

Queensland



Superannuation (State Public Sector) Act 1990

SUPERANNUATION (STATE PUBLIC SECTOR) REGULATION 1991

**Reprinted as in force on 12 May 1995
(includes amendments up to SL No. 97 of 1995)**

Reprint No. 4

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 Regulation is reprinted as at 12 May 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.

The opportunity has been taken, under section 35 of the Reprints Act 1992, to use aspects of format and printing style consistent with current drafting practice.

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

Also see Endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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SUPERANNUATION (STATE PUBLIC SECTOR) REGULATION 1991

[as amended by all amendments that commenced on or before 12 May 1995]

Short title

1. This regulation may be cited as the *Superannuation (State Public Sector) Regulation 1991*.

Commencement

2. This regulation commences on 1 July 1991.

Definitions

3. In this regulation—

“**existing QR employee**” means a person who is a QR employee at 31 January 1995.

“**new QR employee**” means a person who starts being a QR employee on or after 1 February 1995.

“**QR employee**” means a person who is employed or engaged by Queensland Railways.

“**the Fund**” means the State Service Superannuation Fund preserved, continued in existence and established under the 1972 Act.

“**the 1972 Act**” means the *State Service Superannuation Act 1972*.

Declared units of the State public sector

3A. Each of the following persons is a unit of the State public sector—

- (a) Queensland Tertiary Admissions Centre Limited;
- (b) the State (so far as it relates to the engagement of Magistrates).

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Compulsory membership

4.(1) It is declared that—

- (a) a person who—
 - (i) on or after 1 January 1991 commences to be employed or engaged by a unit of the State public sector; and
 - (ii) would have, if the person commenced to be so employed or engaged before that date, been required to contribute to the Fund;

is eligible for membership of the scheme; and

- (b) a person or member of a class of person specified in schedule 1, column 2 who is a permanent employee of or permanently engaged by the unit of the State public sector specified in schedule 1, column 1 opposite the specified person or class of person, is eligible for membership of the scheme, subject to the special conditions (if any) specified in schedule 1, column 3 opposite the specified person or class of person; and
- (c) membership of the scheme by a person mentioned in paragraph (a) and by a person or a member of a class of person specified in schedule 1, column 2 is compulsory.

(2) This section does not apply to a QR employee who is not a member of the scheme at 31 January 1995.

Discretionary membership—general

5.(1) It is declared that—

- (a) a person who—
 - (i) on or after 1 January 1991, commences to be employed or engaged by a unit of the State public sector; and
 - (ii) would have, if the person commenced to be so employed or engaged before that date, been or become eligible but not required to contribute to the Fund;

is eligible for membership of the scheme; and

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- (b) a person who—
 - (i) at 31 December 1990, was an employee of or engaged by a unit of the State public sector; and
 - (ii) was at any time eligible but not required to contribute to the Fund;is eligible for membership of the scheme; and
- (c) a person or member of a class of person specified in schedule 2, column 2 who is a permanent employee of or permanently engaged by the unit of the State public sector specified in schedule 2, column 1 opposite the specified person or class of person, is eligible for membership of the scheme, subject to the special conditions (if any) specified in schedule 2, column 3 opposite the specified person or class of person; and
- (d) membership of the scheme by a person mentioned in paragraphs (a) and (b) and by a person or a member of a class of person specified in schedule 2, column 2 is discretionary.

(2) This section has effect subject to section 6.

Discretionary membership—Queensland Railways

6.(1) An existing QR employee who is—

- (a) 24 or more at 31 January 1995 is eligible to become a member of the scheme before 1 February 1996; or
- (b) under 24 at 31 January 1995 is eligible to become a member of the scheme before the person turns 25.

(2) A new QR employee who is—

- (a) 24 or more when the person becomes a QR employee is eligible to become a member of the scheme within 1 year of becoming a QR employee; or
- (b) under 24 when the person becomes a QR employee is eligible to become a member of the scheme before the person turns 25.

(3) The employee's membership of the scheme is discretionary.

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(4) The employee may elect to become a member of the scheme only while the person is eligible for membership.

(5) The election must be given by written notice to the chief executive of Queensland Railways.

