

Queensland



SUPERANNUATION (STATE PUBLIC SECTOR) ACT 1990

**Reprinted as in force on 29 August 1995
(includes amendments up to Act No. 27 of 1995)**

“Warning—See last endnote for uncommenced amendments”

Reprint No. 2

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 29 August 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update references (pt 4, div 3)
- use standard punctuation consistent with current drafting practice (s 27)
- omit provisions that are no longer required (s 37)
- number and renumber provisions and references (s 43).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in the reprint, including—**
 - **Table of changed citations and remade laws**
 - **Table of renumbered provisions**
- **editorial changes made in earlier reprints.**

Queensland



**SUPERANNUATION (STATE PUBLIC
SECTOR) ACT 1990**

TABLE OF PROVISIONS

| Section | | Page |
|---------------------------------|---|------|
| PART 1—PRELIMINARY | | |
| 1 | Short title | 3 |
| 2 | Interpretation | 3 |
| PART 2—BOARD OF TRUSTEES | | |
| 3 | Board of Trustees | 5 |
| 4 | Board's executive officer | 6 |
| 5 | Delegation by board | 6 |
| 6 | Proceedings of board | 6 |
| 7 | Powers etc. of board | 7 |
| 8 | Board member indemnified | 7 |
| 9 | Remuneration of board members | 7 |
| PART 3—FUND AND DEED | | |
| 10 | Establishment of fund | 8 |
| 11 | Investment of fund | 8 |
| 12 | Deed to establish scheme | 8 |
| 13 | Membership of scheme | 9 |
| 14 | Contents of deed | 9 |
| 15 | Benefits payable to certain members | 11 |
| PART 4—ADMINISTRATION | | |
| 16 | Accounts relating to fund | 12 |
| 17 | Returns | 12 |
| 18 | Recovery of overpayments | 12 |
| 19 | Recovery of unpaid contributions | 14 |

Superannuation (State Public Sector) Act 1990

| | | |
|----|--|----|
| 20 | Reports | 14 |
| 21 | Protection of scheme's name | 14 |
| 22 | Publicity of scheme | 15 |
| 23 | Unclaimed benefits | 15 |
| 24 | Barring of claims for compensation | 16 |
| 25 | Rates or amounts of benefit etc. to be rounded off | 16 |
| 26 | False declarations | 16 |
| 27 | Exemption from taxation | 17 |
| 28 | Contributions by units | 17 |
| 29 | Appropriation of contribution | 18 |
| 30 | Assignment of benefit | 18 |
| 31 | Regulations | 18 |

ENDNOTES

| | | |
|----|---|----|
| 1 | Index to endnotes | 19 |
| 2 | Date to which amendments incorporated | 19 |
| 3 | Key | 20 |
| 4 | Table of earlier reprints | 20 |
| 5 | Tables in earlier reprints | 20 |
| 6 | List of legislation | 20 |
| 7 | List of annotations | 21 |
| 8 | Table of changed citations and remade laws | 23 |
| 9 | Table of renumbered provisions | 23 |
| 10 | Provisions that have not commenced and are not incorporated into reprint | 24 |

SUPERANNUATION (STATE PUBLIC SECTOR) ACT 1990

[as amended by all amendments that commenced on or before 29 August 1995]

An Act to provide the machinery for the establishment of a new superannuation scheme for the State public sector and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Superannuation (State Public Sector) Act 1990*.

Interpretation

2.(1) In this Act—

“**board**” means the Board of Trustees pursuant to section 3.

“**board member**” means a member of the Board of Trustees.

“**deed**” means the deed established pursuant to this Act.

“**fund**” means the State Public Sector Superannuation Fund established pursuant to section 10.

“**Government Superannuation Provision Fund**” means the account established to hold amounts transferred to the fund because a person has elected under the *State Service Superannuation Act 1972* or the *Police Superannuation Act 1974* to become a member of the scheme.

“**scheme**” means the scheme for the provision of superannuation, retirement, provident or other benefits established pursuant to the deed

Superannuation (State Public Sector) Act 1990

in accordance with this Act.

