22  
23
- (1) QSuper Board is a deemed registration company for the purposes of the Corporations Act, section 5H. 24  
25  
26
- (2) For the Corporations Act, section 5H(1)(b)— 27

[s 52]

---

- (a) QSuper Board is to be taken to be registered on the day (the *registration day*) declared by the Minister under section 45; and
- (b) QSuper Board is to be registered as a proprietary company limited by shares; and
- (c) QSuper Board’s proposed name is ‘QSuper Board Pty Ltd’.
- 45 Minister may declare registration day**
- (1) The Minister may, by notice published in the gazette, declare the day QSuper Board is to be taken to be registered as a proprietary company limited by shares under the Corporations Act.
- (2) The Minister’s power to declare a day under subsection (1) includes the power to declare a day, that is after the notice is published, by reference to the day on which the appointment of a new trustee for the scheme takes effect under an instrument executed by QSuper Board and the new trustee.
- 46 Constitution, shareholding and other matters about company on registration**
- QSuper Board must decide, in consultation with the Minister, the matters the details of which are to be included in the notice lodged under the Corporations Act, section 5H(2).
- 47 Effect of QSuper Board becoming proprietary company**
- (1) QSuper Board Pty Ltd is taken for all purposes to be a continuation of, and the same legal entity as, QSuper Board.
- (2) Without limiting subsection (1), the registration of QSuper Board as a proprietary company limited by shares under the Corporations Act does



---

|   |                            |
|---|----------------------------|
| not—  | 1                          |
| (a) create a new legal entity; or   | 2                          |
| (b) affect QSuper Board’s existing assets, rights or liabilities (other than in relation to the members of QSuper Board as provided in section 48); or  | 3<br>4<br>5<br>6           |
| (c) affect any legal proceedings by or against QSuper Board or its members; or  | 7<br>8                     |
| (d) affect the employment, or entitlements as an employee, of a person who was a member of staff of QSuper Board other than the board’s chief executive officer, immediately before the registration day.                       | 9<br>10<br>11<br>12<br>13  |
| (3) Despite subsections (1) and (2), QSuper Board Pty Ltd does not represent the State.   | 14<br>15                   |
| (4) Subsections (1) and (2) are declared to be Corporations legislation displacement provisions for the purposes of section 5G of the Corporations Act in relation to the provisions of the Corporations legislation generally. | 16<br>17<br>18<br>19<br>20 |
| <b>48 QSuper Board’s members and CEO</b>  | 21                         |
| (1) On the registration day, the members and chief executive officer of QSuper Board go out of office.  | 22<br>23<br>24             |
| (2) No compensation is payable because of subsection (1).   | 25<br>26                   |
| (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person’s right to a benefit or entitlement that had accrued before the commencement.   | 27<br>28<br>29<br>30       |
| (4) Also, nothing in this section prevents a person who was a member or chief executive officer of QSuper Board from becoming an officer or   | 31<br>32<br>33             |

[s 53]

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|                  |   |                            |
|------------------|---|----------------------------|
|                  | employee of QSuper Board Pty Ltd.   | 1                          |
| <b>Clause 53</b> | <b>Insertion of new pt 10, div 2, sdivs 2–6</b>   | 2                          |
|                  | Part 10, division 2, as inserted by this Act—   | 3                          |
|                  | <i>insert—</i>  | 4                          |
|                  | <b>Subdivision 2 Provision about repeal of 1990 regulation</b>  | 5<br>6                     |
|                  | <b>54 Instrument restating 1990 deed</b>  | 7                          |
|                  | (1) QSuper Board must prepare an instrument that restates the provisions of the 1990 deed, subject only to—   | 8<br>9<br>10               |
|                  | (a) amendments necessary as a consequence of the provisions of the 1990 deed being restated as provisions of an instrument that is not subordinate legislation, including, for example, amendments— | 11<br>12<br>13<br>14<br>15 |
|                  | (i) to update references to this Act; or  | 16                         |
|                  | (ii) to remove provisions that have been included in this Act or a regulation; or   | 17<br>18                   |
|                  | (iii) to add provisions that have been removed from this Act or a regulation; or  | 19<br>20<br>21             |
|                  | (iv) to enable the deed to be amended by the trustee; and   | 22<br>23                   |
|                  | (b) amendments to correct a minor error or make another change that is not a change of substance.   | 24<br>25<br>26             |
|                  | <i>Note—</i>  | 27                         |
|                  | See section 6 in relation to the instrument prepared under this section continuing as the trust deed for the scheme.  | 28<br>29<br>30             |
|                  | (2) Any provision of the instrument that is   | 31                         |

