

Queensland



ANNO TRICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE



No. 67 of 1988

**An Act to establish a Parliamentary Service and a
Parliamentary Service Commission and for other purposes**

[ASSENTED TO 21ST OCTOBER, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Parliamentary Service Act 1988*.

2. Commencement. (1) Section 1 and this section shall commence on the day this Act is assented to, and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act shall commence on the day to be appointed by Proclamation.

3. Arrangement. This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-4);

PART II—PARLIAMENTARY SERVICE COMMISSION (ss. 5-17);

PART III—THE CLERK OF THE PARLIAMENT (ss. 18-22);

PART IV—PARLIAMENTARY SERVICE (ss. 23-24);

PART V—MANAGEMENT OF PARLIAMENTARY SERVICE (ss. 25-44);

PART VI—MISCELLANEOUS (ss. 45-56);

SCHEDULE.

4. Interpretation. In this Act except where the contrary intention appears—

“appointed day” means the day appointed by Proclamation for the commencement of the provisions of this Act other than sections 1 and 2;

“Chairman” means the Chairman for the time being of the Parliamentary Service Commission;

“Clerk” means The Clerk of the Parliament for the time being and includes any officer of the Parliamentary Service for the time being performing the duties of the Clerk;

“employee”, in relation to the Parliamentary Service, means a person employed therein whether on the permanent staff (including a person employed on probation) or temporarily or as a wage worker but does not include—

(a) an officer of the Parliamentary Service;

(b) a person engaged under section 16;

“industrial agreement” means an industrial agreement within the meaning of the *Industrial Conciliation and Arbitration Act 1961-1987*;

“industrial award” means an industrial award within the meaning of the *Industrial Conciliation and Arbitration Act 1961-1987*;

“Leader of the House” means the Minister of the Crown who is, for the time being, recognized in the Legislative Assembly as the Leader of the House;

“Minister” means the Premier and includes a Minister of the Crown who is temporarily performing the duties of the Minister;

“misconduct” means—

- (a) disgraceful or improper conduct that shows unfitness to be or continue as an officer of or employee in the Parliamentary Service;
- (b) behaviour that does not satisfy a standard of behaviour generally expected of officers of or employees in the Parliamentary Service;

“office” means a position within the Parliamentary Service ordinarily held by an officer;

“officer”, in relation to the Parliamentary Service, means a person appointed pursuant to section 27 to an office but does not include a person employed on probation;

“Parliamentary precinct” means all land and improvements within the land reserved for House of Parliament in the County of Stanley, parish of North Brisbane, city of Brisbane described as Lot 414 on plan SL 8740, Lot 437 on plan SL 8601 and Lot 704 on plan SL 12303 registered in the Department of Geographic Information but does not include the Legislative Assembly Chamber, or the Galleries of the House, whilst the Legislative Assembly is in session;

“Parliamentary Service” means the Parliamentary Service established by section 23;

“Parliamentary Service Commission” or “Commission” means the Parliamentary Service Commission established by section 5;

“termination” in relation to a contract of employment of an officer includes a failure to renew the contract or to make a fresh contract.

PART II—PARLIAMENTARY SERVICE COMMISSION

5. Parliamentary Service Commission. (1) There is hereby established a commission to be called the Parliamentary Service Commission.

(2) The Parliamentary Service Commission shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring, holding and disposing of real and personal property, of suing and being sued and of doing and suffering all such acts and things as bodies corporate may do and suffer.

6. Membership of Parliamentary Service Commission. (1) The Parliamentary Service Commission shall consist of—

- (a) the Speaker of the Legislative Assembly who shall be chairman of the Commission;
 - (b) the Chairman of Committees of the Legislative Assembly who shall be deputy chairman of the Commission;
 - (c) the Leader of the House or a member of the Legislative Assembly nominated from time to time by the Leader of the House;
 - (d) the Leader of the Opposition or a member of the Legislative Assembly nominated from time to time by the Leader of the Opposition;
- and
- (e) upon appointment from time to time by resolution of the Legislative Assembly, three other members of the Legislative Assembly at least one of whom is appointed upon the nomination of the Leader of the Opposition.

(2) A person who holds office as a Minister of the Crown shall not be appointed under subsection (1) (e) as a member of the Commission.

(3) The powers of the Commission shall not be affected by any vacancy in its membership.

7. Functions of Parliamentary Service Commission. (1) The general functions of the Parliamentary Service Commission shall be—

- (a) to determine major policies to guide the operation and management of the Parliamentary Service;
- (b) to prepare budgets for the Legislative Assembly, the Commission and the Parliamentary Service;
- (c) to determine the size and organization of the Parliamentary Service and the services to be provided by the Parliamentary Service;
- (d) to be the employing authority for officers of and employees in the Parliamentary Service determining their remuneration and other terms and conditions of employment;
- (e) to supervise the management and delivery of the services to be performed by the Parliamentary Service.

(2) The Commission shall ensure that the remuneration, terms and conditions of employment and other benefits afforded the Clerk, officers of and employees in the Parliamentary Service are comparable to the remuneration, terms and conditions of employment and other benefits afforded to officers and employees of the Crown who have similar duties and responsibilities.

(3) The Commission shall have such other functions and powers as are conferred or imposed on it by or under this Act or any other enactment and such other powers as may be reasonably necessary to enable it to carry out its functions.

(4) Subsection (1) (d) does not apply to the power to appoint, or the tenure of office of, the Clerk.

8. Vacation of office by member. (1) A member of the Parliamentary Service Commission who holds office by virtue of a nomination under section 6 (1) (c) or section 6 (1) (d) shall vacate office as a member of the Commission—

- (a) if the person by whom the member was nominated revokes the nomination of that member or nominates, in the stead of that member, another member of the Legislative Assembly;
- (b) if the Legislative Assembly is dissolved or its term expires;
- (c) if the member ceases to be a member of the Legislative Assembly;
- (d) if the member resigns the office as prescribed.

(2) A member of the Commission who holds office under section 6 (1) (e) shall vacate office as a member of the Commission—

- (a) if the Legislative Assembly rescinds the resolution by which the member was appointed or resolves to appoint to the Commission, in the stead of that member, another member of the Legislative Assembly;
- (b) if the member is appointed as a Minister of the Crown;
- (c) if the member ceases to be a member of the Legislative Assembly;
- (d) if the member resigns the office as prescribed.

