

**PARLIAMENTARY AND
ELECTORATE STAFF
(EMPLOYMENT) ACT 1992**

No. 38 of 1992

AN ACT to provide for the employment of certain members of the staff of Parliament, and electorate officers, by the President of the Legislative Council or the Speaker of the Legislative Assembly or both of them, acting jointly, as the case requires, 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 *Parliamentary and Electorate Staff (Employment) 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. (1) In this Act, unless the contrary intention appears —

“**department of the staff of Parliament**” includes subdivision of a department of the staff of Parliament;

“**electorate officer**” means person appointed to be an electorate officer —

(a) to assist a member of the Legislative Council or a member of the Legislative Assembly in dealing with constituency matters; or

(b) to assist the secretary of a parliamentary political party;

“**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 President” means the person for the time being holding or acting in the office of President of the Legislative Council or, if there is for the time being no such person, the person for the time being holding or acting in the office of Clerk of the Legislative Council;

“the Speaker” means the person for the time being holding or acting in the office of Speaker of the Legislative Assembly or, if there is for the time being no such person, the person for the time being holding or acting in the office of Clerk of the Legislative Assembly.

(2) A reference in this Act to —

- (a) the Department of the Legislative Council is a reference to the department of the staff of Parliament principally assisting the President in the administration of the affairs of the Legislative Council;
- (b) the Department of the Legislative Assembly is a reference to the department of the staff of Parliament principally assisting the Speaker in the administration of the affairs of the Legislative Assembly;
- (c) the Department of the Parliamentary Reporting Staff is a reference to the department of the staff of Parliament principally assisting the President and the Speaker in the reporting of parliamentary debates;
- (d) the Department of the Parliamentary Library is a reference to the department of the staff of Parliament principally assisting the President and the Speaker in the administration of the library of Parliament; or

- (e) the Joint House Department is a reference to the department of the staff of Parliament principally assisting the President and the Speaker in the provision of —
- (i) certain financial and personnel management services to other departments of the staff of Parliament;
 - (ii) catering services;
 - (iii) building and grounds management services;
- and
- (iv) security services,

by whatever designation that department may from time to time be known.

(3) A reference in this Act to —

- (a) the Chief Hansard Reporter is a reference to the officer of the staff of Parliament principally responsible to the President and the Speaker for the reporting of parliamentary debates;
- (b) the Parliamentary Librarian is a reference to the officer of the staff of Parliament principally responsible to the President and the Speaker for the administration of the library of Parliament;

or

- (c) the Executive Officer of the Joint House Department is a reference to the officer of the staff of Parliament principally responsible to the President and the Speaker for the provision of the services referred to in subsection (2) (e).

- (4) An employer under this Act —
- (a) has the power to appoint persons to be the employees of that employer; 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*, may at any time exercise in respect of a person employed by that employer any of the powers conferred by sections 52 and 53 of the *Interpretation Act 1984*.

**PART 2 — EMPLOYMENT OF MEMBERS OF STAFF OF
PARLIAMENT AND ELECTORATE OFFICERS****Employers of certain staff of Legislative Council
and Legislative Assembly, and of electorate officers**

4. (1) The President, acting on the recommendation of —
- (a) the Clerk of the Legislative Council, is, subject to section 35 of the *Constitution Act 1889*, the employer of each member of the Department of the Legislative Council other than the Clerk of the Legislative Council and the Deputy Clerk of the Legislative Council; or
 - (b) the Director-General, is the employer of each electorate officer appointed to assist —
 - (i) a member of the Legislative Council in dealing with constituency matters; or
 - (ii) the secretary of a parliamentary political party who is a member of the Legislative Council.
- (2) The Speaker, acting on the recommendation of —
- (a) the Clerk of the Legislative Assembly, is, subject to section 35 of the *Constitution Act 1889*, the employer of each member of the Department of the Legislative Assembly other than the Clerk of the Legislative Assembly and the Deputy Clerk of the Legislative Assembly; or
 - (b) the Director-General, is the employer of each electorate officer appointed to assist —
 - (i) a member of the Legislative Assembly in dealing with constituency matters; or
 - (ii) the secretary of a parliamentary political party who is a member of the Legislative Assembly.

