TASMANIA

GOVERNOR OF TASMANIA AMENDMENT BILL 2003

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GOVERNOR OF TASMANIA AMENDMENT BILL 2003

(Brought in by the Premier, the Honourable James Alexander Bacon)

A BILL FOR

An Act to amend the Governor of Tasmania Act 1982

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the Governor of Tasmania Amendment Act 2003.

Commencement

2. This Act commences on a day to be proclaimed.

Principal Act

3. In this Act, the Governor of Tasmania Act 1982* is referred to as the Principal Act.

*No. 26 of 1982
Section 3 amended (Interpretation)

4. Section 3(1) of the Principal Act is amended as follows:
   
   (a) by inserting the following definition after the definition of “Administrator”:

   “Chief Justice” means the Chief Justice of the Supreme Court of Tasmania;

   (b) by inserting the following definition after the definition of “complying superannuation scheme”:

   “contributory scheme” means the superannuation arrangements established by Part 4 of the Retirement Benefits Regulations 1994;

Section 4 amended (Salary of Governor)

5. Section 4(1) of the Principal Act is amended by omitting “70%” and substituting “126%”.

Section 6 amended (Governor’s pension)

6. Section 6 of the Principal Act is amended as follows:

   (a) by omitting from subsection (1A) “of five-sevenths of the rate at which the salary of the Governor is payable for the time being or, if the office of Governor” and substituting “of one-half of the rate at which the salary of the Chief Justice is payable for the time being or, if the office of Chief Justice”;
(b) by omitting from subsection (2) “subsection (1)” and substituting “subsection (1A)”;  
(c) by omitting from subsection (2) “three-sevenths” and substituting “60%”;  
(d) by omitting from subsection (2) “salary” and substituting “pension”;  
(e) by omitting from subsection (2) “or, if the office of Governor is vacant, would be so payable if that office were not vacant” and substituting “under subsection (1A)”;
(f) by omitting from subsection (5) “subsection (1)” and substituting “subsection (1A)”.

Section 6C amended (Increases in annual pension)

7. Section 6C of the Principal Act is amended by omitting the definitions of “A” and “B” and substituting the following definitions:

“A” is the salary being paid to the current Chief Justice;

“B” is the salary paid to the current Chief Justice immediately before the increase.

Section 8 amended (Supplementary provisions relating to officers)

8. Section 8 of the Principal Act is amended as follows:

(a) by omitting from subsection (3) “and the Retirement Benefits Act 1993”;  
(b) by inserting the following subsections after subsection (3):
(4) An officer holding appointment under section 7 -

(a) is not eligible to become a member of the contributory scheme; and

(b) subject to subsections (6) and (7), is to be a member of the accumulation scheme.

(5) The Public Sector Superannuation Reform Act 1999 extends to an officer holding appointment under section 7 as if he or she were an employee for the purposes of that Act.

(6) The Official Secretary may elect, by notice in writing given to the Secretary, either before or after commencing the duties of that office, to become a member of a complying superannuation scheme other than the accumulation scheme.

(7) An officer, other than the Official Secretary, may elect, by notice in writing given to the Official Secretary, either before or after commencing the duties of his or her office, to become a member of a complying superannuation scheme other than the accumulation scheme.

(8) An officer holding appointment under section 7 is entitled to employer superannuation contributions at the rate specified in the Public Sector Superannuation Reform Act 1999.

(9) Subsections (4), (5), (6), (7) and (8) do not apply to a person who, immediately before holding appointment under section 7, was a member of the contributory scheme.
(10) Where an election is made under subsection (6), the Secretary is not required to pay superannuation contributions into a complying superannuation scheme if that scheme does not accept payments by electronic funds transfer.

(11) Where an election is made under subsection (7), the Official Secretary is not required to pay superannuation contributions into a complying superannuation scheme if that scheme does not accept payments by electronic funds transfer.

Section 9 amended (Appointment of other employees)

9. Section 9 of the Principal Act is amended by inserting after subsection (3) the following subsections:

(4) A person appointed and employed under subsection (1) –

(a) is not eligible to become a member of the contributory scheme; and

(b) subject to subsection (6), is to be a member of the accumulation scheme.

(5) The Public Sector Superannuation Reform Act 1999 extends to a person appointed and employed under subsection (1) as if he or she were an employee for the purposes of that Act.

(6) A person appointed and employed under subsection (1) may elect, by notice in writing given to the Official Secretary, either before or after commencing the duties of that office, to become a
member of a complying superannuation scheme other than the accumulation scheme.

(7) A person appointed and employed under subsection (1) is entitled to employer superannuation contributions at the rate specified in the Public Sector Superannuation Reform Act 1999.

(8) Subsections (4), (5), (6) and (7) do not apply to a person who, immediately before his or her appointment and employment under subsection (1), was a member of the contributory scheme.

(9) Where an election is made under subsection (6), the Official Secretary is not required to pay superannuation contributions into a complying superannuation scheme if that scheme does not accept payments by electronic funds transfer.