



Governor-General Act 1974

Act No. 16 of 1974 as amended

This compilation was prepared on 18 July 2012
taking into account amendments up to Act No. 82 of 2012

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to make provision in relation to the Salary of the Governor-General, and the Payment of Allowances to persons, and to the spouses of persons, who have held the office of Governor-General, to establish the office of Official Secretary to the Governor-General, to provide for the employment of staff of the Governor-General, and for related purposes

1 Short title [see Note 1]

This Act may be cited as the *Governor-General Act 1974*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

2A Interpretation

- (1) References in sections 6, 7, 11, 12 and 18 to the Governor-General shall be construed as references to the Governor-General acting with the advice of the Executive Council.

- (2) In this Act:

Finance Department means the Department administered by the Minister administering the *Financial Management and Accountability Act 1997*.

Finance Secretary means the Secretary of the Finance Department.

marital or couple relationship has the meaning given by section 2B.

spouse has a meaning affected by section 2C.

2B Marital or couple relationship

- (1) In this section and section 2C:

deceased person means a person who was, at the time of his or her death, the Governor-General or a person who has at any time after the commencement of this Act held that office.

- (2) For the purposes of this Act, a person had a **marital or couple relationship** with a deceased person at a particular time if the person ordinarily lived with the deceased person as the deceased person's husband or wife or partner on a permanent and *bona fide* domestic basis at that time.

- (3) For the purpose of subsection (2), a person is to be regarded as ordinarily living with a deceased person as the deceased person's husband or wife or partner on a permanent and *bona fide* domestic basis at a particular time only if:

- (a) the person had been living with the deceased person as the deceased person's husband or wife or partner for a continuous period of at least 3 years up to that time; or
- (b) the person had been living with the deceased person as the deceased person's husband or wife or partner for a continuous period of less than 3 years up to that time and the Finance Secretary, having regard to any relevant evidence, is of the opinion that the person ordinarily lived with the deceased person as the deceased person's husband or wife or partner on a permanent and *bona fide* domestic basis at that time;

whether or not the person was legally married to the deceased person.

- (4) For the purpose of subsection (3), relevant evidence includes, but is not limited to, evidence establishing any of the following:

- (a) the person was wholly or substantially dependent on the deceased person at the time;
- (b) the persons were legally married to each other at the time;
- (ba) the persons' relationship was registered under a law of a State or Territory prescribed for the purposes of section 2E of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section;
- (c) the persons had a child who was:

- (i) born of the relationship between the persons; or
 - (ii) adopted by the persons during the period of the relationship; or
 - (iii) a child of both of the persons within the meaning of the *Family Law Act 1975*;
 - (d) the persons jointly owned a home which was their usual residence.
- (5) For the purposes of this section, a person is taken to be living with the deceased person if the Finance Secretary is satisfied that the person would have been living with the deceased person except for a period of:
 - (a) temporary absence; or
 - (b) absence because of special circumstances (for example, absence because of the person's illness or infirmity).
- (6) For the purposes of this section, a person is the **partner** of another person if the two persons have a relationship as a couple (whether the persons are the same sex or different sexes).

2C Spouse of a deceased person

For the purposes of this Act, a person is a spouse of a deceased person if:

- (a) the person had a marital or couple relationship with the deceased person at the time of the deceased person's death; or
- (b) the person:
 - (i) had previously had a marital or couple relationship with the deceased person; and
 - (ii) did not, at the time of the death, have a marital or couple relationship with the deceased person but was legally married to the deceased person; and
 - (iii) in the Finance Secretary's opinion, was wholly or substantially dependent on the deceased person at the time of the death.

3 Salary of Governor-General

The annual sum payable out of the Consolidated Revenue Fund for the salary of the Governor-General shall be \$394,000.

