

Queensland



GOVERNORS' PENSIONS ACT 1977

**Reprinted as in force at repeal (16 May 2003)
(includes commenced amendments up to 2002 Act No. 57)**

Reprint No. 1C

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 16 May 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



GOVERNORS' PENSIONS ACT 1977

TABLE OF PROVISIONS

Section		Page
1	Short title	3
2	Pensions payable	3
3	Rate of pension	4
4	Variation of amount of pension	5
4A	Minimum benefit payable	5
5	Reduction of amount where another pension payable.	5
5A	Election to take part of pension as a lump sum to meet surcharge liability	6
6	Appropriation	7
7	Minister is manager for Commonwealth Act	7

ENDNOTES

1	Index to endnotes	8
2	Date to which amendments incorporated.	8
3	Key	8
4	Table of reprints	9
5	Tables in earlier reprints.	9
6	List of legislation	9
7	List of annotations	10

GOVERNORS' PENSIONS ACT 1977

[as amended by all amendments that commenced on or before 16 May 2003]

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

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 lifetime 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 the person ceasing to hold such office, an annual pension during the person's lifetime 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 the person's ceasing to hold office after such lesser period arose from a mental or physical incapacity to perform the duties of that office;

upon the person ceasing to hold such office, an annual pension during the person's lifetime 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 the person's surviving spouse during the spouse's lifetime or until the spouse remarries 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 the person's surviving spouse during the spouse's lifetime or until the spouse remarries 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 surviving spouse of that person during her or his lifetime or until she or he remarries 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 to 5A.

(2) The rate of the pension payable to a person referred to in section 2(1) is a rate equal to 50% of the rate of salary payable to the person as Governor at the time the person ceased to hold that office, and the rate of the pension payable to the person's surviving spouse during the spouse's lifetime or until the spouse remarries, pursuant to section 2(4), is a rate equal to five-eighths of the rate of pension payable to the person immediately prior to the person's death.

(3) The rate of the pension payable to the person referred to in section 2(2) is a rate equal to 50% of the rate of salary payable to the person as Governor at the time the person ceases to hold that office, and the rate of the pension payable to the person's surviving spouse during the spouse's lifetime or until the spouse remarries, pursuant to section 2(5), is a rate equal to five-eighths of the rate of pension payable to the person immediately prior to the person's death or, where the person dies whilst the holder of that office, five-sixteenths of the rate of salary payable to the person 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 60% of the rate of salary payable to that person as Governor at the time he or she ceases to hold that office, and the rate of the pension payable to the surviving spouse of that person during her or his

lifetime or until she or he remarries, 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

(1) The pension payable to a person pursuant to this Act shall be adjusted as at 1 July in each year in accordance with the movement in the Consumer Price Index—All Groups, Brisbane, for the preceding 12 months ending on 30 June.

(2) The first such adjustment shall be made as at 1 July 1987, in lieu of any adjustment required by law before the enactment of subsection (1), and shall take effect on and from that date.

4A Minimum benefit payable

(1) Despite any other provision of this Act, a person who ceases to hold office under this Act is entitled to the minimum benefit (if any) decided by an actuary approved by the Minister.

(2) The minimum benefit must be paid to a superannuation or approved deposit fund nominated by the person.

(3) In this section—

“minimum benefit” means the amount of payment, pension or preserved benefit entitlement that is determined to avoid payment of the superannuation guarantee charge.

“superannuation guarantee charge” means the charge imposed by the *Superannuation Guarantee Charge Act 1992* (Cwlth).

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; 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 section 2(1), (2) or (3), as the case may be, before that person became Governor, and does not include an amount payable by way of pension, benefit or allowance under—

- (a) the *Veterans' Entitlements Act 1986* (Cwlth); or
- (b) the *Social Security Act 1991* (Cwlth); or
- (c) another Act of the Commonwealth, the State or another State prescribed by regulation to be an Act for this section.

