



Parliamentary Service Act 1988

Reprinted as in force on 8 August 2002

Reprint No. 2A^{*}

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the Office of the Queensland Parliamentary Counsel
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* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 8 August 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Parliamentary Service Act 1988

Contents

		Page
Part 1	Preliminary	
1	Short title	5
4	Definitions	5
Part 2	Administrative functions of the Speaker	
5	Administration under Speaker's control	7
6	Speaker's role for parliamentary service	7
7	Speaker's powers for administrative functions	7
8	Delegation by Speaker	8
9	Advisory committee to Speaker	8
10	Speaker's annual report	8
Part 3	The Clerk of the Parliament	
18	The Clerk of the Parliament	9
19	Functions of the Clerk of the Parliament other than as chief executive of parliamentary service	9
20	Functions of the Clerk of the Parliament as chief executive of parliamentary service	9
21	Tenure of office of the Clerk of the Parliament	9
22	Performance of functions of the Clerk of the Parliament in the Clerk's absence	10
Part 4	Parliamentary service	
23	Parliamentary service	11
24	Functions of parliamentary service	11
Part 5	Management of parliamentary service	
25	Delegation by Clerk as chief executive of parliamentary service	12
26	Appointment of officers of and employees in the parliamentary service	12
26A	Officers and employees employed under this Act	12
27	Bases of employment of officers in parliamentary service	13

28	Conditions of employment on contract	13
29	Salaries and conditions of employment	15
30	Superannuation	15
31	Contributions by Speaker	16
32	Vacancies to be advertised	16
33	Publication of appointments	17
34	Engagement of staff other than officers	17
35	Appointment on probation	17
36	Resignation from parliamentary service	19
37	Retirement from parliamentary service	19
38	Mode of resignation or retirement	20
39	Retrenchment	20
40	Discipline	21
41	Suspension	22
42	Mode of dismissal or suspension	23
43	Appeals against promotional appointments and disciplinary action	23
44	Reinstatement following dismissal	24
Part 6	Miscellaneous	
48	Service with parliamentary service and public service	25
49	Officers of and employees in parliamentary service are employees in industrial law	25
50	Behaviour in parliamentary precinct at discretion of Speaker . . .	25
51	Proceeding for offence against s 50	27
52	Protection from liability	27
53	Mode of service	28
55	Rules	28
56	Regulation-making power	29
Part 7	Transitional provisions	
57	Parliamentary service commission references	29
58	Clerk of the Legislative Assembly references	29
Endnotes		
1	Index to endnotes	30
2	Date to which amendments incorporated	30
3	Key	30
4	Table of reprints	31

Parliamentary Service Act 1988

5	Tables in earlier reprints	31
6	List of legislation	31
7	List of annotations	32

Parliamentary Service Act 1988

[as amended by all amendments that commenced on or before 8 August 2002]

An Act to establish a parliamentary service and for other purposes

Part 1 Preliminary

1 Short title

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

4 Definitions

In this Act—

appointed day means the day appointed by proclamation for the commencement of the provisions of this Act other than sections 1 and 2.¹

Clerk means the Clerk of the Parliament.

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 an officer of the parliamentary service.

industrial agreement see *Industrial Relations Act 1999*, schedule 5, definition *industrial agreement*.

industrial award see *Industrial Relations Act 1999*, schedule 5, definition *award*.

misconduct means—

¹ The appointed day is 19 November 1988 (proc pubd gaz 17 November 1988 p 1227).

Parliamentary Service Act 1988

- (a) disgraceful or improper conduct that shows unfitness to be or continue as an officer of or employee in the parliamentary service; or
- (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—

- (a) 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 SL8740, lot 437 on plan SL8601 and lot 704 on plan SL12303 registered in the department in which the *Land Act 1994* is administered; or
- (b) any land or premises declared by the Governor in Council by gazette notice to be part of the parliamentary precinct for a stated period;

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.

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

Speaker's office, including the Speaker's role in relation to the parliamentary service.

- (2) The powers include all the powers, and the legal capacity, that an individual has in a private capacity.
- (3) The powers may be exercised at any place.
- (4) The powers are exercised for the Legislative Assembly.
- (5) This section does not limit the Speaker's powers.