4 Allowances

- (1) Subject to subsection (4), where, after the commencement of this Act, a person ceases to hold office as Governor-General, an allowance is payable under this section to him or her during his or her life-time at such rate as is from time to time payable under paragraph (3)(a).
- (2) Subject to subsection (4) and section 4A, where, after the commencement of this Act, a person who is Governor-General dies, or a person who has at any time after the commencement of this Act held office as Governor-General dies, an allowance is payable under this section to a spouse of the person during the life-time of the spouse at such rate as is from time to time payable under paragraph (3)(b).
- (3) The rate of the allowance payable to a person under this section at any time is:
 - (a) in the case of a person who has held office as Governor-General—60% of the rate of the salary payable to the Chief Justice of the High Court of Australia at that time; or
 - (b) in the case of a person who is a spouse of a deceased person who held office as Governor-General—five-eighths of the rate applicable under paragraph (a) at that time to a person who has held office as Governor-General.
- (4) The amount of the allowance that, but for this subsection, would be payable to a person under this section in respect of any period is 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 money provided in whole or in part by the Commonwealth, a State or a Territory.

4A Allowance payable when there is more than one spouse

- (1) If a person who held office or had held office as the Governor-General (*deceased person*) dies leaving more than one spouse, the Finance Secretary must allocate any allowance payable to a spouse of the deceased person under this Act among the spouses.

- (2) Subject to subsection (3), an allowance is only payable to each spouse in accordance with the allocation.
- (3) In making the allocation, the Finance Secretary must:
 - (a) have regard to the respective needs of each of the spouses; and
 - (b) ensure that the aggregate of the rates of allowance applicable to the spouses will not exceed 100% of the rate of allowance that would have been applicable to the deceased person under paragraph 4(3)(a); and
 - (c) ensure that the rate of allowance applicable to each spouse will not exceed the rate specified in paragraph 4(3)(b).

4AA Benefit payable where Governor-General or surviving spouse dies on or after 1 July 2006

Scope

- (1) This section applies if:
 - (a) a person who is, or has previously been, the Governor-General dies on or after 1 July 2006 without leaving a spouse; or
 - (b) a person who is, or has previously been, the Governor-General has died leaving a spouse or spouses and:
 - (i) if there was only one spouse—that spouse dies on or after 1 July 2006; or
 - (ii) if there was more than one spouse—both or all of the spouses have died and the death of the last surviving spouse occurs on or after 1 July 2006;
 and, on the last day on which the person held office as Governor-General, the person was not a qualified employee (within the meaning of the *Superannuation (Productivity Benefit) Act 1988*).

Benefit

- (2) Subject to subsection (3), there is payable to the personal representative of the person an amount of benefit equal to the sum of the following amounts:
 - (a) the total of the minimum amounts that the Commonwealth would have had to contribute to a complying superannuation

fund or scheme for the benefit of the person in order to avoid having any individual superannuation guarantee shortfalls in respect of the person if it were assumed that:

- (i) the person was an employee of the Commonwealth (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*) in his or her capacity as the Governor-General and had never been an employee of the Commonwealth (within the meaning of that Act) in any other capacity; and
 - (ii) section 4 of this Act had not been enacted; and
 - (iii) those contributions were made on a monthly basis;
- (b) the interest that would have accrued on the contributions covered by paragraph (a) if it were assumed that interest on those contributions had accrued in accordance with the method set out in a determination made by the Minister under subsection (6).

Personal representatives

- (3) The amount of benefit payable to the personal representative of the person under subsection (2) is to be reduced by the sum of the amounts of the allowances (if any) that were paid to the person or any spouse of the person under section 4.
- (4) If an amount of benefit is payable under subsection (2) to the personal representative of the person and no personal representative can be found, the amount is to be paid to any individual or individuals that the Minister determines.

Appropriation

- (5) A benefit under subsection (2) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Interest method determination

- (6) The Minister must, by writing, determine a method for the purposes of paragraph (2)(b).
- (7) A method determined under subsection (6) may provide for different interest rates for different periods.

- (8) A method determined under subsection (6) may be expressed to relate to a period that began before the determination was made.
- (9) A determination under subsection (6) may be varied, but not revoked, in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.
- (10) Subsection (9) does not limit the application of subsection 33(3) of the *Acts Interpretation Act 1901* to other instruments under this Act.
- (11) A determination under subsection (6) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (12) Despite anything in section 44 of the *Legislative Instruments Act 2003*, section 42 of that Act applies to a determination under subsection (6) of this section.

Definitions

- (13) In this section:

complying superannuation fund or scheme has the same meaning as in the *Superannuation Guarantee (Administration) Act 1992*.

individual superannuation guarantee shortfall has the same meaning as in the *Superannuation Guarantee (Administration) Act 1992*.

