



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 29 of 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.

{ Reserved 4th March, 1976 }
 { Royal Assent proclaimed 1st July, 1976 }

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".

Definitions.

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 of not less than five years;

or

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

"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:

“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.

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— Order for the payment of pensions.

(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.

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

(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.

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.

Reserved for the signification of Her Majesty the Queen's pleasure thereon.

M. L. OLIPHANT, Governor