Example—

This part does not affect any power the Speaker has apart from this section to bind the Legislative Assembly by contract.

8 Delegation by Speaker

The Speaker may delegate the Speaker's powers under this Act to the Deputy Speaker, the chairperson of committees, the Clerk or a parliamentary service officer or employee.

9 Advisory committee to Speaker

- (1) The Speaker may establish a committee of Legislative Assembly (the *advisory committee*) members to advise the Speaker on issues arising under this Act referred to it by the Speaker.
- (2) The advisory committee consists of the members appointed by the Speaker.
- (3) This section is subject to the standing orders.

10 Speaker's annual report

As soon as possible after the end of each financial year, the Speaker must prepare, and table in the Legislative Assembly, a report on this Act's operation during the year.

Part 3 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 Speaker.

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 Speaker and to policies (if any) from time to time determined by the Speaker, the Clerk, as the chief executive of the parliamentary service, shall be responsible to the Speaker for the efficient and economical management of the parliamentary service.
- (2) The Clerk may make recommendations to the Speaker with respect to any matter for consideration by the Speaker and shall take such steps as are necessary to implement those policies and decisions of the Speaker 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 office during good behaviour.

- (2) The Clerk may at any time resign by writing addressed to the Speaker or to the Governor if there is no Speaker or if the Speaker is 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 2 months after the beginning of the next ensuing session of the Legislative Assembly.

22 Performance of functions of the Clerk of the Parliament in the Clerk's 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 Speaker.
- (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 the person to do so.

Part 4 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.
- (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; and
 - (ii) other officers required to sit at the table of the House; and
 - (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; and
 - (b) the provision of advice on parliamentary procedures and the functions of Parliament generally; and
 - (c) an accurate and efficient reporting of proceedings of the Legislative Assembly and of meetings of committees thereof as required; and
 - (d) the provision of adequate library and research facilities and services for members of the Legislative Assembly; and

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 Speaker 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 Speaker 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.
- (4) 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 Speaker and accepted by the person who is or is to be the holder of the office; and
 - (b) is to be governed by the contract of employment between the Speaker and the officer concerned; and
 - (c) shall not be subject to any industrial award or industrial agreement or any determination or rule of an industrial tribunal.

Parliamentary Service Act 1988

- (2) Where there has been made to any person an offer of a contract of employment with respect to the person's 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 accepting appointment to the office; or
 - (b) where the offer is made after the person's appointment to the office—that, upon agreeing to being engaged under a contract of employment in the office;
- the person has made with the Speaker a contract of employment upon the conditions approved by the Speaker in relation to the office and conveyed to the person.
- (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 Speaker 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 Speaker but not less than the level of salary at which the officer was employed at the time immediately before the officer first accepted employment upon a contract basis, adjusted to accord with movements in relation to salaries since that time and, if he or she does so elect, the officer shall renounce all entitlements secured to the officer by the contract of employment in the event of its termination in the circumstances in which the termination has occurred.
- (5) 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 the contract of employment but to have continued in accordance with the terms of election prescribed by subsection (4).
- (6) Subsections (4) and (5) apply only in relation to—
- (a) an office of a prescribed class; and
 - (b) an officer who at the time the officer 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 lastmentioned office and in any office or offices subsequently held by the officer 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 Speaker.
- (3) Officers of and employees in the parliamentary service are not officers of the public service.

30 Superannuation

- (2) Where a person—
 - (a) immediately prior to the appointed day is an officer within the meaning of a superannuation Act; and
 - (b) under the transitional provision 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 the person 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 the person under that Act shall be retained; and
 - (d) the person shall be deemed to continue to be an officer within the meaning of that Act and the provisions of that Act shall apply accordingly.
- (3) In subsection (2)—

superannuation Act means—

- (a) the *Public Service Superannuation Act 1958*;
- (b) the *State Service Superannuation Act 1972*.

transitional provision means section 46 of this Act as in force immediately before this Act was amended by the *Parliamentary Committees Act 1995*, section 35.