4B Application for review

Applications may be made to the Administrative Appeals Tribunal for the review of a decision of the Finance Secretary made under:

- (a) paragraph 2B(3)(b); or
- (b) subsection 2B(5); or
- (c) subparagraph 2C(b)(iii); or
- (d) subsection 4A(1).

4C Recoverable payments

- (1) If, apart from this subsection, the Commonwealth does not have power under this Act to pay an amount (the ***relevant amount***) to a person (the ***recipient***) purportedly as a benefit, then the Commonwealth may pay the relevant amount to the recipient.

Recovery

- (2) If a payment is made under subsection (1) to the recipient, the relevant amount:
- (a) is a debt due to the Commonwealth by the recipient; and
 - (b) may be recovered by the designated Secretary, on behalf of the Commonwealth, in a court of competent jurisdiction.

Note: See also section 47 of the *Financial Management and Accountability Act 1997* (duty to pursue recovery of a debt).

- (3) If:
- (a) a payment is made under subsection (1) to the recipient; and
 - (b) the recipient is receiving, or is entitled to receive, a benefit;
- then:
- (c) the relevant amount; or
 - (d) such part of the relevant amount as the designated Secretary determines;
- may, if the designated Secretary so directs, be recovered by deduction from that benefit.

Note: See also section 47 of the *Financial Management and Accountability Act 1997* (duty to pursue recovery of a debt).

Appropriation

- (4) For the purposes of subsection 4AA(5), if a payment under subsection (1) of this section relates to a benefit under subsection 4AA(2), the payment is taken to be a benefit under subsection 4AA(2).
- (5) For the purposes of section 5, if a payment under subsection (1) of this section relates to an allowance under section 4, the payment is taken to be an allowance under section 4.

Benefit

- (6) For the purposes of this section, ***benefit*** means:
- (a) an allowance under section 4; or
 - (b) a benefit under subsection 4AA(2).

Designated Secretary

- (7) For the purposes of this section, ***designated Secretary*** means the Secretary of the Department administered by the Minister who administers sections 4 and 4AA.

4D Recoverable death payments

- (1) If, apart from this subsection, the Commonwealth does not have power under this Act to pay an amount (the ***relevant amount***) in any of the following circumstances:
- (a) the relevant amount is deposited to an account kept in the name of a deceased person;
 - (b) the relevant amount is deposited to an account kept in the names of a deceased person and another person;
 - (c) the relevant amount is paid by way of a cheque made out to a deceased person;
- the Commonwealth may pay the relevant amount in the circumstances mentioned in paragraph (a), (b) or (c), so long as:
- (d) on the last day on which changes could reasonably be made to the payment of the relevant amount, the designated Secretary did not know that the deceased person had died; and
 - (e) apart from this subsection, the relevant amount would have been payable as a benefit to the deceased person if the deceased person had not died.
- (2) If a payment is made under subsection (1), the relevant amount is taken to have been paid to the deceased person's estate.

Recovery

- (3) If a payment is made under subsection (1), the relevant amount:
- (a) is a debt due to the Commonwealth by the legal personal representative of the deceased person; and
 - (b) may be recovered by the designated Secretary, on behalf of the Commonwealth, in a court of competent jurisdiction.

Note: See also section 47 of the *Financial Management and Accountability Act 1997* (duty to pursue recovery of a debt).

Appropriation

- (4) For the purposes of subsection 4AA(5), if a payment under subsection (1) of this section relates to a benefit under subsection 4AA(2), the payment under subsection (1) of this section is taken to be a benefit under subsection 4AA(2).
- (5) For the purposes of section 5, if a payment under subsection (1) of this section relates to an allowance under section 4, the payment is taken to be an allowance under section 4.

Benefit

- (6) For the purposes of this section, **benefit** means:
 - (a) an allowance under section 4; or
 - (b) a benefit under subsection 4AA(2).

Designated Secretary

- (7) For the purposes of this section, **designated Secretary** means the Secretary of the Department administered by the Minister who administers sections 4 and 4AA.

