



*Superannuation (State Public Sector) Act 1990*

# **Superannuation (State Public Sector) Regulation 2006**

**Current as at 31 July 2015**





Queensland

# Superannuation (State Public Sector) Regulation 2006

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# Superannuation (State Public Sector) Regulation 2006

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Superannuation (State Public Sector) Regulation 2006*.

### 2 Commencement

This regulation commences on 2 September 2006.

### 2A Interpretation

The dictionary in schedule 2 defines particular words used in this regulation.

## Part 2 Board of trustees

### 2B Membership of the board

- (1) The Minister must, under section 5 of the Act, appoint—
  - (a) 4 trustees as representing employers (*employer trustees*); and
  - (b) 4 member representative trustees, of whom 1 is to be nominated by—
    - (i) the Queensland Police Union; and
    - (ii) the Queensland Nurses' Union; and
    - (iii) the Queensland Teachers' Union; and

(iv) Together Queensland.

- (2) With the board's written consent, the Minister may also appoint 1 other trustee if, when appointed, the person will be an independent director of the board.

## **2C Appointment of trustees**

- (1) A person may be appointed as a trustee only if the person—

(a) is eligible to be a trustee; and

*Note—*

See section 2D.

(b) gives written consent for the appointment.

- (2) An appointment of a trustee must be made by gazette notice.

## **2D Eligibility**

- (1) A person is eligible to be a trustee if the person is—

(a) an adult; and

(b) not a disqualified person; and

(c) appropriately qualified to perform the functions, and exercise the powers, of a trustee.

- (2) If a person holding the office of trustee becomes a disqualified person, the person must immediately give written notice to the board that the person is a disqualified person.

- (3) In this section—

*trustee* includes an alternate trustee.

## **2E Term of appointment**

- (1) A trustee is appointed for the term, of not more than 3 years, stated in the gazette notice.

- (2) A trustee may be reappointed.

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- (3) However, a person must not be appointed if the total of the person's terms of appointment would be more than 9 years.

## **2F Vacancy in the office of trustee**

- (1) The office of a trustee becomes vacant if—
- (a) the Minister revokes the trustee's appointment; or
  - (b) the trustee—
    - (i) resigns by signed notice given to the Minister; or
    - (ii) becomes a disqualified person.
- (2) The Minister must not revoke the appointment of a member representative trustee other than on a request by the board under section 2G.

## **2G Board may ask Minister to revoke trustee's appointment**

- (1) The board may ask the Minister to revoke a trustee's appointment—
- (a) if the trustee is absent from 3 board meetings in a financial year, of which the trustee has been given notice under procedures approved by the board, without the board's leave and without reasonable excuse; or
  - (b) if the board is satisfied the trustee is unable to perform the trustee's functions because of a physical or mental incapacity; or
  - (c) if the board is satisfied that, if the trustee remains as a trustee, it is likely the board will not meet the prudential standards under the SIS Act, part 3A that apply to it; or
  - (d) in the circumstances prescribed under the SIS Act, section 107(2)(a)(ii)(G).
- (2) Before asking the Minister to revoke a trustee's appointment, the board must—
- (a) give the trustee a written notice stating—

[s 2H]

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- (i) that the board proposes to ask the Minister to revoke the trustee's appointment; and
    - (ii) the reason for making the request; and
    - (iii) that the trustee may, within a stated reasonable time of not less than 14 days, give the board a written submission about why the board should not make the request; and
  - (b) have regard to any submissions received from the trustee within the stated time.
- (3) Also, before asking the Minister to revoke a member representative trustee's appointment under subsection (1)(a), (b) or (d), the board must obtain the written approval of the entity that nominated the trustee for appointment.
- (4) The Minister must comply with a request from the board under this section.

## **2H Filling a vacancy in the office of a trustee**

- (1) This section applies if the office of a trustee becomes vacant before the end of the term of the trustee's appointment (the *original term*).
- (2) The Minister must—
- (a) for an employer trustee—appoint another person to the office; or
  - (b) for a member representative trustee—appoint a person nominated by the entity that nominated the trustee whose office has become vacant.
- (3) Subject to subsection (4), the Minister must appoint a trustee to fill a vacancy within 90 days after it happens.
- (4) If the Minister does not receive a nomination for a vacancy in the office of a member representative trustee from the relevant nominating entity in time to fill the vacancy within 90 days after it happens, the Minister must appoint a trustee to fill the vacancy as soon as practicable after receiving the nomination.