“unit of the State public sector” means—

- (a) every department of the State within the meaning of the *Public Service Management and Employment Act 1988*;
- (b) the Railway Department within the meaning of the *Transport Infrastructure (Railways) Act 1991*;
- (c) the Queensland Police Service within the meaning of the *Police Service Administration Act 1990*;
- (d) the Electoral and Administrative Review Commission within the meaning of the *Electoral and Administrative Review Act 1989*;
- (e) the Criminal Justice Commission within the meaning of the *Criminal Justice Act 1989*;
- (f) the Queensland Corrective Services Commission within the meaning of the *Corrective Services (Administration) Act 1988*;
- (g) the Legal Aid Commission within the meaning of the *Legal Aid Act 1978*;
- (h) the Public Sector Management Commission within the meaning of the *Public Sector Management Commission Act 1990*;
- (i) the Industrial Relations Commission within the meaning of the *Industrial Relations Act 1990*;
- (j) every corporate entity (other than a local government) that is constituted by or pursuant to an Act, or that is of a description of entity provided for by an Act, which in either case collects revenues or raises funds under the authority of an Act;
- (k) every non-corporate entity established or maintained pursuant to an Act, which is funded to any extent with moneys of the Crown, or is assisted in a financial respect by the Crown;
- (l) the registries and other administrative offices of the courts of the State of whatever jurisdiction;
- (m) the Magistrates Court within the meaning of the *Justices Act 1886*;
- (n) the Parliamentary Service within the meaning of the

Superannuation (State Public Sector) Act 1990

Parliamentary Service Act 1988;

- (o) the Governor's official residence (known as 'Government House') and the administrative unit maintained in association therewith;
- (p) a university, university college or a college of advanced education;
- (q) a specified body or corporate person declared under section 2(4) of the *Public Sector Management Commission Act 1990* to be a unit of the public sector;
- (r) any persons, or class of persons, corporate body, unit or organisation declared by regulation to be a unit of the State public sector;

but does not include—

- (s) the Executive Council;
- (t) the Legislative Assembly;
- (u) any person or body declared by regulation not to be a unit of the State public sector.

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

PART 2—BOARD OF TRUSTEES

Board of Trustees

3. The Board of Trustees constituted in accordance with sections 4 to 10 of the *Superannuation (Government and Other Employees) Act 1988* is to be the Board of Trustees for the purposes of this Act.

Board's executive officer

4.(1) The executive officer of the board—

- (a) is to be the person who for the time being holds the appointment as manager of the State Service Superannuation Fund preserved, continued in existence and established under the *State Service Superannuation Act 1972*; and
- (b) may be a member of the board.

(2) The executive officer has and may exercise and is to perform such powers, authorities, duties and functions as are prescribed or as the board may authorise or direct.

(3) The executive officer has custody of the board's official seal and, subject to the board, is authorised to execute documents and other writings on behalf of the board and to affix the board's seal thereto.

Delegation by board

5. The board may delegate its powers under this Act—

- (a) to a board member or an officer of the board; or
- (b) an officer of the public service.

Proceedings of board

6.(1) The board is to meet at such times and places and conduct its business in such manner as is prescribed or, in so far as it is not prescribed, as the board determines.

(2) The presiding officer is to preside at all meetings of the board at which that person is present.

(3) If the presiding officer is not present at a meeting that person's nominee is to preside at the meeting and act in place of the presiding officer and, while so acting, has all the powers and authorities of the presiding officer.

(4) If neither the presiding officer nor a nominee is present at a meeting the board members present are to elect one of their number who is to preside at the meeting.

Superannuation (State Public Sector) Act 1990

(5) A quorum of the board consists of 6 board members and any duly convened meeting at which a quorum is present is competent to transact the business of the board.

(6) The person presiding at a meeting is to have a deliberative vote only.

(7) A decision of the board requires the affirmative vote of 6 board members present and voting.

(8) No act or proceeding of the board is to be invalid or be affected by reason only of 1 or all of the following—

- (a) the number of board members was not complete at the time of such act or proceeding;
- (b) a defect in the appointment of any board member;
- (c) any board member was disqualified from participating or disentitled to participate in the act or proceeding.

Powers etc. of board

7. The powers, authorities, duties or functions of the board and the exercise of discretion by the board are, except as specified in this Act, to be as set out in the deed.

Board member indemnified

8. A board member or the executive officer of the board or any member of the board's staff is not to incur liability at law on account of loss or damage sustained by reason of any act done or omission made under the authority of this Act or done or made in good faith by that person purporting to act under the authority of this Act and without negligence.