---

inconsistent with subsection (1) is void to the 1  
extent of the inconsistency. 2

### **Subdivision 3 Provisions about 3 Sunsuper transfer 4**

#### **55 Definition for subdivision 5**

In this subdivision— 6

*Sunsuper transfer* means the transfer of the 7  
benefits of all members of Sunsuper 8  
Superannuation Fund (ABN 98 503 137 921) to 9  
the scheme. 10

#### **56 Amendment of deed to facilitate Sunsuper 11 transfer 12**

- (1) The trustee must, in accordance with the deed and 13  
before the Sunsuper transfer is completed, amend 14  
the deed to provide for and facilitate the 15  
implementation of the Sunsuper transfer. 16
- (2) An amendment under subsection (1) must not 17  
amend the deed in a way that— 18
  - (a) adversely affects the rights to 19  
superannuation or other benefits of 20  
members of the scheme accrued before the 21  
amendment; or 22
  - (b) affects, or purports to affect, the 23  
continuation of the scheme or the fund for 24  
the scheme; or 25
  - (c) otherwise resettles or redeclares the scheme 26  
or the fund for the scheme. 27
- (3) An amendment of the deed under subsection (1) 28  
that is inconsistent with subsection (2) is void to 29  
the extent of the inconsistency. 30

[s 53]

---

|  |                      |
|--|----------------------|
| <b>57 MySuper products</b>   | 1                    |
| (1) This section applies if, when the Sunsuper transfer is completed, more than 1 MySuper products are offered for the scheme.   | 2<br>3<br>4          |
| (2) A regulation may prescribe matters about the eligibility of members of the scheme to hold each of the MySuper products.  | 5<br>6<br>7          |
| (3) Without limiting subsection (2), a regulation under the subsection may, to the extent permitted by the <i>Superannuation Industry (Supervision) Act 1993</i> (Cwlth), prescribe— | 8<br>9<br>10<br>11   |
| (a) the members of the scheme who are eligible for a stated MySuper product; or  | 12<br>13             |
| (b) conditions applying to a member's eligibility for a stated MySuper product.  | 14<br>15             |
| (4) In this section—   | 16                   |
| <i>MySuper product</i> see the <i>Superannuation Industry (Supervision) Act 1993</i> (Cwlth), section 10(1).   | 17<br>18<br>19       |
| <b>Subdivision 4 Provisions about trustee changeover</b>   | 20<br>21             |
| <b>58 Definitions for subdivision</b>  | 22                   |
| In this subdivision—   | 23                   |
| <i>new trustee</i> means the trustee of the scheme immediately after the trustee changeover.   | 24<br>25             |
| <i>trustee changeover</i> means the time at which the appointment of a new trustee of the scheme takes effect under an instrument executed by QSuper Board and the new trustee.      | 26<br>27<br>28<br>29 |

- 
- 59 Existing standard employer-sponsors** 1
- (1) This section applies in relation to a standard 2  
employer-sponsor arrangement in effect 3  
immediately before the trustee changeover. 4
- (2) From the trustee changeover, the standard 5  
employer-sponsor arrangement and any 6  
agreement relating to the arrangement is taken to 7  
have been entered into by the new trustee in its 8  
capacity as trustee of the scheme. 9
- (3) In this section— 10
- standard employer-sponsor arrangement* means 11  
an arrangement between QSuper Board and an 12  
entity under which the entity becomes a standard 13  
employer-sponsor within the meaning of the 14  
*Superannuation Industry (Supervision) Act 1993* 15  
(Cwlth), section 16(2). 16
- 60 Protection from liability** 17
- (1) This section applies in relation to a person who, at 18  
any time before the trustee changeover, was an 19  
official. 20
- (2) The person is entitled to be indemnified from the 21  
scheme fund for a liability incurred by the person 22  
for an act done, or omission made, while acting as 23  
an official. 24
- (3) The liability to which subsection (2) applies— 25
- (a) includes an amount of legal costs decided by 26  
the trustee to be reasonable; but 27
- (b) does not include a liability— 28
- (i) of a kind to which former section 8 did 29  
not apply; or 30
- (ii) that the person cannot be indemnified 31  
for, from the scheme fund, under the 32

