



ANNO VICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

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No. 1 of 1977

**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 to provide for matters incidental thereto**

[RESERVED : HER MAJESTY'S ASSENT PROCLAIMED 17TH FEBRUARY, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. **Short title.** This Act may be cited as the *Governors' Pensions Act 1977*.

2. **Pensions payable.** (1) There is payable on and from the commencement of this Act to a person, born in Australia, who was the holder of the office of Governor of the State and ceased to hold such office prior to the commencement of this Act an annual pension during the life-time of that person at the rate from time to time payable pursuant to section 3.

(2) There is payable to the person who at the commencement of this Act is the holder of the office of Governor of the State, upon his ceasing to hold such office, an annual pension during his life-time at the rate from time to time payable pursuant to section 3.

(3) There is payable to a person, who is an Australian citizen, who becomes Governor of the State after the commencement of this Act and who—

(a) holds that office for a period of not less than 5 years; or

(b) holds that office for a lesser period than 5 years where the Premier is satisfied that his ceasing to hold office after such lesser period arose from a mental or physical incapacity to perform the duties of that office,

upon his ceasing to hold such office, an annual pension during his life-time at the rate from time to time payable pursuant to section 3.

(4) Where a person referred to in subsection (1) dies, there is payable to his widow during her life-time or until she re-marries a pension at the rate from time to time payable pursuant to section 3.

(5) On the death of the person referred to in subsection (2) there is payable to his widow during her life-time or until she re-marries a pension at the rate from time to time payable pursuant to section 3.

(6) Where a person who becomes Governor of the State after the commencement of this Act dies whilst the holder of that office or dies whilst in receipt of a pension or eligible to receive a pension pursuant to subsection (3), there is payable to the widow or widower of that person during her or his life-time or until she or he re-marries a pension at the rate from time to time payable pursuant to section 3.

**3. Rate of pension.** (1) The provisions of this section are subject to the provisions of sections 4 and 5.

(2) The rate of the pension payable to a person referred to in section 2 (1) is a rate equal to 50 per centum of the rate of salary payable to him as Governor of the State at the time he ceased to hold that office, and the rate of the pension payable to his widow during her life-time or until she re-marries, pursuant to section 2 (4), is a rate equal to five-eighths of the rate of pension payable to him immediately prior to his death.

(3) The rate of the pension payable to the person referred to in section 2 (2) is a rate equal to 50 per centum of the rate of salary payable to him as Governor of the State at the time he ceases to hold that office, and the rate of the pension payable to his widow during her life-time or until she re-marries, pursuant to section 2 (5), is a rate equal to five-eighths of the rate of pension payable to him immediately prior to his death or, where he dies whilst the holder of that office, five-sixteenths of the rate of salary payable to him as Governor at the time of death.

(4) The rate of the pension payable to a person referred to in section 2 (3) is a rate equal to 50 per centum of the rate of salary payable to that person as Governor of the State at the time he or she ceases to hold that office, and the rate of the pension payable to the widow or widower of that person during her or his life-time or until she or he re-marries, pursuant to section 2 (6), is a rate equal to five-eighths of the rate of pension payable to that person immediately prior to that person's death or, where that person dies whilst the holder of that office, five-sixteenths of the rate of salary payable to that person as Governor at the time of death.

**4. Variation of amount of pension.** The pension payable to a person pursuant to this Act shall be adjusted from time to time in the manner provided by and otherwise in accordance with the provisions contained in the *Judges' Pensions Act 1957-1974* with respect to the adjustment of pensions payable under that Act.

**5. Reduction of amount where another pension payable.** (1) Subject to subsection (2), the amount of the pension that, but for this subsection, would be payable to a person under this Act in respect of any period shall be reduced by the amount of any pension or retiring allowance payable to that person, whether by virtue of a law or otherwise, in respect of that period out of moneys provided in whole or in part by the Crown in right of the Commonwealth or in right of Queensland or any other State of the Commonwealth; and where the amount of any such pension or retiring allowance so payable is equal to or exceeds the amount of the pension otherwise payable under this Act, a pension under this Act is not payable to the person in question.

(2) The amount of any pension or retiring allowance referred to in subsection (1) is referable only to the amount of any pension or retiring allowance payable in respect of any remunerative activity undertaken by the person referred to in subsection (1), (2) or (3) of section 2, as the case may be, before that person became Governor of the State, and does not include an amount payable by way of pension, benefit or allowance under—

- (a) the *Repatriation Act 1920*, as amended from time to time, of the Commonwealth;
- (b) the *Social Services Act 1947*, as amended from time to time, of the Commonwealth;
- (c) any other Act of the Commonwealth or of the State or of any other State of the Commonwealth determined by the Governor in Council by Order in Council to be an Act for the purposes of this subsection (he being hereby thereunto authorized).

**6. Appropriation.** Pensions under this Act—

(a) shall accrue due from day to day; and

(b) shall be payable monthly (or, subject to approval by the Treasurer, at shorter periodical intervals) out of the Consolidated Revenue Fund which is hereby appropriated accordingly.