(3) For the purposes of subsection (2) a person who, immediately prior to the dissolution or the expiration of the term of the Legislative Assembly, is a member of the Legislative Assembly shall be taken to continue to be a member of the Legislative Assembly until the day before the day when the election of members of the Legislative Assembly to be next constituted is to be held.

(4) On the dissolution or expiration of the term of the Legislative Assembly the person who, immediately prior to that dissolution or expiration holds of the office of—

- (a) the Speaker of the Legislative Assembly;
 - (b) the Chairman of Committees of the Legislative Assembly;
 - (c) the Leader of the House;
- or

(d) the Leader of the Opposition in the Legislative Assembly, shall, for the purposes of section 6, be taken to continue to hold that office and shall vacate that office on the day before the day when the election of Members of the Legislative Assembly to be next constituted is to be held.

(5) A member of the Commission who holds office by virtue of a nomination under section 6 (1) (c) or (d) or by virtue of an appointment

under section 6 (1) (e) may, by writing addressed to the Chairman at any time resign the office.

9. The Clerk of the Parliament to constitute Parliamentary Service Commission in interim. (1) Upon the members of the Parliamentary Service Commission vacating office as provided by section 8 (3) and (4), the Commission shall be constituted by The Clerk of the Parliament until the Legislative Assembly resolves to appoint to the Commission members of the Legislative Assembly when the Clerk shall vacate his office as member of the Commission.

(2) The Commission as constituted by the Clerk shall not make any determination that conflicts with the policy determinations of the Commission current immediately prior to the Commission then being constituted by the Clerk.

10. Meetings. (1) Meetings of the Parliamentary Service Commission shall be held at such times and places as the Commission or its Chairman from time to time appoints.

(2) The Chairman may and, at the request of any 3 members, shall at any time call a special meeting of the Commission.

(3) At all meetings of the Commission the Chairman, if present, shall preside. If the Chairman is absent the deputy chairman shall preside. If both the Chairman and the deputy chairman are absent and none of the members present is a person already authorized by or under this Act to act as Chairman, the members present shall appoint one of their number to be chairman of that meeting.

(4) All questions arising at any meeting of the Commission shall be decided by a majority of the valid votes recorded thereon.

(5) At any meeting of the Commission the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

11. Quorum. At all meetings of the Parliamentary Service Commission not constituted by the Clerk, a majority of members currently holding office shall form a quorum.

12. Committees. (1) The Parliamentary Service Commission may from time to time appoint competent persons, of whom one shall be a member of the Commission, to be a committee or committees to assist the Commission on such matters within the scope of its functions as are referred to them by the Commission.

(2) The power conferred by subsection (1) includes the power to appoint a committee consisting in part of persons comprising the Parliamentary Service and having as its function or as one of its functions the function of consulting with, and giving advice to, the Commission on any matter affecting the staff of the Parliamentary Service.

(3) Subject to the provisions of this Act and to any general or special directions of the Commission, a committee appointed under this section may regulate its procedure in such manner as it thinks fit.

13. Assignment of powers. (1) The Parliamentary Service Commission may from time to time declare that any of its powers may be exercised by a member of the Commission or by the Clerk or by—

(a) such other person;

or

(b) the holder for the time being of a specified office in the Parliamentary Service,

having authority conferred by the Clerk in that behalf.

Every such declaration shall be effectual to confer the necessary power to exercise the powers specified in accordance with its terms.

(2) A declaration under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding any changes in the membership of the Commission.

(3) A person purporting to act pursuant to a declaration under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the declaration.

14. Procedure of Parliamentary Service Commission. Subject to the provisions of this Act, the Parliamentary Service Commission may regulate its procedure and exercise its functions in such manner as it thinks fit.

15. Power of Government Departments and Government agencies to provide services or supplies for Parliamentary Service Commission and members of Legislative Assembly. Any Government Department or Government agency may from time to time, at the request of the Parliamentary Service Commission, enter into contracts or arrangements for the execution or provision by the Department or agency for the Commission or for members of the Legislative Assembly of any work or service, or for the supply to the Commission or members of the Legislative Assembly of any goods, stores or equipment, on and subject to such terms and conditions as may be agreed upon.

16. Employment of experts. The Parliamentary Service Commission may commission any person, who in its opinion possesses expert knowledge or is otherwise able to assist it in connexion with the exercise of its functions, to make such inquiries or to conduct such research or to make such reports as may be necessary for the efficient carrying out of any of its functions.

17. Annual report. (1) As soon as possible after the close of each financial year, the Parliamentary Service Commission shall prepare, and the Leader of the House shall lay before the Legislative Assembly, a report in writing on the operations of the Commission during that financial year.

(2) The report—

- (a) shall contain such information as is necessary to enable the Legislative Assembly to assess the efficiency, effectiveness and economy of the Commission and the need for its continuance;
- (b) shall contain a copy of the annual financial statements of the Commission relating to that financial year.

(3) Section 46J of the *Financial Administration and Audit Act 1977-1988* does not apply in respect of the Commission.

PART III—THE CLERK OF THE PARLIAMENT

18. The Clerk of the Parliament. (1) There shall from time to time be appointed an officer of the Legislative Assembly to be known as The Clerk of the Parliament.

(2) The Clerk shall be appointed by the Governor by Commission on the recommendation of the Minister after consultation with the Parliamentary Service Commission.

(3) A person shall not be appointed or re-appointed as the Clerk after he has attained the age of 65 years.

(4) The person who immediately prior to the appointed day is The Clerk of the Parliament shall without further appointment continue to be, subject to this Act, the Clerk from the appointed day.

19. Functions of The Clerk of the Parliament other than as chief executive of Parliamentary Service. The Clerk of the Parliament shall be responsible for—

- (a) the noting of all proceedings of the Legislative Assembly;
- (b) the carrying out of such duties and the exercising of such powers as may be conferred on the Clerk by law or by the Standing Rules and Orders, customs and practices of the Legislative Assembly.

20. Functions of The Clerk of the Parliament as chief executive of Parliamentary Service. (1) Subject to this Act, to the control and direction of the Commission and to policies, if any, from time to time determined by the Commission, the Clerk, as the chief executive of the Parliamentary Service, shall be responsible to the Parliamentary Service Commission for the efficient and economical management of the Parliamentary Service.

(2) The Clerk may make recommendations to the Commission with respect to any matter for consideration by the Commission and shall take such steps as are necessary to implement those policies and decisions of the Commission that require action to be taken by the Parliamentary Service.

21. Tenure of office of The Clerk of the Parliament. (1) Subject to subsections (2) to (4), The Clerk of the Parliament shall hold his office during good behaviour.

