

**ACTS AMENDMENT  
(PARLIAMENTARY, ELECTORATE  
AND GUBERNATORIAL STAFF)  
ACT 1992**

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**No. 40 of 1992**

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**AN ACT to amend —**

**the *Constitution Acts Amendment Act 1899*;  
the *Government Employees Superannuation Act 1987*;  
the *Industrial Relations Act 1979*;  
the *Temporary Reduction of Remuneration (Senior  
Public Officers) Act 1983*; and  
the *Workers' Compensation and Rehabilitation Act  
1981*,  
and for related matters.**

[Assented to 2 October 1992.]

The Parliament of Western Australia enacts as follows:

**PART 1 — PRELIMINARY**

**Short title**

1. This Act may be cited as the *Acts Amendment (Parliamentary, Electorate and Gubernatorial Staff) Act 1992*.

**Commencement**

2. This Act shall come into operation on the day on which section 7 (1) of the *Industrial Relations Amendment Act (No. 4) 1987* comes into operation.

**PART 2 — CONSTITUTION ACTS AMENDMENT ACT 1899**

**Schedule V amended**

3. Schedule V to the *Constitution Acts Amendment Act 1899*\* is amended —

- (a) in *Division 2* of Part 2 by deleting “Any person who is an officer of either House of Parliament under the separate control of the President or Speaker, or under their joint control.” and substituting the following —

“ Any person who is a member of a department of the staff of Parliament referred to in, or an electorate officer within the meaning of, the *Parliamentary and Electorate Staff (Employment) Act 1992*. ”;

and

- (b) in Part 3 by deleting “1989” in the item relating to the State Supply Commission and substituting the following —

“ 1991 ”.

[\* *Reprinted as at 16 March 1989.*

*For subsequent amendments, see 1991 Index to Legislation of Western Australia, pp. 42-4.]*

**PART 3 — GOVERNMENT EMPLOYEES  
SUPERANNUATION ACT 1987**

**Principal Act**

4. In this Part, the *Government Employees Superannuation Act 1987\** is referred to as the principal Act.

[\* *Act No. 25 of 1987.*

*Reprinted as at 15 November 1991.]*

**Section 3 amended**

5. Section 3 of the principal Act is amended in the definition of “employee” in subsection (1) by deleting —

(a) “and” at the end of paragraph (b); and

(b) paragraph (c) and substituting the following —

“ (c) a member of the Governor’s  
Establishment within the meaning of  
the *Governor’s Establishment Act  
1992*; and

(d) a member of a department of the staff  
of Parliament referred to in the  
*Parliamentary and Electorate Staff  
(Employment) Act 1992*; ”.

**Schedule 1 amended**

6. Schedule 1 to the principal Act is amended in Part A by —

(a) inserting in the appropriate alphabetical position the  
following —

“ Governor or his or her delegate under the  
*Governor’s Establishment Act 1992* ”;

and

(b) deleting —

“Joint House Committee  
Joint Library Committee  
Joint Printing Committee  
Legislative Assembly  
Legislative Council”

and substituting in the appropriate alphabetical position the following —

“ President of the Legislative Council or Speaker of the Legislative Assembly or President of the Legislative Council and Speaker of the Legislative Assembly, acting jointly, as the case requires, under the *Parliamentary and Electorate Staff (Employment) Act 1992* ”.

**PART 4 — INDUSTRIAL RELATIONS ACT 1979**

**Principal Act**

7. In this Part, the *Industrial Relations Act 1979\** is referred to as the principal Act.

[\* *Reprinted as at 12 June 1991.*

*For subsequent amendments, see 1991 Index to  
Legislation of Western Australia, pp. 99-100.]*

**Section 7 amended**

8. Section 7 (1) of the principal Act is amended in the definition of “public authority” by inserting after “in right of the State,” the following —

“ the President of the Legislative Council or the Speaker of the Legislative Assembly or the President of the Legislative Council and the Speaker of the Legislative Assembly, acting jointly, as the case requires, under the *Parliamentary and Electorate Staff (Employment) Act 1992*, the Governor or his or her delegate under the *Governor’s Establishment Act 1992*, ”.