4E Reports about recoverable payments and recoverable death payments

- (1) During the applicable publication period for a reporting period, the designated Secretary must cause to be published, in such manner as the designated Secretary thinks fit, a report that sets out:
 - (a) both:
 - (i) the number of payments made under subsection 4C(1) during the reporting period; and
 - (ii) the total amount of those payments; and
 - (b) both:
 - (i) the number of payments made under subsection 4D(1) during the reporting period; and
 - (ii) the total amount of those payments.
- (2) However, a report is not required if:
 - (a) the number mentioned in subparagraph (1)(a)(i) is zero; and
 - (b) the number mentioned in subparagraph (1)(b)(i) is zero.

Deferred reporting

- (3) Paragraph (1)(a) of this section does not require a report to deal with a payment unless, before the preparation of the report, a designated Department official was aware the payment was made under subsection 4C(1).
- (4) Paragraph (1)(b) of this section does not require a report to deal with a payment unless, before the preparation of the report, a designated Department official was aware the payment was made under subsection 4D(1).
- (5) For the purposes of this section, if:
 - (a) a payment was made under subsection 4C(1) or 4D(1) in a reporting period; and
 - (b) either:
 - (i) because of subsection (3) of this section, paragraph (1)(a) of this section did not require a report to deal with the payment; or
 - (ii) because of subsection (4) of this section, paragraph (1)(b) of this section did not require a report to deal with the payment; and
 - (c) during a later reporting period, a designated Department official becomes aware that the payment was made under subsection 4C(1) or 4D(1), as the case may be;the payment is subject to a ***deferred reporting obligation*** in relation to the later reporting period.
- (6) If one or more payments made under subsection 4C(1) during a reporting period are subject to a deferred reporting obligation in relation to a later reporting period, the designated Secretary must, during the applicable publication period for the later reporting period:
 - (a) prepare a report that sets out:
 - (i) the number of those payments; and
 - (ii) the total amount of those payments; and
 - (iii) the reporting period during which the payments were made; and
 - (b) if a report is required under subsection (1) in relation to the later reporting period—include the paragraph (a) report in the subsection (1) report; and

- (c) if paragraph (b) does not apply—publish, in such manner as the designated Secretary thinks fit, the paragraph (a) report.
- (7) If one or more payments made under subsection 4D(1) during a reporting period are subject to a deferred reporting obligation in relation to a later reporting period, the designated Secretary must, during the applicable publication period for the later reporting period:
 - (a) prepare a report that sets out:
 - (i) the number of those payments; and
 - (ii) the total amount of those payments; and
 - (iii) the reporting period during which the payments were made; and
 - (b) if a report is required under subsection (1) in relation to the later reporting period—include the paragraph (a) report in the subsection (1) report; and
 - (c) if paragraph (b) does not apply—publish, in such manner as the designated Secretary thinks fit, the paragraph (a) report.

Reporting period

- (8) For the purposes of this section, a **reporting period** is:
 - (a) a financial year; or
 - (b) if a shorter recurring period is specified in a legislative instrument made by the designated Minister—that period.

Applicable publication period

- (9) For the purposes of this section, the **applicable publication period** for a reporting period is the period of:
 - (a) 4 months; or
 - (b) if a lesser number of months is specified, in relation to the reporting period, in a legislative instrument made by the designated Minister—that number of months;beginning immediately after the end of the reporting period.

Designated Department

- (10) For the purposes of this section, **designated Department** means the Department administered by the designated Minister.

Designated Department official

- (11) For the purposes of this section, ***designated Department official*** means an official (within the meaning of the *Financial Management and Accountability Act 1997*) who is in the designated Department or is part of the designated Department.

Designated Minister

- (12) For the purposes of this section, ***designated Minister*** means the Minister who administers sections 4 and 4AA.

Designated Secretary

- (13) For the purposes of this section, ***designated Secretary*** means the Secretary of the designated Department.

5 Appropriation

An allowance under section 4 is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

6 Official Secretary

- (1) There shall be an Official Secretary, who shall be appointed by the Governor-General.
- (2) The Official Secretary, together with the staff employed under section 13, constitute the Office of Official Secretary to the Governor-General.
- (3) The function of the Office is to assist the Governor-General.

7 Terms and conditions of appointment

The Official Secretary holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

8 Remuneration of Official Secretary

- (1) The Official Secretary shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Remuneration Tribunal is in operation,

the Official Secretary shall be paid such remuneration as is prescribed.

- (2) The Official Secretary shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

10 Resignation

The Official Secretary may resign from the office of Official Secretary by writing delivered to the Governor-General.