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

31 Contributions by Speaker

- (1) The Speaker must pay the amounts that, under the *Superannuation (State Public Sector) Act 1990*, are payable by a unit of the State public sector for the officers and employees in the parliamentary service.
- (2) Contributions required by law to be paid by the Speaker in respect of any superannuation scheme shall be paid by the Speaker.

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 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 Speaker to be a class of office in respect of which a vacancy need not be advertised.
- (3) The reclassification 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 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.
- (1A) The appointment of a person whose services are engaged under subsection (1) 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.

Parliamentary Service Act 1988

- (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 6 months.
- (4) Where a person has been appointed on probation in compliance with subsection (2) or (3)—
 - (a) if immediately before appointment the person was not an officer of the parliamentary service—the Speaker 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 appointment the person was an officer of the parliamentary service—the Speaker 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 the person was so appointed, until he or she 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

appointment on probation, then, if within 1 month after that expiry the appointment has been neither confirmed nor rescinded, the person's 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 resignation and the manner thereof may resign 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 employment.

37 Retirement from parliamentary service

- (1) An officer of, or an employee in, the parliamentary service may elect to retire from the parliamentary service on or after turning 55.
- (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 or her 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 or herself to such examination.

- (3) If the Speaker 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 Speaker may

call upon that person to retire from the parliamentary service within a time specified by the Speaker.

- (4) If a person called upon pursuant to subsection (3) to retire does not retire within the time specified, the Speaker may dismiss the person 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 signed notice given to the Clerk and shall be given and take effect as prescribed by rules from time to time made by the Speaker.

39 Retrenchment

- (1) Where the Speaker is satisfied that the services of a person, being an officer of or employee in the parliamentary service, can no longer be gainfully utilised in the position held by the person because the position has become redundant, and the Speaker is satisfied that—

- (a) it is not practicable to retrain or redeploy that person; and
(b) the redundancy arrangements approved by the Speaker have been complied with in relation to that person;

the Speaker 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 Speaker 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 Act 1996* 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 of 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 or her duties;
 - (b) negligence, carelessness or indolence in the discharge of his or her duties;
 - (c) misconduct;
 - (d) absence from duty except—
 - (i) upon leave duly granted as prescribed; or
 - (ii) with reasonable cause;
 - (e) wilful failure to comply with a lawful direction issued to the officer or employee by any person having authority over him or her;
 - (f) wilful failure to comply with any provision of a code of conduct approved by the Speaker 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 the Clerk directs upon that person's mental or physical condition or both, and may direct that person to submit himself or herself to such examination.
- (3) If the Clerk is satisfied that a person should be disciplined pursuant to subsection (1), the Clerk may order that the person 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.
- (4) Without limiting the range of disciplines that may be imposed pursuant to subsection (3), such disciplines may consist of—
 - (a) in the case of an officer—recommendation to the Speaker 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 2 penalty units.

41 Suspension

- (1) Where it appears on reasonable grounds to the Speaker 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 Speaker.
- (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 Speaker, 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 the person does not perform his or her duties, unless the Speaker otherwise determines.
- (5) A person suspended from duty who is not entitled to salary or wages for the period of suspension, if the person resumes duty as an officer of or employee in the parliamentary service upon the lifting of the suspension, shall be entitled to receive a sum equivalent to the amount of salary or wages the person would have received had the person not been suspended diminished by the amount of salary, wages or fees (if any) to which he or she became entitled from any source during the period of suspension, unless the Speaker otherwise determines.

42 Mode of dismissal or suspension

- (1) Dismissal or suspension of an officer of 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 Speaker 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 Speaker 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 Speaker 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—an officer or employee who is aggrieved by the decision that has resulted in disciplinary action against him or her;
 - (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 Speaker and published in the

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 Speaker 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.
- (4A) 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 Speaker or, in so far as the rules do not so prescribe, as the Speaker determines from time to time, having regard to any guidelines issued pursuant to this Act in relation to the matter and to the principles—
 - (a) that legal representation shall not be permitted to a party to an appeal; and
 - (b) that the proceedings upon an appeal shall be informal and simple.
- (5) No appeal lies from a finding or determination made by the Speaker upon an appeal to it.
- (6) The determinations of the Speaker 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 Speaker, the person shall not suffer loss of salary or wages or any other benefits accruing under any Act in respect of being an officer of or employee in the parliamentary service in respect of the period during which the person was not an officer or employee except to the extent that the Speaker directs to the contrary.

parliamentary precinct but such that no prescribed penalty shall exceed 10 penalty units.