Remuneration of board members

9. A board member is entitled to such remuneration as may be approved for the time being by the Governor in Council.

PART 3—FUND AND DEED

Establishment of fund

10.(1) There is to be established and maintained in the Queensland Treasury a fund under the title ‘State Public Sector Superannuation Fund’.

(2) To remove any doubt, it is declared that the Government Superannuation Provision Fund forms part of the assets of the fund.

Investment of fund

11.(1) Queensland Investment Corporation (“QIC”) is appointed investment manager of the fund.

(2) The board must establish investment policies and objectives for the fund.

(3) The investment manager must operate under the investment policies and objectives.

(4) The investment manager must give the board or its agent all necessary information to enable them to monitor the investment manager’s performance.

(5) If the Governor in Council is satisfied it is appropriate for another investment manager to be appointed for the fund or a stated part of the fund in the interests of the board’s fiduciary responsibilities or the members of the fund generally, the Governor in Council may, by regulation—

(a) revoke QIC’s appointment as investment manager in whole or in part from a stated date; and

(b) make provision for anything necessary to secure the fund.

(6) If QIC’s appointment is revoked, the board may appoint a new investment manager of the fund, or a stated part of the fund, with the Governor in Council’s approval.

Deed to establish scheme

12.(1) Not later than 30 days after the commencement of this section, or such longer period as may be approved by the Governor in Council by

order in council, there is to be established by deed a scheme for the provision of superannuation, retirement, provident or other similar benefits payable from the fund.

(2) The deed—

- (a) is subordinate legislation; and
- (b) may be amended by the board.

(3) An amendment of the deed is of no effect until approved by a regulation that sets out the amendment.

Membership of scheme

13.(1) The Governor in Council may, by regulation, declare that any person or member of a class of person who is an employee of or engaged by a unit of the State public sector is eligible for membership of the scheme.

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

(3) A regulation made for the purposes of subsection (1) is to declare whether membership of the scheme is compulsory or discretionary and the conditions (if any) that apply to the membership.

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

(5) Before the Minister recommends to the Governor in Council that a regulation be made for the purposes of subsection (4) the Minister is to consult with the Board.

Contents of deed

14. Save as otherwise provided by this Act and in addition to any other provisions which the board considers may be necessary or desirable, the deed may make provision for the following matters—

- (a) definitions to be used in the deed;

Superannuation (State Public Sector) Act 1990

- (b) the operation, management and investment of the fund;
- (c) the liability for the payment of member contributions to the fund;
- (d) the level of member contributions to the fund;
- (e) the level of contribution by a unit of the State public sector in relation to members of the scheme;
- (f) the circumstances whereby, and the level of contributions in relation thereto, members may make additional contributions to the fund;
- (g) conditions for the transfer of members and amounts representing contributions to and from the scheme;
- (h) the keeping of accounts for members of the scheme and the payment of interest on such accounts;
- (i) the level of and conditions relating to the payment of benefits under the scheme to and in respect of a member, including—
 - (i) benefits on attaining the age of 55 years or older;
 - (ii) benefits for total and permanent incapacity;
 - (iii) benefits for permanent but partial incapacity;
 - (iv) benefits for short term incapacity;
 - (v) benefits on death prior to the age of 55 years;
 - (vi) benefits on—
 - (A) compulsory retrenchment from employment;
 - (B) involuntary termination of employment;
 - (C) voluntary resignation from employment;
 - (D) dismissal from employment;
 - (vii) benefits on the occurrence of such other eventuality as may be specified;
- (j) the obtaining and use of medical or like evidence in determining the payment of benefits under the scheme;
- (k) a mechanism for a review by a member dissatisfied with the grant

- or payment of benefits or any other decision under the scheme;
- (l) a method for the preservation of member entitlements in the fund;
 - (m) the terms and conditions upon which a pension or annuity may be purchased or paid from the fund;
 - (n) the terms and conditions upon which the board is to obtain actuarial advice in relation to the fund;
 - (o) the payment of the expenses of operating the scheme from the fund.

Benefits payable to certain members

15.(1) Despite part 7 of the deed, benefits payable under the scheme for a member who is a relevant employee are—

- (a) for employment before 1 July 1994—the benefits calculated as at 1 July 1994; and
- (b) for employment on and after 1 July 1994—the benefits payable under the deed.