11 Termination of appointment

The Governor-General may at any time terminate the appointment of a person as Official Secretary.

12 Acting Official Secretary

The Governor-General may appoint a person to act as Official Secretary:

- (a) during a vacancy in the office of Official Secretary, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Official Secretary is absent from duty or from Australia, or is, for any other reason, unable to perform the functions of the office of Official Secretary.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

13 Official Secretary may employ staff

The Official Secretary may, on behalf of the Commonwealth, employ, under an agreement in writing, a person as a member of the Governor-General's staff.

14 Remuneration and other conditions of employees

The remuneration and other conditions of employment of a person employed under section 13 are as determined by the Official Secretary.

15 Termination of employment

- (1) The Official Secretary may at any time, by notice in writing given to a person employed under section 13, terminate the person's employment.
- (2) A person employed by the Official Secretary under section 13 may at any time, by notice in writing given to the Official Secretary, terminate the person's employment.

16 Delegation by the Finance Secretary

- (1) The Finance Secretary may delegate, in writing, all or any of the Finance Secretary's powers under this Act to an SES employee or acting SES employee in the Finance Department.
- (2) In exercising powers under a delegation, the delegate must comply with any written directions of the Finance Secretary.

19 Annual Report

- (1) The Official Secretary shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report on the performance of the functions and duties of the Official Secretary during that year.
- (2) The Minister shall cause a copy of a report furnished to him or her under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.

20 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or

- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Acts**Notes to the *Governor-General Act 1974*****Note 1**

The *Governor-General Act 1974* as shown in this compilation comprises Act No. 16, 1974 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 28 June 2001 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Governor-General Act 1974</i>	16, 1974	11 Apr 1974	11 Apr 1974	
<i>Governor-General Amendment Act 1977</i>	118, 1977	10 Nov 1977	10 Nov 1977	S. 2
<i>Governor-General Amendment Act 1982</i>	44, 1982	9 June 1982	9 June 1982	S. 2
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1983</i>	39, 1983	20 June 1983	S. 3: 9 June 1982 (a)	S. 7(1)
<i>Public Service Reform Act 1984</i>	63, 1984	25 June 1984	S. 138: Royal Assent (b) Ss. 139–141: 24 Dec 1984 (<i>see Gazette</i> 1984, No. S539) (b)	—
as amended by				
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1984</i>	165, 1984	25 Oct 1984	S. 3: (c)	S. 6
<i>Governor-General Amendment Act 1988</i>	83, 1988	19 Oct 1988	19 Oct 1988	S. 2
<i>Prime Minister and Cabinet Legislation Amendment Act 1991</i>	199, 1991	18 Dec 1991	18 Dec 1991	S. 3(2)
<i>Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 1992</i>	94, 1992	30 June 1992	S. 3: 1 July 1990 Remainder: Royal Assent	—
<i>Commonwealth Superannuation Schemes Amendment Act 1992</i>	185, 1992	17 Dec 1992	25 June 1993	S. 5

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Governor-General Amendment Act 1995</i>	122, 1995	2 Nov 1995	2 Nov 1995	Sch. (item 2)
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (item 79) and Schedule 5 (items 65–67): Royal Assent (d)	—
<i>Superannuation Legislation Amendment (Superannuation Contributions Tax) Act 1997</i>	187, 1997	7 Dec 1997	Schedule 4: Royal Assent (e)	—
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 496–499): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (f)	—
<i>Governor-General Legislation Amendment Act 2001</i>	57, 2001	28 June 2001	28 June 2001	Sch. 1 (items 2, 14) [see Table A]
<i>Governor-General Amendment Act 2003</i>	68, 2003	3 July 2003	3 July 2003	—
<i>Superannuation (Consequential Amendments) Act 2005</i>	81, 2005	29 June 2005	Schedule 5: 1 July 2005	—
<i>Governor-General Amendment (Salary and Superannuation) Act 2008</i>	62, 2008	30 June 2008	30 June 2008	Sch. 1 (items 2, 17) [see Table A]
<i>Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008</i>	134, 2008	4 Dec 2008	S. 4: Royal Assent Schedule 5: 1 Jan 2009 (see F2008L04609)	S. 4 and Sch. 5 (item 9) [see Table A]
<i>Acts Interpretation Amendment Act 2011</i>	46, 2011	27 June 2011	Schedule 2 (items 655–660) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11) [see Table A]
<i>Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 2011</i>	58, 2011	28 June 2011	Schedule 1 (items 94–101): (g)	—
<i>Financial Framework Legislation Amendment Act (No. 2) 2012</i>	82, 2012	28 June 2012	Schedule 1 (item 66): 29 June 2012	—

