

## Economics and Governance Committee

### Report No. 25, 57th Parliament

### Subordinate legislation tabled between 23 February 2022 and 15 March 2022

#### 1 Aim of this report

This report summarises the Economics and Governance Committee’s (committee) findings following its examination of the subordinate legislation within its portfolio areas tabled between 23 February 22 and 15 March 2022.

It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, its consistency with fundamental legislative principles (FLPs),<sup>1</sup> its compatibility with human rights,<sup>2</sup> and its lawfulness.<sup>3</sup> It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992 (LSA)*<sup>4</sup> and on the committee’s consideration of compliance with the *Human Rights Act 2019 (HRA)* and the human rights certificate tabled with the subordinate legislation.<sup>5</sup>

#### 2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
008	Superannuation (State Public Sector) Amendment Notice 2022	15 March 2022	23 June 2022
011	Proclamation—Superannuation (State Public Sector) (Scheme Administration) Amendment Act 2021 (commencing remaining provisions)	15 March 2022	23 June 2022
012	Superannuation (State Public Sector) Repeal Regulation 2022	15 March 2022	23 June 2022

\*The disallowance date is 14 sitting days after the tabling date. (See section 50 of the *Statutory Instruments Act 1992*.) Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

#### 3 Committee consideration of the subordinate legislation

No significant issues regarding policy, consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified.

The committee considered that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the LSA. Further, the human rights certificate tabled with the

<sup>1</sup> *Legislative Standards Act 1992 (LSA)* s 4.

<sup>2</sup> *Human Rights Act 2019 (HRA)* s 8.

<sup>3</sup> *Parliament of Queensland Act 2001 (POQA)* s 93.

<sup>4</sup> LSA, Part 4.

<sup>5</sup> HRA, s 41.

subordinate legislation provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with the HRA.

A brief overview of the subordinate legislation is set out below.

#### **4 Superannuation (State Public Sector) Amendment Notice 2022**

The Superannuation (State Public Sector) Amendment Notice 2021 (Amendment Notice) amends the Superannuation (State Public Sector) Notice 2021. It makes changes requested by Central Queensland University to its prescribed arrangements to align them with their current employment practices and, from 1 July 2022, remove compulsory membership of QSuper. It also removes reference to the Gold Coast 2018 Commonwealth Games Corporation.<sup>6</sup>

In addition, it updates current references to the *Superannuation (State Public Sector) Act 1990* (Superannuation Act) and the Superannuation (State Public Sector Deed) 1990 to the relevant provisions of the Act and Trust Deed, following the merger between QSuper and Sunsuper.<sup>7</sup> The amendments to support the merger were to commence, by proclamation, on 28 February 2022 (see proclamation in the next section of the report), repealing the QSuper Deed, with the provisions of the repealed QSuper Deed to be continued under the merged fund's trust deed.<sup>8</sup>

The explanatory notes advise the Amendment Notice meets 'agency-assessed exclusion categories under the Queensland Government Guide to Better Regulation', and therefore the Amendment Notice did not require consultation with the Queensland Office of Best Practice Regulation.<sup>9</sup>

However, the explanatory notes state the QSuper Board and the board of Sunsuper Pty Ltd were 'extensively consulted on the development of the Amendment Act and changes to subordinate legislation. Both boards support the Amendment Act and the consequential amendments'.<sup>10</sup> Consultation was also undertaken with CQU.<sup>11</sup>

#### **5 Proclamation—Superannuation (State Public Sector) (Scheme Administration) Amendment Act 2021 (commencing remaining provisions)**

The proclamation fixes a commencement date of 28 February 2022 for the commencement of the provisions of the *Superannuation (State Public Sector)(Scheme Administration) Amendment Act 2021* (Amendment Act) that are not in force.<sup>12</sup>

The Amendment Act was assented to on 28 October 2021 and provides that Division 3 of Part 2, Parts 3, 4, 5 and 6 and Schedule 1 of the Amendment Act commence on a day to be fixed by proclamation.<sup>13</sup>

According to the explanatory notes, 'the QSuper Board and the board of Sunsuper Pty Ltd were extensively consulted on the development of the Amendment Act and the date for its commencement', with both boards indicating their support for the legislation and the commencement date for the remaining provisions of the Amendment Act.<sup>14</sup>

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<sup>6</sup> Explanatory notes, Superannuation (State Public Sector) Notice 2021, p 2.