Employers of other staff of Parliament

5. (1) The President and the Speaker, acting jointly, are the employer of —

- (a) the Chief Hansard Reporter;
- (b) the Parliamentary Librarian; and
- (c) the Executive Officer of the Joint House Department.

(2) The President and the Speaker, acting jointly on the recommendation of —

- (a) the Chief Hansard Reporter, are the employer of each member of the Department of the Parliamentary Reporting Staff other than the Chief Hansard Reporter;
- (b) the Parliamentary Librarian, are the employer of each member of the Department of the Parliamentary Library other than the Parliamentary Librarian; and
- (c) the Executive Officer of the Joint House Department, are the employer of each member of the Joint House Department other than that Executive Officer.

Delegation

6. (1) The President may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the President delegate to —

- (a) the Clerk of the Legislative Council the exercise or performance of any power or duty conferred or imposed on the President by this Act in respect of members of the Department of the Legislative Council referred to in section 4 (1) (a); or

- (b) the Director-General the exercise or performance of any power or duty conferred or imposed on the President by this Act in respect of electorate officers referred to in section 4 (1) (b),

including this power of delegation.

(2) The Speaker may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Speaker delegate to —

- (a) the Clerk of the Legislative Assembly the exercise or performance of any power or duty conferred or imposed on the Speaker by this Act in respect of members of the Department of the Legislative Assembly referred to in section 4 (2) (a); or
- (b) the Director-General the exercise or performance of any power or duty conferred or imposed on the Speaker by this Act in respect of electorate officers referred to in section 4 (2) (b),

including this power of delegation.

(3) The President and the Speaker, acting jointly, may, either generally or as otherwise provided by the instrument of delegation, by writing signed by them delegate to —

- (a) the Chief Hansard Reporter the exercise or performance of any power or duty conferred or imposed on them, acting jointly, by this Act in respect of members of the Department of the Parliamentary Reporting Staff referred to in section 5 (2) (a);
- (b) the Parliamentary Librarian the exercise or performance of any power or duty conferred or imposed on them, acting jointly, by this Act in respect of members of the Department of the Parliamentary Library referred to in section 5 (2) (b); and

- (c) the Executive Officer of the Joint House Department the exercise or performance of any power or duty conferred or imposed on them, acting jointly, by this Act in respect of members of the Joint House Department referred to in section 5 (2) (c),

including this power of delegation.

**Representation of employers for purposes of
*Industrial Relations Act 1979***

7. (1) For the purposes of any matter or proceeding under the *Industrial Relations Act 1979* affecting —

- (a) a member of the Department of the Legislative Council referred to in section 4 (1) (a), the President shall be represented by the Clerk of the Legislative Council;
- (b) an electorate officer referred to in section 4 (1) (b), the President shall be represented by the Director-General;
- (c) a member of the Department of the Legislative Assembly referred to in section 4 (2) (a), the Speaker shall be represented by the Clerk of the Legislative Assembly;
- (d) an electorate officer referred to in section 4 (2) (b), the Speaker shall be represented by the Director-General;
- (e) a member of the Department of the Parliamentary Reporting Staff referred to in section 5 (2) (a), the President and the Speaker shall be represented by the Chief Hansard Reporter;

- (f) a member of the Department of the Parliamentary Library referred to in section 5 (2) (b), the President and the Speaker shall be represented by the Parliamentary Librarian; or
- (g) a member of the Joint House Department referred to in section 5 (2) (c), the President and the Speaker shall be represented by the Executive Officer of the Joint House Department.

(2) Nothing in subsection (1) prevents a person representing the President or the Speaker or the President and the Speaker from appearing in any manner provided for by section 31 of the *Industrial Relations Act 1979*, and that section applies to any such person accordingly.