(2) The Clerk may at any time resign his office by writing addressed to the Speaker or Acting Speaker of the Legislative Assembly or to the Governor if there is no Speaker or Acting Speaker or if the Speaker and Acting Speaker are absent from Queensland.

(3) The Clerk may at any time be removed or suspended from office by the Governor upon an address from the Legislative Assembly for disability, bankruptcy or misconduct.

(4) At any time when the Legislative Assembly is not in session, The Clerk may be suspended from office by the Governor for disability, bankruptcy or misconduct proved to the satisfaction of the Governor, but the suspension shall not continue in force beyond two months after the beginning of the next ensuing session of the Legislative Assembly.

22. Performance of functions of The Clerk of the Parliament in his absence. (1) On the occurrence from any cause of a vacancy in the office of the Clerk (whether by reason of death, resignation, or otherwise), and in the case of absence from duty of the Clerk (from whatever cause arising), and so long as that vacancy or absence continues—

- (a) the functions, powers and duties of the Clerk at the Table of the Legislative Assembly shall be performed and exercised by the next most senior of the officers required to sit at the Table who is present;
- (b) a function, power or duty of the Clerk as the chief executive of the Parliamentary Service shall be exercised and performed—
 - (i) in the case where the absence of the Clerk is of a temporary nature, by a person to whom the function, power or duty has been delegated by the Clerk pursuant to section 25;
 - (ii) in any other case, by an officer appointed for the time being by the Parliamentary Service Commission.

(2) The fact that a person exercises a function, duty or power of the Clerk shall, in the absence of proof to the contrary, be conclusive evidence of the authority of him to do so.

PART IV—PARLIAMENTARY SERVICE

23. Parliamentary Service. (1) There is hereby established a Parliamentary Service.

(2) The Parliamentary Service is not an instrument of the Executive Government of Queensland.

- (3) The Parliamentary Service shall consist of—
- (a) officers of the Legislative Assembly being—
 - (i) the Clerk who shall be the chief executive of the Parliamentary Service;
 - (ii) other officers required to sit at the Table of the House;
 - (iii) the Parliamentary Librarian;and
 - (iv) the Chief Reporter;
- and

(b) other officers of and employees in the Parliamentary Service.

24. Functions of Parliamentary Service. (1) The functions of the Parliamentary Service are to provide administrative and support services to the Legislative Assembly and to members and committees thereof which may include—

- (a) the provision of sufficient clerical staff, attendants and other staff to enable the Legislative Assembly and committees thereof to operate efficiently;
 - (b) the provision of advice on Parliamentary procedures and the functions of Parliament generally;
 - (c) an accurate and efficient reporting of proceedings of the Legislative Assembly and of meetings of committees thereof as required;
 - (d) the provision of adequate library and research facilities and services for members of the Legislative Assembly;
 - (e) the provision of dining facilities;
 - (f) the care of the Parliamentary gardens and grounds;
 - (g) the provision of ceremonial and security services;
- and

(h) the maintenance of Parliamentary buildings.

(2) The Parliamentary Service shall have such other functions as are conferred or imposed upon it by or under this Act or any other enactment or as are determined by the Parliamentary Service Commission from time to time.

PART V—MANAGEMENT OF PARLIAMENTARY SERVICE

25. Delegation by The Clerk of the Parliament as chief executive of Parliamentary Service. (1) The Clerk from time to time, either generally or particularly may delegate all or any of his powers and functions under this Act as chief executive of the Parliamentary Service (other than this power of delegation) to any officer of or employee in the Parliamentary Service.

(2) Subject to any general or special directions given by the Clerk, the person to whom any powers or functions are so delegated may

exercise those powers or perform those functions in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

(3) A person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) A delegation under this section may be made to a specified person or to persons of a specified class or to the holder or holders for the time being of a specified office or of specified classes of office.

(5) A delegation made under this section shall be revocable in writing at will.

(6) A delegation shall not prevent the exercise or performance of a power or function by the Clerk.

26. Appointment of officers and employees in the Parliamentary Service. (1) The Parliamentary Service Commission may appoint appropriately qualified and competent persons as officers or officers on probation of the Parliamentary Service.

(2) The Clerk may appoint appropriately qualified and competent persons as employees in the Parliamentary Service.

27. Bases of employment of officers in Parliamentary Service. (1) Appointment to an office within the Parliamentary Service, including by way of promotion—

(a) shall be made on the basis of full-time employment, if the office is not one or one of a class of office referred to in paragraph (b);

or

(b) may be made on the basis of part-time employment, if the office is one or one of a class of office approved by the Commission to be open to appointment on that basis.

(2) Appointment to an office within the Parliamentary Service, including by way of promotion, shall be made as follows:—

(a) if the office is one declared pursuant to subsection (3), the appointment shall be made for a limited duration of tenure;

(b) if the office is one not declared pursuant to subsection (3), the appointment shall be upon a tenure that is not limited by time.

(3) The Commission may declare any office or class of office, other than that of the Clerk, to be an office or class of office to which appointment shall be made upon a contract basis.

While such a declaration subsists, appointment to the office so declared or to an office of a class so declared shall be made upon a contract basis.

28. Conditions of employment on contract. (1) Where appointment to an office within the Parliamentary Service is duly made under this Act upon a contract basis, the conditions of employment in that office—

- (a) shall be as approved from time to time by the Commission and accepted by the person who is or is to be the holder of the office;
- (b) shall be governed by a contract of employment made or deemed to be made between the Commission and the officer concerned and attested on behalf of the Commission by the Chairman;
and
- (c) shall not be subject to any industrial award or industrial agreement or any determination or rule of an industrial tribunal.

(2) Where there has been made to any person an offer of a contract of employment with respect to his employment in an office that under this Act is one to which appointment shall be made upon a contract basis it shall be deemed—

- (a) where the offer is made before the person's appointment to the office, that upon his accepting appointment to the office;
or
- (b) where the offer is made after the person's appointment to the office, that, upon his agreeing to being engaged under a contract of employment in the office,

the person has made with the Commission a contract of employment upon the conditions approved by the Commission in relation to the office and conveyed to him.

(3) If at any time an appointment to an office purporting to have been made under this Act upon a contract basis is not duly so made, the appointment shall be deemed to have been made upon a tenure that is not limited by time and upon conditions of employment provided for by any relevant industrial award or industrial agreement and the appointee shall hold the office accordingly.