Act Notes

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- (a) The *Governor-General Act 1974* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(10) of which provides as follows:
- (10) The amendment of the *Governor-General Act 1974* made by this Act shall be deemed to have come into operation on 9 June 1982.
- (b) The *Governor-General Act 1974* was amended by sections 138–141 only of the *Public Service Reform Act 1984*, subsections 2(1) and (4) of which provides as follows:
- (1) Sections 1, 2, 3, 4 and 7, subsections 29(1) and (3), sections 107 and 108, Parts III and IV and sections 125, 138, 142, 144 and 149 shall come into operation on the day on which this Act receives the Royal Assent.
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (c) The *Public Service Reform Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsections 2(1) and (21) of which provide as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (21) The amendments of the *Public Service Reform Act 1984* made by this Act shall:
- (a) in the case of the amendments of paragraph 5(5)(a), subsections 5(8), 11(1) and 12(1) and (4), paragraph 18(b), sections 19 and 21, paragraph 67(j), subsection 130(3), section 141 and subsections 151(5) and 152(2), (3), (4) and (5) of the first-mentioned Act—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of, or on the respective days of commencement of, those provisions of that Act; and
- (b) in the case of the amendments of Items 1 and 3 of Schedule 4 to the first-mentioned Act—be deemed to have come into operation on 1 July 1984.
- (d) The *Governor-General Act 1974* was amended by Schedule 4 (item 79) and Schedule 5 (items 65–67) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (e) The *Governor-General Act 1974* was amended by Schedule 4 only of the *Superannuation Legislation Amendment (Superannuation Contributions Tax) Act 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.
- (f) The *Governor-General Act 1974* was amended by Schedule 1 (items 496–499) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
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Act Notes

(g) Subsection 2(1) (item 2) of the *Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 2011* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
2. Schedules 1 and 2	Immediately after the commencement of section 2 of the <i>Governance of Australian Government Superannuation Schemes Act 2011</i> .	1 July 2011

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 63, 1984; No. 185, 1992
S. 2A	ad. No. 63, 1984 am. No. 185, 1992; No. 187, 1997; No. 57, 2001; Nos. 62 and 134, 2008; No. 58, 2011
Heading to s. 2B	rs. No. 134, 2008
S. 2B	ad. No. 185, 1992 am. No. 134, 2008; Nos. 46 and 58, 2011
S. 2C	ad. No. 185, 1992 am. No. 134, 2008; No. 58, 2011
S. 3	rs. No. 118, 1977; No. 44, 1982 am. No. 39, 1983 rs. No. 83, 1988 am. No. 122, 1995; No. 57, 2001; No. 68, 2003; No. 62, 2008
S. 4	am. No. 199, 1991; No. 185, 1992; No. 43, 1996; No. 187, 1997; No. 57, 2001; No. 62, 2008
S. 4A	ad. No. 185, 1992 am. No. 187, 1997; No. 62, 2008; No. 58, 2011
S. 4AA	ad. No. 81, 2005
S. 4B	ad. No. 185, 1992 am. No. 58, 2011
S. 4C	ad. No. 82, 2012
S. 4D	ad. No. 82, 2012
S. 4E	ad. No. 82, 2012
S. 5A	ad. No. 187, 1997 rep. No. 62, 2008
S. 6	ad. No. 63, 1984 am. No. 146, 1999
S. 7	ad. No. 63, 1984
S. 8	ad. No. 63, 1984 am. No. 43, 1996
S. 9	ad. No. 63, 1984 rep. No. 94, 1992
Ss. 10, 11	ad. No. 63, 1984
S. 12	ad. No. 63, 1984 am. No. 46, 2011
Note to s. 12	ad. No. 46, 2011
S. 13	ad. No. 63, 1984
S. 14	ad. No. 63, 1984 am. No. 199, 1991 rs. No. 146, 1999
S. 15	ad. No. 63, 1984

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 16	ad. No. 63, 1984 rep. No. 146, 1999 ad. No. 58, 2011
S. 17	ad. No. 63, 1984 rep. No. 146, 1999
S. 18	ad. No. 63, 1984 (as rep. by No. 165, 1984)
S. 19	ad. No. 63, 1984 am. No. 43, 1996
S. 20	ad. No. 63, 1984

Table A**Table A****Application, saving or transitional provisions**

Governor-General Legislation Amendment Act 2001 (No. 57, 2001)

Schedule 1**2 Transitional provision**

The amendment made by this Part does not have effect during the continuance in office of the person holding office as Governor-General immediately before the commencement of this Act.