- (2B) A by-law is subordinate legislation.
- (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 Speaker may authorise the Clerk or a parliamentary service officer or employee to give directions (not inconsistent with any directions given by the Speaker) under this section for the Speaker.
- (7) Directions given under this section do not apply to members of the Legislative Assembly in the conduct of their parliamentary business.
- (8) For so long as a person (the *offender*) fails to comply with a direction directed to the offender under this section, the offender shall not be entitled to enter or be upon the parliamentary precinct.
- (8A) If, in the opinion of the Clerk or other person authorised in that regard by the Clerk (the *authorised person*) a person is an offender, the Clerk or authorised person may order the offender to leave the parliamentary precinct and the offender shall forthwith so leave.
- (8B) The Clerk, authorised persons and all persons acting in aid of the Clerk or an authorised person, using such force as is necessary, may—
- (a) remove from the parliamentary precinct a person to whom an order is given pursuant to subsection (8A); and
- (b) prevent that person's return to or on the parliamentary precinct;

unless that person demonstrates to the satisfaction of the Clerk or an authorised person that the person 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 the person commits an offence against this Act.

Maximum penalty—

- (a) where the by-laws prescribe a penalty for a failure to comply with that direction—that penalty;
- (b) in any other case—10 penalty units.

51 Proceeding for offence against s 50

- (1) A prosecution for an offence against section 50 shall be by way of summary proceedings under the *Justices Act 1886* 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 Speaker 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 authorised person (within the meaning of section 50) in the absence of evidence that challenges that appointment or authorisation;
- (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 Legislative Assembly.

52 Protection from liability

- (1) In this section—
- protected person* means—
- (a) the Speaker; or
- (b) the Clerk; or

- (c) an authorised person under section 50;² or
 - (d) a person acting in aid of the Clerk or an authorised person.
- (2) A protected person does not incur civil liability for an act done, or omission made, honestly and without negligence under section 50.
- (3) If subsection (2) prevents civil liability attaching to a protected person, the liability attaches instead to the Legislative Assembly.

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 the person—

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

55 Rules

- (1) The Speaker may make rules under this Act.
- (2) A rule may make provision about the parliamentary service and, in particular—
- (a) the entitlements, responsibilities, authorities, obligations and liabilities of parliamentary service officers and employees; and
 - (b) appeals about promotional appointments and disciplinary action within the parliamentary service.
- (3) A rule is subordinate legislation.

2 Section 50 (Behaviour in parliamentary precinct at discretion of Speaker)

56 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 7 Transitional provisions**57 Parliamentary service commission references**

In an Act or document, a reference to the parliamentary service commission may, if the context permits, be taken to be a reference to the Legislative Assembly.

58 Clerk of the Legislative Assembly references

In an Act or document, a reference to the Clerk of the Legislative Assembly may, if the context permits, be taken to be a reference to the Clerk of the Parliament.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	30
3 Key	30
4 Table of reprints	31
5 Tables in earlier reprints	31
6 List of legislation	31
7 List of annotations	32

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 August 2002. Future amendments of the Parliamentary Service Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 58	28 November 1995	18 December 1995
1A	1996 Act No. 37	1 December 1996	27 February 1997
1B	1999 Act No. 33	1 July 1999	27 August 1999
2	2000 Act No. 52	17 November 2000	9 February 2001

Reprint No.	Amendments included	Effective	Notes
2A	2002 Act No. 31	8 August 2002	

5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Parliamentary Service Act 1988 No. 67

date of assent 21 October 1988

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 19 November 1988 (proc pubd gaz 17 November 1988 p 1227)

amending legislation—

Public Sector Management Commission Act 1990 No. 5 s 7.12 sch

date of assent 4 April 1990

commenced 4 April 1990 (proc pubd gaz 4 April 1990 p 1675)