(4) Where the contract of employment made or deemed to have been made with the Commission by an officer of the Parliamentary Service who holds an office upon a contract basis is terminated otherwise than by way of disciplinary action pursuant to this Act the officer is entitled to elect to continue to be employed as an officer, though not upon a contract basis, at a level of salary determined by the Parliamentary Service Commission but not less than the level of salary at which he was employed at the time immediately before he first accepted employment upon a contract basis, adjusted to accord with movements in relation to salaries since that time and, if he does so elect, the officer shall renounce all entitlements secured to him by the contract of employment in the event of its termination in the circumstances in which the termination has occurred.

Every such election—

- (a) shall be made in writing signed by the officer and given to the Clerk no later than 14 days after notice of termination of the contract has been given to the officer;
and
- (b) upon being duly made, shall have the effect that the elector's services as an officer shall be deemed not to have been terminated by the termination of his contract of employment but to have continued in accordance with the terms of election prescribed by this subsection.

This subsection applies only in relation to—

- (c) an office of a prescribed class;
and
- (d) an officer who at the time he was first appointed to an office upon a contract basis held an office within the Parliamentary Service upon a tenure unlimited by time, and whose service in the last mentioned office and in any office or offices subsequently held by him until the termination of the contract in question has been continuous.

29. Salaries and conditions of employment. (1) The Clerk, officers of and employees in the Parliamentary Service shall be paid such remuneration and allowances and shall be employed on such terms and conditions of service as may from time to time subject to any applicable industrial award or industrial agreement be determined by the Parliamentary Service Commission.

(2) Each person who immediately prior to the appointed day is employed performing duties that after the appointed day become the duties of an officer of or employee in the Parliamentary Service shall, subject to this Act, on the appointed day become and shall be deemed whilst he previously performed those duties to have been an officer of or, as the case may be, employee in the Parliamentary Service and from the appointed day shall be paid initially salary and wages at a rate not less than that which he was paid prior to the appointed day and shall be employed in all respects subject to the conditions of employment under which he was employed prior to the appointed day until his salary is and conditions are determined by the Commission or by an applicable industrial award or industrial agreement for an officer of or employee in the Parliamentary Service performing those duties.

(3) Except as provided in section 46, officers of and employees in the Parliamentary Service are not officers of the Public Service of Queensland.

30. Superannuation. (1) A person, other than a person to whom subsection (2) or (3) refers, who is employed full time in a permanent capacity by the Commission shall be deemed to be an officer within the meaning of the *State Service Superannuation Act 1972-1988* and the provisions of that Act shall apply accordingly unless the Governor in Council otherwise determines.

(2) Where a person—

(a) immediately prior to the appointed day is an officer within the meaning of a superannuation Act;

and

(b) pursuant to section 46 (1) is deemed to be appointed or seconded to perform the duties of an officer of or employee in the Parliamentary Service,

for as long as he continues to perform full time the duties of an officer of or employee in the Parliamentary Service (whether as an officer of the Public Service or as an officer of or employee in the Parliamentary Service) in a permanent capacity—

(c) all entitlements (if any) which at the appointed day have accrued or are accruing in respect of him under that Act shall be retained;

and

(d) he shall be deemed to continue to be an officer within the meaning of that Act and the provisions of that Act shall apply accordingly.

In this subsection, the expression “superannuation Act” means—

the *Public Service Superannuation Act 1958-1988*;

the *State Service Superannuation Act 1972-1988*.

(3) A person, other than a person to whom subsection (2) refers, who pursuant to section 29 (2) becomes an officer of or employee in the Parliamentary Service on the appointed day employed full time in a permanent capacity, may within six months after the appointed day by notice in writing signed by him and given to the Manager of the State Service Superannuation Fund elect to contribute to the State Service Superannuation Fund in which case he shall be deemed to be an officer within the meaning of the *State Service Superannuation Act 1972-1988* and the provisions of that Act shall apply accordingly unless the Governor in Council otherwise determines.

(4) Nothing in this section shall be construed to prevent the Commission or any person from participating in any superannuation scheme pursuant to any other Act.

31. Contributions by Commission. (1) (a) In respect of a person who contributes to the State Service Superannuation Fund and is referred to in section 30 the Commission shall pay to each fund referred to in the *Public Service Superannuation Act 1958-1988* or the *State Service Superannuation Act 1972-1988* such sums (if any) as would have been payable by or on behalf of the Crown by way of contribution to that fund had the contributor been an employee of the Crown and had been paid salary at the rate paid to him at the material time by the Commission.

(b) Moneys payable by the Commission to a fund pursuant to paragraph (a) and unpaid may be recovered by action in a court of competent jurisdiction by the State Service Superannuation Board

constituted under the *State Service Superannuation Act 1972-1988* as a debt due to that Board.

(2) Contributions required by law to be paid by the Commission in respect of any superannuation scheme shall be paid by the Commission.

32. Vacancies to be advertised. (1) A person shall not be appointed to fill a vacancy in an office within the Parliamentary Service unless the vacancy has been notified in the Government Gazette.

(2) Subsection (1) does not apply if the office in which the vacancy exists—

(a) is of a temporary nature;

or

(b) is an office of a class of office prescribed by rules made by the Parliamentary Service Commission to be a class of office in respect of which a vacancy need not be advertised.

(3) The re-classification of an office creates a vacancy in that office for the purposes of subsection (1).

33. Publication of appointments. Notification of every appointment of a person as an officer of the Parliamentary Service shall be published in the Government Gazette.

34. Engagement of staff other than officers. (1) The Clerk may engage the services of a person if—

(a) the position in which that person's services are to be employed is of a kind ordinarily held by a person who is not an officer of the Parliamentary Service;

or

(b) the position being of a kind ordinarily held by an officer of the Parliamentary Service, the engagement is required to meet temporary circumstances or is upon a basis not permissible for the engagement of such an officer.

The appointment of a person whose services are engaged under this subsection shall be made in writing signed by the Clerk.

(2) An engagement of a person under subsection (1) may be on such basis, for such duration of tenure and on such terms and conditions as are agreed between that person and the Clerk, subject to any applicable industrial award or industrial agreement.

(3) A person appointed pursuant to this section shall not thereby become an officer of the Parliamentary Service.

35. Appointment on probation. (1) This section does not apply in relation to an appointment of the Clerk or to an office within the Parliamentary Service made on a contract basis.

(2) A person who is not already an officer of the Parliamentary Service and who is appointed to an office shall be so appointed on probation for a period not less than 12 months.

