



Queensland

Superannuation (State Public Sector) Amendment of Deed Regulation 2020

Subordinate Legislation 2020 No. 63

made under the

Superannuation (State Public Sector) Act 1990

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1 Short title

This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation 2020*.

2 Commencement

- (1) This regulation, other than section 5, commences on 1 July 2020.
- (2) Section 5 is taken to have commenced on 25 March 2020.

3 Deed amended

This regulation amends the *Superannuation (State Public Sector) Deed 1990*.

4 Amendment of s 23F (Transfer amounts)

Section 23F(3)(b), ‘43’—

omit, insert—

45B

5 Amendment of s 29V (Access to accessible amount on compassionate grounds)

Section 29V(1), ‘, regulation 6.19A’—

omit.

6 Amendment of s 32 (Definitions for ch 2)

- (1) Section 32, definition *prospective membership*—

omit.

- (2) Section 32—

insert—

terminal medical condition see the SIS regulation, regulation 6.01A.

[s 7]

(3) Section 32, definition *preservation cashing condition*—
insert—

(e) having a terminal medical condition.

7 Amendment of s 39 (Compulsory contributions after benefit determined)

Section 39, after ‘disablement benefit’—

insert—

or a terminal medical condition benefit

8 Replacement of ch 2, pt 4, hdg (Benefits)

Chapter 2, part 4, heading, including note—

omit, insert—

Part 4 Benefits

Division 1 Preliminary

9 Relocation and renumbering of s 43 (Benefit on age retirement)

Section 43—

relocate to chapter 2, part 4, division 2 as inserted by this regulation and *renumber* as section 45B.

10 Insertion of new ch 2, pt 4, div 2, hdg

Chapter 2, part 4, after section 45—

insert—

Division 2 Benefits generally

Note—

See also section 28A of the Act in relation to adjustments of particular multiples in particular circumstances.

11 Amendment, relocation and renumbering of s 47 (Member's prospective membership benefit)

(1) Section 47—

insert—

(3) In this section—

prospective membership, for an employed member, means the period expressed in years and any part of a year from the relevant day to the member's 55th birthday.

relevant day means—

- (a) for an employed member who has died—the day the member died; or
- (b) for an employed member who has a total and permanent disablement—the day the member became totally and permanently disabled; or
- (c) for an employed member who has a terminal medical condition—the day the terminal medical condition started to exist in relation to the member.

(2) Section 47—

relocate to chapter 2, part 4, division 1 as inserted by this regulation and *renumber* as section 45A.

12 Insertion of new s 47

Before section 48—

insert—

47 Benefit on terminal medical condition

- (1) Subsection (2) applies if—
 - (a) a terminal medical condition starts to exist in relation to an employed member before the member reaches the age of 55 years; and
 - (b) the member claims the terminal medical condition benefit while the terminal medical condition exists in relation to the member.
- (2) The board must credit to the member's accumulation account the amount determined as for total and permanent disablement as provided for in section 46(1).

13 Amendment of s 48 (Benefit on death)

- (1) Section 48(2) and (5), '\$97.23'—

omit, insert—

\$137.41
- (2) Section 48—

insert—

 - (5A) Subsection (7) applies if—
 - (a) a terminal medical condition existed in relation to a person who was an employed member; and
 - (b) either—
 - (i) the person has been paid a benefit under section 47(2) for the terminal medical condition; or
 - (ii) the person was ineligible to be paid a benefit under section 47(2) because of the person's age when the terminal medical condition started to exist; and
 - (c) the person dies; and

-
- (d) in the opinion of the board, the death was caused by—
- (i) the terminal medical condition; or
 - (ii) a medical condition related to the terminal medical condition.
- (5B) The board must pay for each child of the person a pension of \$137.41 a fortnight indexed under section 53.
- (5C) Subsection (7) applies regardless of the person's age at the time of death.
- (3) Section 48(5A) to (6)—
renumber as section 48(6) to (9).

14 Amendment of s 48A (Higher benefit for death or total and permanent disablement—certain members)

- (1) Section 48A, heading, from 'for death'—
omit, insert—
- under ss 46–48 for certain members**
- (2) Section 48A, after '46'—
insert—
- , 47
- (3) Section 48A, 'death or total and permanent disability'—
omit, insert—
- total and permanent disablement, a terminal medical condition or death

15 Insertion of new s 48B

After section 48A—

insert—

48B Only 1 benefit payable under ss 46–48

- (1) If a member is eligible to claim a benefit under

[s 16]

sections 46 and 47, the member may only claim a benefit under 1 of those sections.

- (2) To remove any doubt, it is declared that section 48(1) and (2) does not apply if a member claims a benefit under section 46 or 47.

16 Amendment of s 50 (Income protection benefit)

Section 50—

insert—

- (6A) If the board credits an amount to an employed member's accumulation account under section 46(1) or 47(2), the member is not entitled to receive any further income protection benefit.

17 Amendment of s 66 (Members in part-time employment)

Section 66(7), '47'—

omit, insert—

45A

18 Insertion of new s 66E

After section 66D—

insert—

66E Transitional—benefit for terminal medical condition existing before 1 July 2020

- (1) This section applies to an employed member if—
- (a) a terminal medical condition started to exist in relation to the member before the commencement; and
 - (b) on the commencement—
 - (i) the terminal medical condition still exists in relation to the member; and

- (ii) the member has not reached the age of 55 years.
- (2) Section 47 applies to the member in relation to the terminal medical condition.

19 Amendment of sch 1 (Percentages for benefits)

Schedule 1, authorising provision, '47'—

omit, insert—

45A

ENDNOTES

- 1 Consented to by the QSuper Board on 26 March 2020.
- 2 Made by the Governor in Council on 7 May 2020.
- 3 Notified on the Queensland legislation website on 8 May 2020.
- 4 The administering agency is Queensland Treasury.

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