**Section 80C amended, and transitional**

9. (1) Section 80C (1) of the principal Act is amended in the definition of “Government officer” by —

(a) inserting after paragraph (a) the following paragraphs —

“ (aa) each member of the Governor’s Establishment within the meaning of the *Governor’s Establishment Act 1992*;

- (ab) each member of a department of the staff of Parliament referred to in, and each electorate officer within the meaning of, the *Parliamentary and Electorate Staff (Employment) Act 1992*; ”;
  - (b) inserting “or” after paragraph (e);
  - (c) deleting the semi-colon at the end of paragraph (f) and substituting a full stop; and
  - (d) deleting paragraphs (g) and (h).
- (2) A person who ceased, before the day referred to in section 2 (in this subsection referred to as “the commencing day”), to be —
- (a) employed, otherwise than under the *Public Service Act 1978*, as a member of the staff at Government House, Perth, including the grounds appurtenant thereto;
  - (b) a member of the staff of Parliament in the Department of the Legislative Council, the Department of the Legislative Assembly, the Department of the Parliamentary Reporting Staff, the Department of the Parliamentary Library or the Joint House Department; or
  - (c) an electorate officer appointed to assist —
    - (i) a member of the Legislative Council or the Legislative Assembly in dealing with constituency matters; or
    - (ii) the secretary of a parliamentary political party,

has the same right to appeal to a Public Service Appeal Board under *Division 2* of Part IIA of the principal Act in respect of that cessation as he or she would have had if that cessation had

occurred after the commencing day, and that person shall, if he or she wishes to exercise the right of appeal conferred by this subsection and notwithstanding any regulations made under the principal Act, commence his or her appeal within the period of 90 days beginning on the commencing day.

**Section 80X amended**

**10.** Section 80X (1) of the principal Act is amended in the definition of "office" by deleting paragraphs (f) and (g).



**PART 5 — TEMPORARY REDUCTION OF  
REMUNERATION (SENIOR PUBLIC OFFICERS)  
ACT 1983**

**Section 3 amended**

11. Section 3 (1) (a) of the *Temporary Reduction of Remuneration (Senior Public Officers) Act 1983*\* is amended by deleting subparagraphs (vi) and (vii) and substituting the following subparagraphs —

- “ (vi) is a member of a department of the staff of Parliament referred to in, or an electorate officer within the meaning of, the *Parliamentary and Electoral Staff (Employment) Act 1992*;
- (vii) is a member of the Governor’s Establishment within the meaning of the *Governor’s Establishment Act 1992*;
- ”.

[\* *Act No. 7 of 1983.*

*For subsequent amendments, see Act No. 44 of 1991.]*

**PART 6 — WORKERS' COMPENSATION AND  
REHABILITATION ACT 1981**

**Principal Act**

12. In this Part, the *Workers' Compensation and Rehabilitation Act 1981*\* is referred to as the principal Act.

[\* *Reprinted as at 9 October 1991.*]

**Section 14 amended**

13. Section 14 of the principal Act is amended by repealing subsection (2a) and substituting the following subsection —

- “ (2a) For the purposes of this Act, a person —
- (a) who is not a worker referred to in subsection (2), but who holds a judicial or other statutory office; or
  - (b) who is a member of the Governor's Establishment within the meaning of the *Governor's Establishment Act 1992*,

is deemed to be a worker employed by or under the Crown. ”.

**Section 130 amended**

14. Section 130 of the principal Act is amended by repealing subsection (5) and substituting the following subsections —

- “ (5) When the employer is —
- (a) the Crown in right of the State, notice in respect of a disability under this Act shall

- be served on the State Crown Solicitor, at Perth, or the manager of the work on which the worker was employed at the time of the accident;
- (b) the Governor under the *Governor's Establishment Act 1992*, notice in respect of a disability under this Act shall be served on the Official Secretary within the meaning of that Act;
  - (c) the President of the Legislative Council, notice in respect of a disability under this Act shall be served —
    - (i) in the case of a worker who is a member of the Department of the Legislative Council, on the Clerk of the Legislative Council; or
    - (ii) in the case of a worker who is an electorate officer, on the Director-General;
  - (d) the Speaker of the Legislative Assembly, notice in respect of a disability under this Act shall be served —
    - (i) in the case of a worker who is a member of the Department of the Legislative Assembly, on the Clerk of the Legislative Assembly; or
    - (ii) in the case of a worker who is an electorate officer, on the Director-General;

or

- (e) the President of the Legislative Council and the Speaker of the Legislative Assembly, acting jointly, notice in respect of a disability under this Act shall be served, in the case of a worker who is a member of —
- (i) the Department of the Parliamentary Reporting Staff, on the Chief Hansard Reporter;
  - (ii) the Department of the Parliamentary Library, on the Parliamentary Librarian; or
  - (iii) the Joint House Department, on the Executive Officer of the Joint House Department,

as the case requires.

(6) A reference in subsection (5) (c), (d) or (e) to an expression that is defined in the *Parliamentary and Electorate Staff (Employment) Act 1992* is a reference to that expression as so defined.

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