(2) The actuary must calculate the benefits under subsection (1)(a).

(3) However, the benefits under subsection (1)(a) must not be less than the benefits to which the member was entitled under the scheme on 30 June 1994.

(4) In this section—

“relevant employee” means a person who—

- (a) was employed by the State on 11 November 1993 under the Miscellaneous Workers Award—State Government at a rate of pay for not more than 30 hours a week; and
- (b) continued to be employed by the State after 11 November 1993 under the Employees of Queensland Government Departments (Other than Public Servants) Award.

PART 4—ADMINISTRATION

Accounts relating to fund

16.(1) For the purpose of the application of the provisions of the *Financial Administration and Audit Act 1977* to the accounts relating to the fund the accounts are to be treated as miscellaneous departmental accounts within the meaning of that Act.

(2) The board may appropriate earnings received by it from investment of the fund to its several accounts in such amounts as the board, in its discretion, thinks fit.

Returns

17.(1) Throughout each year, each unit of the State public sector which employs or otherwise engages a person who might become entitled to a benefit from the fund in accordance with the deed is to furnish to the board, in such form and at or within such times as the board directs, returns with respect to such matters as the board directs.

(2) A person who—

- (a)** is an employee of or engaged by a unit of the State public sector who might become entitled to a benefit from the fund; or
- (b)** was an employee of or engaged by a unit of the State public sector who being entitled to a benefit from the fund preserved that entitlement;

is to furnish to the board information with respect to such matters concerning that person as the board may require.

(3) If a person referred to in subsection (2) fails to comply with a requisition for information as required under subsection (2) directed to that person by the board, a benefit from the fund to which that person has become entitled is to be withheld until the requisition is complied with.

Recovery of overpayments

18.(1) Where a person has received payment of a benefit from the fund in excess of the payment to which that person is entitled in accordance with

Superannuation (State Public Sector) Act 1990

the deed, the board may recover from that person or that person's estate (if that person has died) in a court of competent jurisdiction as a debt due and owing to the board the difference between the payment received by that person and the payment to which that person was entitled in accordance with the deed.

(2) Where a person who has received payment of a benefit from the fund in excess of the payment to which that person is entitled in accordance with the deed, is entitled to a further payment from the fund, that excess may be deducted from the further payment prior to it being paid to that person or that person's estate.

(3) The Board may also deduct interest on the overpayment from the person's entitlement to a further payment from the fund if the overpayment has been made—

- (a) because the member or person receiving the payment gave false or misleading information to the Board; or
- (b) in circumstances prescribed under the deed.

(4) However, the Board may deduct interest on the overpayment only if the Board gives written notice to the person—

- (a) stating the amount of the overpayment; and
- (b) requiring the person to pay the amount before a stated date (at least 30 days after receiving the notice); and
- (c) stating that if the person does not pay the amount before the stated date, the Board may deduct the amount together with interest at a stated rate from the person's entitlement to a further payment from the fund.

(5) The rate of interest is to be decided by the Board but must not be more than the rate prescribed under a regulation.

(6) Interest on the amount is payable from the stated date.

(7) In subsection (3)—

“false or misleading information” means information that the person giving it—

- (a) knows is false or misleading in a material particular; or

- (b) has omitted something from it, knowing the omission makes the information misleading in a material particular.

Recovery of unpaid contributions

19.(1) Any amount (including an amount of contribution to the fund) that is payable to the board under the scheme may be recovered in a court of competent jurisdiction as a debt due and owing to the board.

(2) Any amount of contributions to the fund unpaid at the time a person ceases to be a member may be deducted from any benefits payable under the scheme before any payment is made to or in respect of that person.

Reports

20.(1) In each year the board is to make to the Minister a report on the administration of this Act and of the scheme.

(2) The Minister is to lay a copy of the board's annual report before the Legislative Assembly within 14 sitting days after the Minister receives the report.

(3) When, and as often as, the Minister may require, the board is to make to the Minister a report on such matters concerning the administration of this Act or the scheme as the Minister may direct.

Protection of scheme's name

21.(1) A person is not to use the expression 'Q Super' in connection with selling the right to participate in any superannuation, insurance or provident scheme unless—

- (a) the scheme is that to which this Act relates; and
- (b) that person does so on behalf of the board.