(3) A person who is already an officer of the Parliamentary Service and who is appointed by way of promotion to an office shall be so appointed on probation for a period not less than six months.

(4) Where a person has been appointed on probation in compliance with subsection (2) or (3)—

(a) if immediately before his appointment he was not an officer of the Parliamentary Service, the Commission may—

(i) at any time during a period of probation, terminate the employment in the Parliamentary Service of the person;

(ii) upon the expiry of a period of probation, confirm the appointment, extend the period of probation, or rescind the appointment and thereby terminate the employment in the Parliamentary Service of the person;

or

(b) if immediately before his appointment he was an officer of the Parliamentary Service, the Commission may—

(i) at any time during a period of probation, rescind the appointment;

(ii) upon the expiry of a period of probation, confirm the appointment, extend the period of probation or rescind the appointment.

(5) Where an appointment is rescinded pursuant to subsection (4)

(b) the services of the officer shall be retained at a salary not less than the level of salary of the person immediately before he was so appointed, until he is appointed to an office in the Parliamentary Service or is otherwise duly dealt with in accordance with this Act.

(6) If a person who has been appointed on probation in compliance with subsection (2) or (3) is still serving a period of probation upon the expiry of 18 months after the date of his appointment on probation, then, if within one month after that expiry his appointment has been neither confirmed nor rescinded, his appointment shall be deemed to have been confirmed upon that expiry.

36. Resignation from Parliamentary Service. (1) An officer of the Parliamentary Service whose conditions of employment are governed by a contract of employment that provides for his resignation and the manner thereof may resign his employment in accordance with the contract of employment.

(2) An officer of or employee in the Parliamentary Service other than one referred to in subsection (1) may at any time resign his employment.

37. Retirement from Parliamentary Service. (1) The Clerk and an officer of or employee in the Parliamentary Service—

(a) shall retire from the Parliamentary Service upon his attaining age 65 years;

(b) may elect to retire from the Parliamentary Service upon or at any time after his attaining age 55 years.

(2) If the Clerk suspects on reasonable grounds that a person, being an officer of or employee in the Parliamentary Service, by reason of mental or physical infirmity has not the capacity or is unfit—

(a) to discharge efficiently his duties;

and

(b) to discharge efficiently any other duties that the Clerk might reasonably direct the officer or employee to discharge,

the Clerk shall obtain medical opinion on that person's condition and to that end may appoint any medical practitioner or medical practitioners to examine that person and report to whomsoever the Clerk directs upon that person's mental or physical condition or both and may direct that person to submit himself to such examination.

(3) If the Commission believes on reasonable grounds that a person, being an officer of or employee in the Parliamentary Service by reason of mental or physical infirmity has not the capacity or is unfit as prescribed by subsection (2), the Commission may call upon that person to retire from the Parliamentary Service within a time specified by the Commission.

(4) If a person called upon pursuant to subsection (3) to retire does not retire within the time specified, the Commission may dismiss him from the Parliamentary Service.

38. Mode of resignation or retirement. The resignation or retirement of an officer of or employee in the Parliamentary Service shall be effected by writing signed by him given to the Clerk and shall be given and take effect as prescribed by rules from time to time made by the Parliamentary Service Commission.

39. Retrenchment. (1) Where the Commission is satisfied that the services of a person, being an officer of or employee in the Parliamentary Service, can no longer be gainfully utilized in the position held by him because the position has become redundant, and the Commission is satisfied that—

(a) it is not practicable to retrain or redeploy that person;

and

(b) the redundancy arrangements approved by the Commission have been complied with in relation to that person,

the Commission may terminate the services of that person by way of retrenchment in accordance with those redundancy arrangements.

(2) Redundancy arrangements for the time being approved by the Commission for the purposes of subsection (1) shall be comparable to the redundancy arrangements for the time being approved—

(a) in the case of officers, by the Governor in Council under the *Public Service Management and Employment Act 1988*

in relation to officers of the Public Service who have similar duties and responsibilities;

- (b) in the case of employees, by the Industrial Commission in relation to employees of the Crown who have similar duties and responsibilities.

40. Discipline. (1) An officer or employee in the Parliamentary Service is liable to disciplinary action upon any of the following grounds shown to the satisfaction of the Clerk to exist, namely—

- (a) incompetence or inefficiency in the discharge of his duties;
- (b) negligence, carelessness or indolence in the discharge of his duties;
- (c) misconduct;
- (d) absence from duty except—
 - upon leave duly granted as prescribed;
 - or
 - with reasonable cause;
- (e) wilful failure to comply with a lawful direction issued to him by any person having authority over him;
- (f) wilful failure to comply with any provision of a code of conduct approved by the Parliamentary Service Commission for officers of and employees in the Parliamentary Service.

(2) Where action against a person is contemplated on a ground referred to in subsection (1) (d) the Clerk may appoint any medical practitioner or medical practitioners to examine that person and to report to the Clerk or as he directs upon that person's mental or physical condition or both, and may direct that person to submit himself to such examination.

(3) If the Clerk is satisfied that a person should be disciplined pursuant to subsection (1), the Clerk may order that he be disciplined in a manner that appears to the Clerk to be warranted, having regard to any relevant guidelines that may have been issued in relation to the exercise of discipline under this Act.

Without limiting the range of disciplines that may be imposed pursuant to this subsection, such disciplines may consist of—

- (a) in the case of an officer, recommendation to the Commission that the officer be dismissed;
- (b) in the case of an employee, dismissal;
- (c) reprimand;
- (d) forfeiture or deferment of a salary increment or increase;
- (e) reduction in the person's level of salary;
- (f) a deduction from the person's salary or wages of an amount not exceeding \$100.

Every order made pursuant to this subsection shall take effect in law and shall be given effect.

41. Suspension. (1) Where it appears on reasonable grounds to the Commission that an officer of the Parliamentary Service is liable to disciplinary action under section 40 or is suspected of involvement in circumstances such that the efficient and proper management of Parliamentary Service might be prejudiced if the officer's services are continued, the officer may be suspended from duty by the Commission.

(2) Where it appears on reasonable grounds to the Clerk that an employee in the Parliamentary Service is liable to disciplinary action under section 40 or is suspected of involvement in circumstances such that the efficient and proper management of the Parliamentary Service might be prejudiced if the employee's services are continued, the employee may be suspended from duty by the Clerk.

(3) A suspension imposed on a person pursuant to subsection (1) or (2) may be lifted at any time by the Commission, or by the Clerk respectively.