[s 53]

---

|           |   |                      |
|-----------|---|----------------------|
|           | <i>Superannuation Industry (Supervision) Act 1993 (Cwlth).</i>  | 1<br>2               |
| (4)       | The costs incurred by QSuper Board or the new trustee for effecting insurance for liability to which subsection (2) applies may be paid out of the scheme fund. | 3<br>4<br>5<br>6     |
| (5)       | In this section—  | 7                    |
|           | <i>former section 8</i> means section 8 of this Act as in force immediately before the commencement.  | 8<br>9               |
|           | <i>official</i> means official within the meaning of former section 8.  | 10<br>11             |
|           | <i>QSuper Board</i> includes QSuper Board after it becomes QSuper Board Pty Ltd.  | 12<br>13             |
| <b>61</b> | <b>Application of Act until trustee changeover</b>  | 14                   |
| (1)       | Until the trustee changeover, a reference in this Act to the trustee is taken to be a reference to QSuper Board in its capacity as trustee of the scheme.       | 15<br>16<br>17<br>18 |
| (2)       | However, section 8 does not apply to QSuper Board even while it is the trustee of the scheme.   | 19<br>20             |
| <b>62</b> | <b>Residence requirement for trustee's chief executive officer (however called)</b>   | 21<br>22             |
|           | Section 8(2)(b)(i) does not apply in relation to the trustee of the scheme after the trustee changeover until—  | 23<br>24<br>25       |
| (a)       | if a regulation prescribes a day earlier than 3 years after the commencement—the prescribed day; or   | 26<br>27<br>28       |
| (b)       | otherwise—3 years after the commencement.   | 29<br>30             |

---

|                      |   |                                  |
|----------------------|---|----------------------------------|
| <b>Subdivision 5</b> | <b>Matters about membership and entitlements</b>  | 1<br>2                           |
| <b>63</b>            | <b>Existing membership and entitlements</b>   | 3                                |
| (1)                  | The amendment of this Act by the <i>Superannuation (State Public Sector) (Scheme Administration) Amendment Act 2021</i> does not affect—  | 4<br>5<br>6<br>7                 |
| (a)                  | the membership of a current member; or  | 8                                |
| (b)                  | any entitlement the member accrued under this Act before the commencement.  | 9<br>10                          |
| (2)                  | In this section—  | 11                               |
|                      | <i>current member</i> means a person who was a member of the scheme immediately before the commencement.  | 12<br>13<br>14                   |
| <b>64</b>            | <b>Compulsory contributions for particular State public sector employees</b>  | 15<br>16                         |
| (1)                  | This section applies—   | 17                               |
| (a)                  | in relation to a State public sector employee if—   | 18<br>19                         |
| (i)                  | the employee is a core government employee; or  | 20<br>21                         |
| (ii)                 | the employee’s chosen fund is the scheme; and   | 22<br>23                         |
| (b)                  | if, on the commencement, a regulation has not been made under section 23.   | 24<br>25                         |
| (2)                  | A unit of the State public sector must pay contributions for each of its employees into the employee’s chosen fund at the rate and frequency at which the employer was required to pay contributions under this Act or the 1990 deed immediately before the commencement. | 26<br>27<br>28<br>29<br>30<br>31 |

[s 53]

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- (3) A State public sector employee must pay contributions into the employee's chosen fund at the rate and frequency at which the employee was required to pay contributions under this Act or the 1990 deed immediately before the commencement. 1  
2  
3  
4  
5  
6
- (4) A State public sector employee is taken to comply with subsection (3) if, under an arrangement with the employee's employer, the contributions are paid into the fund by the employer. 7  
8  
9  
10
- (5) This section stops applying on the earlier of the following— 11  
12
- (a) a regulation under section 23 comes into force; 13  
14
- (b) 1 year after the commencement. 15

