



GOVERNOR OF TASMANIA ACT 1982

No. 26 of 1982

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AN ACT to make provision for the salary of the Governor of Tasmania and for the payment in specified circumstances to a person who has held office as Governor and to the widow of a former Governor of pensions and to provide for other matters pertaining to the office of Governor, including the appointment and employment of officers and employees for the purposes of assisting the Governor in the performance of his duties and of assisting in the management, administration, or maintenance of Government House.

[Reserved 1 September 1982]

[Royal Assent 27 October 1982]

[Royal Assent Proclaimed 16 December 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:—

1—This Act may be cited as the *Governor of Tasmania Act 1982*. Short title.

Commence-
ment

2—This Act shall be reserved for the signification of the Sovereign's pleasure thereon and shall commence on the day after the date on which a proclamation signifying the Sovereign's assent to the Act is notified in the *Gazette*.

Interpretation.

3—(1) In this Act, "Administrator" means an officer who is provisionally administering the Government of Tasmania.

(2) The definition of "Governor" in section 43 (1) of the *Acts Interpretation Act 1931* does not apply to or in relation to the interpretation of the provisions of this Act.

Salary of
Governor.

4—There shall be paid to the Governor a salary at the rate of 70 per cent of the rate at which the salary of the Chief Justice is payable for the time being or, if the office of Chief Justice is vacant, would be so payable if that office were not vacant.

Salary of
Administrator.

5—(1) There shall be paid to an Administrator a salary at the rate of one-half of the rate at which the salary of the Governor is payable for the time being or, if the office of Governor is vacant, would be so payable if that office were not vacant.

(2) A salary paid in accordance with subsection (1) to an Administrator does not prejudice the payment to him of any salary that may be payable in respect of any other office held by him.

(3) Where an Administrator is, during his period of administration, also the holder of another office under the Crown and a contributor to a pension, retirement benefits, or superannuation fund established under a law of Tasmania, his rate of salary shall, for the purposes of that law, be deemed to remain, during that period, that of the other office.

Governor's
pension.

6—(1) Where a person holding office as Governor resigns or retires from that office—

(a) after serving in that office for not less than 5 years; or

(b) after serving in that office for less than 5 years and the Governor or Administrator who immediately succeeds him declares, by order-in-council, that the retirement or resignation was due to ill health or physical or mental incapacity to perform the duties of the office of Governor,

that person shall, subject to this section, be entitled on his resignation or retirement to a pension at the rate 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 is vacant, would be so payable if that office were not vacant.

(2) On the death of a person who, at the time of his death, held the office of Governor or was entitled to a pension under subsection (1), his widow shall, subject to this section, be entitled until her death or re-marriage to a pension at the rate of three-sevenths of the rate at which the salary of the Governor is payable for the time being or, if the office of Governor is vacant, would be so payable if that office were not vacant.

(3) Subsection (2) does not apply to the widow of a former Governor unless she was married to him while he held the office of Governor.

(4) The pension payable under this section to a former Governor shall be reduced by an amount equal to the payment or total of the payments (if any) that that person is entitled to receive by way of pension, gratuity, or retirement allowance or benefit in respect of his service under the Crown (whether in right of the State of Tasmania or otherwise).

(5) A pension payable under this section to the widow of a person who, at the time of his death, held the office of Governor or was entitled to a pension under subsection (1) shall be reduced by an amount equal to the payment or total of the payments (if any) that that widow is entitled to receive by way of pension, gratuity, or retirement allowance or benefit in respect of the service of that person referred to in subsection (4).

(6) In subsections (4) and (5), the expression "pension, gratuity, or retirement allowance or benefit" does not include a payment or payments made to a person under—

(a) the *Repatriation Act* 1920 of the Commonwealth; or

- (b) a law enacted in a part of the British Commonwealth of Nations and declared by proclamation to be a law for the purposes of this paragraph.

Appointment of
Official
Secretary
and other
officers.

7—The Governor-in-Council may appoint and employ an Official Secretary, a Deputy Official Secretary, and such other officers as are considered necessary to assist the Governor in the performance of his duties.

Supplementary
provisions
relating to
officers.

8—(1) An officer holding appointment under section 7—

- (a) is entitled to such salary and allowances as are determined by an award made under Part V of the *Public Service Act 1973*; and

- (b) is bound by determinations and decisions of the Public Service Arbitrator under Part VI of that Act,

and Parts V and VI of that Act apply to and in relation to such an officer as if the Governor in Council were the controlling authority and the State authority as mentioned in those Parts.

(2) Except as provided in subsection (1), the *Public Service Act 1973* does not apply to an officer holding appointment under section 7.

(3) An officer holding appointment under section 7 shall be deemed to be an employee for the purposes of the *State Employees (Long-Service Leave) Act 1950* and the *Retirement Benefits Act 1982*.

Appointment
of other
employees.

9—(1) Subject to any directions given by the Governor, the Official Secretary may appoint and employ such persons (other than officers) as he considers necessary for the purposes of assisting the Governor or assisting in the management, administration, or maintenance of Government House.

(2) A person may be employed under subsection (1) on a permanent, temporary, or casual basis and either full-time or part-time as, subject to any directions referred to in that subsection, the Official Secretary thinks fit.

(3) Subject to any relevant award under the *Conciliation and Arbitration Act 1904* of the Commonwealth or the *Industrial Relations Act 1975*, a person appointed under subsection (1) is entitled to remuneration at such rates and to such other terms and conditions of service (including leave) as may be determined by the Official Secretary.

10—An amount payable under section 4, 5, or 6 is a charge on Appropriation. the Consolidated Revenue Fund and is payable out of that Fund without further appropriation than this section.

11—The *Governor's Salary Act 1951* and the *Governor's Salary Act 1976* are repealed. Repeals.

12—(1) Where, immediately before the commencement of this Act, a person was employed as an officer under section 6 of the *Governor's Salary Act 1951* or was an officer of the Public Service employed to assist the Governor in the performance of his duties as such, that person shall continue to be so employed and shall be deemed to have been appointed as an officer under section 7 of this Act. Savings and transitional provisions.

(2) A person referred to in subsection (1) who, immediately before the commencement of this Act, was an officer of the Public Service shall cease to be such an officer on that commencement.

(3) A person referred to in subsection (1) shall retain any rights accrued or accruing to him, before the commencement of this Act, as an officer employed under section 6 of the *Governor's Salary Act 1951* or as an officer of the Public Service, including any entitlement to annual leave, sick leave, and long service leave.

(4) A person referred to in subsection (1) shall, for any period of service in respect of which he has made contributions to the Superannuation Fund or the Retirement Benefits Fund, be deemed to have been an employee for the purposes of the *Superannuation Act 1938* or, as the case may be, the *Retirement Benefits Act 1970* or the *Retirement Benefits Act 1982*.

