

SOUTH AUSTRALIA

GOVERNORS' PENSIONS ACT, 1976

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **15 August 1991**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

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GOVERNORS' PENSIONS ACT, 1976

being

Governors' Pensions Act, 1976, No. 29 of 1976
[Royal Assent proclaimed 1 July 1976]

as amended by

Governors' Pensions Act Amendment Act, 1981, No. 64 of 1981 [Royal Assent proclaimed 8 October 1981]

An Act to provide for the payment of pensions to certain former Governors of the State and for the spouses of certain deceased Governors and former Governors and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Governors' Pensions Act, 1976*.

Interpretation

2. In this Act, unless the contrary intention appears—

"deceased Governor" means a Governor who died while in office as Governor:

"former Governor" means any person who—

(a) was appointed to be Governor of the State;

and

(b) has ceased to hold that office—

(i) after having served in that office for a period (excluding periods of furlough) of not less than four years and six months;

or

(ii) upon the Treasurer being satisfied that the cessation arose from a mental or physical incapacity to perform the duties of that office:

"furlough", in relation to a Governor, means absence from office for recreational purposes for a continuous period of more than one month:

"Governor" means a Governor of the State:

"Order" means an order made under section 3 of this Act:

"pension" means an annual pension provided for and authorized pursuant to an Order:

"salary" in relation to a former Governor or a deceased Governor, as the case may be, means the salary payable pursuant to section 73 of the *Constitution Act, 1934-1975*—

(a) to that former Governor immediately before that former Governor ceased to be Governor;

or

(b) to that deceased Governor immediately before the death of that deceased Governor:

3.

"spouse"—

(a) in relation to a deceased Governor, means a person who was married to that deceased Governor immediately before the death of that Governor;

and

(b) in relation to a deceased former Governor, means a person who was married to that deceased former Governor before that former Governor ceased to be Governor and remained so married to that deceased former Governor until immediately before the death of that former Governor.

Order for the payment of pensions

3. Subject to this Act, the Treasurer may by Order published in the *Gazette* provide for and authorize the payment of an annual pension for life to—

(a) a former Governor;

(b) the spouse of a deceased former Governor;

or

(c) the spouse of a deceased Governor,

in each case of an amount provided for in the Order.

Amount of pension

4. (1) Except as is provided in subsection (2) of this section, the amount of pension shall not—

(a) in the case of a former Governor, exceed fifty per centum of the salary of that former Governor;

(b) in the case of the spouse of a deceased former Governor, exceed seventy-five per centum of the pension of that deceased former Governor payable immediately before the death of that former Governor;

or

(c) in the case of the spouse of a deceased Governor, exceed thirty-seven and one-half per centum of the salary of that deceased Governor.

(2) An Order may provide for the increase or decrease of a pension in accordance with movements in the cost of living and any such provision shall have effect according to its tenor.

(3) In determining an amount of pension the Treasurer may have regard to any other pension or retiring allowance paid or payable to a former Governor, or the spouse of a deceased Governor or deceased former Governor in respect of any remunerative activity undertaken by the Governor or former Governor before that Governor or former Governor became Governor.

4.

Time from which pension is payable, etc.

5. (1) Each pension shall be payable on and from the day specified in the Order which may be a day that occurs before, on or after the day on which the Order is made.

(2) Every pension shall be payable fortnightly but shall accrue due from day to day.

Appropriation

6. Every pension shall be paid out of the General Revenue of the State which is, without any authority other than this Act, hereby and to the necessary extent appropriated accordingly.

5.

APPENDIX

Legislative History

Section 2:

definition of "former Governor" amended by 64, 1981, s. 2(a)
definition of "furlough" inserted by 64, 1981, s. 2(b)