## **Subdivision 6 Other matters** 16

### **65 Declaration about continuation of scheme and fund** 17 18

- (1) To remove any doubt, it is declared that the amendment of this Act by the *Superannuation (State Public Sector) (Scheme Administration) Amendment Act 2021* (the **amendment Act**)— 19  
20  
21  
22
- (a) did not establish a new scheme or new fund for the scheme; and 23  
24
- (b) is not intended to— 25
- (i) affect, or purport to affect, the continuation of the scheme or the fund for the scheme; or 26  
27  
28
- (ii) otherwise resettle or redeclare the scheme or the fund for the scheme. 29  
30
- (2) Also, to remove any doubt, it is declared that the 31



- 
- declaration under subsection (1) applies despite— 1
- (a) the provisions of the 1990 deed being 2  
continued as the trust deed for the scheme in 3  
the form of the instrument prepared under 4  
section 54; and 5
  - (b) the Sunsuper transfer within the meaning of 6  
section 55, including— 7
    - (i) the amendment of the deed under 8  
section 56 relating to the Sunsuper 9  
transfer; and 10
    - (ii) any change to the scheme’s name 11  
arising from the Sunsuper transfer; and 12
  - (c) the appointment of a new trustee of the 13  
scheme under an instrument executed by 14  
QSuper Board and the new trustee; and 15
  - (d) any other changes affecting the operation or 16  
management of the scheme or scheme fund 17  
arising from the amendment of this Act by 18  
the amendment Act. 19

## **66 Continued application of s 51** 20

- From the commencement, section 51 applies as 21  
if— 22
- (a) the reference in subsection (4), definition 23  
*default arrangement*, paragraph (a) to 24  
section 14B(1)(c) were a reference to 25  
section 10(1)(c); and 26
  - (b) the reference in subsection (4), definition 27  
*default arrangement*, paragraph (b) to 28  
section 15A were a reference to section 17; 29  
and 30
  - (c) the reference in subsection (4), definition 31  
*default fund*, to section 15E were a reference 32  
to schedule 2. 33

[s 54]

---

**67 Declaration for Acts Interpretation Act 1954, s 20A** 1  
2

Section 30B and part 5B as in force before the 3  
commencement are declared to be laws to which 4  
the *Acts Interpretation Act 1954*, section 20A 5  
applies. 6

**Clause 54 Insertion of new schs 1 and 2** 7

After part 10, as renumbered by this Act— 8

*insert—* 9

**Schedule 1 Units of the State public sector** 10  
11

section 3(1)(a) 12

1 a public sector unit 13

2 the Queensland Police Service under the 14  
*Police Service Administration Act 1990* 15

3 the Crime and Corruption Commission 16

4 Legal Aid Queensland established under the 17  
*Legal Aid Queensland Act 1997*, section 41 18

5 the industrial relations commission 19

6 a corporate entity (other than a local 20  
government) constituted, or otherwise 21  
provided for, under an Act that collects 22  
revenues or raises funds under the authority 23  
of an Act 24

7 a non-corporate entity established, or 25  
otherwise provided for, under an Act that is 26  
funded or financially assisted to any extent 27  
by the State 28

---

|    |   |                            |
|----|---|----------------------------|
| 8  | a registry or other administrative office of a court of the State   | 1<br>2                     |
| 9  | a Magistrates Court   | 3                          |
| 10 | the parliamentary service under the <i>Parliamentary Service Act 1988</i>   | 4<br>5                     |
| 11 | the Governor's official residence (known as 'Government House') and its associated administrative unit  | 6<br>7<br>8                |
| 12 | the Legislative Assembly  | 9                          |
| 13 | a registered higher education provider, within the meaning of the <i>Tertiary Education Quality and Standards Agency Act 2011</i> (Cwlth), that is established under an Act         | 10<br>11<br>12<br>13<br>14 |
| 14 | a body corporate wholly owned by the State  | 15                         |
| 15 | a wholly-owned subsidiary, within the meaning of the Corporations Act, section 9, of a body corporate that is a unit of the State public sector under another item of this schedule | 16<br>17<br>18<br>19<br>20 |

## Schedule 2 Dictionary 21

### section 2 22

**1990 deed** means the deed under the 1990 regulation. 23  
24

**1990 regulation** means the repealed *Superannuation (State Public Sector) Deed 1990* as in force immediately before its repeal. 25  
26  
27