(4) A person suspended from duty shall not be entitled to receive salary or wages for any period during which he does not perform his duties, unless the Parliamentary Service Commission otherwise determines.

(5) A person suspended from duty who is not entitled to salary or wages for the period of his suspension, if he resumes duty as an officer or employee in the Parliamentary Service upon the lifting of his suspension, shall be entitled to receive a sum equivalent to the amount of salary or wages he would have received had he not been suspended diminished by the amount of salary, wages or fees (if any) to which he became entitled from any source during the period of his suspension, unless the Commission otherwise determines.

42. Mode of dismissal or suspension. (1) Dismissal or suspension of an officer or employee in the Parliamentary Service shall be effected in accordance with this Act, any relevant guidelines that may have been issued in relation thereto under this Act and the principles of natural justice.

(2) Dismissal or suspension of an officer shall be effected by writing signed by the Chairman and given to the officer.

(3) Dismissal or suspension of an employee shall be effected by writing signed by the Clerk and given to the employee.

43. Appeals against promotional appointments and disciplinary action. (1) An appeal on the merits lies to the Parliamentary Service Commission in accordance with this section, and not otherwise, in respect of—

- (a) all disciplinary action taken pursuant to this Act;
and
- (b) every appointment to an office that involves the appointee's promotion except—
 - (i) an office or one of a class of office declared by or pursuant to this Act to be an office or class of office to which appointment shall be made upon a contract basis;

and

- (ii) an office or one of a class of office declared by rules made by the Commission and published in the Government Gazette to be an office or a class of office in respect of appointment to which no appeal lies.

(2) An officer of or employee in the Parliamentary Service who may exercise the right of appeal is—

- (a) in the case of an appeal in respect of disciplinary action, he who is aggrieved by the decision that has resulted in disciplinary action against him;
- (b) in the case of an appeal against an appointment, an officer who satisfies the requirements of the rules made from time to time by the Commission and published in the Government Gazette in respect of appeals of the class of appeal in question.

(3) An appeal in respect of disciplinary action may relate to the decision that has resulted in the action being taken or to the nature of the punishment or to both.

(4) Jurisdiction is hereby conferred on the Commission to hear and make determinations with respect to—

- (a) all matters relevant to an appeal duly instituted in relation to disciplinary action;
- and
- (b) all matters relevant to an appeal duly instituted in relation to an appointment.

The institution and conduct of an appeal provided for by this section shall be as prescribed by the rules made from time to time by the Commission published in the Government Gazette or, in so far as the rules do not so prescribe, as the Commission determines from time to time, having regard to any guidelines issued pursuant to this Act in relation to the matter and to the principles—

- (c) that legal representation shall not be permitted to a party to an appeal;
- and
- (d) that the proceedings upon an appeal shall be informal and simple.

(5) No appeal lies from a finding or determination made by the Commission upon an appeal to it.

(6) The determinations of the Commission upon an appeal shall be furnished to the Clerk who shall act upon those determinations.

44. Reinstatement following dismissal. Where a person dismissed from the Parliamentary Service is reinstated in a position within the Parliamentary Service consequent upon an exercise of jurisdiction by the Parliamentary Service Commission, he shall not suffer loss of salary

or wages or any other benefits accruing under any Act in respect of his being an officer of or employee in the Parliamentary Service in respect of the period during which he was not an officer or employee except to the extent that the Commission directs to the contrary.

PART VI—MISCELLANEOUS

45. Termination of certain Legislative Assembly Committees. (1) Notwithstanding the provisions of the Standing Rules and Orders of the Legislative Assembly, on the appointed day the members of the prescribed committees shall cease to be members of those committees and thereafter those committees shall not again be constituted pursuant to the Standing Rules and Orders.

(2) For the purposes of subsection (1) the prescribed committees are—

- (a) the committee of the Legislative Assembly to manage the Library;
- (b) the committee of the Legislative Assembly for the management of the Refreshment Rooms;
- and
- (c) the committee of the Legislative Assembly for the management and superintendence of the Parliamentary Buildings and the “Lodge”.

46. Rights of officers previously employed in Public Service. (1) Subject to this Act each person who immediately prior to the appointed day is an officer of the Public Service of Queensland performing duties that upon the appointed day are to be performed by an officer of the Parliamentary Service shall, notwithstanding that he becomes an officer of the Parliamentary Service, continue to be an officer of the Public Service and shall be deemed to be an officer of the department of the Government of Queensland that was concerned with the performance of those duties prior to the appointed day appointed or seconded to perform those duties as an officer of the Parliamentary Service.

(2) From the appointed day each person referred to in subsection (1) shall be paid initially salary at a rate not less than appropriate to the salary classification on which he was employed within the Public Service immediately prior to the appointed day and he shall be employed in all other respects subject to such conditions of employment as are prescribed in respect of officers of the Public Service performing similar duties until such salary is or conditions are determined by the Commission or by an applicable industrial award or industrial agreement, for an officer of the Parliamentary Service performing similar duties.

(3) All salaries, wages, allowances and emoluments payable in respect of officers referred to in subsection (1) shall be paid out of the funds of the Commission.

(4) For so long as a person referred to in subsection (1) continues to be an officer of the Public Service performing the duties of an officer of the Parliamentary Service, he shall—

- (a) for the purposes of any provision of the *Public Service Management and Employment Act 1988* that confers or regulates a right of appeal against promotion, be deemed to continue to be an officer of the department of the Government of Queensland that was concerned with performance of his duties prior to the appointed day for the period of his service with the Parliamentary Service upon the classification which he held immediately prior to the appointed day;
- (b) notwithstanding the foregoing provisions, be subject to the control and direction of the Commission as if he were an officer of the Parliamentary Service.

(5) Upon the expiration of six months from the appointed day, all officers referred to in subsection (1) who have been continuously performing the duties of officers of the Parliamentary Service since that day, other than officers who elect to continue to be officers of the Public Service pursuant to subsection (7) shall cease to be officers of the Public Service and shall be and be deemed to be officers of the Parliamentary Service.

(6) Subject to this section, a person who pursuant to subsection (1) is deemed to be appointed or seconded to perform the duties of an officer of the Parliamentary Service shall nevertheless for as long as he continues in employment with the Parliamentary Service in a permanent capacity retain and may claim against the Commission in respect of all entitlements as respects leave which have accrued or are accruing to him as an officer of the Public Service of Queensland at the appointed day and for this purpose his service as such officer shall be deemed to be continuous service as an officer of the Parliamentary Service.