- (5) An appointment to fill the vacancy must be for a term ending at the end of the original term.

## **2I Alternate trustees**

- (1) The board may appoint alternate trustees to—
- (a) act in the office of a trustee during a vacancy in the office; and
  - (b) attend board meetings in the place of trustees who are unable to attend the meetings; and
  - (c) exercise the absent trustees' powers at the meetings.
- (2) However, at any time there must not be more than 2 alternate trustees.
- (3) The board must, if it decides to appoint alternate trustees, publish a policy about the role of alternate trustees.

## **2J Appointment of alternate trustees**

- (1) The board may appoint a person as alternate trustee only if the person—
- (a) is eligible to be appointed as a trustee; and
- Note—*  
See section 2D.
- (b) gives written consent to the appointment.
- (2) An alternate trustee must be appointed for a stated term of not more than 3 years.
- (3) The office of an alternate trustee becomes vacant if the trustee—
- (a) resigns by signed notice given to the chairperson; or
  - (b) becomes a disqualified person.

## **2K Chairperson**

- (1) The Minister must appoint 1 of the trustees as chairperson of the board.
- (2) The Minister may appoint a trustee as chairperson only with the trustee's written consent.
- (3) The Minister must consult with the board before making or revoking an appointment of a chairperson.
- (4) An appointment under this section must—
  - (a) be signed by the Minister; and
  - (b) be for a stated term of not more than 3 years.
- (5) The office of chairperson becomes vacant if—
  - (a) the chairperson's term of appointment as trustee ends; or
  - (b) the chairperson resigns the office of chairperson by signed notice given to the Minister; or
  - (c) the chairperson stops being a trustee.

## **2L Deputy chairperson**

- (1) The trustees may elect one of their number as deputy chairperson of the board if the person consents to the election.
- (2) The person elected must be—
  - (a) if the chairperson is an employer trustee—a member representative trustee; or
  - (b) if the chairperson is a member representative trustee—an employer trustee.
- (3) A person is elected deputy chairperson if at least a quorum of trustees vote for the person to be deputy chairperson.
- (4) The office of deputy chairperson becomes vacant if—
  - (a) the deputy chairperson's term of appointment as trustee ends; or
  - (b) the deputy chairperson resigns the office of deputy chairperson by signed notice given to the board; or

- (c) the deputy chairperson stops being a trustee; or
- (d) the deputy chairperson stops being a person who may be elected under subsection (2).

## **2M Conduct of business**

Subject to the Act and this regulation, the board may conduct its business, including its meetings, in the way it considers appropriate.

## **2N Time and place of meetings**

- (1) Board meetings are to be held at the times and places the board decides.
- (2) The chairperson—
  - (a) may call a meeting at any time; and
  - (b) must call a meeting on the written request of at least a quorum of trustees.

## **2O Conduct of meetings**

- (1) Board meetings are to be presided over by—
  - (a) if the chairperson is present—the chairperson; or
  - (b) if the chairperson is not present—the deputy chairperson; or
  - (c) if neither the chairperson nor the deputy chairperson is present—another trustee chosen by the trustees who are present.
- (2) A resolution is passed at a board meeting only if at least a quorum of trustees vote in favour of it.
- (3) A trustee present at a meeting who abstains from voting is taken to have voted for the negative.
- (4) The board may hold meetings, or permit trustees to take part in meetings, by telephone, video link, or another form of

[s 2P]

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communication that allows reasonably contemporaneous and continuous communication between the trustees taking part in the meeting.

- (5) A trustee who takes part in a meeting under subsection (4) is taken to be present at the meeting.

## **2P Resolutions other than at meetings**

- (1) A resolution may be made by the board other than at a board meeting if—
- (a) at least a quorum of trustees give written agreement to the resolution; and
  - (b) notice of the resolution is given under procedures approved by the board.
- (2) The resolution is taken to have been made as soon as the number of trustees who have given written agreement to the resolution is at least a quorum.