**actuarial investigation** means an investigation of the state and sufficiency of the scheme fund carried out by an actuary under the deed. 28  
29  
30

[s 54]

---

|  |                      |
|--|----------------------|
| <i>chosen fund</i> , for a State public sector employee, see section 22.   | 1<br>2               |
| <i>core government employee</i> means a State public sector employee who is declared, under section 17, to be a core government employee for this Act.                                 | 3<br>4<br>5<br>6     |
| <i>deed</i> means the trust deed for the scheme under section 6.   | 7<br>8               |
| <i>defined benefits</i> means benefits payable under the deed to government defined benefit members.   | 9<br>10              |
| <i>employee</i> , of a unit of the State public sector, means a person who is a member or employee of, or engaged by, the unit.  | 11<br>12<br>13       |
| <i>fund</i> means a superannuation fund, superannuation scheme, approved deposit fund, or RSA, as defined under the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cwlth). | 14<br>15<br>16<br>17 |
| <i>government defined benefit category</i> means each of the following categories under the 1990 deed—   | 18<br>19             |
| • standard defined benefit category  | 20                   |
| • State 58 category  | 21                   |
| • State 72 category  | 22                   |
| • police 68 category   | 23                   |
| • police 74 category   | 24                   |
| • fire category  | 25                   |
| • parliament 70 category.  | 26                   |
| <i>government defined benefit member</i> means a member of the scheme in a government defined benefit category.  | 27<br>28<br>29       |
| <i>membership declaration</i> means a declaration under section 10.  | 30<br>31             |
| <i>officer</i> , for part 7, see section 33(1).  | 32                   |

|   |                |
|---|----------------|
| <i>QSuper Board</i> means the board continued under section 3 of this Act as in force immediately before the commencement.      | 1<br>2<br>3    |
| <i>Note—</i>  | 4              |
| See section 42 for the continuation of QSuper Board from the commencement.  | 5<br>6         |
| <i>QSuper Board Pty Ltd</i> see section 43.   | 7              |
| <i>registration day</i> , for part 9, division 2, see section 44(2)(a).   | 8<br>9         |
| <i>scheme</i> means the scheme mentioned in section 5.  | 10             |
| <i>scheme fund</i> see section 7.   | 11             |
| <i>standard defined benefit category</i> means the defined benefit category of that name under the 1990 deed.                   | 12<br>13<br>14 |
| <i>State public sector employee</i> means an employee of a unit of the State public sector.                                     | 15<br>16       |
| <i>trustee</i> means the company, within the meaning of the Corporations Act, that is the trustee of the scheme under the deed. | 17<br>18<br>19 |
| <i>unit of the State public sector</i> see section 3.   | 20             |

|               |   |                |
|---------------|---|----------------|
| <b>Part 3</b> | <b>Amendment of Public Officers Superannuation Benefits Recovery Act 1988</b> | 21<br>22<br>23 |
|---------------|---|----------------|

|                  |   |          |
|------------------|---|----------|
| <b>Clause 55</b> | <b>Act amended</b>  | 24       |
|                  | This part amends the <i>Public Officers Superannuation Benefits Recovery Act 1988</i> . | 25<br>26 |
| <b>Clause 56</b> | <b>Amendment of s 6 (Pecuniary liability upon conviction)</b>                           | 27       |
|                  | Section 6—  | 28       |

[s 57]

---

*insert—*

- (6) The Minister may delegate the Minister’s functions or powers under this section to the chief executive.

## **Part 4                      Amendment of Right to Information Act 2009**

### **Clause 57      Act amended**

This part amends the *Right to Information Act 2009*.

