

Superannuation (State Public Sector) Amendment Notice (No. 1) 2018

Explanatory notes for SL 2018 No. 36

made under the

Superannuation (State Public Sector) Act 1990

General Outline

Short title

Superannuation (State Public Sector) Amendment Notice (No. 1) 2018

Authorising law

Sections 2A and 14B of the *Superannuation (State Public Sector) Act 1990*

Policy objectives and the reasons for them

QSuper was established by the Queensland Government to provide superannuation benefits for Queensland's State public sector employees. Under section 14B of the *Superannuation (State Public Sector) Act 1990* (Superannuation Act), the Minister declares, by written notice, the QSuper membership categories and other conditions of membership for employees of Queensland public sector employers. The categories of membership for State public sector employees include a defined benefit arrangement for employees with continuous Government employment since before November 2008; a generous accumulation arrangement and a basic accumulation arrangement (i.e. Superannuation Guarantee only).

QSuper membership for employees of newly established entities

The Minister has approved the QSuper membership categories, including continued defined benefit membership, for employees of the following employers:

- Queensland Productivity Commission, a Queensland statutory authority;
- Queensland Racing Integrity Commission, a Queensland statutory authority; and
- TAFE Queensland International Education Pty Ltd, a wholly owned subsidiary of TAFE Queensland.

QSuper membership is not compulsory for employees of these employers.

Continued QSuper membership for transferring employees

The Minister has approved the continuation of existing QSuper membership arrangements for:

- employees who transferred from Aurizon to Electro-Motive Maintenance Operations Pty Ltd (EMMO) as part of a sale of Aurizon's rail stock maintenance business;
- employees who transferred from the Department of Communities, Disability Services and Seniors (formerly the Department of Communities, Child Safety and Disability Services) to the National Disability Insurance Agency as part of the establishment of the National Disability Insurance Scheme in Queensland; and
- employees of Pioneer Valley Water Co-operative Limited who were employed by this entity before it ceased to be a Queensland statutory authority.

Relevant employees who transferred to EMMO and NDIA have been approved to continue their QSuper defined benefit with the new employer. As all three employers are not Queensland public sector employers, the Minister has, under section 2A of the Superannuation Act, declared each to be a unit of the State public sector.

A change in QSuper membership arrangements for employees

The Minister has approved changes to existing arrangements for employees of the following employers:

- employees who transferred to Brisbane Marketing Pty Ltd from City Parklands Transition Services Pty Ltd, as part of a change to the marketing function of Roma Street Parklands, can continue their QSuper defined benefit membership;
- all employees of Community Enterprise Queensland have more options for their accumulation arrangements and employees who recently transferred from the Department of Aboriginal and Torres Strait Islander Partnerships can continue their QSuper defined benefit membership; and
- employees of Queensland Bulk Water Supply Authority have the option of being in QSuper's basic accumulation arrangement, which provides employer contributions at the superannuation guarantee rate, in addition to current arrangements; and
- TAFE Queensland's arrangements have been simplified to ease payroll administration and the communication of superannuation entitlements.

QSuper membership is not compulsory for employees of these employers and all employees can continue in the membership category they were in before the changes.

The Minister has also approved removing compulsory QSuper membership for employees of the following Queensland non-core public sector employers:

- Board of the Queensland Museum
- Crime and Corruption Commission
- Library Board of Queensland
- Queensland Agricultural Training Colleges
- Queensland Agricultural Training Colleges Employing Office
- Queensland Art Gallery Board of Trustees
- Queensland Rural and Industry Development Authority
- Residential Tenancies Employing Office

- TAFE Queensland
- Tourism and Events Queensland
- Tourism and Events Queensland Employing Office
- WorkCover Queensland
- WorkCover Queensland Employing Office

Achievement of policy objectives

The *Superannuation (State Public Sector) Notice 2010* (Superannuation Notice) sets out the QSuper membership arrangements approved by the Minister for employees of a Queensland public sector employer, including employers that have been declared to be a unit of the State public sector.

The Superannuation (State Public Sector) Amendment Notice (No. 1) 2018 (Amendment Notice) achieves the policy objectives by amending the Superannuation Notice to include the arrangements outlined above.

Consistency with policy objectives of authorising law

The Amendment Notice is consistent with the policy of the authorising law in that the Minister may, by written notice, declare:

- QSuper membership arrangements for an employee of a unit of the State public sector; and
- an entity to be a unit of the State public sector.

Inconsistency with policy objectives of other legislation

The Amendment Notice is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

It is not expected that the implementation of the Amendment Notice will result in significant costs.

Consistency with fundamental legislative principles

The Amendment Notice is consistent with fundamental legislative principles.

Consultation

Consultation has occurred with the relevant employers, the Government Superannuation Officer and the Office of the Queensland Parliamentary Counsel. All parties agree with the amendments to the Superannuation Notice.