<sup>7</sup> Explanatory notes, Superannuation (State Public Sector) Notice 2021, p 2.

<sup>8</sup> Explanatory notes, Superannuation (State Public Sector) Notice 2021, p 2.

<sup>9</sup> Explanatory notes, Superannuation (State Public Sector) Notice 2021, p 3.

<sup>10</sup> Explanatory notes, Superannuation (State Public Sector) Notice 2021, p 3.

<sup>11</sup> Explanatory notes, Superannuation (State Public Sector) Notice 2021, p 3.

<sup>12</sup> Explanatory notes, Proclamation—*Superannuation (State Public Sector)(Scheme Administration) Amendment Act 2021*, p 1.

<sup>13</sup> Explanatory notes, Proclamation—*Superannuation (State Public Sector)(Scheme Administration) Amendment Act 2021*, p 1.

<sup>14</sup> Explanatory notes, Proclamation—*Superannuation (State Public Sector)(Scheme Administration) Amendment Act 2021*, p 3.

Otherwise, the explanatory notes state the Proclamation ‘meets category (g) – Regulatory proposals that are of a machinery nature, an agency-assessed exclusion category under *The Queensland Government Guide to Better Regulation* and accordingly does not require consultation with the Queensland Office of Best Practice Regulation’.<sup>15</sup>

## 6 Superannuation (State Public Sector) Repeal Regulation 2022

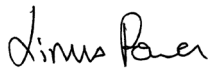
The Superannuation (State Public Sector) Repeal Regulation 2022 (Repeal Regulation) repeals the Superannuation (State Public Sector) Regulation 2017, as its provisions became redundant on 28 February 2022 when the amendments to the Superannuation Act by the Amendment Act (as discussed above) commenced.<sup>16</sup>

The explanatory notes advise the ‘QSuper Board and the board of Sunsuper Pty Ltd were extensively consulted on the development of the Amendment Act and changes to subordinate legislation. Both boards support the Amendment Act and the Repeal Regulation’.<sup>17</sup>

The explanatory notes also advise that the Repeal Regulation ‘meets category (g) – Regulatory proposals that are of a machinery nature, an agency-assessed exclusion category under *The Queensland Government Guide to Better Regulation* and accordingly does not require consultation with the Queensland Office of Best Practice Regulation’.<sup>18</sup>

## 7 Recommendation

The committee recommends that the House notes this report.



Linus Power MP

**Chair**

**May 2022**

### **Economics and Governance Committee**

<b>Chair</b>	Mr Linus Power MP, Member for Logan
<b>Deputy Chair</b>	Mr Ray Stevens MP, Member for Mermaid Beach
<b>Members</b>	Mr Michael Crandon MP, Member for Coomera
	Mrs Melissa McMahon MP, Member for Macalister
	Mr Daniel Purdie MP, Member for Ninderry
	Mr Adrian Tantari MP, Member for Hervey Bay

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<sup>15</sup> Explanatory notes, Proclamation—*Superannuation (State Public Sector)(Scheme Administration) Amendment Act 2021*, p 3.

<sup>16</sup> Explanatory notes, Superannuation (State Public Sector) Repeal Regulation 2022, p 2.

<sup>17</sup> Explanatory notes, Superannuation (State Public Sector) Repeal Regulation 2022, p 3.

<sup>18</sup> Explanatory notes, Superannuation (State Public Sector) Repeal Regulation 2022, p 3.