Anti-Discrimination Amendment Act 1994 No. 29 ss 1–3 sch

date of assent 28 June 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1994 (see s 2)

Parliamentary Committees Act 1995 No. 38 ss 1, 35 sch 1

date of assent 15 September 1995

commenced on date of assent

Statute Law (Minor Amendments) Act (No. 2) 1995 No. 51 ss 1–2, 4 sch

date of assent 22 November 1995

commenced on date of assent

Statute Law Revision (No. 2) Act 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3

date of assent 18 June 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1999 (1999 SL No. 159)

Superannuation and Other Legislation Amendment Act 2000 No. 52 ss 1, 48 sch

date of assent 17 November 2000

commenced on date of assent

Parliamentary Service Amendment Act 2002 No. 31

date of assent 8 August 2002

commenced on date of assent

7 List of annotations

Title amd 1995 No. 38 s 35 sch 1**Commencement****s 2** om R1 (see RA s 37)**Arrangement****s 3** om 1995 No. 38 s 35 sch 1**Definitions****prov hdg** sub 1995 No. 38 s 35 sch 1**s 4** def “**Chairman**” om 1995 No. 38 s 35 sch 1def “**Clerk**” sub 1995 No. 38 s 35 sch 1def “**employee**” amd 2002 No. 31 s 3(1)def “**industrial agreement**” sub 1995 No. 38 s 35 sch 1
amd 1999 No. 33 s 747 sch 3def “**industrial award**” sub 1995 No. 38 s 35 sch 1
amd 1999 No. 33 s 747 sch 3def “**Leader of the House**” om R1 (see RA s 5(d))def “**Minister**” om 1995 No. 38 s 35 sch 1def “**misconduct**” amd 2002 No. 31 s 3(2)def “**parliamentary precinct**” amd 1995 No. 38 s 35 sch 1; 2002 No. 31 s
3(3)–(4)def “**Parliamentary Service Commission**” or “**Commission**” om 1995 No.
38 s 35 sch 1

PART 2—ADMINISTRATIVE FUNCTIONS OF THE SPEAKER**pt hdg** sub 1995 No. 38 s 35 sch 1**Administration under Speaker's control****s 5** sub 1995 No. 38 s 35 sch 1**Speaker's role for parliamentary service****s 6** sub 1995 No. 38 s 35 sch 1**Speaker's powers for administrative functions****s 7** sub 1995 No. 38 s 35 sch 1**Delegation by Speaker****s 8** sub 1995 No. 38 s 35 sch 1; 1995 No. 51 s 4 sch**Advisory committee to Speaker****s 9** sub 1995 No. 38 s 35 sch 1**Speaker's annual report****s 10** sub 1995 No. 38 s 35 sch 1**Quorum****s 11** om 1995 No. 38 s 35 sch 1**Committees****s 12** om 1995 No. 38 s 35 sch 1**Assignment of powers****s 13** om 1995 No. 38 s 35 sch 1**Procedure of Parliamentary Service Commission****s 14** om 1995 No. 38 s 35 sch 1**Power of Government Departments and Government agencies to provide services or supplies for Parliamentary Service Commission and members of Legislative Assembly****s 15** om 1995 No. 38 s 35 sch 1**Employment of experts****s 16** om 1995 No. 38 s 35 sch 1**Annual report****s 17** om 1995 No. 38 s 35 sch 1**The Clerk of the Parliament****s 18** amd 1994 No. 29 s 3 sch; 1995 No. 38 s 35 sch 1**Functions of the Clerk of the Parliament as chief executive of parliamentary service****s 20** amd 1995 No. 38 s 35 sch 1**Tenure of office of the Clerk of the Parliament****s 21** amd 1995 No. 38 s 35 sch 1**Performance of functions of the Clerk of the Parliament in the Clerk's absence****s 22** amd 1995 No. 38 s 35 sch 1**Functions of parliamentary service****s 24** amd 1995 No. 38 s 35 sch 1

