

Superannuation (State Public Sector) (Scheme Administration) Amendment Bill 2021

Amendments during consideration in detail to be moved by
The Honourable the Treasurer and Minister for Trade and Investment

1 Clause 2 (Commencement)

Page 8, line 7, after ‘and 2’—

insert—

and part 2A

2 After clause 54

Page 51, after line 20—

insert—

Part 2A Amendment of Governors (Salary and Pensions) Act 2003

54A Act amended

This part amends the *Governors (Salary and Pensions) Act 2003*.

Note—

See also the amendments in schedule 1.

54B Amendment of long title

Long title, from ‘the salary’ to ‘pensions,’—

omit, insert—

**salary and pensions for the Governor of
the State of Queensland,**

54C Insertion of new s 4A

Part 3, division 1—

insert—

4A Application of part

This part does not apply in relation to a person appointed as Governor who elected, under section 20C, to have the superannuation arrangements under part 3A, division 2 apply to the person's appointment as Governor.

54D Insertion of new pt 3, div 5, hdg

After section 19—

insert—

Division 5 Other matters relating to pensions

54E Insertion of new pt 3A

After part 3—

insert—

Part 3A Superannuation

Division 1 Preliminary

20B Application of part

This part applies to a person who is appointed Governor after the commencement.

20C Election for superannuation arrangements

- (1) The person may elect to have the superannuation arrangements under division 2 apply to the person's appointment as Governor.

- (2) An election under subsection (1)—
- (a) must be made within 1 month after the person takes or makes the oath or affirmation of allegiance and of office under the *Constitution of Queensland 2001*, section 31; and
 - (b) must be made by written notice given to the chief executive of the department that administers the *Superannuation (State Public Sector) Act 1990*; and
 - (c) cannot be rescinded.

Division 2 Superannuation arrangements

20D Definitions for division

In this division—

State public sector employee means an employee of a unit of the State public sector under the *Superannuation (State Public Sector) Act 1990*.

State public sector scheme means the scheme under the *Superannuation (State Public Sector) Act 1990*.

State public sector scheme membership declaration means a declaration under the *Superannuation (State Public Sector) Act 1990*, section 14B.

20E Application of division

This division applies if the person makes an election under section 20C.

20F Superannuation arrangements generally

- (1) The person has the superannuation arrangements that apply under the *Superannuation (State Public Sector) Act 1990* to a State public sector employee mentioned in a State public sector scheme membership declaration.
- (2) To the extent necessary for applying subsection (1), the person is taken to be an employee in relation to the person's appointment as Governor.

20G Matters about membership of State public sector scheme for particular existing members

- (1) This section applies if, immediately before the person's appointment as Governor, the person was—
 - (a) a State public sector employee mentioned in a State public sector scheme membership declaration; and
 - (b) a member of the State public sector scheme.
- (2) The person's membership of the scheme continues in the same category and subject to the same conditions as applied before the person's appointment as Governor.
- (3) For applying section 20F to the person, the person continues to be eligible, in relation to the person's appointment as Governor, for membership in the categories of the State public sector scheme for which the person was eligible immediately before the person's appointment as Governor.

20H Matters about membership of State public sector scheme for other persons

- (1) This section applies in relation to the person if section 20G does not apply in relation to the person.
- (2) The Minister administering the *Superannuation (State Public Sector) Act 1990* may declare, by written notice, the following matters about the person's membership of the State public sector scheme—
 - (a) the membership category or categories for which the person is eligible;
 - (b) any conditions applying to the person's membership of the scheme.
- (3) A notice under subsection (2)—
 - (a) is subordinate legislation; and
 - (b) may be combined with a notice making a State public sector scheme membership declaration.

20I Salary sacrifice

- (1) The person may also elect that the person's salary as Governor be provided in part by the payment of salary to the person and in part by the payment of superannuation contributions payable by the person.
- (2) The election—
 - (a) must be made by written notice given to the Official Secretary of the Office of the Governor; and
 - (b) takes effect from the date the notice is received by the Official Secretary or from a later date stated in the election for that purpose.

- (3) Despite the salary of the person being paid under subsection (1), the person is taken, for any purpose relating to superannuation, to have received the salary to which the person is entitled as Governor.

54F Relocation of s 20 (Accrual and payment of pensions)

Section 20—

relocate to part 3, division 5 as inserted by this Act.

54G Amendment of s 21 (Appropriation)

Section 21(1)—

insert—

- (c) under part 3A, division 2 as superannuation contributions payable by the State.

54H Amendment, relocation and renumbering of s 22 (Minister is manager for Commonwealth Act)

- (1) Section 22(3), definition *scheme*, ‘Act’—

omit, insert—

part

- (2) Section 22—

relocate to part 3, division 5 as inserted by this Act and *renumber* as section 20A.

54I Amendment of schedule (Dictionary)

Schedule—

insert—

State public sector employee, for part 3A, division 2, see section 20D.

State public sector scheme, for part 3A, division 2, see section 20D.

State public sector scheme membership declaration, for part 3A, division 2, see section 20D.

3 Schedule 1 (Other amendments)

Page 53, after line 15—

insert—

3 Section 20D, definition *State public sector employee*, from ‘means’—

omit, insert—

see the *Superannuation (State Public Sector) Act 1990*, schedule 2.

4 Section 20D, definition *State public sector scheme membership declaration*, ‘section 14B’—

omit, insert—

section 10

4 Long title

Long title, after ‘amend’—

insert—

the *Governors (Salary and Pensions) Act 2003*,

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