SCHEDULE 1

COMPULSORY MEMBERSHIP

Item No.	Column 1 Unit of the State public sector	Column 2 Person or class of person	Column 3 Special conditions
1.	Queensland Mines Rescue Brigade	A person who is not a member of the Queensland Coal and Oil Shale Industry Superannuation Fund	—
2.	Any unit of the State public sector	A person who, at 3 November 1990, was a member of the Queensland Government Selected Employees Superannuation Plan	—
3.	Townsville Port Authority	A person who, at 31 December 1990, was a contributor to the Townsville Port Authority Staff Superannuation Fund	—
4.	Cairns Port Authority	Any person	—
5.	Queensland Small Business Corporation	A person who, at 30 June 1991, was a contributor to the Small Business Development Corporation Staff Superannuation Plan	—

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SCHEDULE 1 (continued)

6.	A Hospital Board constituted under the <i>Hospitals Act 1936</i> or a Regional Health Authority established under the <i>Health Services Act 1991</i>	A resident medical officer who— (a) c o m m e n c e s employment on or after 1 July 1991; and (b) completes 52 weeks employment as a resident medical officer	—
7.	Industrial Relations Commission	An Industrial Commissioner who elects under section 29(4) of the <i>Industrial Relations Act 1990</i> to become a member of the scheme	—
8.	Any unit of the State public sector	A person who elects under section 3B of the 1972 Act to become a member of the scheme	—
9.	Queensland Investment Corporation	Any person, other than a person who is a contributor to the Fund	—
10.	Rockhampton Port Authority	A person who, at 8 December 1991, was a member of the Rockhampton Port Authority Superannuation Scheme	—
11.	South East Queensland Water Board	A person who— (a) commences permanent employment after 30 June 1992; or (b) was a member of the South East Queensland	The standard compulsory rate is 4.33%

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SCHEDULE 1 (continued)

		Water Board Suncorp Superplan Scheme on 30 June 1992	
12.	Gladstone Port Authority	A person who— (a) commences permanent employment after 30 June 1992; or (b) was a member of the Gladstone Port Authority Staff Superannuation Fund on 30 June 1992	—
13.	Livestock and Meat Authority	A person who— (a) started employment on 8 August 1992; and (b) on 7 August 1992— (i) was employed by the Department of Primary Industries in the Veterinary Public Health Branch; and (ii) was a member of the scheme	—
14.	Plane Creek Cane Protection and Productivity Board	Any person	The standard compulsory rate is 4%

SCHEDULE 1 (continued)

15.	Queensland Police Service	A person who— (a) elects under section 3A of the <i>Police Superannuation Act 1974</i> to become a member of the scheme; or (b) starts employment on or after 1 January 1993 and who, if the person had started on 31 December 1992, would have been required to contribute to the Police Superannuation Fund	The standard compulsory rate is 6%
16.	South Bank Corporation	A person employed under an individual contract of employment entered into on or after 2 July 1993	—
17.	The State (so far as it relates to the engagement of Magistrates)	Magistrates	—
18.	Queensland University of Technology	A person who makes an election under section 3B	—
19.	Mackay Port Authority	A person who was a contributor to the Mackay Port Authority Superannuation fund on 30 June 1994	—

SCHEDULE 1 (continued)

20.	Building and Construction Industry (Portable Long Service Leave) Authority	A permanent employee	—
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SCHEDULE 2

DISCRETIONARY MEMBERSHIP

Item No.	Column 1 Unit of the State public sector	Column 2 Person or class of person	Column 3 Special conditions
1.	Criminal Justice Commission	An employee within the meaning of section 68(2) of the <i>Criminal Justice Act 1989</i>	—
2.	Any unit of the State public sector	<p>A person employed under an individual contract of employment and who, immediately before the commencement of that employment, was not—</p> <p>(a) an officer within the meaning of the 1972 Act; or</p> <p>(b) a member within the meaning of the <i>Police Superannuation Act 1974</i>;</p> <p>and whose membership of the scheme has been approved by the relevant unit of the State public sector</p>	—

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SCHEDULE 2 (continued)

3.	The Council of The Queensland Institute of Medical Research	A person whose membership of the scheme is approved by the Council	—
4.	Townsville Port Authority	A person who is not a person mentioned in schedule 1, item 3	—
5.	Department of Education	A teacher aide or cleaner	—
6.	Department of Health, a Hospitals Board constituted under the <i>Hospitals Act 1936</i> , or a Regional Health Authority established under the <i>Health Services Act 1991</i>	A part time employee	—
7.	Queensland Sugar Corporation or Sugar Board	Any person	—
8.	A Hospitals Board constituted under the <i>Hospitals Act 1936</i> or a Regional Health Authority established under the <i>Health Services Act 1991</i>	A resident medical officer appointed before 1 July 1991	—

