

WESTERN AUSTRALIA

**GOVERNOR'S ESTABLISHMENT
ACT 1992**

No. 39 of 1992

**AN ACT to make the Governor the employer of the staff of
the Governor's Establishment 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 *Governor's Establishment 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.

Interpretation

3. In this Act, unless the contrary intention appears —

“**Government House, Perth**” includes the grounds appurtenant thereto;

“**member of the Governor's Establishment**” means person who is employed as a member of the staff at Government House, Perth;

“**the Director-General**” means the person for the time being holding or acting in the office of chief executive officer of the department of the Public Service principally assisting the Minister administering the *Constitution Act 1889* in that administration;

“**the Official Secretary**” means the person for the time being holding or acting in the office of Official Secretary, Government House.

PART 2 — GOVERNOR AS EMPLOYER

**Governor as employer of members of
Governor's Establishment**

4. (1) The Governor is the employer of each member of the Governor's Establishment.

(2) The Governor, when exercising the powers or performing the duties conferred or imposed on the Governor by this Act (other than the power conferred on the Governor by section 10), is not obliged to do so with the advice and consent of the Executive Council.

**Power of Governor to appoint, dismiss, etc.
members of Governor's Establishment,
and transitional**

5. (1) The Governor may —

(a) appoint persons to be members of the Governor's Establishment; and

(b) subject to any award, order or industrial agreement in force under the *Industrial Relations Act 1979* and without limiting the application to this Act of the *Interpretation Act 1984*, at any time exercise in respect of a member of the Governor's Establishment any of the powers conferred by sections 52 and 53 of the *Interpretation Act 1984*.

(2) Subject to subsection (3), a person who was immediately before the day referred to in section 2 a member of the Governor's Establishment shall on and after that day be deemed to have been appointed under subsection (1) to be a member of the Governor's Establishment.

(3) Subsection (2) does not apply to or in relation to a person who was immediately before the day referred to in section 2 a member of the Governor's Establishment and whose services are on that day the subject of an arrangement made under section 6.

Use of other government staff, etc.

6. (1) The Governor may by arrangement between the Governor and the Minister concerned make use, either full-time or part-time, of —

- (a) the services of any officer or employee in the Public Service or in a State agency or instrumentality or otherwise in the service of the Crown in right of the State; or
- (b) any facilities of a department of the Public Service or of a State agency or instrumentality.

(2) An arrangement under subsection (1) is to be made on such terms as the Governor and the Minister concerned and the Public Service Commissioner agree.

Saving in respect of public service officer

7. If a person appointed under section 5 was, immediately before being so appointed, an officer under the *Public Service Act 1978* —

- (a) he or she retains his or her existing and any accruing rights; and
- (b) for the purpose of determining those rights his or her service as such an officer is to be taken into account as if it were service as a member of the Governor's Establishment.

**Payment of moneys payable by
Governor as employer**

8. Any moneys payable by the Governor in his or her capacity as an employer under this Act shall be paid on behalf of the Governor by the Treasurer out of the Consolidated Revenue Fund, which to the extent necessary is appropriated accordingly.

Delegation

9. The Governor may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Governor delegate to the Official Secretary any of his or her powers or duties under this Act, other than this power of delegation and the power conferred on the Governor by section 10.

PART 3 — GENERAL

Regulations

10. The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

