

South Australia

**GOVERNORS' PENSIONS ACT 1976**

---

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.

---

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 5 November 2001.*

*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.*

**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]  
**Statutes Amendment (Governor's Remuneration) Act 2001 No. 51 of 2001 [Assented to 11 October 2001]<sup>1</sup>**

<sup>1</sup> **Part 3 (ss. 6-8) came into operation 5 November 2001: *Gaz.* 25 October 2001, p. 4687.**

N.B. The amendments effected to this Act by the *Statutes Amendment (Indexation of Superannuation Pensions) Act 2001* had not come into operation at the date of, and have not been included in, this reprint.

*NOTE:*

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last reprint.*
- *For the legislative history of the Act see Appendix.*

---

**SUMMARY OF PROVISIONS**

1. Short title
2. Interpretation
3. Order for payment of pensions
4. Amount of pension
5. Time from which pension is payable, etc.
6. Appropriation

**APPENDIX  
LEGISLATIVE HISTORY**

**The Parliament of South Australia enacts 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 authorised 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;

**"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 payment of pensions**

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

- (a) a former Governor; or
- (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.

(2) The Treasurer may also pay to a former Governor or the estate of a deceased Governor an amount sufficient to defray any liability to tax (including interest on tax) under the law of the Commonwealth arising because of superannuation entitlements under this Act.

**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 30 per cent of the salary of that former Governor; or
- (b) in the case of the spouse of a deceased former Governor, exceed 75 per cent 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 22.5 per cent 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.

**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. Any payment to be made under this Act is to be made from the Consolidated Account (which is appropriated to the necessary extent).

## APPENDIX

### LEGISLATIVE HISTORY

*(entries in bold type indicate amendments incorporated since the last reprint)*

Section 2:	definition of "former Governor" amended by 64, 1981, s. 2(a) definition of "furlough" inserted by 64, 1981, s. 2(b)
<b>Section 3:</b>	<b>redesignated as s. 3(1) by 51, 2001, s. 6</b>
<b>Section 3(2):</b>	<b>inserted by 51, 2001, s. 6</b>
<b>Section 4(1):</b>	<b>amended by 51, 2001, s. 7</b>
<b>Section 6:</b>	<b>substituted by 51, 2001, s. 8</b>