(7) For a period of six months commencing on the appointed day, an officer of the Public Service of Queensland who has continuously performed the duties of an officer of the Parliamentary Service since that day and who, immediately prior to that day was an officer of the Public Service by writing addressed to the Director of the Office of Public Service Personnel Management may elect to continue to be an officer of the Public Service and that officer shall as soon as can practically be arranged, be transferred to another position in the Public Service and be accorded a classification and emoluments at the least equal to those which he held as an officer of the Public Service immediately prior to the appointed day.

(8) An officer who, pursuant to subsection (7), elects to continue to be an officer of the Public Service and who has not been transferred to another position in the Public Service shall, pending that transfer, continue to perform the duties of an officer of the Parliamentary Service and all emoluments to which he is entitled shall be paid out of the funds of the Commission: Provided, however, that he shall be paid salary at a rate not less than that appropriate to the salary classification

which he held in the Public Service immediately prior to the appointed day and shall be employed in all other respects subject to such conditions of employment as are prescribed by an applicable industrial award or otherwise, for an officer of the Public Service performing similar duties and, for the purposes of any provision of the *Public Service Management and Employment Act 1988* that confers or regulates a right of appeal against promotion, shall be deemed to be an officer of the department of the Government of Queensland that was concerned with the performance of those duties prior to the appointed day in the Public Service for the period of his continuous service from the date of his election to his transfer to another position in the Public Service.

- (9) An officer of the Parliamentary Service—
- (a) who was entitled to elect as prescribed by subsection (7);
 - (b) who has continuously performed the duties of an officer of the Parliamentary Service since the appointed day;
and
 - (c) whose employment with the Parliamentary Service has been terminated by the Commission prior to his attaining the age of 65 years and before the expiration of six months after the appointed day,

shall, upon and by virtue of that termination, become re-admitted to the Public Service of Queensland and, until he is assigned to a position in another department, shall be an officer in the department of the Government of Queensland that was concerned with the performance of those duties prior to the appointed day at the salary classification on which he was employed within the Public Service immediately prior to the appointed day, notwithstanding the provisions of any other Act.

(10) A termination of employment such as is referred to in subsection (9) (c) shall be taken not to be a dismissal referred to in section 35 of the *State Service Superannuation Act 1972-1988* and the officer whose employment has been so terminated shall be taken, for the purposes of the *Public Service Superannuation Act 1958-1988*, not to be a person who has ceased to be a contributor.

(11) For the purpose of calculating the entitlements to leave of an officer re-admitted to the Public Service under subsection (9), the period during which he was an officer of the Parliamentary Service shall be deemed to be service in the Public Service of Queensland and shall be deemed to be continuous with the service in the Public Service of Queensland had by him prior to that period and service in the Public Service of Queensland after his re-admission.

47. Discipline of officers re-admitted to Public Service. (1) Subject to subsection (2), a person re-admitted to the Public Service of Queensland under section 46 (9) shall be subject to the provisions of the *Public Service Management and Employment Act 1988* concerning discipline of officers, in respect of anything that occurred prior to his being re-admitted to the Public Service as if at the time of its occurring he were an officer within the meaning of that Act and he may be charged,

suspended from duty, punished or otherwise dealt with as prescribed by those provisions.

(2) A person referred to in subsection (1) shall not, by reason of that subsection, be taken to have been subject to the provisions of the *Public Service Management and Employment Act 1988* at any time while he was an officer of the Parliamentary Service except to the extent prescribed by subsection (1).

48. Service with Parliamentary Service and Public Service. (1) If an officer of the Public Service of Queensland becomes an officer of the Parliamentary Service (otherwise than pursuant to section 46), he is entitled to retain all his existing and accruing rights as if his service as an officer of the Parliamentary Service were a continuation of his service as an officer of the Public Service.

(2) Where a person ceases to be an officer of the Parliamentary Service and becomes an officer of the Public Service of Queensland, his service as an officer of the Parliamentary Service shall be regarded as service of a like nature in the Public Service for the purpose of determining his rights as an officer of the Public Service.

49. Officers of and employees in Parliamentary Service are employees in industrial law. The Clerk and each officer of or employee in the Parliamentary Service who is in receipt of salary or wages (otherwise than upon a contract basis) is an employee and the Parliamentary Service Commission is his employer within the meaning of the *Industrial Conciliation and Arbitration Act 1961-1987* and the provisions of that Act apply in relation to the Clerk, that officer or employee and to the Commission accordingly.

50. Behaviour in Parliamentary precinct at discretion of Parliamentary Service Commission. (1) All persons entering or upon the Parliamentary precinct shall comply with the directions of the Parliamentary Service Commission as to the behaviour, demeanour and conduct of such persons.

(2) (a) Directions of the Commission may take the form of by-laws prescribing behaviour and conduct made from time to time by the Commission.

(b) The by-laws may prescribe differing penalties for failure to comply with specified directions as to the behaviour, demeanour and conduct of persons entering or upon the Parliamentary precinct but such that no prescribed penalty shall exceed 10 penalty units.

(c) Section 28A of the *Acts Interpretation Act 1954-1977* (Tabling of Regulations) shall apply with respect to by-laws made by the Commission pursuant to this subsection as if they were regulations.

(3) Directions in the form of by-laws made pursuant to subsection (2) shall be deemed to have been directed to every person who thereafter enters or is upon the Parliamentary precinct.

(4) Directions made under this section may be directed towards a specified person or a person of a specified class or the holder or holders for the time being of a specified office or of specified classes of office.

(5) The Commission may give directions that the Speaker of the Legislative Assembly, the Clerk or any other specified person, person of a specified class or the holder or holders for the time being of a specified office or of specified classes of office may give directions (not inconsistent with any directions given by the Commission) on behalf of the Commission for the purposes of this section.

(6) A direction given by a person specified in subsection (5) shall be taken to have been given at the direction of and to have been given by the Commission.

(7) Directions given under this section do not apply to members of the Legislative Assembly in the conduct of their Parliamentary business.

(8) (a) For so long as a person (in this subsection referred to as the “offender”) fails to comply with a direction directed to him under this section, he shall not be entitled to enter or be upon the Parliamentary precinct.

(b) If, in the opinion of the Clerk or other person authorized in that regard by the Clerk (in this subsection referred to as the “authorized person”) a person is an offender, the Clerk or authorized person may order the offender to leave the Parliamentary precinct and the offender shall forthwith so leave.