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SCHEDULE 2 (continued)

9.	The Board of Trustees Newstead House	Any person	—
10.	Queensland Small Business Corporation	A person who— (a) is not a person mentioned in schedule 1, item 5; and (b) completes 3 months employment	—
11.	Department of Health	A person who— (a) at 11 March 1990, was employed by the John Oxley Memorial Hospitals Board; and (b) is not a contributor to the Fund	—
12.	Builders' Registration Board of Queensland	Any person	—
13.	Rockhampton Port Authority	A person who is not a person mentioned in schedule 1, item 10	—
14.	South East Queensland Water Board	A person other than a person mentioned in schedule 1, item 11	The standard compulsory rate is 4.33%
15.	Gladstone Port Authority	A person other than a person mentioned in schedule 1, item 12	—

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SCHEDULE 2 (continued)

16.	South Bank Corporation	A person other than a person mentioned in schedule 1, item 16	—
17.	Princess Alexandra Hospital Research and Development Foundation	A person whose membership has been approved by the Foundation	—
18.	Ports Corporation of Queensland	A person whose membership has been approved by the Corporation	—
19.	Queensland Livestock and Meat Authority	<p>A person who—</p> <p>(a) starts employment on or after 1 July 1994; or</p> <p>(b) was a member of the Livestock and Meat Authority of Queensland Staff Superannuation Scheme on 31 December 1993 and was employed by the Queensland Livestock and Meat Authority on 1 January 1994</p>	—
20.	Mackay Port Authority	A person who starts employment on or after 1 July 1994	—
21.	Supreme Court Library	A person whose membership has been approved by the Supreme Court Library Committee	—

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SCHEDULE 2 (continued)

22.	Prince Charles Hospital Foundation	Any person whose membership has been approved by the Foundation	—
23.	Mt Gravatt Community Options Association Incorporated	A person whose membership has been approved by the Community Management Committee	—
24.	Queensland Fisheries Management Authority	A person whose membership has been approved by the Authority	—
25.	Building and Construction Industry (Portable Long Service Leave) Authority	A person who— (a) is not a person mentioned in schedule 1, item 20; and (b) completes 1 year's employment	—
26.	Q Invest Limited	A person whose membership has been approved by the Board of Q Invest Limited	—

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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 12 May 1995. Future amendments of the Superannuation (State Public Sector) Regulation 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretaton Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R	=	Reprint No.
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 previous reprints

Reprint No.	Amendments included	Reprint date
1	to SL No. 316 of 1993	20 September 1993
2	to SL No. 463 of 1993	23 December 1993
3	to SL No. 329 of 1994	21 September 1994

5 List of legislation

Superannuation (State Public Sector) Regulation 1991

pubd gaz 29 June 1991 pp 1145–51

commenced 1 July 1991 (see s 2)

as amended by—

Superannuation (State Public Sector—Membership) Amendment Order 1991

SL No. 138

pubd gaz 23 November 1991 pp 1301–4

commenced on date of publication

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**Superannuation (State Public Sector—Membership) Amendment Order (No. 2)
1991 SL No. 152**

pubd gaz 7 December 1991 pp 1809–10
commenced 9 December 1991 (see s 2)

**Superannuation (State Public Sector—Membership) Amendment Order (No. 1)
1992 SL No. 176**

pubd gaz 26 June 1992 pp 1976–8
ss 1–2 commenced on date of publication
remaining provisions commenced 1 July 1992 (see s 2)

**Superannuation (State Public Sector—Membership) Amendment Order (No. 2)
1992 SL No. 178**

pubd gaz 26 June 1992 pp 1981–3
ss 1–2 commenced on date of publication
remaining provisions commenced 1 July 1992 (see s 2)

**Superannuation (State Public Sector—Membership) Amendment Order (No. 3)
1992 SL No. 396**

notfd gaz 11 December 1992 pp 1830–3
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1993 (see s 2)

**Superannuation (State Public Sector—Membership) Amendment Order (No. 1)
1993 SL No. 97**

notfd gaz 8 April 1993 pp 1752–5
ss 1–2 commenced on date of notification
remaining provisions commenced 8 August 1992 (see s 2)