(2) A person is not to—

- (a) use any variation of the expression 'Q Super'; or
- (b) use any word (either alone or in conjunction with any other word) similar in sight or sound to the expression 'Q Super';

in connection with selling the right to participate in any superannuation,

Superannuation (State Public Sector) Act 1990

insurance, provident or other benefit scheme, being, in either case, a use likely to afford reasonable grounds for believing the scheme is or is associated with the scheme to which this Act relates, unless—

- (c) the scheme in question is one to which this Act relates; and
- (d) that person does so on behalf of the board.

(3) A person who contravenes subsection (1) or (2) commits an offence against this Act.

Maximum penalty—40 penalty units.

Publicity of scheme

22. The board is to take all reasonable steps—

- (a) to ensure that all persons eligible for membership of the scheme are made aware of the benefits that arise from membership of the scheme; and
- (b) to enlist new members in the scheme.

Unclaimed benefits

23.(1) This section applies if a benefit payable under this Act is not claimed by a person entitled to it (the “beneficiary”) within 6 months after it becomes payable.

(2) The board must keep the benefit in the fund for the beneficiary.

(3) The board may pay a person the benefit only if the board is satisfied the person is the beneficiary.

(4) Payment of a benefit to a person (the “first claimant”) under this section releases the board from the obligation to pay another person (a “subsequent claimant”) a further benefit from the fund in relation to a member.

(5) Subsection (4) does not prevent the subsequent claimant from claiming the amount of the value of the benefit from the first claimant.

(6) In this section—

“**benefit**” includes interest payable on the benefit at the rate decided by the board.

Barring of claims for compensation

24. No member is entitled to any compensation by reason of the alteration of any benefit payable under the scheme which may lawfully be made in consequence of any actuarial investigation or otherwise.

Rates or amounts of benefit etc. to be rounded off

25. Where the rate or amount of any benefit under the scheme, when expressed in dollars and cents, leaves a number of cents remaining, the board may round off that rate or amount to the nearest dollar and the benefit is payable in terms of that rate or amount as so rounded off.

False declarations

26.(1) No person is to—

- (a) in a certificate, return, declaration, or other document given or sent to, or lodged with, the board by or on behalf of that person for any of the purposes of the scheme, knowingly furnish information as to age or state of health that is false or misleading; or
- (b) for the purposes of a medical examination required to be undergone under the scheme, knowingly furnish the medical practitioner by whom the examination is made with information as to state of health or medical history that is false or misleading.

Maximum penalty—10 penalty units.

(2) If a person is convicted of an offence against this section the board may order—

- (a) in the case of a member—
 - (i) that the person is ineligible, either permanently or for such time as the board may determine, to contribute to the fund; or

Superannuation (State Public Sector) Act 1990

- (ii) if contributions have not commenced—that the person is ineligible to commence to contribute to the fund either permanently or for such time as the board may determine; or
- (b) in the case of a recipient of a benefit—that the benefit be cancelled forthwith; or
- (c) in the case of a person other than a member or recipient of a benefit—that that person be ineligible to commence to contribute to the fund either permanently or for such time as the board may determine.

(3) Where the board makes a determination under this section in respect of a member whereby the member is precluded from contributing to the fund for a time only, any period of employment by the member during that time is to be disregarded in the calculation of a period of employment for the purpose of determining a member's entitlement, or that of a person deriving an entitlement through that member, to benefits under this Act or the scheme.

Exemption from taxation

27. Except as may be specifically provided the board and the fund are not liable to any taxation imposed under a law of Queensland.

Contributions by units

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

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

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

(4) If the Treasurer does so determine, interest accrues and becomes payable to the Treasurer.

Appropriation of contribution

29. A contribution to the fund by the Crown in accordance with the deed is to be paid by the Treasurer—

- (a) at any such time and in such manner as prescribed by the deed;
- (b) out of the Consolidated Fund or such other fund as the Treasurer may determine which is appropriated accordingly.

Assignment of benefit

30. No benefit payable under the scheme is capable of being assigned, charged, taken in execution, attached or passed by operation of law or otherwise howsoever to any person other than the member or the member's estate nor is any claim to be set off against the same and any moneys payable out of the fund on the death of the member is not assets for the payment of the member's debts or liabilities.