### **Clause 58      Amendment of sch 2 (Entities to which this Act does not apply)**

Schedule 2, part 2, item 9A—

*omit.*

## **Part 5                      Other amendments**

### **Clause 59      Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Part 6                      Repeal**

### **Clause 60      Repeal**

The Superannuation (State Public Sector) Deed 1990 is repealed.

|                   |   |    |
|-------------------|---|----|
| <b>Schedule 1</b> | <b>Other amendments</b>   | 1  |
|                   | section 59  | 2  |
|                   | <b>City of Brisbane Act 2010</b>  | 3  |
| 1                 | <b>Schedule 2, definition <i>reward</i>, paragraph (b), after ‘meaning of’—</b> | 4  |
|                   | <i>insert—</i>  | 5  |
|                   |   | 6  |
|                   | repealed  | 7  |
|                   | <b>Governors (Salary and Pensions) Act 2003</b>                                 | 8  |
| 1                 | <b>Section 16C(3), ‘State Public Sector Superannuation Fund’—</b>               | 9  |
|                   | <i>omit, insert—</i>  | 10 |
|                   |   | 11 |
|                   | scheme under the <i>Superannuation (State Public Sector) Act 1990</i>           | 12 |
|                   |   | 13 |
| 2                 | <b>Section 16C(6)—</b>  | 14 |
|                   | <i>omit.</i>  | 15 |

|  |    |
|--|----|
| <b>Industrial Relations Act 2016</b>   | 1  |
| <b>1 Section 589(2)(a), ‘board’—</b>   | 2  |
| <i>omit, insert—</i>   | 3  |
| trustee  | 4  |
| <br>   |    |
| <b>Judges (Pensions and Long Leave) Act 1957</b>                                     | 5  |
| <br>   |    |
| <b>1 Section 11(3), ‘State Public Sector Superannuation Fund’—</b>                   | 6  |
| <i>omit, insert—</i>   | 7  |
| scheme under the <i>Superannuation (State Public Sector) Act 1990</i>                | 8  |
|  | 9  |
|  | 10 |
| <br>   |    |
| <b>2 Section 11(6)—</b>  | 11 |
| <i>omit.</i>   | 12 |
| <br>   |    |
| <b>Land Court Act 2000</b>   | 13 |
| <br>   |    |
| <b>1 Section 40(3)(b), ‘board’—</b>  | 14 |
| <i>omit, insert—</i>   | 15 |
| trustee  | 16 |
| <br>   |    |
| <b>2 Section 40(5), definition <i>chosen fund</i>, paragraph (b), ‘section 15D’—</b> | 17 |
| <i>omit, insert—</i>   | 18 |
| part 5   | 19 |
|  | 20 |



|  |   |    |
|--|---|----|
| <b>3</b>                                 | <b>Section 40(5), definition <i>eligible contributions</i>,<br/>'prescribed under the deed for the scheme'—</b> | 1  |
|  | <i>omit, insert—</i>  | 2  |
|  | and frequency prescribed  | 3  |
|  |   | 4  |
| <b>Local Government Act 2009</b>         |   | 5  |
| <b>1</b>                                 | <b>Schedule 4, definition <i>reward</i>, paragraph (b), after<br/>'meaning of'—</b>                             | 6  |
|  | <i>insert—</i>  | 7  |
|  | repealed  | 8  |
|  |   | 9  |
| <b>Parliament of Queensland Act 2001</b> |   | 10 |
| <b>1</b>                                 | <b>Section 65(6), definition <i>reward</i>, paragraph (aa), after<br/>'meaning of'—</b>                         | 11 |
|  | <i>insert—</i>  | 12 |
|  | repealed  | 13 |
|  |   | 14 |
| <b>2</b>                                 | <b>Section 70(5), definition <i>reward</i>, paragraph (aa), after<br/>'meaning of'—</b>                         | 15 |
|  | <i>insert—</i>  | 16 |
|  | repealed  | 17 |
|  |   | 18 |

|   |   |    |
|---|---|----|
|   | <b>Statutory Instruments Act 1992</b>   | 1  |
| 1 | <b>Schedule 2A, entry for <i>Superannuation (State Public Sector) Deed 1990</i>—</b>          | 2  |
|   | <i>omit.</i>  | 3  |
|   |   | 4  |
|   | <b>Superannuation (Public Employees Portability) Act 1985</b>                                 | 5  |
|   |   | 6  |
| 1 | <b>Section 6(1)(b), ‘<i>Superannuation (State Public Sector) Deed 1990</i>, section 174’—</b> | 7  |
|   | <i>omit, insert—</i>  | 8  |
|   | <i>Superannuation (State Public Sector) Act 1990</i>  | 9  |
|   |   | 10 |