14 Application provision

The repeals and amendments made by this Schedule do not apply to a person who held office as Governor-General before 20 August 1996.

Governor-General Amendment (Salary and Superannuation) Act 2008
(No. 62, 2008)

Schedule 1**2 Transitional**

The amendment made by this Part does not have effect during the continuance in office of the person holding office as Governor-General immediately before the commencement of this Part.

17 Application

The repeals and amendments made by this Part do not apply in relation to a person who held office as Governor-General at any time after 29 June 2001 and before the commencement of this Part.

Table A

*Same-Sex Relationships (Equal Treatment in Commonwealth Laws—
Superannuation) Act 2008* (No. 134, 2008)

4 Entitlements from 1 July 2008

(1) If:

- (a) a person would have been entitled to one or more payments (the ***lost payments***) under an Act that is amended by Schedule 1, 2, 3 or 5 to this Act if the relevant Schedule had commenced on 1 July 2008; and
- (b) because the Schedule did not commence until after 1 July 2008, the person is not entitled to the payment or payments; and
- (c) the person makes an application to the Finance Minister for one or more payments (the ***replacement payments***) to compensate the person for the lost payments;

the Finance Minister must make a determination, in accordance with subsection (4), to fully compensate the person.

(2) If:

- (a) a person would have been entitled to one or more payments (the ***lost payments***) under the *Military Superannuation and Benefits Act 1991* if the first amendment of the Trust Deed under that Act that is made after the commencement of this section had commenced on 1 July 2008; and
- (b) because that amendment did not commence until after 1 July 2008, the person is not entitled to the payment or payments; and
- (c) the person makes an application to the Finance Minister for one or more payments (the ***replacement payments***) to compensate the person for the lost payments;

the Finance Minister must make a determination, in accordance with subsection (4), to fully compensate the person.

(3) If:

- (a) a person would have been entitled to one or more payments (the ***lost payments***) under the *Superannuation Act 1990* if the first amendment of the Trust Deed under that Act that is made after the commencement of this section had commenced on 1 July 2008; and

Table A

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- (b) because that amendment did not commence until after 1 July 2008, the person is not entitled to the payment or payments; and
 - (c) the person makes an application to the Finance Minister for one or more payments (the ***replacement payments***) to compensate the person for the lost payments;

the Finance Minister must make a determination, in accordance with subsection (4), to fully compensate the person.
 - (4) A determination by the Finance Minister under this subsection must:
 - (a) be in writing; and
 - (b) set out:
 - (i) the amount and timing of the replacement payments; or
 - (ii) the method of determining the amount and timing of the replacement payments.
 - (5) An application must be in writing in the form approved by the Finance Minister.
 - (6) To avoid doubt, a determination of the Finance Minister that a person is entitled to one or more replacement payments does not affect the entitlements of any other person under an Act amended by Schedule 1, 2, 3 or 5 to this Act, the *Military Superannuation and Benefits Act 1991* or the *Superannuation Act 1990*.
 - (7) Replacement payments are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.
 - (8) A determination made under this section is not a legislative instrument.
 - (9) In this section:

Finance Minister means the Minister who administers the *Financial Management and Accountability Act 1997*.
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Table A

Schedule 5

9 Application of amendments of the *Governor-General Act 1974*

The amendments of the *Governor-General Act 1974* made by this Schedule apply in relation to a person who is appointed as Governor-General on or after the commencement of this Schedule.

Acts Interpretation Amendment Act 2011 (No. 46, 2011)

Schedule 3

10 Saving—appointments

The amendments made by Schedule 2 do not affect the validity of an appointment that was made under an Act before the commencement of this item and that was in force immediately before that commencement.

11 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.