Regulations

31. The Governor in Council may make regulations for the purposes of this Act.

ENDNOTES**1 Index to endnotes**

| | Page |
|---|------|
| 2 Date to which amendments incorporated | 19 |
| 3 Key | 20 |
| 4 Table of earlier reprints | 20 |
| 5 Tables in earlier reprints | 20 |
| 6 List of legislation | 20 |
| 7 List of annotations | 21 |
| 8 Table of changed citations and remade laws | 23 |
| 9 Table of renumbered provisions | 23 |
| 10 Provisions that have not commenced and are not incorporated into reprint . . | 24 |

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 29 August 1995. Future amendments of the Superannuation (State Public Sector) Act 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| | | | | | |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA | = | Acts Interpretation Act 1954 | (prev) | = | previously |
| amd | = | amended | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R [X] | = | Reprint No. [X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| om | = | omitted | sch | = | schedule |
| o in c | = | order in council | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |
| prev | = | previous | | | |

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

| Reprint No. | Amendments included | Reprint date |
|-------------|-----------------------|--------------|
| 1 | to Act No. 11 of 1993 | 20 May 1993 |

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

| Name of Table | Reprint No. |
|-----------------------------------|-------------|
| Changed names and titles | 1 |
| Obsolete and redundant provisions | 1 |
| Corrected minor errors | 1 |
| Renumbered provisions | 1 |

6 List of legislation

Superannuation (State Public Sector) Act 1990 No. 20
date of assent 13 June 1990

ss 1.1–1.2 commenced on date of assent
 remaining provisions commenced 14 June 1990 (proc pubd gaz 14 June 1990
 p 833)

as amended by—

Superannuation (Miscellaneous Acts) Amendment Act 1991 No. 11 pts 1, 7

date of assent 15 April 1991

ss 1.1–1.2, 7.1 commenced on date of assent (see s 1.2(1))

ss 7.2–7.3, 7.5, 7.9 and 7.11 commenced 11 May 1991 (proc pubd gaz 4 May
 1991 p 73)

remaining provisions not yet proclaimed into force

**Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–3 sch 2 (as amd by
 1992 No. 36 s 2 sch 2)**

date of assent 17 December 1991

commenced 11 May 1991 (see Act)

Superannuation Legislation Amendment Act 1993 No. 11 pts 1, 8 s 45 sch 3

date of assent 28 May 1993

pt 1 commenced on date of assent

remaining provisions commenced 1 July 1993 (1993 SL No. 207)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2

date of assent 1 December 1994

commenced on date of assent

Superannuation Legislation Amendment Act 1995 No. 27 pts 1, 11

date of assent 14 June 1995

ss 1–2 commenced on date of assent

ss 60, 61(2), 62 commenced 1 July 1991 (see s 2(2))

ss 61(1), 63 commenced 14 June 1994 (see s 2(6))

s 64 not yet proclaimed into force

s 65 commenced 30 June 1994 (see s 2(5))

remaining provisions commenced 18 August (1995 SL No. 229)

7 List of annotations

This reprint has been renumbered—see Table of renumbered provisions in
 endnote 9.

Commencement

s 1.2 om R2 (see RA s 37)

Interpretation

s 2 amd 1991 No. 11 s 7.2; 1993 No. 11 s 45 sch 3

def “**Government Superannuation Provision Fund**” ins 1995 No. 27
 s 61(2)

def “**Queensland Treasury Corporation**” om 1995 No. 27 s 61(1)

def “**unit of the State public sector**” amd 1993 No. 11 s 45 sch 3

Delegation by Board

s 5 sub 1993 No. 11 s 45 sch 3

Remuneration of Board members

s 9 amd 1991 No. 11 s 7.3

Establishment of fund

s 10 amd 1995 No. 27 s 62

Investment of fund

s 11 sub 1995 No. 27 s 63

Deed to establish scheme

s 12 amd 1991 No. 11 s 7.4; 1993 No. 11 s 45 sch 3

Membership of scheme

s 13 sub 1991 No. 11 s 7.5
amd 1991 No. 97 s 3 sch 2; 1993 No. 11 s 45 sch 3
sub 1995 No. 27 s 64