5A Election to take part of pension as a lump sum to meet surcharge liability

(1) A former Governor, or the surviving spouse of a former Governor, to whom a pension is payable under this Act may elect to be paid a lump sum instead of a part of the pension.

(2) The maximum amount that may be paid as a lump sum under the election is the amount of the former Governor's surcharge liability.

(3) The election must be—

- (a) made in writing to the Minister; and
- (b) accompanied by a copy of the surcharge liability notice stating the amount of the former Governor's surcharge liability.

(4) The Minister must act on the election by reducing the pension by the amount of the lump sum.

(5) The reduction must happen in the way decided by the Minister on the advice of an actuary.

(6) In this section—

“former Governor” means a person who has ceased to hold the office of Governor of the State.

“surcharge liability” means the amount a person is liable to pay to the commissioner of taxation, under the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* (Cwlth), section 15.

“surcharge liability notice” means a notice given to a person by the commissioner of taxation, under the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* (Cwlth), section 15.

6 Appropriation

(1) 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 Fund which is hereby appropriated accordingly.

(2) The amount of a lump sum specified in an election under section 5A must be paid from the consolidated fund, which is appropriated for the purpose.

7 Minister is manager for Commonwealth Act

(1) This section applies for the definition “trustee” in section 38 of the Commonwealth Act in relation to the scheme as a constitutionally protected superannuation fund under the Commonwealth Act.

(2) The Minister is taken to manage the scheme.

(3) In this section—

“Commonwealth Act” means the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* (Cwlth).

“scheme” means the scheme established by this Act for providing pensions to Governors of the State and to their spouses.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	8
3	Key	8
4	Table of reprints	9
5	Tables in earlier reprints	9
6	List of legislation	9
7	List of annotations	10

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 16 May 2003.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to 1995 Act No. 27	18 August 1995	15 September 1995
1A	to 1999 Act No. 74	18 August 1995	11 February 2000 (Column discontinued) Notes
1B	to 2002 Act No. 57	6 December 2002	
1C	to 2002 Act No. 57	6 December 2002	

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1

6 List of legislation

Governors' Pensions Act 1977 No. 1

date of royal assent 17 January 1977

commenced 17 January 1977 (proc pubd gaz 17 February 1977 p 567)

rep 16 May 2003 (2003 No. 23 s 26)

amending legislation—

Governors' Pensions Act Amendment Act 1985 No. 48

date of royal assent 15 May 1985

commenced 15 May 1985 (proc pubd gaz 20 June 1985 p 1351)

Governors' Pensions Act Amendment Act 1988 No. 70

date of assent 28 October 1988

commenced on date of assent

Superannuation Legislation Amendment Act 1995 No. 27 pts 1–2

date of assent 14 June 1995

ss 1–2 commenced on date of assent

ss 3–4 commenced 1 July 1992 (see s 2(3))

remaining provisions commenced 18 August 1995 (see 1995 SL No. 229)

Superannuation Legislation Amendment Act 1999 No. 74 pts 1–2

date of assent 14 December 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 6 December 2002 (2002 SL No. 318)

Note—AIA s 15DA does not apply to pt 2 (see s 2(2))

Superannuation Legislation Amendment Act 2002 No. 57 pts 1–2

date of assent 1 November 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 6 December 2002 (2002 SL No. 319)

7 List of annotations**Rate of pension**

s 3 amd 1985 No. 48 s 3; 1999 No. 74 s 4

Variation of amount of pension

s 4 sub 1988 No. 70 s 3

Minimum benefit payable

s 4A ins 1995 No. 27 s 4

Reduction of amount where another pension payable

s 5 amd 1995 No. 27 s 5

Election to take part of pension as a lump sum to meet surcharge liability

s 5A ins 1999 No. 74 s 5

Appropriation

s 6 amd 1995 No. 27 s 6; 1999 No. 74 s 6

Minister is manager for Commonwealth Act

s 7 ins 2002 No. 57 s 4