

Superannuation Legislation Amendment Regulation (No. 1) 2013

Explanatory notes for SL 2013 No. 179

made under the

Superannuation (State Public Sector) Act 1990

General Outline

Short title

Superannuation Legislation Amendment Regulation (No. 1) 2013

Authorising law

Sections 13 and 31 of the *Superannuation (State Public Sector) Act 1990* (Act)

Policy objectives and the reasons for them

The State Public Sector Superannuation Scheme (QSuper) was established by the Queensland Government to provide superannuation benefits for Queensland's public sector employees. Under section 13 of the *Superannuation (State Public Sector) Act 1990* (QSuper Act), the Treasurer approves the QSuper superannuation arrangements for the employees of a public sector employer (referred to as *a unit of the State public sector* in the QSuper Act).

Over the past several months the Queensland Government has restructured a number of public funded services, which has involved the transfer of staff from an existing Queensland Government employer to a new employer. Unless otherwise stated, the superannuation arrangements for the seven new employers listed below allow transferred employees to continue their membership of QSuper and allow new employees to be members of QSuper.

Gold Coast Waterways Authority is established under the *Gold Coast Waterways Authority Act 2012* to manage the Gold Coast's waterways. The function was previously carried out by the Department of Transport and Main Roads, from which employees were transferred on 1 February 2013.

Queensland All Codes Racing Industry Board (All Codes Board) is established under the *Racing and Other Legislation Amendment Act 2012* to administer Queensland's three racing codes; thoroughbred, harness and greyhound racing. The function was previously carried out by Racing Queensland Limited, from which all staff were transferred to the All Codes Board on 1 May 2013.

Queensland Rail is established under the *Queensland Rail Transit Authority Act 2013*, which, on 3 May 2013, changed Queensland's passenger rail network from a government owned corporation to a statutory authority.

TAFE Queensland is established under the *TAFE Queensland Act 2013* to provide public vocational education and training services in Queensland. The function was previously provided by the Department of Education, Training and Employment (Education Queensland) and two statutory TAFE institutions. Employees will be transferred to TAFE Queensland over a number of months from 1 July 2013. Employees of the two statutory TAFE institutions will transfer to TAFE Queensland via Education Queensland, which has necessitated transitional arrangements for these employees while they are employed with Education Queensland.

Tourism and Events Queensland Employing Office is established under the *Tourism and Events Queensland Act 2012* by merging Events Queensland with Tourism Queensland Employing Office, effective 11 December 2012. Further, as part of this restructure, Tourism Queensland has changed its name to Tourism and Events Queensland (a separate entity to Tourism and Events Queensland Employing Office).

City Parklands Transition Services Pty Ltd (City Parklands) is a wholly owned subsidiary of Brisbane City Council (BCC), established to facilitate the Queensland Government's decision to transfer the maintenance of Roma Street and South Bank Parklands from the State to BCC. As part of this initiative, employees were transferred from the Department of Housing and Public Works and South Bank Employing Office to City Parklands on 1 July 2013. New employees will not be eligible for QSuper membership as City Parklands is a local government entity. However, to ensure the transferring employees can continue with QSuper, City Parklands will be declared as a unit of the State public sector by regulation made under the QSuper Act.

The **Office of the National Rail Safety Regulator** (ONRSR) is established under consistent legislation passed in a number of State jurisdictions as part of an Intergovernmental Agreement formed under the Council of Australian Governments. The aim, once legislation is passed in all the States and Territories, is a consistent approach to rail safety regulation across Australia. Despite the legislation not yet being passed in Queensland, two employees have already transferred to ONRSR from Queensland's Department of Transport and Main Roads. New employees will not be eligible for QSuper membership as ONRSR is currently unrelated to the Queensland Government. However, to ensure the transferring employees can continue with QSuper, ONRSR will be declared as a unit of the State public sector by regulation made under the QSuper Act.

In addition to the abovementioned restructures, the following changes have occurred.

- The Board of Trustees of the Rockhampton Grammar School has requested that its employees have the option to have their superannuation contributions paid to QSuper.
- Queensland Tertiary Admissions Centre Ltd, an existing Queensland public sector employer, has requested a simplification to the QSuper superannuation arrangements for its employees. All existing employees' superannuation arrangements are maintained.

- Transmax Pty Ltd, an existing Queensland public sector employer, has requested that new employees be eligible for membership of QSuper's basic accumulation category only. All existing employees' superannuation arrangements are maintained.
- Translink Transit Authority and Translink Transit Employing Office have ceased operation following the transfer of all employees to the Department of Transport and Main Roads.
- Ergon Energy Corporation Ltd no longer contributes to QSuper (in its capacity as a public sector employer) because all the employees who elected to continue their QSuper membership on transferring from Capricornia Electricity Corporation Ltd in 1999 have ceased employment.
- Four employers from the freight rail network referred to as the 'QR National Group', have changed names.
- Forestry Plantations Queensland Pty Ltd has changed names to HQPlantations Pty Ltd.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending the *Superannuation (State Public Sector) Notice 2010* (QSuper Notice) and the *Superannuation (State Public Sector) Regulation 2006* (QSuper Regulation).

QSuper Notice

The Schedule of the QSuper Notice records the QSuper superannuation arrangements approved by the Treasurer for employees of a public sector employer. The Amendment Regulation inserts a new entry into the Schedule of the QSuper Notice for each of the seven new employers summarised above and amends the QSuper Notice to reflect the other changes outlined above.

QSuper Regulation

The Schedule of the QSuper Regulation lists entities that have been declared, by regulation under the QSuper Act, to be a unit of the State public sector. The Amendment Regulation:

- inserts City Parklands and ONRSR into the Schedule of the QSuper Regulation to declare each to be a unit of the State Public Sector;
- deletes the Gladstone Economic and Industry Development Board (GEIDB) from the Schedule of the QSuper Regulation as it was abolished on 30 June 2012 (the four administrative staff employed by GEIDB ceased employment with the Queensland Government); and
- changes the names of four employers listed in the Schedule of the QSuper Regulation that are part of the freight rail network previously referred to as the 'QR National Group'.

Consistency with policy objectives of authorising law

This amendment is consistent with the policy of the authorising law in that the Minister may, by written notice, declare that a person or a member of a class of person who is an

employee of a unit of the State public sector is eligible for membership of the scheme. In addition, an entity is a unit of the State public sector if declared as such by regulation.

Inconsistency with policy objectives of other legislation

This amendment is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

It is not expected that the implementation of this amendment will result in significant costs.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Consultation has occurred with the relevant employers, the Government Superannuation Officer, the Office of the Queensland Parliamentary Counsel and the Office of Best Practice Regulation.