# **Part 3 Miscellaneous**

## **3 Units of the State public sector—Act, s 2(1)**

Each of the entities mentioned in schedule 1 is declared to be a unit of the State public sector for section 2(1) of the Act, definition *unit of the State public sector*.

## **4 Eligible schemes—Act, s 2A**

The Parliamentary Contributory Superannuation Fund, established under the *Parliamentary Contributory Superannuation Act 1970*, is declared to be an eligible scheme for the Act.

**6 Declared expressions—Act, s 21(4)**

The following expressions, associated with the scheme, are declared to be expressions to which the Act, section 21, applies—

- (a) QSuper;
- (b) RailSuper.

**Part 4 Transitional provision for  
Industrial Relations (Fair Work  
Act Harmonisation No. 2) and  
Other Legislation Amendment  
Act 2013**

**7 Particular persons may hold office as trustee for more than 9 years**

- (1) This section applies to a person who held office as a trustee immediately before the commencement of this section.
- (2) Despite section 2E(3), the Minister may reappoint the person as a trustee even if—
  - (a) the total of the person's terms of appointment as trustee is more than 9 years; or
  - (b) the appointment will mean the total of the person's term of appointment will be more than 9 years.

## **Schedule 1            Units of the State public sector**

### section 3

Access Incorporated

AOT Group Pty Ltd ACN 106 495 498

AOT Holidays Pty Ltd ACN 113 463 415

AOT Inbound Pty Ltd ACN 073 167 129

AOT Retail Pty Ltd ACN 087 251 787

Aurizon Holdings Limited ACN 146 335 622

Aurizon Intermodal Pty Ltd ACN 114 388 377

Aurizon Network Pty Ltd ACN 132 181 116

Aurizon Operations Limited ACN 124 649 967

Australia Eastern Railroad Pty Ltd ACN 118 274 776

Australian Online Travel Pty Ltd ACN 105 135 331

Australian Securities and Investment Commission

Australian Skills Quality Authority

Australia Western Railroad Pty Ltd ACN 094 792 275

Brisbane Marketing Pty Ltd ACN 094 633 262

Cairns Airport Pty Ltd ACN 132 228 221

Central Highlands and Western Qld Family Support Association  
Inc.

CISC Pty Ltd ACN 067 097 625 trading as The Construction  
Training Centre

City North Infrastructure Pty Ltd ACN 123 249 874

City Parklands Transition Services Pty Ltd ACN 068 043 318

CQ Radiology Pty Ltd ACN 165 751 226

Flexi Care Inc.

Institute of Modern Art Ltd ACN 009 942 821

Interail Australia Pty Ltd ACN 087 619 010

Ipswich Tenancy Advocacy Service Inc.

Mackay Airport Pty Ltd ACN 132 228 534

Major Brisbane Festivals Pty Ltd ACN 103 063 234

National Trust of Australia (Queensland) Limited ACN 600 450 860

Office of the National Rail Safety Regulator

One QSuper Pty Ltd ACN 601 938 774

Queensland Aged and Disability Advocacy Inc ABN 19 488 136 200

Queensland Biennial Festival of Music Pty Ltd ACN 084 526 876

Queensland BioCapital Funds Pty Ltd ACN 100 826 686

Queensland Bulk Water Supply Authority

Queensland Competition Authority

Queensland Rail

Queensland Sugar Ltd ACN 090 152 211

Queensland Tertiary Admissions Centre Ltd ACN 050 542 633

Sugar Industry Commissioner

the State, in relation to the employment of judges' associates, magistrates and the solicitor-general

Transmax Pty Ltd ACN 099 487 573

Vision Australia ACN 108 391 831

## Schedule 2 Dictionary

### section 2A

***chairperson*** means the trustee holding office as the chairperson under section 2K.

***employer trustee*** means a trustee mentioned in section 2B(1)(a).

***disqualified person*** has the meaning given under the SIS Act, section 120.

***independent director*** has the meaning given under the SIS Act, section 10(1) and (2).

***member representative trustee*** means a trustee mentioned in section 2B(1)(b).

***quorum***, of trustees, means, at any particular time, the number that is two-thirds of the total number of trustees holding office at the time.



## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	2 September 2006	
1A	2007 SL No. 197	17 August 2007	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1B	2008 SL No. 381 2008 SL No. 382	28 November 2008	
1C	2010 SL No. 312	19 November 2010	
1D	2012 SL No. 184	26 October 2012	
1E	2012 SL No. 240	1 January 2013	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
3 May 2013	2013 Act No. 19	
20 September 2013	2013 SL No. 179	
1 December 2013	2013 Act No. 61	
31 July 2015	2015 SL No. 76	

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Superannuation (State Public Sector) Regulation 2006 SL No. 215**

made by the Governor in Council on 14 August 2006  
notfd gaz 18 August 2006 pp 1821–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 2 September 2006 (see s 2)  
exp 1 September 2016 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.  
amending legislation—

**Superannuation (State Public Sector) Amendment Regulation (No. 1) 2007 SL No. 197**

notfd gaz 17 August 2007 pp 2023–5  
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 1) 2008 SL No. 381**

notfd gaz 28 November 2008 pp 1698–1701  
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 2) 2008 SL No. 382**

notfd gaz 28 November 2008 pp 1698–1701  
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 1) 2010 SL No. 312**

notfd gaz 19 November 2010 pp 754–5  
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 1) 2012 SL No. 184**

notfd gaz 26 October 2012 pp 264–6  
commenced on date of notification

**South East Queensland Water (Restructuring) and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 240 ss 1–2, 3(2) sch**

notfd gaz 14 December 2012 pp 548–52  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2013 (see s 2)

**Queensland Rail Transit Authority Act 2013 No. 19 ss 1, 120 sch 1**

date of assent 3 May 2013  
commenced on date of assent

**Superannuation Legislation Amendment Regulation (No. 1) 2013 SL No. 179 pts 1, 3**

notfd gaz 20 September 2013 pp 101–3  
commenced on date of notification

**Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Act 2013 No. 61 pts 1, 3 div 2**

date of assent 27 November 2013  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 2013 (see s 2)

**Superannuation Legislation Amendment Regulation (No. 1) 2015 SL No. 76 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 31 July 2015  
commenced on date of notification

## **5 List of annotations**

### **PART 1—PRELIMINARY**

**pt hdg** ins 2013 Act No. 61 s 129

#### **Interpretation**

**s 2A** ins 2013 Act No. 61 s 130

### **PART 2—BOARD OF TRUSTEES**

**pt 2 (ss 2B–2P)** ins 2013 Act No. 61 s 131

### **PART 3—MISCELLANEOUS**

**pt hdg** ins 2013 Act No. 61 s 131

#### **Units of the State public sector—Act, s 2(1)**

**s 3** amd 2013 Act No. 61 s 132

#### **Prescribed number—Act, s 5**

**s 5** ins 2007 SL No. 197 s 4

om 2013 Act No. 61 s 133

#### **Declared expressions—Act, s 21(4)**

**s 6** (prev s 5) renum 2007 SL No. 197 s 3

### **PART 4—TRANSITIONAL PROVISION FOR INDUSTRIAL RELATIONS (FAIR WORK ACT HARMONISATION No. 2) AND OTHER LEGISLATION AMENDMENT ACT 2013**

**pt 4 (s 7)** ins 2013 Act No. 61 s 134

### **SCHEDULE 1—UNITS OF THE STATE PUBLIC SECTOR**

**sch 1** (prev sch) amd 2008 SL No. 381 s 3; 2008 SL No. 382 s 3; 2010 SL No. 312 s 3; 2012 SL No. 184 s 3; 2012 SL No. 240 s 3(2) sch; 2013 Act No. 19 s 120 sch 1; 2013 SL No. 179 s 6

num 2013 Act No. 61 s 135

amd 2015 SL No. 76 s 6

### **SCHEDULE 2—DICTIONARY**

**sch 2** ins 2013 Act No. 61 s 136