(c) The Clerk, authorized persons and all persons acting in aid of the Clerk or an authorized person, using such force as is necessary, may—

- (i) remove from the Parliamentary precinct a person to whom an order is given pursuant to paragraph (b);
- and
- (ii) prevent that person’s return to or on the Parliamentary precinct,

unless that person demonstrates to the satisfaction of the Clerk or an authorized person that he will comply with all current directions made under this section.

(9) A person who fails to comply with a direction made under this section and directed to him commits an offence against this Act.

Penalty: Where the by-laws prescribe a penalty for a failure to comply with that direction, that penalty;

In any other case, 10 penalty units.

51. Proceeding for offence against section 50. (1) A prosecution for an offence against section 50 shall be by way of summary proceedings under the *Justices Act 1886-1987* upon the complaint of the Clerk.

- (2) In any proceeding for an offence against section 50—
- (a) an allegation in a complaint that a direction had been given by a person at the direction of the Commission shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the allegation;
 - (b) it shall not be necessary to prove the appointment of the Clerk or that a person is an authorized person (within the meaning of section 50) in the absence of evidence that challenges that appointment or authorization;
 - (c) an averment in a complaint that any act, matter or thing was done or omitted within the Parliamentary precinct shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that averment.

(3) All penalties and expenses recovered pursuant to a proceeding for an offence against section 50 shall be paid into and form part of the funds of the Commission.

52. Protection from liability. Liability at law shall not attach to the Commission, the Clerk, any authorized person (within the meaning of section 50) or other persons acting in aid of the Clerk or an authorized person on account of any act or thing—

- (a) done or omitted to be done pursuant to section 50;
- or
- (b) done or omitted to be done bona fide for the purposes of section 50 and done or omitted to be done without negligence.

53. Mode of service. Any notice or other writing required or permitted by this Act to be given to any person may be given to him—

- (a) by delivering it to him personally;
- (b) by leaving it for him at his place of work or place of residence last known to the person giving the notice or writing;
- or
- (c) by post addressed to him at his place of work or place of residence last known to the person giving the notice or writing.

54. Estimates. (1) For each financial year after the appointed day, the Parliamentary Service Commission shall prepare estimates of the probable ways and means and expenditure for that year relating to—

- (a) the Legislative Assembly;
- (b) the Parliamentary Service Commission;
- and
- (c) the Parliamentary Service.

(2) The estimates prepared pursuant to subsection (1) shall indicate the proposed expenditure classified under headings of the probable

votes, subdivisions and subdivisational items and the probable ways and means of financing that expenditure.

(3) The Leader of the House shall lay before the Legislative Assembly the estimates prepared pursuant to subsection (1).

(4) Upon the passing by the Legislative Assembly of the estimates laid before it pursuant to subsection (3), the Clerk of the Parliament shall transmit to the Auditor-General and to the Clerk of the Executive Council two copies each of the estimates (in this section called "approved estimates") certified under his hand.

(5) The approved estimates shall indicate therein under the headings of subdivisions and subdivisational items the votes to be authorized by an appropriation Act to be expended.

(6) Until Standing Rules and Orders of the Legislative Assembly are made in relation thereto or the Legislative Assembly otherwise resolves, the Standing Rules and Orders of the Legislative Assembly that relate to the financial business of the Legislative Assembly shall apply in relation to estimates prepared pursuant to subsection (1) and approved estimates as if those estimates and approved estimates were Estimates in Chief and Approved Estimates respectively.

(7) The Standing Rules and Orders of the Legislative Assembly referred to in subsection (6) may be limited or varied from time to time in relation to their application as provided by subsection (6) by resolution of the Legislative Assembly whereupon those Standing Rules and Orders shall apply as limited or varied.

55. Rules. (1) The Parliamentary Service Commission may make rules not inconsistent with this Act to provide with respect to—

- (a) all matters that arise in connexion with—
 - (i) the conduct of the affairs of the Parliamentary Service;
 - (ii) the entitlements, responsibilities, authorities, obligations and liabilities of officers of and employees in the Parliamentary Service;
- (b) all matters that by this Act are required or permitted to be prescribed where no other method of prescription is provided for;
- (c) the institution and conduct of appeals in relation to promotional appointments or disciplinary action within the Parliamentary Service;
- (d) all matters that may be necessary or convenient for the administration of this Act or to achieve the objects and purposes of this Act.

(2) Notwithstanding the provisions of any Act or rule of law, where a rule or a provision of a rule confers a benefit on officers of or employees in the Parliamentary Service, it may specify a date for its commencement or by its terms indicate that it is to take effect from a date, in either case being a date before the rule or provision is made,

and in that case the rule or provision shall be deemed to have taken effect on and from the date specified or indicated and shall have retrospective effect accordingly.

(3) The rules may prescribe with respect to any matter for which the rules may lawfully provide by reference to determinations or rulings to be made from time to time by the Parliamentary Service Commission or by reference to standards to be set or adopted from time to time by the Commission.

(4) Section 28A of the *Acts Interpretation Act 1954-1977* (Tabling of Regulations) shall apply with respect to rules made by the Commission for the purposes of this Act as if they were regulations.

(5) Until rules in respect to conditions of service applicable to officers of and employees in the Parliamentary Service are made, the Public Service Management and Employment Regulations 1988 made under the *Public Service Management and Employment Act 1988* as modified for the time being by determinations of the Commission, shall be applied to the extent that such Regulations can reasonably be applied thereto.

56. Amendment of Acts. A provision of an Act specified in the first column of the Schedule is amended as specified in the second column of that schedule opposite the reference to that provision and the Act, as so amended, may be cited as specified in the third column of that schedule in relation to that Act.

SCHEDULE

[s.56]

Provision Amended	Amendment	Citation as Amended
<i>Financial Administration and Audit Act 1977-1988</i>		
s. 12 (4) (a)	insert after the word "Assembly" the words "the Parliamentary Service Commission and the Parliamentary Service"	<i>Financial Administration and Audit Act 1977-1988</i>
s. 35 (3)	insert after the word "Assembly" the words "the Parliamentary Service Commission and the Parliamentary Service"	

SCHEDULE—*continued*

Provision Amended	Amendment	Citation as Amended
s. 35 (5) (a) <i>Public Service Management and Employment Act 1988</i>	insert after the word “Assembly” the words “, the Parliamentary Service Commission and the Parliamentary Service”	
Schedule II	omit the words “Officers of Parliament and persons under the control of the Speaker of the Legislative Assembly” and substitute the words “The Clerk of the Parliament and officers of and employees in the Parliamentary Service”	<i>Public Service Management and Employment Act 1988</i>