

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 or domestic partners of certain deceased Governors and former Governors and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

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

2—Interpretation

In this Act, unless the contrary intention appears—

deceased Governor means a Governor who died while in office as Governor;

domestic partner—

- (a) in relation to a deceased Governor, means—
 - (i) a person declared under the *Family Relationships Act 1975* to have been the domestic partner of the Governor as at the date of the Governor's death; or
 - (ii) a person who was in a registered relationship with the Governor as at the date of the Governor's death;
- (b) in relation to a deceased former Governor, means—
 - (i) a person declared under the *Family Relationships Act 1975* to have been the domestic partner of the former Governor as at the date of the former Governor's death; or

- (ii) a person who was in a registered relationship with the former Governor as at the date of the former Governor's death;

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;

registered relationship means a relationship that is registered under the *Relationships Register Act 2016*, and includes a corresponding law registered relationship under that Act;

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*—

- (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, as at the date of the Governor's death, legally married to the Governor;
- (b) in relation to a deceased former Governor—means a person who was, as at the date of the former Governor's death, legally married to the former Governor.

3—Order for payment of pensions

- (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 or domestic partner of a deceased former Governor; or
 - (c) the spouse or domestic partner 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.

4—Amount of pension

- (1) Except as is provided in section 5A, 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 or domestic partner 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 or domestic partner of a deceased Governor, exceed 22.5 per cent of the salary of that deceased Governor.
- (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 or domestic partner 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.

5—Time from which pension is payable etc

- (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.

5A—Adjustment of pensions

- (1) The Treasurer must adjust the amount of the pensions under this Act from the first payment of pension in each adjustment period to reflect—
 - (a) in the case of an April adjustment period—the percentage variation (rounded to two decimal places) between the Consumer Price Index for the immediately preceding December quarter and the Consumer Price Index for the immediately preceding June quarter; and
 - (b) in the case of an October adjustment period—the percentage variation (rounded to two decimal places) between the Consumer Price Index for the immediately preceding June quarter and the Consumer Price Index for the immediately preceding December quarter.
- (2) If on the first day of the relevant adjustment period, the pension has been payable for a period of less than six months, the extent of the adjustment will be reduced to reflect the proportion which the period of payment of the pension bears to six months.
- (3) To avoid a reduction in pensions the Treasurer may direct that subsection (1) does not apply in relation to a particular adjustment period.
- (4) In that event an adjustment in the next adjustment period in relation to which subsection (1) applies will be based on the variation between the Consumer Price Index for the June or December quarter (whichever is applicable) immediately preceding that period and the Consumer Price Index for the June or December quarter (whichever is applicable) immediately preceding the adjustment period in relation to which subsection (1) last applied.

(5) In this section—

adjustment period means the period of six months commencing at the commencement of 1 April and 1 October in each year;

April adjustment period means an adjustment period commencing at the commencement of 1 April in any year;

the Consumer Price Index means the Consumer Price Index (All groups index for Adelaide);

October adjustment period means an adjustment period commencing at the commencement of 1 October in any year.

6—Appropriation

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

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1976	29	<i>Governors' Pensions Act 1976</i>	1.7.1976	1.7.1976
1981	64	<i>Governors' Pensions Act Amendment Act 1981</i>	8.10.1981	8.10.1981
2001	40	<i>Statutes Amendment (Indexation of Superannuation Pensions) Act 2001</i>	3.8.2001	Pt 2 (ss 4 & 5)—1.1.2002: s 2
2001	51	<i>Statutes Amendment (Governor's Remuneration) Act 2001</i>	11.10.2001	Pt 3 (ss 6—8)—5.11.2001 (<i>Gazette 25.10.2001 p4687</i>)
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 41 (ss 116—120)—1.6.2007 (<i>Gazette 26.4.2007 p1352</i>)
2017	13	<i>Statutes Amendment (Registered Relationships) Act 2017</i>	26.4.2017	Pt 5 (s 9)—1.8.2017 (<i>Gazette 1.8.2017 p3039</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 43/2006 s 116	1.6.2007
s 2		
domestic partner	inserted by 43/2006 s 117(1) substituted by 13/2017 s 9(1)	1.6.2007 1.8.2017
former Governor	amended by 64/1981 s 2(a)	8.10.1981
furlough	inserted by 64/1981 s 2(b)	8.10.1981
registered relationship	inserted by 13/2017 s 9(2)	1.8.2017
spouse	substituted by 43/2006 s 117(2)	1.6.2007
s 3		
s 3(1)	s 3 redesignated as s 3(1) by 51/2001 s 6 amended by 43/2006 s 118	5.11.2001 1.6.2007

s 3(2)	inserted by 51/2001 s 6	5.11.2001
s 4		
s 4(1)	amended by 51/2001 s 7	5.11.2001
	amended by 40/2001 s 4(a)	1.1.2002
	amended by 43/2006 s 119(1)	1.6.2007
s 4(2)	<i>deleted by 40/2001 s 4(b)</i>	<i>1.1.2002</i>
s 4(3)	amended by 43/2006 s 119(2)	1.6.2007
s 5A	inserted by 40/2001 s 5	1.1.2002
s 6	substituted by 51/2001 s 8	5.11.2001

Transitional etc provisions associated with Act or amendments

Statutes Amendment (Domestic Partners) Act 2006

120—Transitional provision

An amendment made by a provision of this Act to a provision of the *Governors' Pensions Act 1976* that provides for, or relates to, the payment of a pension to a person on the death of a Governor, or former Governor, applies only if the death occurs after the commencement of the amendment.

Historical versions

Reprint No 1—15.8.1991

Reprint No 2—5.11.2001

Reprint No 3—1.1.2002

1.6.2007