Delegation by Clerk as chief executive of parliamentary service

s 25 amd 1995 No. 38 s 35 sch 1

Appointment of officers of and employees in the parliamentary service

s 26 amd 1995 No. 38 s 35 sch 1

Officers and employees employed under this Act

s 26A ins 1996 No. 37 s 147 sch 2

Bases of employment of officers in parliamentary service

s 27 amd 1995 No. 38 s 35 sch 1

Conditions of employment on contract

s 28 amd 1995 No. 38 s 35 sch 1

Salaries and conditions of employment

s 29 amd 1995 No. 38 s 35 sch 1; 2002 No. 31 s 4

Superannuation

s 30 amd 1995 No. 38 s 35 sch 1; 2000 No. 52 s 48 sch; 2002 No. 31 s 5

Contributions by Speaker

prov hdg amd 1995 No. 38 s 35 sch 1

s 31 amd 1995 No. 38 s 35 sch 1; 2000 No. 52 s 48 sch

Vacancies to be advertised

s 32 amd 1995 No. 38 s 35 sch 1

Appointment on probation

s 35 amd 1995 No. 38 s 35 sch 1

Retirement from parliamentary service

s 37 amd 1994 No. 29 s 3 sch; 1995 No. 38 s 35 sch 1

Mode of resignation or retirement

s 38 amd 1995 No. 38 s 35 sch 1

Retrenchment

s 39 amd 1995 No. 38 s 35 sch 1; 1996 No. 37 s 147 sch 2

Discipline

s 40 amd 1995 No. 38 s 35 sch 1

Suspension

s 41 amd 1995 No. 38 s 35 sch 1

Mode of dismissal or suspension

s 42 amd 1995 No. 38 s 35 sch 1

Appeals against promotional appointments and disciplinary action

s 43 amd 1995 No. 38 s 35 sch 1; 1995 No. 58 s 4 sch 1

Reinstatement following dismissal

s 44 amd 1995 No. 38 s 35 sch 1

Termination of certain Legislative Assembly Committees

s 45 om 1995 No. 38 s 35 sch 1

Rights of officers previously employed in Public Service

s 46 amd 1990 No. 5 s 7.12 sch
 om 1995 No. 38 s 35 sch 1

Discipline of officers re-admitted to Public Service

s 47 om 1995 No. 38 s 35 sch 1

Service with parliamentary service and public service

s 48 amd 1995 No. 58 s 4 sch 1

Officers of and employees in parliamentary service are employees in industrial law

s 49 amd 1995 No. 38 s 35 sch 1; 1999 No. 33 s 747 sch 3

Behaviour in parliamentary precinct at discretion of Speaker

prov hdg amd 1995 No. 38 s 35 sch 1

s 50 amd 1995 No. 38 s 35 sch 1

Proceeding for offence against s 50

s 51 amd 1995 No. 38 s 35 sch 1

Protection from liability

s 52 sub 1995 No. 38 s 35 sch 1

Estimates

s 54 om 1995 No. 38 s 35 sch 1

Rules

s 55 sub 1995 No. 38 s 35 sch 1

Regulation-making power

s 56 sub 1995 No. 38 s 35 sch 1

PART 7—TRANSITIONAL PROVISIONS

pt hdg ins 1995 No. 38 s 35 sch 1

Parliamentary service commission references

s 57 ins 1995 No. 38 s 35 sch 1

Clerk of the Legislative Assembly references

s 58 ins 1995 No. 38 s 35 sch 1

Abolition of commission etc.

s 59 ins 1995 No. 38 s 35 sch 1
 exp 15 December 1995 (see s 64)

Existing instruments

s 60 ins 1995 No. 38 s 35 sch 1
 exp 15 December 1995 (see s 64)

Unfinished appeals

s 61 ins 1995 No. 38 s 35 sch 1
 exp 15 December 1995 (see s 64)

Saving of employment conditions

s 62 ins 1995 No. 38 s 35 sch 1
 exp 15 December 1995 (see s 64)

Transitional regulations

s 63 ins 1995 No. 38 s 35 sch
exp 15 December 1995 (see s 64)

Expiry

s 64 ins 1995 No. 38 s 35 sch 1
exp 15 December 1995 (see s 64)

SCHEDULE

om 1995 No. 38 s 35 sch 1