

TASMANIA

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**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.

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\*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.