**Superannuation (State Public Sector—Membership) Amendment Order (No. 2)
1993 SL No. 139**

notfd gaz 14 May 1993 pp 445–7
ss 1–2 commenced on date of notification
remaining provisions commenced 5 October 1992 (see s 2)

**Superannuation (State Public Sector—Membership) Amendment Order (No. 3)
1993 SL No. 149**

notfd gaz 21 May 1993 pp 541–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 1992 (see s 2)

**Superannuation (State Public Sector—Membership) Amendment Regulation
(No. 1) 1993 SL No. 248**

notfd gaz 2 July 1993 pp 1255–7
commenced on date of notification

**Superannuation (State Public Sector—Membership) Amendment Regulation
(No. 2) 1993 SL No. 316**

notfd gaz 20 August 1993 pp 1883–5
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 1) 1993
SL No. 419**

notfd gaz 26 November 1993 pp 1483–6
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 2) 1993 SL
No. 463**

notfd gaz 17 December 1993 pp 1812–21
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 1) 1994 SL
No. 227**

notfd gaz 1 July 1994 pp 1170–7
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 2) 1994 SL
No. 329**

notfd gaz 9 September 1994 pp 165–6
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 3) 1994 SL
No. 397**

notfd gaz 18 November 1994 pp 1209–10
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 1) 1995 SL
No. 6**

notfd gaz 27 January pp 292–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 February 1995 (see s 2)

**Superannuation (State Public Sector) Amendment Regulation (No. 2) 1995 SL
No. 32**

notfd gaz 24 February 1995 pp 816–8
commenced on date of notification

**Superannuation (State Public Sector) Amendment Regulation (No. 3) 1995 SL
No. 97**

notfd gaz 21 April 1995 pp 1718–21
commenced on date of notification

6 List of annotations

First paragraph amd 1991 SL No. 138 s 3
om R1 (see RA s 7(1)(a))

Short title

s 1 ins 1991 SL No. 138 s 3
sub 1993 SL No. 248 s 3; 1993 SL No. 316 s 3

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Commencement

s 2 ins 1991 SL No. 138 s 3

Definitions

s 3 ins 1991 SL No. 138 s 3
 def “existing QR employee” ins 1995 SL No. 6 s 4
 def “new QR employee” ins 1995 SL No. 6 s 4
 def “QR employee” ins 1995 SL No. 6 s 4

Declared units of the State public sector

s 3A ins 1993 SL No. 316 s 4

Application of section

s 3B ins 1993 SL No. 463 s 3
 om R3 (see RA s 37)

Compulsory membership

prov hdg ins 1991 SL No. 138 s 4(1)
 s 4 amd 1991 SL No. 138 s 4; 1995 SL No. 6 s 5

Discretionary membership

prov hdg ins 1991 SL No. 138 s 5(1)
 amd 1995 SL No. 6 s 6
 s 5 amd 1991 SL No. 138 s 5; 1995 SL No. 6 s 6

provision (3) om 1991 SL No. 138 s 6

Discretionary membership—Queensland Railways

s 6 ins 1995 SL No. 6 s 7

last provision om 1991 SL No. 138 s 7

SCHEDULE 1—COMPULSORY MEMBERSHIP

amd 1991 SL No. 138 s 8; 1991 SL No. 152 s 4; 1992 SL No. 176 s 4;
 1992 SL No. 178 s 4; 1992 SL No. 396 s 4; 1993 SL No. 97 s 4; 1993
 SL No. 139 s 4; 1993 SL No. 149 s 4; 1993 SL No. 248 s 4; 1993 SL
 No. 316 s 5; 1993 SL No. 463 s 4; 1994 SL No. 227 s 3; 1994 SL
 No. 329 s 3; 1995 SL No. 32 s 3

SCHEDULE 2—DISCRETIONARY MEMBERSHIP

amd 1991 SL No. 138 s 9; 1991 SL No. 152 s 5; 1992 SL No. 176 s 5;
 1992 SL No. 178 s 5; 1993 SL No. 139 s 5; 1993 SL No. 248 s 5; 1993
 SL No. 419 s 3; 1994 SL No. 227 s 4; 1994 SL No. 329 s 4; 1994 SL
 No. 397 s 3; 1995 SL No. 32 s 4; 1995 SL No. 97 s 3