Contents of deed

s 14 amd 1991 No. 11 s 7.6

Benefits payable to certain members

s 15 ins 1995 No. 27 s 65

Returns

s 17 amd 1991 No. 11 s 7.7

Recovery of overpayments

s 18 amd 1991 No. 11 s 7.8; 1995 No. 27 s 66

Protection of scheme's name

prov hdg sub 1991 No. 11 s 7.9(a)
s 21 amd 1991 No. 11 s 7.9(b)–(c)

Offender to be punished summarily

s 4.7 om 1995 No. 27 s 67

Unclaimed benefits

s 23 amd 1991 No. 11 s 7.10
sub 1995 No. 27 s 68

Contributions by units

s 28 ins 1991 No. 11 s 7.11

Appropriation of contribution

s 29 amd 1991 No. 11 s 7.12

Assignment of benefit

s 30 amd 1991 No. 11 s 7.13

Regulations

s 31 sub 1993 No. 11 s 45 sch 3

Saving of existing orders in council

s 4.17 ins 1993 No. 11 s 45 sch 3
om 1995 No. 27 s 69

Numbering and renumbering of Act

s 4.18 ins 1994 No. 87 s 3 sch 2
om R2 (see RA s 37)

8 Table of changed citations and remade laws

TABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

| Old | New | Reference provision |
|-------------------|--|--|
| Railways Act 1914 | Transport Infrastructure (Railways) Act 1991 | Transport Infrastructure Act 1994 s 128 |

9 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

| Previous | Renumbered as |
|---------------|---------------|
| 1.1 | 1 |
| 1.3 | 2 |
| 2.1 | 3 |
| 2.2 | 4 |
| 2.3 | 5 |
| 2.4 | 6 |
| 2.4(2A) | 6(3) |
| 2.4(2B) | 6(4) |
| 2.4(3) | 6(5) |
| 2.4(4) | 6(6) |
| 2.4(5) | 6(7) |
| 2.4(6) | 6(8) |
| 2.5 | 7 |
| 2.6 | 8 |
| 2.7 | 9 |
| 3.1 | 10 |
| 3.2 | 11 |
| 3.3 | 12 |
| 3.4 | 13 |

| | |
|---------------|-------|
| 3.5 | 14 |
| 3.6 | 15 |
| 4.1 | 16 |
| 4.2 | 17 |
| 4.3 | 18 |
| 4.4 | 19 |
| 4.5 | 20 |
| 4.5(1A) | 20(2) |
| 4.5(2) | 20(3) |
| 4.6 | 21 |
| 4.8 | 22 |
| 4.9 | 23 |
| 4.10 | 24 |
| 4.11 | 25 |
| 4.12 | 26 |
| 4.13 | 27 |
| 4.13.1 | 28 |
| 4.14 | 29 |
| 4.15 | 30 |
| 4.16 | 31 |

10 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992 s 5(c)).

Act No. 11 of 1991, sections 7.4, 7.6–7.8, 7.10, 7.12 and 7.13 read as follows—

7.4 Amendment of s. 33. Deed to establish scheme. Section 3.3(1) of the Principal Act is amended by omitting “payable from the fund”.

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

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

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

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

- (a) in subsection (1), omitting “to be kept in the fund”;
- (b) in subsection (3), omitting “the value of that benefit is then to form part of the fund and”;
- (c) in subsection (4), omitting “the fund” and substituting “the Unclaimed Benefit Account”.

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

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

Act No. 27 of 1995, section 64 reads as follows—

Replacement of s 3.4 (Membership of scheme)

64. Section 3.4—

omit, insert—

‘Membership of scheme

‘**3.4(1)** The Minister may, by written notice, declare that a person or member of a class of person who is a member or employee of, or engaged by, a unit of the State public sector is eligible for membership of the scheme.

‘**(2)** The notice must declare whether membership of the scheme is compulsory or discretionary and the conditions (if any) applying to the membership.

‘(3) If there is any doubt that a person is a member or employee of, or engaged by a unit of the State public sector, the Governor in Council may, by regulation, declare whether the person is or is not a member or employee of, or engaged by, a unit of the State public sector.

‘(4) The Minister may, by written notice, declare that a person or member of a class of person who is a member or employee of, or engaged by, a unit of the State public sector is excepted from this Act.

‘(5) Before the Minister makes a notice under subsection (4), the Minister must consult with the Board.

‘(6) A notice made under subsection (1) or (4) is subordinate legislation.’